



# SAFE WORK

**S** SPOT THE HAZARD  
**A** ASSESS THE RISK  
**F** FIND A SAFER WAY  
**E** EVERYDAY

**No. 274**  
**October 2010**

## Workplace Safety and Health Regulation Amendments

– Effective February 1, 2011 –

The following amendments to the Workplace Safety and Health Regulation MR 217/2006 come into effect on February 1, 2011.

➤ **Section 1.1 is amended in clause**

- (a) of the definition "abnormal audiogram", by striking out "and" and substituting "or";
- (b) in clause (b) of the definition "crane", by striking out "one tonne" and substituting "907 kg (one ton)"; and
- (c) by replacing the definition "harassment" with the following:

"harassment" means

- (a) objectionable conduct that creates a risk to the health of a worker; or
- (b) severe conduct that adversely affects a worker's psychological or physical well-being.

➤ **The following is added after section 1.1:**

**Interpretation: "harassment"**

**1.1.1(1)** For the purpose of the definition "harassment" in section 1.1, conduct is

- (a) objectionable, if it is based on race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin; or
- (b) severe, if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence, has a lasting, harmful effect on a worker.

**1.1.1(2)** Reasonable conduct of an employer or supervisor in respect of the management and direction of workers or the workplace is not harassment.

**1.1.1(3)** In this section and in the definition "harassment" in section 1.1, conduct includes a written or verbal comment, a physical act or gesture or a display, or any combination of them.

➤ **Section 2.1 is replaced with the following:**

**Eliminating or control of risks**

**2.1(1)** Where there is a risk to the safety or health of a worker, the employer must, if reasonably practicable, eliminate it through

- (a) the design of the workplace;
- (b) the design of the work process; or
- (c) the use of engineering controls.

**2.1(2)** If the measures under subsection (1) fail to eliminate the risk, the employer must control any risk that remains

- (a) through one or a combination of the following, and to the extent practicable:
  - (i) the design of the workplace,
  - (ii) the design of the work process,
  - (iii) the use of engineering controls; and

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(b) to the extent risk remains after taking the measures under clause (a), by implementing safe work procedures that reduce the remaining risk as much as reasonably practicable.

**2.1(3)** After taking the measures required under subsection (2), the employer must ensure that workers who may be exposed to any remaining uncontrolled risk use personal protective equipment that meets the requirements of Part 6.

### Safe work procedures

**2.1.1** An employer who is required to implement safe work procedures must

- (a) develop the safe work procedures for the work that is done at the workplace;
- (b) train workers in the safe work procedures in a manner that ensures that workers are able to apply the training provided to protect the safety and health of themselves and others; and
- (c) ensure that workers comply with those safe work procedures.

➤ **The following is added after section 3.2:**

#### Training

**3.2.1** The employer or prime contractor must ensure that committee members are trained to fulfill their duties as members of the committee.

#### Committee inspection of workplace

**3.2.2** The members of a committee must inspect the workplace and the work processes and procedures at the workplace at least once before each regularly scheduled meeting of the committee.

➤ **The following is added after section 3.9:**

#### Training

**3.9.1** The employer must ensure that the representative is trained to fulfill his or her duties as a representative.

➤ **Subsection 3.11(2) is amended**

- (a) in clause (a), by adding "and " at the end of subclause (iii), striking out "and" at the end of subclause (iv) and repealing subclause (v);**
- (b) in clause (b), by adding "and " at the end of subclause (ii), striking out "and" at the end of subclause (iii) and repealing subclause (iv); and**
- (c) by adding the following after clause (b):**
  - (c) any improvement order, report or other documentation applicable to the workplace, issued by or recommended to be posted by a safety and health officer.

➤ **The following is added after subsection 3.11(2)**

**3.11(3)** A committee member or the representative may also post information on a bulletin board provided under subsection (1).

➤ **Section 6.1 is replaced with the following:**

#### Personal protective equipment required

**6.1** An employer must ensure that a worker wears and uses personal protective equipment at the following times:

- (a) when required to do so under subsection 2.1(3);
- (b) in any of the circumstances described in sections 6.7 to 6.18;
- (c) in the event of an emergency in the workplace, including a spill or discharge of a hazardous substance.

➤ **The section heading for section 6.10 is replaced with "Protective headwear — workplaces that are not construction project sites".**

➤ **Section 6.11 is replaced with the following:**

#### Protective headwear — construction project site

**6.11(1)** A worker at a construction project site must wear protective headwear that meets the requirements of CSA Standard Z94.1-05, Industrial Protective Headwear — Performance, Selection, Care and Use or ANSI Standard Z89.1-2003, American National Standard for Industrial Head Protection.

**6.11(2)** A worker is responsible for providing the protective headwear he or she is required to wear under subsection (1) and, if necessary, is also responsible for providing

- (a) a liner for the headwear to protect the worker from cold conditions; and
- (b) a retention system to secure the headwear firmly to the worker's head, where the worker works in conditions that may cause the headwear to dislodge.

➤ **Clause 6.17(3)(a) is amended**

**(a) by replacing subclause (i) with the following:**

- (i) CGSB Standard CAN/CGSB 65.7-2007, Lifejackets, and with a minimum buoyancy of 150 N or 34 lbs,

**(b) by repealing subclause (ii).**

➤ **Subsection 14.1(2) is repealed.**

➤ **Section 20.8 and subsection 23.8(1) are amended by striking out "one tonne" and substituting "907 kg (one ton)".**

➤ **Section 23.20 is replaced with the following:**

**Procedures for multiple crane lift**

**23.20** An employer must ensure that

- (a) a plan of procedures for the operation of a lift of a load involving two or more cranes is prepared in accordance with CAN/CSA Standard Z150-98, Safety Code on Mobile Cranes;
- (b) every worker involved in the lift is trained in the plan of procedures; and
- (c) the lift is carried out in accordance with the plan and the standard referenced in clause (a).

➤ **Section 23.33 is replaced with the following:**

**Rigging specifications**

**23.33(1)** An employer must ensure that rigging

- (a) meets the applicable requirements of the following standards:
  - (i) ASME B30.26-2004, Rigging Hardware,
  - (ii) ASME B30.21-2005, Manually Lever Operated Hoists,
  - (iii) ASME B30.20-2006, Below-the-Hook Lifting Devices,
  - (iv) ASME B30.9-2006, Slings,
  - (v) ASME B30.10-2005, Hooks,
  - (vi) ASME B30.23-2005, Personnel Lifting Systems; and
- (b) is assembled, used, maintained, inspected and dismantled in accordance with the manufacturer's specifications.

**23.33(2)** Subsection (1) does not apply to rigging that is

- (a) designed by a professional engineer in accordance with the requirements of the standards set out in subsection (1); and
- (b) assembled, used, maintained, inspected and dismantled in accordance with the specifications of the professional engineer.

➤ **Sections 26.15 and 26.16 are replaced with the following:**

**Open excavations**

**26.15(1)** An employer who requires or permits a worker to enter an open excavation that has a depth of 1.5 m or less must ensure that the excavation has a support structure installed in it, but only if there is a danger of cave-in, collapse or material sliding or rolling into the excavation due to soil or work conditions at the construction project site.

**26.15(2)** An employer who requires or permits a worker to enter an open excavation that has a depth of more than 1.5 m but not more than 3 m must ensure that

- (a) the walls of the excavation are sloped at an angle not greater than 45/ measured from the horizontal plane;

- (b) a combination of slope and vertical face is used for stabilizing the walls of the excavation, so that the vertical face is not more than one metre high and the remaining walls are sloped at an angle not greater than 45° measured from the horizontal plane;
- (c) shoring that is constructed of components that meet the minimum requirements for the applicable soil conditions set out in the Schedule to this Part is installed;
- (d) a support structure other than shoring is installed; or
- (e) the walls of the excavation are stabilized in a manner that has been designed and certified by a professional engineer.

**26.15(3)** Subsection (2) applies to frozen ground, but does not apply to apply to an open excavation that is cut in solid rock or other equally stable material.

**26.15(4)** An employer who requires or permits a worker to enter an open excavation that has a depth of more than 3 m must ensure that

- (a) a support structure or an alternative method for stabilizing the walls has been designed and certified by a professional engineer for the excavation; and
- (b) as applicable, the support structure or alternative method is constructed, installed, used, maintained and dismantled in accordance with specifications provided by the professional engineer.

**26.15(5)** An employer who is subject to subsection (4) must ensure that

- (a) the professional engineer's specifications for the support structure or alternative method for stabilizing the walls specify
  - (i) its size and specifications, including the type and grade of materials used in its construction, and
  - (ii) the loads and types of soil conditions for which it is designed;
- (b) the structure or alternative method is inspected and certified by a professional engineer before a worker begins working in the excavation.

### **Trenches**

**26.16(1)** An employer who requires or permits a worker to enter a trench that has a depth of 1.5 m or less must ensure that a support structure is installed in it, but only if there is a danger of cave-in, collapse or material sliding or rolling into the trench due to soil or work conditions at the construction project site.

**26.16(2)** An employer who requires or permits a worker to enter a trench that has a depth of more than 1.5 m but not more than 4.5 m must ensure that

- (a) shoring that is constructed of components that meet the minimum requirements for the applicable soil conditions set out in the Schedule to this Part is installed; or
- (b) an alternative that is designed and certified by a professional engineer is used for stabilizing the walls of the trench.

**26.16(3)** Subsection (2) applies to frozen ground, but does not apply to apply to a trench that is cut in solid rock or other equally stable material.

**26.16(4)** An employer who requires or permits a worker to enter a trench that has a depth of more than 4.5 m must ensure that the walls of the trench are stabilized using a method designed and certified by a professional engineer.

### **Supporting adjacent structures**

**26.16.1** If a building, foundation or other structure adjacent to an excavation may be affected by it, an employer must ensure that, before any work on the excavation begins, the building, foundation or other structure is supported by a support structure that is

- (a) designed and certified by a professional engineer; and
- (b) constructed, installed, used and dismantled in accordance with the professional engineer's specifications.

- **Subsection 26.17(3) is amended in the part before clause (a) by striking out "clause 26.15(1)(c)" and substituting "section 26.15".**
- **Division 2 of Part 31 is repealed.**

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