

## 6.1 Occupational Health and Safety

### Policy Statement

Government, as an employer, values the health, safety and wellness of employees. It is therefore, the policy of the Government of Nova Scotia to protect and promote employee health, safety and well-being and to take every precaution, reasonable in the circumstances, to ensure that workplaces are safe and healthy for employees, clients, and the general public as they may come in contact with government work sites. The *Occupational Health and Safety Act* and accompanying regulations of the province, along with acceptable occupational health and safety practices, shall describe the minimum standard expected for health and safety in government workplaces.

Government recognizes and values the knowledge and skills of employees with regard to performing their jobs safely and will promote a workplace culture where employees are supported and encouraged to contribute to health and safety programs and initiatives. Government commits to working in partnership with employees and their representatives, through the internal responsibility system, to develop and implement measures in order to eliminate and minimize risk of occupational injury and illness in the workplace.

Government holds all levels of departmental management responsible for implementing this policy, and for implementing, maintaining, and continuously improving an occupational health and safety program specific to the department, and furthermore for ensuring that the department is in compliance with the *Occupational Health and Safety Act* and regulations. All departmental employees are responsible to comply with the duties set out in this policy, to follow the department health and safety program, and to co-operate with the joint occupational health and safety committees and representatives. Outside contractors are to be informed of the sections of this policy that impact on them, and they will be held responsible to implement those sections.

### Definitions

#### **DEPUTY HEAD**

The deputy minister or designate of a department or the senior administrative officer of an agency not reporting through a deputy minister.

## **DEPARTMENT**

Department in this policy refers to government departments, agencies, boards and commissions.

## **Policy Objectives**

The objectives of this policy are to ensure that all government workplaces are in compliance with the *Occupational Health and Safety Act* and regulations and that every precaution, reasonable in the circumstances, is taken to provide for a healthy and safe work environment. Implementation of this policy, through the establishment of an occupational health and safety program, based on the concepts of internal responsibility, will assure that management and employees work together to promote health and prevent workplace injuries and illnesses.

## **GUIDING PRINCIPLES**

- Health and safety is a shared responsibility. Employees at all levels of the organization are responsible and accountable to work safely at all times, to identify and report hazards, and to take whatever measures are necessary and reasonable in the circumstances to protect and promote health and safety.
- Each department is responsible for implementing and complying with this policy in all areas of departmental operations. Each level of departmental management is responsible for providing a safe and healthy work environment for the employees in the department and achieving the objectives of this policy. The deputy head has general responsibility for departmental management and operations, including administration and implementation of laws and policies applicable to government employees. The deputy head's general responsibility for departmental management does not limit or reduce the responsibility of other levels of departmental management for implementing, and complying with the provisions of this policy.
- Departmental management is responsible for ensuring that the workplace is healthy and safe, that employees are advised of actual or potential hazards, and that they are instructed in and follow safe work procedures.
- Active employee participation, involvement, and full co-operation with those exercising responsibilities in health and safety are key ingredients in effective health and safety programs.
- The departmental joint occupational health and safety committees are key mechanisms for the collaborative, co-operative initiation, maintenance, and support of health and safety programs.

- Departmental occupational health and safety programs will be coordinated and consistent with this policy and with any other government policies and guidelines regarding safety and security of the public and environmental protection.
- Health and safety rules and practices shall be enforced in the workplace, shall be reasonable and consistent, and shall be in compliance with the *Occupational Health and Safety Act* and regulations.

## **Application**

### **EMPLOYEES**

This policy applies to all employees of the Government of Nova Scotia. This policy must be part of orientation activities for new employees and must be reviewed with all current employees at the time of coming into effect. Any changes made to this policy are also to be reviewed with all employees as soon as the changes come into effect.

### **VOLUNTEERS**

Volunteers are not considered employees under the *Occupational Health and Safety Act*, and as such, are not afforded the same rights as employees under the act. However, the act requires employers to ensure the health and safety of all persons, including volunteers, at or near the workplace.

### **CONTRACTWORK**

This policy also applies to those who undertake work for government departments by contract. Any contracted work that is carried out by a party who contracts for the work must be in accordance with the *Occupational Health and Safety Act* and regulations and with any applicable government policies or practices. Contractors are jointly responsible with management to ensure their sub-contractors are in compliance with the *Occupational Health and Safety Act*, regulations, and the relevant portions of this policy.

The contracting department will, in relation to contract work, supervise, to the extent of its ability and authority, the party who contracted the work for compliance with the *Occupational Health and Safety Act* and regulations and any applicable government policies or practices. The contracting department will advise all parties involved in contracted work, along with the appropriate joint occupational health and safety committee, of government policies, procedures, any known hazards, and other matters that relate to the work.

## **Policy Directives**

### **LEGISLATION**

This policy is concerned with the *Occupational Health and Safety Act* and regulations made pursuant to the act. In essence, the purpose of the act is to prevent occupational injury and illness in the workplace. All government workplaces shall meet or exceed the regulatory requirements of the act.

### **YEARLY REVIEW**

This policy is to be reviewed on a yearly basis in consultation with departmental occupational health and safety committees and representatives.

### **POSTING IN GOVERNMENT WORKPLACES**

This policy is to be readily accessible to all employees and shall be posted in all government workplaces.

### **OCCUPATIONAL HEALTH AND SAFETY PROGRAM**

An Occupational Health and Safety Program, including departmental arrangements for occupational health and safety committees, occupational health and safety representatives (where required), a defined occupational health and safety concern/complaint procedure, a refusal-to-work procedure, and programs specific to a department's operational needs, is to be developed in consultation with the committee or representative. The program is to be implemented, maintained, evaluated, and communicated to all employees in order to meet the requirements of this policy and of the *Occupational Health and Safety Act* and regulations.

The Occupational Health and Safety Program shall include, but not be limited to:

- provision for the training and supervision of employees in matters related to health and safety and the health and safety of other persons at the workplace.  
Departments must ensure managers, supervisors, and employees receive information and training regarding their duties and responsibilities under this policy and under the *Occupational Health and Safety Act* and regulations, including occupational health and safety committee or representative training. Additional training shall address relevant occupational health and safety programs, workplace hazards, and safe work practices
- provision for the preparation of written work procedures, as is required to implement healthy and safe work practices, including those required pursuant to the *Occupational Health and Safety Act* and to review and reassess when they are significantly changed

- provision for the establishment and continued operation of occupational health and safety committees, including maintenance of records, rules of procedure, and access to a level of management with authority to resolve health and safety matters
- provision for the selection and functions of an occupational health and safety representative, where required, and for access to a level of management with the authority to resolve health and safety matters
- provision for a hazard identification system that includes the evaluation of the workplace to identify potential hazards, procedures and schedules for regular inspections, procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and identification of the circumstances where hazards must be reported by the employer to the committee or representative and the procedures for doing so
- provision of a system for workplace occupational health and safety monitoring, prompt follow-up, and control of identified hazards
- provision of a system for the prompt investigation of hazardous occurrences to determine their causes and the actions needed to prevent reoccurrence
- provision for the maintenance of records and statistics, including occupational health and safety documents required under the *Occupational Health and Safety Act*, with provision for making them available according to the *Occupational Health and Safety Act*
- provision for monitoring the implementation and effectiveness of the program
- provision for making a copy of the program available to the committee, a representative, and any employee so requesting.

#### **REPORTING**

All employees shall report, without fear of reprisal, any and all workplace hazards and any health and safety concerns to their immediate manager/supervisor, who is responsible to conduct an investigation and initiate a process to address the issue. Matters that are not resolved satisfactorily at the level of the management/supervisor are to be referred to the joint occupational health and safety committee. An employee who is not satisfied with the outcome shall take the complaint to the Occupational Health and Safety Division of the Department of Environment and Labour.

#### **CONFIDENTIALITY**

Information gathered, including personal and confidential medical information, is to be managed in accordance with the *Occupational Health and Safety Act*, s. 53, 61, and 62, regulations and pertinent government policy.

## **Accountability**

### **LINE DEPARTMENTS/EMPLOYER**

The nature and structure of government as an employer is organized into departments, operates throughout the province, and has an occupationally diverse workforce. As such, the responsibility for workplace health and safety has been assigned to each department and to each deputy head. It is the deputy head who is generally responsible for the management of departments and departmental staff and for the implementation and administration of laws and policies applicable to government employees. Government is the employer under the *Occupational Health and Safety Act* and regulations and, like all employers, continues to be responsible for compliance with the act and regulations.

### **DEPUTY HEADS**

**Deputy Heads are responsible to:**

- ensure that the department adheres to this policy
- ensure that there is strategic direction and planning for the department's health and safety program to implement the Occupational Health and Safety Policy
- integrate occupational health and safety in the department's business by allocating resources for health and safety programs, initiatives and providing training
- ensure that responsibility/authority for workplace safety is delegated to trained and competent personnel, and hold executive staff (including deputy heads), managers and supervisors accountable by including health and safety responsibilities in written performance objectives
- ensure that audit results of the health and safety program initiatives are reviewed and appropriate action is taken
- ensure that the department complies with the *Occupational Health and Safety Act* and regulations and all orders and requirements of the Department of Environment and Labour officers, director, or minister
- ensure that the Public Service Commission is informed of any significant departmental activity, any work related death of an employee, including the incident investigation report, or any decision of the department related to health and safety that has or may have government-wide implications.
- ensure that an annual occupational health and safety report is produced, and a copy provided to the Public Service Commission.

## **MANAGEMENT/SUPERVISORS**

### **Management/Supervisors are responsible to:**

- adhere to this policy and ensure compliance with the *Occupational Health and Safety Act* and regulations within workplaces under their supervision
- integrate preventive health and safety practices into departmental activities and hold employees accountable for following policies, procedures and safe work practices through performance appraisals
- provide information and training to employees to protect their health and safety, provide training in the skills necessary for responsible partnership in workplace health and safety, and maintain records of all such training
- communicate information concerning workplace hazards to employees and the necessary control procedures to be practised
- take action immediately upon any report or suspicion of unsafe or hazardous conditions or situations
- supervise employees and audit work processes to ensure that employees work in the manner, and with the protective devices, measures and procedures, required
- co-operate with employees and the departmental joint occupational health and safety committee or representative and any person performing a duty under the *Occupational Health and Safety Act* and regulations, to promote a healthy and safe workplace
- respond in writing to recommendations from the joint occupational health and safety committee or representative, when requested, and within the deadline specified in the *Occupational Health and Safety Act*
- evaluate health and safety performance and provide feedback to the deputy head
- ensure that all Department of Environment and Labour orders and requirements are satisfied in the time allotted and report all such activities, including progress reports, to the deputy head.

## **EMPLOYEES**

### **Employees are responsible to:**

- work in accordance with the *Occupational Health and Safety Act* and regulations
- adhere to this policy, departmental occupational health and safety program(s), and all other management policies and directives on healthy and safe job performance to ensure compliance with the *Occupational Health and Safety Act* and regulations
- ensure that work activity and behaviour do not, through act or omission, place their own health and safety, or the health and safety of others, at risk

- report any and all workplace hazards and any health and safety concerns to the immediate manager/supervisor; occupational health and safety committee/representative, or the Department of Environment and Labour
- report all personal injuries, property or equipment damage, and near-miss incidents, no matter how minor, to the manager/supervisor in a timely manner
- follow established safe work procedures; wear personal protective equipment, as required and as instructed; and use machinery, equipment and materials, only as authorized and as trained
- participate, wherever possible, in defining safe job procedures and in opportunities to protect and promote health and safety on the job
- co-operate with the joint occupational health and safety committee, the occupational health and safety representative, or any person performing a duty under the *Occupational Health and Safety Act* and regulations.

#### **DEPARTMENTAL JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE**

The departmental joint occupational health and safety committee is a collaborative employer-employee body established to jointly address health and safety issues in the workplace and is responsible to:

- perform the functions of a joint occupational health and safety committee as defined in the *Occupational Health and Safety Act* and regulations
- hold regular meetings in accordance with written terms of reference and operating procedures and maintain minutes and records of committee activities
- work co-operatively with employees and management to identify hazards to health and safety and to develop, implement, and evaluate health and safety programs designed to respond to the hazards
- receive, investigate, and make recommendations for the prompt disposition of health and safety complaints or concerns and work refusals
- participate in inspections, inquiries, investigations, and audits concerning health and safety and follow up with action plans when needed
- advise on the development, implementation, and evaluation of an occupational health and safety policy and programs designed to improve workplace health and safety or to meet health and safety objectives
- participate in health and safety educational and training programs for employees and advise on the use of personal protective equipment
- make written recommendations as is considered appropriate
- participate in the co-operative auditing of the workplace to determine compliance with occupational health and safety requirements.



### **OCCUPATIONAL HEALTH AND SAFETY REPRESENTATIVE**

The occupational health and safety representative acts on behalf of employees (in workplaces with 5 to 19 employees) together with the employer on matters of health and safety and is responsible to:

- perform the functions of an occupational health and safety representative as defined in the *Occupational Health and Safety Act* and regulations and maintain records of such activities
- work co-operatively with employees and management to identify hazards to health and safety and to develop and implement programs to respond to the hazards
- receive and co-operate with the employer in the investigation and prompt disposition of health and safety complaints or concerns of employees
- participate in inspections, inquiries, and investigations concerning health and safety of employees
- participate in the development, implementation, and evaluation of health and safety programs for the workplace
- participate in health and safety educational and training programs for employees, including the use of personal protective devices
- advise and make recommendations regarding the occupational health and safety policy and program and for the improvement of health and safety in the workplace
- participate in the co-operative auditing of compliance with the occupational health and safety requirements in the workplace
- make written recommendations as is considered appropriate.

### **PUBLIC SERVICE COMMISSION**

The Public Service Commission, in collaboration with government departments, provides and monitors implementation of corporate policies and program guidelines, and offers a support and consultative service, to assist departments and employees in meeting their responsibilities for health and safety.

The Public Service Commission will:

- coordinate the development and review of the corporate health and safety policy, corporate occupational health and safety programs and guidelines
- provide a consultative support service to departments on matters relating to occupational health and safety
- provide corporate statistical reports on departmental and corporate performance on key health and safety indicators
- monitor, audit, and evaluate occupational health and safety compliance and performance with legislated standards in government workplaces

- lead corporate initiatives, work with departments, joint health and safety committees, and health and safety representatives to facilitate improvements in health and safety and to prevent workplace injuries and illnesses
- liaise with the unions, external agencies, and the Department of Environment and Labour on health and safety issues and government-wide initiatives to ensure that the obligations of government are met under the *Occupational Health and Safety Act* and regulations.

#### **JOINT OCCUPATIONAL HEALTH AND SAFETY MASTER COMMITTEE**

The Joint Occupational Health and Safety Master Committee is a committee established under the Nova Scotia Government and General Employees Union (NSGEU) collective agreements and has representatives from the Public Service Commission, NSGEU, Canadian Union of Public Employees (CUPE), and government departments.

This committee is responsible to:

- provide input to the development of corporate policy, program(s), and guidelines
- make recommendations to the Public Service Commissioner and to the union executive on issues of health and safety that are of government-wide concern and of strategic significance to government workplaces in general.

### **Monitoring**

#### **LINE DEPARTMENTS**

The deputy head in each department will ensure that monitoring of the implementation of the policy takes place in the department and that there is reporting on the performance and effectiveness of departmental occupational health and safety programs and initiatives. The department shall prepare an annual report on the department's occupational health and safety performance including their continuous improvement efforts in improving their occupational health and safety program.

#### **PUBLIC SERVICE COMMISSION**

The Public Service Commission will actively monitor and audit compliance with the corporate Occupational Health and Safety Policy and legislated standards and may evaluate occupational health and safety policy performance in government departments.

## **References**

*Occupational Health and Safety Act, 1996, c.7, s.1*

*Freedom of Information and Protection of Privacy Act, 1993, c.5, s.1, 4A(1), 4A(2)(m), and 27(a)*

*Reference Guide to the Occupational Health and Safety Act, Department of Environment and Labour, August, 2004*

## **Enquiries**

All enquiries relating to the interpretation and application of this policy should be referred to:

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