



A Farmer's Guide to the Occupational Health and Safety Act

The Occupational Health and Safety Act applies to all workplaces in Nova Scotia, including farming operations. The purpose of the Act is to improve workplace health and safety in Nova Scotia. The Occupational Health and Safety Act has been in effect since 1996.

This guide was designed as an introduction and overview of the Occupational Health and Safety Act highlighting some of the main points applicable to farming operations. This guide is by no means a substitute for the Act and farmers are encouraged to review the Act to ensure compliance.

For more information and templates to assist with your compliance with the Occupational Health and Safety Act, visit **www.farmsafetyns.ca**.

Internal Responsibility System

(Occupational Health and Safety Act, 1996, s. 2)

The Internal Responsibility System (IRS) is the foundation of the Occupational Health and Safety Act. The IRS is based on the principle that all parties at the farm share the responsibility for health and safety and for creating, implementing and maintaining a safe and healthy workplace. However, the employer has the greatest authority over the workplace and has a greater ability to effect change. The Act provides the basic framework to build the participation in health and safety of all parties connected with the workplace.

Workplace Rights:

- **Right to know** the information on issues that affect your health and safety.
- **Right to refuse** any unsafe or unhealthy work.
- **Right to Participate** in the selection of employee representatives, to report unsafe conditions and voice concerns or opinions on issues relating to health and safety.

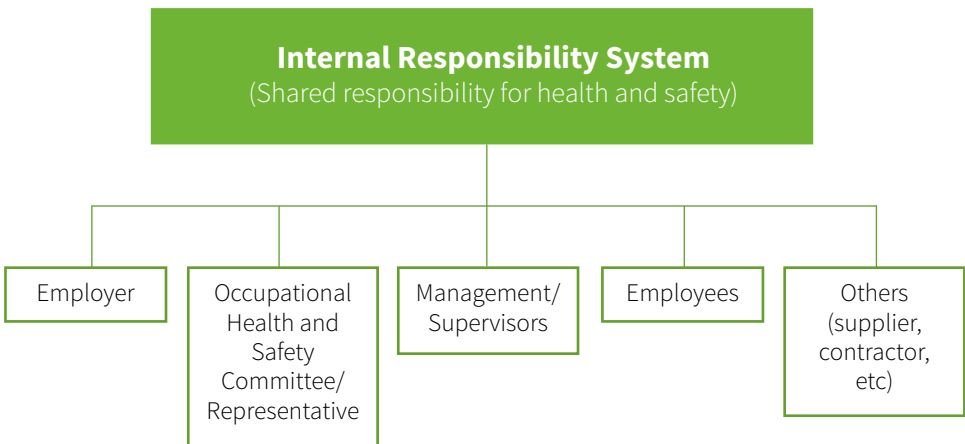


Figure 1. Those involved in the internal responsibility system at the farm.

Occupational Health and Safety Policy

(Occupational Health and Safety Act, 1996, s. 27)

Farm Safety Nova Scotia strongly encourages all farms to develop an Occupational Health and Safety Policy to show their commitment to those working and visiting the farm and as proof of due diligence. **The Occupational Health and Safety Act requires a written Occupational Health and Safety Policy where there are five or more employees.**

The employer must prepare a written policy in consultation with the committee or representative, where applicable. The proposed policy shall be discussed with all employees at one or more workplace health and safety meetings. The policy must be reviewed annually.

Policy Requirements –

must express the employer's commitment to health and safety and include:

- Reasons for commitment to health and safety
- Commitment of the employer to co-operate with the employees in pursuing occupational health and safety
- Responsibilities of the employer, supervisors and other employees in fulfilling the required commitment.

Example health and safety policies are available on the FSNS website.

Duties and Precautions

(Occupational Health and Safety Act, 1996, ss. 13-23)

For everyone on the farm to be able to fulfill their responsibilities under the internal responsibility system, it is important that all parties have an understanding of their duties and precautions as stated in the Act.

EMPLOYERS must ensure the health and safety of everyone at or near the workplace.

Precautions:

- Ensure health & safety of the workplace.
- Provide and maintain equipment, machines and tools that are properly equipped with safety devices.
- Provide safety instruction and training.
- Ensure employees are familiar with hazards in the workplace.
- Ensure employees are not exposed to health and safety hazards.

Duties:

- Cooperate with the health and safety committee or representatives and Department of Labour and Advanced Education OHS Officers.
- Comply with the Act and regulations.
- Develop an occupational health and safety policy and/or program where required.

EMPLOYEES must take precaution to ensure the health and safety of others and themselves and must:

- Cooperate with the committee or safety representatives, the employer, fellow employees and Department of Labour and Advanced Education OHS Officers.
- Ensure all protective devices, equipment and/or clothing are properly used.
- Comply with the Act and regulations
- Report all hazards immediately.

SELF-EMPLOYED individuals are responsible for:

- Protecting the health and safety of themselves and others affected by the work.
- Cooperate with any employer, committee, safety representative or Department of Labour and Advanced Education OHS Officer they are involved with.
- Comply with the Act and regulations.

OWNERS are responsible for:

- Ensuring the land or premises being used as a workplace is maintained in compliance with the Act (i.e. stated in lease agreement)
- Sharing information with the employer of the workplace, as necessary, to ensure health and safety by identifying, eliminating or controlling hazards (e.g. identifying unsafe structures, abandoned wells)

SUPPLIERS (e.g. manufacturers, suppliers, distributors) are responsible to ensure that any devices or equipment supplied is in safe condition. Supplier must also ensure that any biological, chemical or physical agent is labeled appropriately. If the device or equipment is being leased, it is the responsibility of the supplier to ensure it is properly maintained.

PROVIDERS OF SERVICE are people considered to provide occupational health and safety services for gain (e.g. engineer, consultant) and must ensure that no person is endangered as a result of their work. They must also ensure that any information provided is accurate and sufficiently complete at the time provided.

CONTRACTORS AND CONSTRUCTORS must ensure the health and safety of everyone at or near the workplace and communicate with all other involved parties.

Communication of Information

(Occupational Health and Safety Act. 1996. s. 34-41)

Communication is key to a safe and healthy workplace. All parties at a workplace are required to ensure that everyone has access to the health and safety information they require.

There are numerous ways to share information on health and safety at the workplace. It is important that each and every workplace determines which methods works best for them. Some people may not see each of their employees regularly, so they find a safety bulletin board the most useful, while other farms may have regular staff meetings that include discussions on health and safety.



Figure 2. Methods of communication at the workplace

There are certain requirements to **post information**, which can be seen in the list below. It is also important to be aware of the information that is required to be available for viewing (e.g. Workplace Health and Safety Regulations).

Note: Incorporating health and safety into any meetings with employees is key to keeping safety top of mind.

Be sure to give employees an opportunity to ask questions or seek clarification on responsibilities.

Farmers are required to post, at a minimum:

- Copy of the Occupational Health and Safety Act
- Contact information for the Department of Labour and Advanced Education (found on the printable version of the Act)
- The Farm’s Occupational Health and Safety Policy (where required)
- Any order, compliance notice, deviation, etc. issued by the Department of Labour and Advanced Education.
- Names and contact information for health and safety committee or representative.
- Committee meeting minutes, where one exists.

Additional information as applicable to the specific farm:

- Location of first-aid supplies
- Emergency information – civic address & emergency phone numbers
- Names of gasses stored in portable gas cylinders and signs prohibiting smoking around them.
- A hoist’s rated load, visible to the operator.
- Maximum revolutions per minute of an abrasive wheel or grinder.
- “Danger – High Voltage” outside electrical rooms.
- Signs identifying confined spaces and any further information required at the time.

Chemical Safety

(Occupational Health and Safety Act. 1996. ss. 58-60)

An employer has an obligation to prepare a list of all chemical substances regularly used, handled, produced or present at the workplace that may be hazardous to the health and/or safety of the employees.

A binder of the Material Safety Data Sheets (MSDS), as required by the WHMIS Regulations, would be considered an acceptable “list”. However, since not all substances on the farm fall under WHMIS. You must also have a list for or appropriate MSDS of all veterinary medications and pesticides.

Accidents

(Occupational Health and Safety Act. 1996. ss. 63-65)

An employer is required to send written notice of any reportable accident or incident to the Director of the Occupational Health and Safety Division.

Do not disturb an accident scene resulting in serious injury or death unless it is necessary to:

- Attend to an injured or killed person
- Prevent further injuries or
- Protect property that is endangered as a result of the accident.

See page 7 for 2017 OHS Act amendments to reporting of accidents.

Accident and incidents can be reported by email, phone or mail.

Email: ohsdivision@novascotia.ca
Phone: 1.800.952.2687

An example incident investigation form is available on the FSNS website.

Health and Safety Representative

(Occupational Health and Safety Act, 1996, s. 33)

Farms with **5 to 19 employees** are required to have a health and safety representative. This individual must be selected by the employees and cannot be connected to management. The safety representative is entitled to time off work, with pay, as necessary to fulfill his/her duties. Farming operations with complex needs may establish a committee, if they so choose.

Responsibilities of a safety representative – *act as an advisory body.*

- Identify hazards & recommend corrective actions.
- Assist in resolving work refusals.
- Participate in accident/incident investigations and workplace inspections.
- Discuss health and safety concerns and potential recommendations for improvement.
- Ensure health and safety requirements are complied with.

2017 OHS Act amendments to reporting of accidents

You must report:

Fatalities – immediately

Serious injury – as soon as possible, within 24 hours

- Unconsciousness
- Fracture of the skull, spine, pelvis, arm, leg, ankle, wrist or a major part of the hand or foot
- Loss or amputation of a leg, arm, hand, foot, finger or toe
- Third-degree burn
- Loss of sight in one or both eyes
- Asphyxiation or poisoning
- Any injury that requires admission to hospital
- Any injury that endangers life

Serious incident – as soon as possible, within 24 hours

- An accidental explosion
- A major structural failure or collapse of a building or other structure
- A major release of hazardous substance
- A fall from a work area where fall protection is required by the regulations

Occupational Health and Safety Program

(Occupational Health and Safety Act, 1996, s. 28)

The Occupational Health and Safety Act requires an Occupational Health and Safety Program where there are **20 or more persons regularly employed** by an employer.

The program shall be developed in consultation with the committee and reviewed with all employees.



Figure 3. Components of an Occupational Health and Safety Program

Joint Occupational Health and Safety Committees

(Occupational Health and Safety Act, 1996, Ss. 29-32)

Farms with **20 or more employees** are required to establish a Joint Occupational Health and Safety Committee. The employer is responsible for establishing and maintaining the committee with employee input, where required.

Function of a Committee – *to act as an advisory body and work together to improve health and safety in the workplace.*

- Identify hazards & recommend corrective actions.
- Assist in resolving work refusals.
- Participate in accident/incident investigations and workplace inspections.
- Discuss health and safety concerns and potential recommendations for improvement.
- Ensure health and safety requirements are complied with.
- Keep records and minutes of committee meetings.

Committee Requirements

- Employer and employees agree on the number of committee members.
- A minimum of 50% of the members must represent the employees and not be connected to management.
- Committee must be co-chaired by management and non-management representatives.
- Committee must meet once a month, or as decided by members.
- Employees must be paid for their work with the committee.
- The committee must create its own rules of procedure.

Example rules of procedure are available on the FSNS website.

Right to Refuse Work

(Occupational Health and Safety Act, 1996. ss. 43-44)

All employees have the right to refuse work where there is a danger to any person's health and safety at the workplace. An employee has a right to be paid during a work refusal, assuming they remain on site in a safe place and are available for other safe work.

The recommended procedure for the refusal of unsafe work is as follows:

Note: An employer may offer the work to another employee, assuming that employee is made aware of:

- a. The work refusal.
- b. The reason for the work refusal.
- c. His/her option to refuse the work as well, if they feel it to be unsafe or unhealthy.

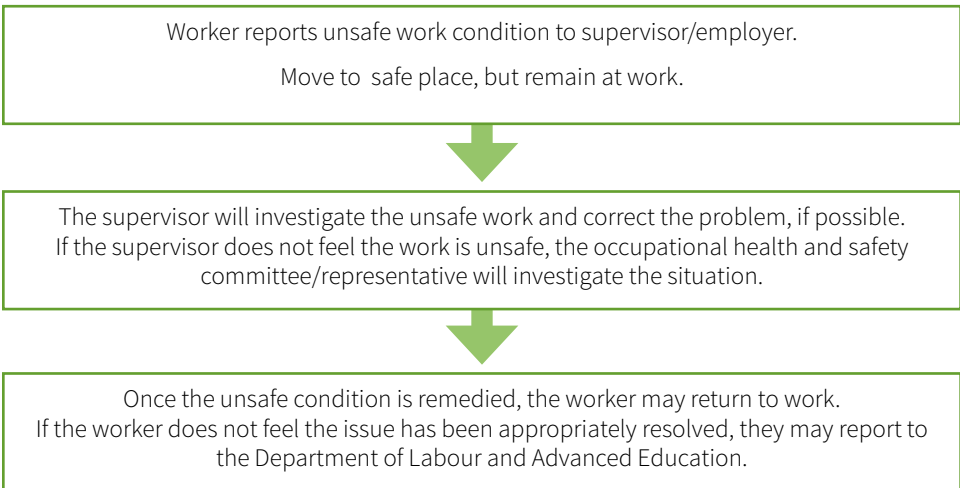


Figure 4. Procedure for work refusals

Workplace monitoring, measurements and tests (Occupational Health and Safety Act, 1996. s. 42)

A workplace may require monitoring, measuring or testing that relates to occupational health and safety. This would include air and noise tests, vehicle safety checks and tests on safety devices. Employee representatives have a right to observe workplace health and safety monitoring and/or testing.

Discriminatory Action

(Occupational Health and Safety Act. 1996. ss. 45-46)

Employees are protected from disciplinary action when they are complying with the Act or regulations. Discriminatory action refers to an action that has an adverse effect on the employee's employment.

If an employee feels discriminatory action was taken unfairly, they are to contact the Department of Labour and Advanced Education within 30 days of the action by the employer.

Officers, Inspections and Orders

(Occupational Health and Safety Act. 1996. ss. 47-57)

An Occupational Health and Safety Officer with the Department of Labour and Advanced Education has the ability to inspect a business at any reasonable time of operation.

- The officer has the right to request records, conduct an investigation, take samples, seize an item or question both the employer and employees.
- No person shall interfere with an officer filling his duties pursuant to the Act and regulations. When an officer is conducting an inspection, the committee/representative shall be given the opportunity to accompany the officer along with a representative of the employer.
- An officer has the power to issue a "stop-work order" if he/she determines any device, equipment, machine or material being used is unsafe or does not comply with the Act or regulations.
- An officer is able to order, at the expense of the employer/owner, to obtain an assessment from an expert or professional where an officer determines there is risk to health and safety.

An employer must submit a compliance notice, within the specified period of time, proving compliance with a written order.

There are a variety of orders that can be issued by an officer:

- Time based order – must comply with legislation within a set time period.
- Stop work order– when a serious hazard has been identified the officer may stop work immediately on a machine or all or part of the workplace.
- Cease supplying order – if a piece of equipment was deemed unsafe or to have not complied with the standard, an officer may order a supplier to cease selling or renting the equipment.

An officer is able to order an employer or other party to have a report (test, samples, etc) produced with regards to a specific substance, machine or device.

Appeals

(Occupational Health and Safety Act. 1996. ss. 67-70)

Anyone affected by an order or decision from the Occupational Health and Safety division has the right to appeal.

An appeal must be made in writing within 14 days of the date which the order was served. The person filing the appeal must post a copy of the appeal at the workplace.

Deviations

(Occupational Health and Safety Act. 1996. s. 83)

If an employer or group of employers feel they are unable to perform their duties due to a health and safety regulation they are able to apply, in writing, to the director for a deviation. The application must state that the method in which the employer(s) would like to perform the task provides an equal or greater level of safety than that stated in the regulation.

For further information contact:

Farm Safety Nova Scotia
www.farmsafetyns.ca
info@farmsafetyns.ca
902-893-2293

Occupational Health and Safety Division
Department of Labour and
Advanced Education
www.gov.ns.ca/lae/healthandsafety
1-800-952-2687

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