

IMPACT ASSESSMENT
HARMONIZATION OF OCCUPATIONAL SAFETY AND HEALTH ENFORCEMENT

BACKGROUND

Following a meeting of the Council of the Federation (COF) in July 2018, the Premier publicly announced that Manitoba will take a lead role on reducing barriers to trade and labour mobility and will be taking concrete steps to further these goals.

The Occupational Safety and Health sub-committee of the Canadian Association of Administrators of Labour Legislation (CAALL-OSH) is a national group charged with increasing consistency of occupational safety and health legislation and enforcement practices. CAALL-OSH is made up of safety and health regulators from all jurisdictions in Canada, as well as representatives from the Canadian Centre for Occupational Safety and Health.

In 2016 COF directed CAALL-OSH to undertake focused discussions in order to advance harmonization and mutual recognition in the area of occupational safety and health. COF identified personal protective equipment (PPE) and first aid as priority areas for discussion. CAALL-OSH agreed to endeavour to recognize common standards in order to remove barriers to operating between jurisdictions so long as the standards are appropriate to each jurisdiction's needs. CAALL-OSH also recognized the need to maintain a high standard of occupational health and safety while respecting locally unique needs and circumstances.

In addition to the harmonization work undertaken by CAALL-OSH, the Regulatory Reconciliation and Cooperation Table (RCT) was established under the Canada Free Trade Agreement. This group aims to reduce barriers to labour and trade mobility across Canada. Among other areas, occupational safety and health was an area that stakeholders raised as needing attention. The RCT has developed a three-year workplan that overlaps with several items CAALL-OSH has undertaken as part the work described above.

Below are items being implemented in order to increase consistency of occupational safety and health enforcement in Canada and reduce barriers to labour and trade mobility.

PROPOSALS FOR STAKEHODLER FEEDBACK

First Aid

1. Require workplace first aid training to meet the curriculum content outlined by a new standard set by the Canadian Standards Association (CSA), CSA Z1210, *First aid training for the workplace - Curriculum and quality management for training agencies*.
 - Currently, first aid training requirements are detailed in four pages of the Workplace Safety and Health Regulation, and have not been changed since they came into effect in 2007.
 - Adopting CSA Z1210 for first aid training will allow first aid certificates to be recognized across jurisdictions, preventing unnecessary retraining.
 - The CSA standard was developed with funding from CALL-OSH and was created by a technical committee made up of representatives from training providers, employers, labour groups and regulators.

- The CSA curriculum includes a theory component, which can be delivered in person or on site, combined with practical skills demonstration. The content aligns with current best practices in first aid training without additional costs. First aid certificates are currently valid for three years and will remain that way going forward. There will be a transition period of three years in order to allow current first aid training certificates to expire before training to the new standard is required. As a result, moving to the new standard will not result in additional costs.
2. Require the contents of first aid kits to meet the specifications of a new CSA standard, CSA Z1220-17- *First aid kits for the workplace*.
- Currently, the content of first aid kits is similar across Canada, but the number and size of supplies varies slightly: up to ten different first aid kits would be required for in order to work across the country. Adopting the new CSA standard for first aid kits may streamline purchasing and allow kits to travel across jurisdictions.
 - The CSA standard was developed with funding from CAALL-OSH and was created by a technical committee to establish a Canada-wide standard for first aid kit contents.
 - In Manitoba, requirements for first aid supplies are listed in the Workplace Safety and Health Regulation, with supplies dependent on the size of the workplace, proximity to healthcare services and the level of risk. This risk matrix is maintained in the new standard, although the actual supplies required differs.
 - The difference between current first kit requirements and the new CSA standard vary. There is little difference in kit contents for small, low risk workplaces; however, large workplaces where remote and/or high risk work is performed will require additional first aid supplies in order to meet the new standard.
 - A transition time of one year will allow employers and suppliers time to use current supplies and either purchase new kits or stock supplies to the new standard.

High Visibility

3. Require general high visibility apparel to be selected, used and maintained in accordance with CSA Z96.1, *Guideline on Selection, Use and Care of High Visibility Safety Apparel*.
- Currently, Manitoba requires general high visibility safety apparel to be appropriate for the risk and meet the requirements of CSA Z96-02, *High Visibility Safety Apparel*.
 - While Manitoba does not currently cite the CSA Z96.1 standard, its contents are consistent with expectations on how to select appropriate high visibility apparel, as well as the general training and maintenance requirements for personal protective equipment.
 - CSA Z96.1 recognized by other jurisdictions as an acceptable method for selecting and using High Visibility Safety Apparel, thus increasing the ability to use equipment across borders for similar work

Respiratory

4. Remove duplicate provisions from respiratory protection equipment, and refer simply to the CSA standard Z94.4-11for *Selection, Use and Care of Respirators*.
- Although the 2002 version of this standard is currently cited in regulation, it is a process standard. Via a provision in Part 1 of the Workplace Safety and Health Regulation (1.3(2), cited standards that outline how a person is do work or perform a service are automatically adopted when new versions are released. As such, CSA Z94.2-02 is currently the enforceable standard for the performance, selection, care and use of hearing protection.
 - Removing duplicate provisions and explicitly adopting the new standard will clarify existing expectations for appropriate hearing protection devices and worker training.
 - This standard is recognized by other jurisdictions as an acceptable method for selecting and using respirators, thus increasing the ability to use equipment across borders.

5. Require air that is compressed or supplied by a respirator system to meet the purity requirements specified in CSA Z180.1-13, *Compressed Breathing Air and Systems*.
 - Currently, the Workplace Safety and Health Regulation references a specific table in this standard. When the standard was updated in 2013, the scope of the table was altered. As a result of the change to the table, Manitoba only prescribes the purity for air of one type of system.
 - This amendment will address the table change and clearly outline air purity requirements for all respirator systems in a manner that is consistent with other Canadian jurisdictions.
6. Require secondary respiratory equipment to be either carried on the person or within arm's reach when working in an atmosphere immediately dangerous to life and health and using an airline respirator with a full faced mask.
 - Currently the Workplaces Safety and Health Regulation does not explicitly require the auxiliary air supply to be within arm's reach.
 - This would align Manitoba with the expectations of other Canadian jurisdictions

Floatation Devices

7. Implement a risk-based system for workers being required to wear a PFD or a lifejacket provided by the employer.
 - Currently, workers on a boat and at risk of drowning are not required to wear lifejackets or PFDs provided by their employer unless they are working alone. Workers that are not working on a boat and are at risk of drowning are required to wear the provided device at all times.
 - Moving from a location-based system to a risk-based system takes into consideration the circumstances and presence of other control measures (such as guardrails or fall arrest). For example, if there was a high risk of drowning and no other controls in place, workers would be required to wear the PFD or lifejacket even if working on a boat.
 - The proposed amendment is consistent with enforcement practices for PFDs and life jackets, and would help ensure consistency in how PFDs and life jackets are used across jurisdictions.
8. Require a PFD or life jacket to be approved by Transport Canada or by any other agency approved by Transport Canada.
 - Currently, Manitoba requires a PFD or life jacket to be labelled in accordance with the Canadian General Standards Board standard, which ultimately requires the label to contain the Transport Canada approval number.
 - This amendment would more clearly outline the nationally recognized approval agencies for PFD and lifejackets, and allow them to be used across jurisdictions.
9. Define life jackets and PFDs. Define a life jacket as a device that provides buoyancy to turn and keep the wearer face-up in the water without effort from the wearer and define a PFD as a device that provides buoyancy to support a conscious person upright or leaning back without effort from the wearer.
 - Manitoba does not have a definition for PFDs or life jackets. The new definitions are consistent with those used by the approval agencies and will help to ensure consistency of language across Canada.

Hearing Protection

10. Set the frequency for conducting hearing assessments and submitting reports to WSH at every two years for all workplaces with noise exposure above 85 dBA.

- Currently, workplaces with noise exposure above 85 dBA must conduct hearing assessments and annual reporting every year in Manitoba.
- WSH receives an average of 675 reports annually. The majority of annual tests are not identifying concerns; therefore, it is believed that the frequency of testing can be reduced to every two years without placing workers at risk.
- It is important to note the Chief Occupational Medical Officer at Workplace Safety and Health has the authority to mandate more frequent audiometric testing and reporting for an industry or a specific employer if required.
- This amendment will align Manitoba with five other Canadian jurisdictions.

11. Require employers to conduct baseline hearing tests within six months of an employee starting in a position exposed to high levels of noise.

- Currently, testing must be completed within 70 days. Manitoba is the only jurisdiction with a 70 day limit for baseline testing. WSH frequently allows additional time to conduct baseline testing in order to account for probation periods and time to arrange for testing.
- All other jurisdictions allow three and six months for baseline testing in order to account for probation periods and service availability.

12. Require employers to ensure that the selection, care, and use of hearing protection devices meet CSA Z94.2-14, *Hearing Protection Devices – Performance, Selection, Care and Use*

- CSA Z94.2-02 is currently cited in regulation. Similar to the standard for respiratory protection, this is considered a process standard; therefore new versions of the standard are automatically adopted when published.
- Removing duplicate provisions and explicitly adopting the new standard will clarify existing expectations for appropriate hearing protection devices and worker training.
- The standard is recognized by other jurisdictions as an acceptable way to select and use hearing protection, thus increasing the ability to use equipment across borders.

WSH RECOMMENDATIONS IN ORDER TO STREAMLINE REGULATIONS:

In addition to the above, the Branch may use this opportunity to remove duplicate or contradictory provisions within the sections mentioned above, or reword sections in order to improve clarity without adding to or changing current requirements.

FEEDBACK

As indicated in our letter, Workplace Safety and Health is working to implement the amendments, pending any significant concerns on your part. Should you have serious concerns or if you notice any significant oversights on our part, please notify us no later than November 9, 2018. Responses can be directed to edwsh@gov.mb.ca.