Amendments to the Workplace Safety and Health Regulation

The Workplace Safety and Health Regulation (M.R. 217/2006) was amended to include new and clarify existing requirements to provide stronger protection for workers in Manitoba.

Changes to the Workplace Safety and Health Regulation will take effect on proclamation April 1, 291 along with accompanying changes to The Workplace Safety and Health Act (SAFE Work Bulletin No. 289) and Administrative Penalty Regulation (SAFE Work Bulletin No. 292).

Key changes to the Workplace Safety and Health Regulation include:

• Required safety and health orientations for all new workers
• Outlined process and requirements for orders for exemption from regulation

Repealed definition – “division” substituted with “branch”

Orders for Exemptions from Regulation [section 1.8]

Exemption orders [NEW: section 1.8(1)-(8)]

• Requirements for exemptions (may be made on request or through the initiative of the director).
• Unless varied or waived by the director, the person requesting exemption must include the following information about the workplace:
  • Name & contact of:
    • worker co-chair of the committee;
    • any union or association representing workers
  • Location of the workplace
  • Type and nature of the work
  • Provision of regulation exemption requested for
  • Special circumstances
  • Description of proposed alternative
  • How alternative ensure no worker’s safety and health is materially affected
  • Relevant technical information
  • Plan for training workers/supervisor on the alternative measures
  • Period of time for which the exemption is requested
  • Any other relevant information requested by the director
• In addition to being satisfied that safety and health of workers is not affected by exemption (21(2) WSH Regulation), the director must consider:
  • Information provided
  • History of compliance or non-compliance
  • Other criteria considered necessary
• Director may reconsider an exemption previously granted if new information becomes available
Orders for Exemptions from Regulation [section 1.8] – Exemption orders (cont.)

- Required when requesting reconsideration of an exemption order:
  - Information on appropriateness of reconsideration
  - Any other information as requested by the director
- Exemption valid for period specified in the order
  - No longer than 3 years
- Director must provide copies of exemption orders to:
  - The person who requested the order (or reconsideration)
  - Persons whose contact information was provided
  - Any other person the director considers appropriate
- Employer must ensure copies of the exemption order are readily available to workers

NEW: Orientation for New Workers [section 2.2.1]

- New worker orientation [NEW: sections 2.2.1(1)-(4)]
  - In this section, “new worker” means:
    - New to the workplace
    - Moved from one area of the workplace to another area with different processes/hazards
    - Relocated to a different workplace with different processes/hazards
    - Returning to the same workplace, but processes/hazards have changed while the worker was away
  - Employers must ensure that a safety and health orientation is provided when a new worker begins work in a workplace
  - Safety and health orientation must be specific to the workplace
  - The following topics must be included in a new worker’s safety and health orientation:
    - Employer and worker rights and responsibilities under The Workplace Safety and Health Act and accompanying regulations.
    - Name and contact information of the new worker’s supervisor
    - Procedure for reporting unsafe conditions
    - Procedure for exercising the right to refuse dangerous work
    - Contact information for the workplace safety and health committee or worker representative
    - Any policies, programs, and safe work procedures the employer is required to develop under the Act and Regulations that apply to the work
    - Hazards and control measures
    - Location of first aid, means to summon first aid, procedure for reporting injuries and illnesses
    - Emergency procedures
    - Prohibited or restricted areas or activities
    - Any other matters necessary to ensure the safety and health of workers at work
  - Employers must keep records of all safety and health orientations provided

Committees for Multiple Workplaces [section 3.1.1]

Order for committee exemption [NEW: section 3.1.1(1)-(8)]

- Order for exemption may be made on request, or of the director’s initiative
- Person requesting exemption (40(6) WSH Act) to provide:
  - Name & contact of:
    - worker co-chair of the committee;
    - any union or association representing workers
  - Location of the workplace
  - Number of workers
  - Type and of the work
  - Minutes of each committee meeting from previous year
  - Number and nature of incidents/dangerous occurrences from previous year (2.9(1) WSH Act)
  - Procedure for workers to communicate information to the committee
  - Documentation showing support from workers, or union/association representing workers
  - Any other information requested by the director
Committees for Multiple Workplaces [section 3.1.1] – Order for committee exemption (cont.)

- Director's considerations for committee exemption include:
  - Information provided by the person requesting exemption
  - Any effect on safety and health to workers or other affected persons
  - History of compliance or non-compliance
  - Other appropriate considerations
- Director may impose terms on exemption as determined appropriate
- Director may reconsider if additional information becomes available
- Requests for reconsideration must include:
  - Information on appropriateness of reconsideration
  - Other information as requested by the director
- Exemption valid for period specified in the order
  - No longer than 3 years
- Director must provide copies of exemption orders to:
  - The person who requested the order (or reconsideration)
  - Persons whose contact information was provided
  - Any other person the director considers appropriate

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