

Occupational Health and Safety Act

Bill 197 - Amendment in force July 21, 2020

Section 70 of the Act is amended by adding the following subsection:

Rolling incorporation by reference

(3) The power to adopt by reference and require compliance with a code or standard in paragraph 25 of subsection (2) and to adopt by reference any criteria or guide in relation to the exposure of a worker to any biological, chemical or physical agent or combination thereof in paragraph 26 of subsection (2) includes the power to adopt a code, standard, criteria or guide as it may be amended from time to time.

Bill 13 - Amendments in force December 2, 2021

Section 8 of the Act is amended by adding the following subsection:

Same

(14.1) A health and safety representative may share with an inspector any of the findings made by the representative under subsection (14).

Section 9 of the Act is amended by adding the following subsection:

Same

(31.1) A member of a committee who is designated to investigate cases under subsection (31) may share with an inspector any of the findings made by the member under subsection (31).

Subsection 25 (4) of the Act is repealed and the following substituted:

Same

(4) Unless otherwise prescribed, clause (2) (j) does not apply with respect to a workplace at which five or fewer workers are regularly employed.

Subsection 51 (1) of the Act is amended by adding “and to the committee, health and safety representative and trade union, if any” after “Director”.

The Act is amended by adding the following section:

Order for written notices to Director under s. 52 (1)

55.4 For the purposes of subsection 52 (1), an inspector may, in writing, order an employer to give written notice to a Director during such period as may be specified by the inspector.

Paragraph 15 of subsection 70 (2) of the Act is repealed and the following substituted:

15. prescribing elements that any policy or program required under this Act must contain and the format that the policy or program must be in;

**Amendments in force on a day to be named
by proclamation of the Lieutenant Governor**

Subsection 1 (1) of the Act is amended by adding the following definition:

“engineer” means, subject to any prescribed requirements or restrictions, a person who is licensed as a professional engineer or who holds a limited licence under the *Professional Engineers Act*, (“ingénieur”)

The definition of “engineer of the Ministry” in subsection 1 (1) of the Act is repealed.

Subsection 1 (1) of the Act is amended by adding the following definition:

“professional engineer of the Ministry” means a person employed by the Ministry and who is licensed as a professional engineer under the *Professional Engineers Act*; (“ingénieur du ministère”)

Subsection 1 (3) of the Act is amended by striking out “professional”.

Subsections 29 (3) and (4) of the Act are amended by striking out “an engineer of the Ministry” wherever it appears and substituting in each case “a professional engineer of the Ministry”.

Subsection 31 (2) of the Act is repealed and the following substituted:

Architects and engineers

(2) An architect, as defined in the *Architects Act*, or an engineer contravenes this Act if, as a result of the architect’s or engineer’s advice that is given or the architect’s or engineer’s certification required under this Act that is made negligently or incompetently, a worker is endangered.

Same

(3) For greater certainty, a contravention described in subsection (2) continues for each day or part of a day that a worker is endangered.

Clause 54 (1) (k) of the Act is amended by striking out “a professional engineer” and substituting “an engineer” and by striking out “the professional engineer” and substituting “the engineer”.

Clause 54 (1) (m) of the Act is amended by striking out “a professional engineer” in the portion before subclause (i) and substituting “an engineer”.

Clause 54 (1) (n) of the Act is amended by striking out “a professional engineer” and substituting “an engineer”.

Subsection 65 (2) of the Act is amended by striking out “an engineer of the Ministry” and substituting “a professional engineer of the Ministry”.

**Bill 27 - Amendment in force on a day to be named
by proclamation of the Lieutenant Governor**

The Act is amended by adding the following section:

Duties of owners — washroom access

29.1 (1) Subject to subsection (2), the owner of a workplace shall ensure that access to a washroom is provided, on request, to a worker who is present at the workplace to deliver anything to the workplace, or to collect anything from the workplace for delivery elsewhere.

Exceptions

(2) Access to a washroom at a workplace is not required under subsection (1),

- (a) if providing access would not be reasonable or practical for reasons relating to the health or safety of any person at the workplace, including the worker who requests to use a washroom;
- (b) if providing access would not be reasonable or practical having regard to all the circumstances, including, but not limited to, the nature of the workplace, the type of work at the workplace, the conditions of work at the workplace, the security of any person at the workplace and the location of the washroom within the workplace; or
- (c) if the washroom is in, or can only be accessed through, a dwelling.