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2.1 Introduction

The Nova Scotia Occupational Health and Safety Act and regulations are the main law governing occupational health and safety (OHS) in the province.

Everyone working for Saint Mary's University needs to know and understand their rights and responsibilities under the law. This chapter of the OHS Program Manual explains those rights and responsibilities.

2.2 Nova Scotia Occupational Health and Safety Act

In Nova Scotia, the legislation applicable to health and safety at the workplace is the Occupational Health and Safety Act (OHS Act) 1996 c7.

A copy of the OHS Act can be found on the OHS Bulletin Board. It is also available on the Nova Scotia Government website at

http://nslegislature.ca/legc/statutes/occp_h_s.htm

A Reference Guide to the OHS Act, prepared by the Occupational Health and Safety Division of Nova Scotia Labour and Advanced Education is available at

<http://www.gov.ns.ca/lae/healthandsafety/docs/OHSActRegGuide.pdf>

A plain language guide to the OHS Act; *Your Rights, Responsibilities and the Occupational Health and Safety Act* is also available at

<http://www.gov.ns.ca/lae/healthandsafety/docs/YourRightsandResp-en.pdf>

2.2.1 The Internal Responsibility System

The foundation of the OHS Act is the Internal Responsibility System (IRS), which is defined in Section 2 of the Act and provides an overall philosophy for the interpretation of this legislation. The Internal Responsibility System is based on the principle that all the parties who can affect the health and safety of persons at the workplace share the responsibility for health and safety. This includes employers, contractors, constructors, employees and self-employed persons at a workplace. It also includes the owner of a workplace, suppliers of goods or providers of occupational health or safety services to a workplace or an architect or professional engineer who provides expertise to the workplace.

The key principle of the IRS is that employees and management can work together to deliver effective solutions to manage occupational health and safety issues which arise in the workplace. This is done via:

- Personal Responsibility - Each individual is personally responsible for identifying occupational health and safety concerns and seeking solutions.
- Inclusive Approach - Everyone is involved in the IRS. It is a multi-party philosophy.

- Cooperation - It is the goal of all to protect safety, health and life. This is not a bargaining process.
- Information Flow - There are no secrets under the OHS Act (except medical records and legitimate trade secrets).
- Pro-active Approach - The OHS Act is not based on a philosophy of waiting for incidents or accidents to happen or occupational disease to materialize. We must take action to prevent and reduce risk and exposure. People in the workplace are the first to recognize the pre-conditions of a potential injury or disease.
- Accountability - Everyone in the workplace is accountable for occupational health and safety.

The Internal Responsibility System is supplemented by the role of the Occupational Health and Safety Division of Nova Scotia Labour and Advanced Education, which is not to assume responsibility for creating and maintaining safe and healthy workplaces, but to establish and clarify the responsibilities of the parties under the law, to support them in carrying out their responsibilities and to intervene appropriately when those responsibilities are not carried out.

2.2.2 Due Diligence

“Due diligence” is an expression used to refer to the level of judgement, care, prudence, determination, and activity that a person would reasonably be expected to undertake in particular circumstances. This is sometimes referred to as the “reasonable person” standard for preventive activity associated with hazardous operations.

Due diligence is not the standard of performance under the OHS Act. The OHS Act requires parties to take every precaution that is reasonable in the circumstances. It also requires an employer to comply with the Act and regulations and ensure that employees at the workplace comply with the Act and regulations. Due diligence requires that these two duties be formalized by the establishment of a proper system, and the taking of reasonable steps to ensure the effective operation of the system.

2.2.3 Employee Rights

The model of recognizing occupational health and safety rights focuses on the employee. Nova Scotia’s occupational health and safety legislation creates methods by which the individual employee is empowered and can exercise his or her right to take action so as to be safe and healthy in the work they do and also to protect other persons who are at the workplace.

Rights under the OHS Act include: the right to know about hazards, the right to participate in occupational health and safety, and the right to refuse unsafe work:

- The right to information on issues that affect your health and safety.

- The right to participate in occupational health and safety is done via the JOHS Committee. All employees are represented by the JOHS Committee and must have regular access to committee members. Employees also have the right to report unsafe conditions, and voice concerns or opinions on any issue that affects their health and safety or the health and safety of anyone at the workplace.
- The right to refuse unsafe or unhealthy work. More information on the right to refuse can be found in Chapter 8 of the OHS Program.

2.3 The Criminal Code of Canada and Bill C-45

On November 7, 2003, amendments to the Criminal Code of Canada established a new legal duty for all persons directing work to take reasonable steps to ensure the safety of employees and the public. The new duty reads:

“217.1 Every one who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.”

This duty applies to all those who direct work, not just management. Everyone representing an organization, from the senior executive to the front line supervisor is required to meet this duty, as is the organization itself. Failure to take reasonable steps to ensure the safety of employees and the public can now result in charges of criminal negligence against both individuals and the organization if a person is injured or killed as a result of the safety lapse.

The purpose of this amendment to the Criminal code was to create a criminal negligence offence for organizations, to establish rules for attributing criminal liability to organizations for the acts of their representatives, and to establish sentencing rules for organizations convicted of an offence under the new provisions.

For an organization to be found guilty an employee must have committed the act that caused the injury or death or contributed to it, and a senior officer must be found to have not taken reasonable steps to prevent the employee from acting in a way that caused harm or for allowing a hazard to remain uncontrolled.

The penalties are much more severe than those for violations of the provincial legislation, but it is important to note that the prosecution must prove that it was intended for the organization to benefit in some way from the violation, such as reducing expense or increasing profit and the senior officer responsible, or senior officers collectively, must have departed markedly from the standard of care that could be expected.

2.4 Legislative compliance

As identified in the Commitment to Occupational Health and Safety (see Chapter 1), Saint Mary’s University will comply with the Occupational Health and Safety Act and regulations. Management and employees at all levels will be held accountable for complying with them.

2.4.1 Keeping current with the law

An important element of continued legislative compliance is to be aware of any changes to the OHS Act and regulations. Laws change over time, and staying current is important. It is the University's responsibility to make sure it is following the law with regard to occupational health and safety.

The OHS Office will maintain contact with Nova Scotia Labour and Advanced Education to ensure that the University is notified of all impending changes to the legislation. When changes to the legislation occur, the OHS Office will advise the JOHSC, safety sub-committees and other affected parties of the changes. When required, a working group will be established, including JOHSC representatives, to review the changes and determine the impact on the University, its operations and the OHS Program. Plans will be developed and implemented to ensure that the University will be in compliance with the new legislative provisions.

2.4.2 Internal and external review

Various elements of the OHS Program will ensure that the University is in compliance with the legislation and all standards referenced in the legislation. Within the OHS Program, the legislation represents only the minimum standards to be met. In many cases, the process of continual improvement will take the OHS Program beyond these standards. Nevertheless, the University will ensure, through periodic hazard assessments, inspections, incident investigations, program reviews and internal audits that the legislative minimums continue to be met or exceeded.

Additionally, from time to time, the University may decide to have external program reviews or audits of the OHS Program undertaken. Legislative compliance would be a part of such activities.

2.5 Role of Nova Scotia Labour and Advanced Education

In addition to setting standards for occupational health and safety, the Occupational Health and Safety Division (OHSD) of Nova Scotia Labour and Advanced Education has a role in monitoring for legislative compliance; responding to complaints, concerns or unsafe work refusals; and investigating incidents. Employees of the OHSD are appointed as Officers under the OHS Act and are authorized to enter workplaces and undertake these duties at any reasonable time. They may inspect University workplaces or investigate as they see fit, including examining records and interviewing any person with relevant information to confirm legislative compliance or to deal with any non-compliance which is identified.

2.5.1 Inspections by OHSD Occupational Health and Safety Officers

OHSD Occupational Health and Safety Officers may periodically undertake physical inspections of University workplaces. These may be planned visits which are part of scheduled activities, may be in response to a complaint or concern, or may be a consultative response to University enquiries.

The inspection may also include interviews or the review of files and records to determine that the OHS Program is meeting the requirements of the law. All University employees must co-operate with the Officer during the investigation. Representatives of the University, including a management representative and an employee member of the JOHS Committee (or other employee representative if no JOHS Committee employee representative is available) are entitled to accompany the Officer on the inspection.

Following each inspection, the Officer will prepare a written report, which they will sign and leave at the workplace. They will ask for a University representative (usually the manager or supervisor of the area which has been inspected) to sign the report to acknowledge its receipt.

Copies of this report must immediately be posted on OHS bulletin boards and one copy sent to the Occupational Health and Safety Section, Human Resources.

2.5.2 Investigations by OHSD Occupational Health and Safety Officers

Occupational Health and Safety Officers will investigate any complaint, refusal to do unsafe work, or serious or fatal incident. These investigations may include examining the workplace and equipment and interviewing people with relevant information.

All University employees must co-operate with the Officer during the investigation, as investigations under the OHS Act are regarded as serious occurrences and may indicate a failure in the implementation of the occupational health and safety management program or a need to improve the program. Because of this, the Occupational Health and Safety Section, Human Resources must be notified as quickly as possible that an investigation has begun.

At the end of the investigation, the Officer will prepare a written report which will be signed and a copy given to the University.

The person receiving the report must immediately provide a copy of the order to the OHS Office. The OHS Office will post a copy of the report on the OHS Bulletin Board, forward a copy of the report to the JOHSC, and advise other parties who may be affected by the report.

2.5.3 Orders by OHSD Occupational Health and Safety Officers

Where the results of the inspection or investigation by the Occupational Health and Safety Officer of the OHSD indicate that there has been a violation of a duty imposed by the Occupational Health and Safety Act, including provisions of the regulations or standards referenced in the regulations, the Officer is authorized to issue orders for corrective action to be taken. These orders may include a requirement for work related to the violation or any imminent hazard to cease until the hazard has been removed ("stop work" orders).

Each order will have a date by which the Occupational Health and Safety Division of Labour and Advanced Education must be notified of compliance. Copies of the orders must immediately be posted on the OHS bulletin boards. A copy of the order must be sent immediately to the

Occupational Health and Safety Section, Human Resources.

A compliance form attached to the order must be used to notify the Occupational Health and Safety Division of Labour and Advanced Education of the action the University has taken to comply with the orders. A process exists for the appeal of orders which are not regarded as appropriate or to request an extension to the time allowed for compliance. Since there may be implications for other parts of the University, the Occupational Health and Safety Section, Human Resources must be consulted regarding the action contemplated to comply with the orders and the completion of the compliance form before the form is sent to the OHSD. The Occupational Health and Safety Section, Human Resources will consult with the managers of those parts of the University which will/may be affected regarding any University-wide implication of the orders and the required corrective action. A copy of the compliance form must immediately be posted on the OHS bulletin board. A copy of the compliance form must be sent to the Occupational Health and Safety Section, Human Resources.

2.5.4 Prosecutions by Nova Scotia Labour and Advanced Education

Where, in the course of an inspection or investigation, the OHSD Occupational Health and Safety Officer believes that there has been a serious violation of the Occupational Health and Safety Act, they may decide that prosecution of the University, or of individual managers, supervisors or employees in the courts is an option.

In such circumstances, the nature of the investigation will change to gathering evidence in support of possible charges under the OHS Act. At this point, the Occupational Health and Safety Officer will “caution” any person being interviewed that charges are possible and that anything said may be used as evidence in court. This “caution” is given to provide an opportunity to decide whether or not to consult with legal counsel before answering any further questions. Immediately on being given the “caution”, the manager, supervisor or employee should notify their manager and the Occupational Health and Safety Section, Human Resources, who will consult with those involved. These consultations will decide on the need for legal counsel to be present during further interviews, to advise the manager(s), supervisor(s) and employee(s), and to represent the University.

If the investigation results in charges being laid against the University or individual managers, supervisors or employees, legal counsel will be provided to advise on the legal proceedings, preparation of a defence, attendance and giving evidence in court, etc.

2.5.5 Response by Saint Mary’s University personnel to OHSD activities

All University employees must co-operate with an Occupational Health and Safety Officer of the Occupational Health and Safety Division in the performance of their duties. This includes granting access to the workplace, allowing inspection of facilities and equipment, and making employees available for interviews. Any orders issued must be addressed at once, with particular attention being given to any prohibitions on the use of certain equipment or conduct of certain operations (stop work) and notice taken of the date by which corrective action must

be taken.

The Occupational Health and Safety Officer must be notified of the corrective action by the deadline for each Order. Where it has not been possible to complete the corrective action, the progress toward compliance must be reported, including the action taken and the schedule for completing the corrective action. The response to the orders must be in writing and should be discussed with the Occupational Health and Safety Section, Human Resources before being sent to the OHSD.

Where inspections or investigations have been undertaken, the reports resulting from these should be discussed at the next meeting of the JOHS Committee. Any orders issued and compliance notices sent to the OHSD should be discussed at the next meeting of the University Executive Management Group, by the appropriate Department, Division or Faculty group and the next meeting of the JOHS Committee, and the applicable safety subcommittee.

In the situation where the Occupational Health and Safety Officer is contemplating the possibility of laying charges, the nature of the investigation will change. The Officer must then “caution” the University and any managers or employees that they wish to interview. At this point, managers or employees should discuss the situation with the Occupational Health and Safety Section, Human Resources to determine whether or not legal advice is required. No person who has been “cautioned” needs to answer further questions or provide further information until he/she has had the opportunity to seek legal counsel and have a lawyer or union representative present during questioning.

2.6 Applicable regulations

There are a number of regulations under the Occupational Health and Safety Act. These provide much more detail about specific responsibilities, equipment, processes and relevant standards which apply to particular operations. Not all regulations or all sections of a particular regulation may be applicable to a particular University operation, but those which are applicable, including any standards referenced, carry the same force of law as the Act. These regulations may be accessed on-line on the government web site at <http://www.gov.ns.ca/just/regulations/rxam-z.htm#ohs>.

Additionally, for some regulations “plain language guides” and other non-technical information are available at: <http://www.gov.ns.ca/lae/pubs/>.

2.7 Applicable standards

Some regulations make reference to standards which have been developed by multi-party consensus processes or industry associations. These provide more detail than the regulations, particularly with respect to design, manufacture, installation, inspection and maintenance of building systems, tools, equipment or protective devices.

When referenced by the regulations, these standards have the same force of law as the regulation and may be reviewed for compliance by an Occupational Health and Safety Officer during an inspection or investigation. Orders can be issued for non-compliance with the standard, and serious breaches may

result in prosecution.

Note that most standards have some sections which are not mandatory and that the regulation may refer only to some section of the standard. Consult the reference guide to the regulation when in doubt.

These standards are not available on line, they have to be purchased. If a copy of a required standard is not available locally, contact the Occupational Health and Safety Section, Human Resources.

2.8 Owner's Manuals/Manufacturer's Specifications

The NS Occupational Safety General Regulations define manufacturer's specifications as "written instructions of a manufacturer of a machine, material, tool or equipment that outline how the machine, material, tool or equipment is to be erected, installed, assemble, started, operated, used, handled, stored, stopped, adjusted, carried, maintained, repaired, inspected, serviced, tested, cleaned or dismantled, and an instruction, operating or maintenance manual and drawings respecting a machine, tool or equipment". Any mandatory actions required by specifications (must, shall) are enforceable under the Regulations. For each new piece of equipment, machinery, tools, or personal protective equipment purchased or rented, the owner's manual/manufacturers specifications must be reviewed and any mandatory requirements implemented. Additionally, employees must be trained in any safety requirements in the owner's manuals/manufacturers specifications.

2.9 Workers' Compensation

In Nova Scotia, the Workers' Compensation Board (WCB) does not have regulations respecting workplace health or safety, although it does have some prevention services which may offer useful training or resource materials.

If an employee is injured or killed on the job or develops an occupational illness or disease, and is covered by WCB, the "no-fault" system of insurance administered by the WCB will deal with claims from the employee or his/her survivors. For further information, contact the Occupational Health and Safety Section, Human Resources.

Appendix

Comparison of the Saint Mary's University Occupational Health and Safety Program with the Requirements of the Nova Scotia Occupational Health and Safety Act

The following tables identify how legislated provisions of the Nova Scotia Occupational Health and Safety Act are implemented by the University's Occupational Health and Safety Program and where in the system manual these matters are covered.

Section 27 of the Act requires that an Occupational Health and Safety Policy be developed by an employer with five or more employees.

OHS Act	Legislated Requirement	Found in OHS Program Chapter
Requirement for policy		
27 (1)	Where	
(a)	five or more employees are regularly employed by an employer other than a constructor or contractor;	
	the employer shall prepare a written occupational health and safety policy, in consultation with the committee or representative, if any.	1
(3)	The policy shall express the employer's commitment to occupational health and safety and shall include	1
(a)	the reasons for the employer's commitment to health and safety;	1
(b)	the commitment of the employer to co-operate with the employees in pursuing occupational health and safety; and	1
(c)	the responsibilities of the employer, supervisors and other employees in fulfilling the commitment required pursuant to clause (b)	1

Section 28 of the Act requires that a written Occupational Health and Safety Program be developed by an employer with 20 or more employees.

OHS Act	Legislated Requirement	OHS Program
Requirement for program		
28 (1)	Where	
(a)	twenty or more employees are regularly employed by an employer other than a constructor or contractor;	
....		

OHS Act	Legislated Requirement	OHS Program
	the employer shall establish and maintain a written occupational health and safety program, in consultation with the committee or representative, if any, that is adapted to the circumstances of the organization for the purpose of implementing the employer's policy, this Act and the regulations.	Whole Manual
(2)	The program shall include	
(a)	provision for the training and supervision of employees in matters necessary to their health and safety and the health and safety of other persons at the workplace;	7
(b)	provision for the preparation of written work procedures required to implement safe and healthy work practices, including those required pursuant to this Act, the regulations or by order of an officer, and identification of the types of work for which the procedures are required at the employer's workplace;	5
(c)	provision for the establishment and continued operation of a committee required pursuant to this Act, including maintenance of records of membership, rules of procedure, access to a level of management with authority to resolve health and safety matters and any information required under this Act or the regulations to be maintained in relation to a committee;	9
(d)	provision for the selection and functions of a representative where required pursuant to this Act, including provision for access by the representative to a level of management with authority to resolve health and safety matters;	9
(e)	a hazard identification system that includes	
(i)	evaluation of the workplace to identify potential hazards,	3
(ii)	procedures and schedules for regular inspections,	13
(iii)	procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and	1, 3, 8, 13
(iv)	identification of the circumstances where hazards must be reported by the employer to the committee or representative, if any, and the procedures for doing so;	9
(f)	a system for workplace occupational health and safety monitoring, prompt follow-up and control of identified hazards;	3, 5, 13
(g)	a system for the prompt investigation of hazardous occurrences to determine their causes and the actions needed to prevent recurrences;	15

OHS Act	Legislated Requirement	OHS Program
(h)	maintenance of records and statistics, including reports of occupational health and safety inspections and occupational health and safety investigations, with provision for making them available to persons entitled to receive them pursuant to this Act; and	12
(i)	provision for monitoring the implementation and effectiveness of the program.	14, 16
(3)	The employer shall make available a copy of the program	
(a)	to the committee or representative, if any; and	9
(b)	on request, to an employee at the workplace	8

There are a number of other legislated requirements enacted by other sections of the OHS Act. These are covered in a general manner in Chapter 2 of the OHS Program: Legal and Other Requirements. Specific requirements are covered as follows:

OHS Act	Legislated Requirement	OHS Program
Employers' precautions and duties		
13(1)	Every employer shall take every precaution that is reasonable in the circumstances to	
(a)	ensure the health and safety of persons at or near the workplace;	Whole Manual Plus 1, 3, 5
(b)	provide and maintain equipment, machines, materials or things that are properly equipped with safety devices;	5, 13
(c)	provide such information, instruction, training, supervision and facilities as are necessary to the health or safety of the employees;	7
(d)	ensure that the employees, and particularly the supervisors and foremen, are made familiar with any health or safety hazards that may be met by them at the workplace;	3, 5, 7, 8, 13
(e)	ensure that the employees are made familiar with the proper use of all devices, equipment and clothing required for their protection; and	5
(f)	conduct the employer's undertaking so that employees are not exposed to health or safety hazards as a result of the undertaking	3, 5, 13
(2)	Every employer shall	
(a)	consult and co-operate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace;	9

OHS Act	Legislated Requirement	OHS Program
(b)	co-operate with any person performing a duty imposed or exercising a power conferred by this Act or the regulations	2
(c)	provide such additional training of committee members as may be prescribed by the regulations;	7, 9
(d)	comply with this Act and the regulations and ensure that employees at the workplace comply with this Act and the regulations; and	1, 2, 8
(e)	where an occupational health and safety policy or occupational health and safety program is required pursuant to this Act or the regulations, establish the policy or program.	Whole Manual Especially 1
Precautions to be taken by contractors		
14	Every contractor shall take every precaution that is reasonable in the circumstances to ensure	1, 10
(a)	the health and safety of persons at or near a workplace;	1, 3, 5, 10
(b)	that the activities of the employers and self-employed persons at the workplace are co-ordinated;	10, 11
(c)	communication between the employers and self-employed persons at the workplace of information necessary to the health and safety of persons at the workplace;	8, 10
(d)	that the measures and procedures prescribed under this Act and the regulations are carried out at the workplace; and	2, 10
(e)	that every employee, self-employed person and employer performing work at the workplace complies with this Act and the regulations.	1, 10
Precautions to be taken by constructors		
15	Every constructor shall take every precaution that is reasonable in the circumstances to ensure	1, 10
(a)	the health and safety of persons at or near a project;	1, 3, 5, 10
(b)	that the activities of the employers and self-employed persons at the project are co-ordinated;	10
(c)	communication between the employers and self-employed persons at the project of information necessary to the health and safety of persons at the project, and facilitate communication with any committee or representative required for the project pursuant to this Act or the regulations;	10, 9
(d)	that the measures and procedures prescribed under this Act and the regulations are carried out on the project; and	2, 10
(e)	that every employee, self-employed person and employer performing work in respect of the project complies with this Act and the regulations	1, 10

OHS Act	Legislated Requirement	OHS Program
Owners' precautions and duties		
19	Every owner shall	
(a)	take every precaution that is reasonable in the circumstances to provide and maintain the owner's land or premises being or to be used as a workplace	1, 2, 3, 5, 13
(i)	in a manner that ensures the health and safety of persons at or near the workplace, and	1, 3, 5, 13
(ii)	in compliance with this Act and the regulations; and	2
(b)	give to the employer at the workplace the information that is	
(i)	known to the owner or that the owner could reasonably be expected to know, and	10
(ii)	necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace	3, 5, 10
Requirement for committees		
29(1)	At every workplace where twenty or more persons are regularly employed, the employer shall establish and maintain one joint occupational health and safety committee or, at the discretion of the employer, more than one such committee and, where twenty or more persons are regularly employed by one or more constructors at a project, a constructor shall establish and maintain a joint occupational health and safety committee for the project.	9
....		
Requirement for and functions of representatives		
33 (1)	At a workplace where no committee is required pursuant to Section 29 and where the number of persons employed is five or more, the employer shall cause the employees to select at least one health and safety representative from among the employees at the workplace who are not connected with the management of the workplace.	9
Response to written recommendations		
34(1)	An employer who receives written recommendations from a committee or representative and a request in writing to respond to the recommendations, shall respond in writing to the committee or representative within twenty-one days, and the response shall	9
(a)	indicate acceptance of the recommendations; or	9
(b)	give reasons for the disagreement with any recommendations that the employer does not accept,	9

OHS Act	Legislated Requirement	OHS Program
	or, where it is not reasonably possible to provide a response before the expiry of the twenty-one day period, provide within that time a reasonable explanation for the delay, indicate to the committee or representative when the response will be forthcoming, and provide the response as soon as it is available.	9
Duty of employer to provide certain information		
35(1)	An employer shall notify the committee or representative, if any, of the existence of reports of	
(a)	workplace occupational health or safety inspections; and	2, 9, 13
(b)	workplace occupational health or safety monitoring or tests,	2, 9, 14
	undertaken at the workplace by, or at the request of, an officer or the employer and, on request, the employer shall make the reports available to the committee or the representative.	
(2)	An employer shall make available to an employee at a workplace, on request, reports of	
(a)	workplace occupational health or safety inspections; and	2, 9, 12
(b)	workplace occupational health or safety monitoring or tests,	2, 9, 12
	undertaken at the workplace by, or at the request of, an officer or the employer.	
(3)	Within twenty-one days of receiving a request in writing from the committee, representative or, where there is no committee or representative, an employee at a workplace for any information of a health or safety nature other than that specified in subsection (1), the employer shall respond in writing and the response shall	
(a)	provide the requested information; or	2, 9
(b)	give reasons for not providing the information, in whole or in part,	2, 9
	and where it is not reasonably possible to provide a response before the expiry of the twenty-one day period, provide within that time a reasonable explanation for the delay, indicate to the committee, representative or employee when the response will be forthcoming and provide the response as soon as it is available.	2, 9
....		
Duty of employer to post certain information		
37	The employer shall	
(a)	post and maintain the current names of the committee members or the representative, if any, and the means of contacting them; and	8, 9

OHS Act	Legislated Requirement	OHS Program
(b)	post promptly, where there is a committee, the minutes of the most recent committee meeting and ensure they remain posted until superseded by minutes of the next committee meeting.	9
Availability of information at workplace		
38(1)	Every employer shall	
(a)	make available for examination at the workplace	
(i)	a copy of the regulations that relate to the workplace, and	2, 8
(ii)	information and reports that an officer considers advisable to enable employees to become acquainted with their rights and responsibilities pursuant to this Act and the regulations;	2, 8
	and	
(b)	post in a prominent place or places in the workplace capable of being easily accessed by the employees	2, 8
(i)	a current copy of this Act,	2, 8
(ii)	a code of practice required pursuant to this Act or the regulations,	2, 8, 5
(iii)	a current telephone number for reporting occupational health or safety concerns to the Division, and	2, 8
(iv)	where the employer is required pursuant to this Act or the regulations to have an occupational health and safety policy, the policy,	1, 2, 8
	and ensure they remain posted.	2
(2)	Where anything other than the information listed in subsection (1) is required to be posted pursuant to this Act or the regulations, the person who has the duty to post shall	
(a)	post a legible copy of it in a prominent place or places in the workplace capable of being easily accessed by the employees; and	2, 8
(b)	ensure that it remains posted for at least seven days, or longer if additional time is necessary to enable employees at the workplace to inform themselves of the content, unless this Act or the regulations otherwise specify,	2, 8
	or in lieu of complying with clauses (a) and (b), shall provide the information to each employee, in writing	2, 8
Duty of employer to provide certain information		
39(1)	Where	
(a)	an officer makes an order pursuant to this Act or the regulations against an employer;	
(b)	a compliance notice is required of an employer pursuant to subsection 56(1); or	

OHS Act	Legislated Requirement	OHS Program
(c)	an appeal is initiated or disposed of pursuant to Section 67 or 69,	
	the employer shall, subject to subsections (2) and (3), immediately	
(d)	post the order, compliance notice, notice of appeal or decision; and	2, 8
(e)	deliver a copy of the order, compliance notice, notice of appeal or decision to the committee or representative, if any.	2, 8, 9
....		
	42 Right of employee to observe and be paid	2, 8, 14
	43 Right to refuse work and consequences of refusal	2, 8
	44 Restriction on assignment of work where refusal	2, 8
	45 Prohibition of "discriminatory action"	2, 8
	50 Accompaniment during inspections	2, 13
	59 Duty of employer to prepare list of chemicals	2, 8, 11
	63 Notice of accident at the workplace	2