



Labour and Workforce Development

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Occupational Health and Safety

The Nova Scotia Occupational Health and Safety Act, (OH&S) and Regulations place legal requirements that Employers, Contractors and Employees must meet to protect the health and safety of persons at or near the workplace.

The NS OH&S Act is based on the internal responsibility system and requires the identification of hazards in the workplace by all parties, and subsequent measures be implemented to eliminate or control the hazards. A tool used to comply with this requirement is known as a “hazard assessment”.

The hazard assessment for the H1N1 Influenza Pandemic would focus on potential and actual health and safety issues for your particular workplace and situations that could develop specific to the nature of work conducted.

Measures must be taken to control or eliminate the hazards identified and the Employer must ensure that employees are made familiar with the proper use of all equipment, devices and clothing which may be required for their protection.

The type of control may depend on many factors such as the job task, the potential exposure to H1N1, the source of the exposure, how often the exposure may occur, when the greatest risk of exposure is, the potential routes of transmission, the routes of entry for the worker based on the exposures in the workplace, the type and amount of ventilation, and so on.

The hazard assessment should review and identify shortages in operational requirements due to absenteeism, as well as other potential hazards that may result such as stress, fatigue, working conditions related to increase or different workloads.

Control measures must be implemented based on the hazards identified and may include administrative, engineering or personal protective equipment. These may include;

- administrative controls; managing policies and procedures, enforce hand washing, train and supervise workers, encourage vaccination, administer safe work procedures, such as respiratory hygiene etc.
- engineering controls; isolate the hazard, ventilate, add physical barriers such as plexiglass, social distancing, cleanliness of environment;

personal protective equipment, (PPE); provide gloves, masks, gowns, eye protection, protective clothing, respirators and others as appropriate, ensure that the right type of PPE is selected for the job and hazard, ensure PPE fits properly and is comfortable for working conditions, ensure workers are trained in the need for PPE, its use and maintenance, ensure that PPE is stored clean and fully operational, ensure PPE meets standards listed in the Occupational Health and Safety Act and applicable regulations.

Respiratory protective equipment, (RPE), is determined based on the hazard assessment. There are a number of guidelines and resources which can be used to assist the Employer and Employees in determining whether RPE is necessary and/or whether a “mask” or “respirator” is required. It should be noted that if a respirator requiring a tight facial seal, such as an N95, is determined to be required, then the Occupational Safety General Regulations, set out the legal requirement to have these properly fit-tested.

The hazard assessment and control measures should be developed in conjunction with the health and safety committee, and communicated to employees.

Employees have a right to refuse unsafe work. If related to H1N1, it must be dealt with individually and evaluated as any other work refusal; first by the Employer or Supervisor, if not to the Employees satisfaction, then by the Health and Safety Committee and if not to the satisfaction of the Employee, then should be brought to the Department of Labour and Workforce Development, OH&S Division.

Discriminatory action can not be taken against an Employee for acting in compliance with the Occupational Health and Safety Act, for bringing up concerns related to health and safety, for refusing to work based on reasonable belief that there is a health or safety hazard, or for communicating with a Health and Safety Officer.

The Occupational Health and Safety Act specifies the legal requirements and responsibilities which must be met by the Employer, Contractor, Employee, and includes sections on the above mentioned Right to Refuse, Discriminatory Action, Powers of an Officer, Prosecution and Fines.

The Occupational Safety General Regulations set out specific requirements for the above noted control measures, such as personal protective equipment, ventilation, etc.