



WHO'S THE BOSS?

The Internal Responsibility System – and how it applies to you and your workplace.



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contracting employers,
supervisors, suppliers and
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SAFE AND HEALTHY WORKPLACES

How the *Occupational Health and Safety Act* applies to you and your workplace

New Brunswick's *Occupational Health and Safety (OHS) Act* is a set of rules designed to protect workers and employers. Based on the Internal Responsibility System, the *OHS Act* requires that everyone in the workplace – both employees and employers – be responsible for their own health and safety and for the health and safety of those around them.

Owners, contractors, employers, contracting employers, supervisors, suppliers and workers all have legal obligations to make sure that their workplaces are safe and that everyone works safely. Even boards of directors and officers of a company must make sure that their businesses comply with health and safety legislation.

When any of the workplace parties don't follow the rules under the Act, WorkSafeNB is legally obligated to intervene. An individual or company can be prosecuted if they don't follow the rules under the Act.

This publication is a guide only. To help clarify your rights and obligations, please refer to the Act directly. You can access the Act online at worksafenb.ca/acts-and-regulations.



Understanding Roles and Responsibilities

All workplace parties have a responsibility to keep workplaces safe and healthy.

The *OHS Act* and this guide refer to “employees” and “employers.” It is helpful to understand the definitions and which category applies to your situation. For the purposes of this document and the Act:

“Employee” means:

- ◆ Someone employed at or in a place of employment
- ◆ Someone at or in a workplace for any reason connected to employment

“Employer” means:

- ◆ Someone who employs one or more employees
- ◆ A manager, superintendent, supervisor, overseer or anyone having authority over an employee
- ◆ An agent of anyone referred to above



Your Responsibilities

As an **employee**, you must:

- ◆ Comply with the Act, regulations and any order made under the Act or regulations
- ◆ Behave in a way that ensures the health and safety of yourself and others
- ◆ Report any known hazards to the employer
- ◆ Wear or use required protective equipment
- ◆ Consult and co-operate with health and safety committees and representatives
- ◆ Co-operate with anyone responsible for the enforcement of the Act and regulations

As an **employer**, you must:

- ◆ Take every reasonable precaution to ensure your employees' health and safety
- ◆ Comply with the Act, regulations and any order made under the Act or regulations
- ◆ Ensure that your employees comply with the Act, regulations and any order made under the Act or regulations

You must also:

- ◆ Ensure that work systems, tools, equipment, machines, devices and materials are kept in good condition; these must also be of minimum risk to health and safety when they are used as directed by the supplier
- ◆ Develop an inspection program with the Joint Health and Safety Committee (JHSC) and ensure that the workplace is inspected at least once a month to identify any risks to health and safety

What if there's an injury?



There are certain rules that employers and employees must follow if there's a workplace incident that resulted or could have resulted in an injury. The *Workers' Compensation Act*, available online at worksafenb.ca/acts-and-regulations, says that employers must establish a procedure that requires a worker to notify them of an incident before they leave work.

If a worker is injured on the job, a claim for benefits must be filed using a Form 67 – Report of Accident or Occupational Disease – within 72 hours.

As required by the *Occupational Health and Safety Act*, employers must immediately call 1 800 999-9775 if there's been an accidental explosion or exposure to a biological, chemical or physical agent or if there's a catastrophic event or equipment failure that results, or could have resulted, in an injury.

Employers must also immediately notify WorkSafeNB (1 800 999-9775) and the workplace's health and safety representative or committee if an employee is injured in any way that requires or may require hospitalization or causes:

- Death (or may cause death)
- Loss of consciousness or vision
- A loss of limb
- A burn that requires medical attention
- A deep cut
- An occupational disease

No one should disturb the scene unless it's to attend to the injured or dead, to prevent further injuries or to protect property that's endangered because of the incident. This doesn't apply if the incident happens in a vehicle on a public road or highway.

- ◆ Inform employees about any hazards associated with the use, handling, storage, disposal and transport of any tool, equipment, machine, device or biological, chemical or physical agent
- ◆ Provide necessary information, instruction, training and supervision to ensure employees' health and safety
- ◆ Provide required protective equipment, keep it in good condition, and make sure that employees use it
- ◆ Co-operate with a health and safety committee or representative and with anyone responsible for the enforcement of the Act and regulations
- ◆ Ensure employees receive necessary orientation and training before they begin work

Orientation for New Employees

Every employer, regardless of the number of employees, must have an orientation program for new employees, and must keep employee orientation and training records for at least three years. A “new employee” means an employee who is:

- ◆ New to a workplace
- ◆ Returning to a position or workplace in which the hazards have changed during their absence
- ◆ Under 25 years of age and returning to a position or workplace after an absence of more than six months
- ◆ Affected by a change in the hazards of a position or workplace

Health and Safety Policy and Program

Every employer with 20 or more employees (regularly employed in the province) must work with health and safety committees or representatives to establish a written health and safety policy and program. The program must:

- ◆ Include provisions around employee health and safety training and supervision
- ◆ Provide written work procedures and codes of practice that address health and safety
- ◆ Identify the types of work that require written work procedures
- ◆ Include a hazard identification system that covers:
 - Workplace evaluation to identify hazards
 - Inspection procedures and schedules
 - Procedures for hazard reporting, follow-up and control
- ◆ Provide a system to investigate hazardous incidents to determine how they happened and how to prevent them from recurring
- ◆ Include a record-management system that covers:
 - Employee training reports
 - Incident statistics
 - Work procedures and health and safety inspections
 - Maintenance
 - Follow-up investigations
- ◆ Monitor the program's implementation and effectiveness

Orientation must include:

- ◆ The supervisor's name and contact information
- ◆ The contact information for the health and safety representative or committee
- ◆ The new employee's rights, liabilities and duties under the Act, including reporting requirements and the "right to refuse"
 - An employee can refuse to do any act where there is reason to believe it's likely to endanger the employee's health and safety or that of any other employee
- ◆ The health and safety procedures and codes of practice related to their job tasks
- ◆ First aid facility location and how to get first aid
- ◆ Illness and injury reporting procedures
- ◆ Emergency procedures
- ◆ Personal protective equipment use



As a **contracting employer** (directs one or more employers), you must:

- ◆ Make sure that your employer complies with the Act and the regulations

As a **contractor or sub-contractor**, you must:

- ◆ Comply with the Act, regulations and any order made under the Act or regulations
- ◆ Take every reasonable precaution to ensure the health and safety of any person who has access to your project site

As an **owner**, you must:

- ◆ Comply with the Act, regulations and any order made under the Act or regulations
- ◆ Take every reasonable precaution to ensure the health and safety of any person who has access to your workplace

WorkSafeNB is committed to preventing workplace injuries and illness through education and the enforcement of the *Occupational Health and Safety Act*.

For more information, contact:

WorkSafeNB
1 Portland Street,
P.O. Box 160, Saint John,
New Brunswick E2L 3X9

1 800 999-9775 www.worksafenb.ca