

## **REVIEW OF THE WORKPLACE SAFETY AND HEALTH ACT (W210) May 8, 2017**

The following sections of the WS&HA are those which we recommend be reviewed for possible review and revision.

- General – Copies of equivalent current legislation from other Canadian jurisdictions should be collected and reviewed to ensure that the current Manitoba content of the Act, and proposed Manitoba changes and revisions are appropriate and in-line with other Canadian jurisdictions
- General – Discussions should be held with members of the Canadian Association of Administrators of Labour Legislation - Occupational Safety and Health Committee (CAALL-OSH), to ensure that proposed Manitoba changes and revisions are appropriate and in-line with other Canadian jurisdictions
- General – Consult with both the Civil Crown Counsel, and the Prosecution Crown Counsel, of Manitoba Justice, to determine if there are any changes to the Act that either of them would like to see enacted
- s1 Definitions – Since Safe Work Manitoba is involved in prevention activities, perhaps they should be included in the Definitions section
- s1 Definitions - Occupational Health Nurse – Whenever another piece of legislation is referenced, the name of that legislation should be checked to ensure that the name is still correct
- s1 Definitions – Prime Contractor – The current definition is not very helpful. Also the definitions of Contractor and Prime Contractor should be reviewed to clarify the differences between the two parties
- s12(e) – Duties of Director - Whenever the name of a government department is mentioned, the name of that Department should be checked to ensure that the name is still correct
- s13 (b)(c)(d.1)(d.2(ii)) - Powers of Director – Should the powers regarding the prevention of injury and illness be moved to a new section related to Safe Work Manitoba Powers?
- s14(4) – Administration of Act – Since injury and illness prevention activities are administered through Safe Work Manitoba, and enforcement activities through the Workplace Safety and Health Branch, then perhaps this information can be clarified here
- s18(1) – Regulations – If new Regulations are being considered, examine the content of the current WS&HA to ensure that it has the authority to support such regulations. If the wording is not sufficiently supportive, then include wording in this section of the Act to support such regulations
- s19(1) – Approval for Codes of Practice – This is an appropriate time for Department staff to review the existing Codes of Practice to determine if they are adequate and sufficient
- s43 – Right to Refuse Dangerous Work – “Dangerous Work” should be a defined term

- s 43.3(1) – This section mentions both Unsafe Conditions and a Dangerous Condition. Are these two situations equivalent?
- s45 – Needles in Medical Workplaces – The requirements in this section are more appropriate to be contained in a Regulation
- s50 – Medical Examinations and Health Surveillance – It is unclear whether a worker has the authority to decline participation in a Medical or Health Surveillance program. If they do have that authority, can they be disciplined for that refusal?
- s53 – Administrative Penalties – There is a common belief that Administrative Penalties are not used very often, although the failure to comply with an Improvement Order is quite common. Perhaps the Advisory Council can investigate why this is the case. It may be that this section of the Act needs to be revised in some way
- s55(1)(a) – Penalty – Consultation with other Canadian jurisdictions should be held to determine if Manitoba fines are in alignment with other Canadian jurisdictions
- s55(3) – Additional Penalty – We are not aware if this section has actually ever been used. Consider whether it should be retained or deleted