

PART 2

GENERAL DUTIES

GENERAL SAFETY DUTIES

Safe work procedures

2.1 In addition to the requirement to develop safe work procedures contained in the other Parts of this regulation, an employer must

- (a) develop and implement safe work procedures for the work that is done at the workplace;
- (b) train workers in the safe work procedures; and
- (c) ensure that workers comply with those safe work procedures.

Consultations required

2.2 In developing and implementing the safe work procedures required under section 2.1 and any other Part of this regulation, an employer must consult with the following:

- (a) the committee at the workplace;
- (b) the representative at the workplace;
- (c) when there is no committee or representative at the workplace, the workers at the workplace.

Duty of employer to provide information

2.3 An employer must provide workers with ready access to the following at the workplace:

- (a) the Act;
- (b) each regulation made under the Act that applies to the workplace or to work done at the workplace;
- (c) each code of practice approved and issued by the director that relates to a regulation under the Act that applies to the workplace or any work done at the workplace.

Inspections of workplace

2.4(1) An employer must

(a) ensure that regular inspections of the workplace and of work processes and procedures at the workplace are conducted to identify any risk to the safety or health of any person at the workplace; and

(b) if a risk is identified, correct any unsafe condition as soon as is reasonably practicable and, in the interim, take immediate steps to protect the safety and health of any person who may be at risk.

2.4(2) A prime contractor must

(a) ensure that regular inspections of the construction project site and the work processes and procedures at the site are conducted to identify any risk to the safety or health of any person at the site; and

(b) if a risk is identified, ensure that any unsafe condition is corrected as soon as is reasonably practicable, and in the interim, ensure that immediate steps are taken to protect the safety and health of any person who may be at risk.

PREGNANT OR NURSING WORKERS

Pregnant or nursing workers

2.5 When a worker informs her employer that she is pregnant or nursing, the employer must

(a) inform the worker of any known or foreseeable risk that conditions at the workplace pose or may pose to the safety or health of the worker or to her unborn or nursing child; and

(b) so far as is reasonably practicable,

(i) take steps to minimize the exposure of the worker to the condition that creates the risk, or

(ii) if alternate work is available that involves no risk or less risk and the worker is reasonably capable of performing that work, assign the worker temporarily to that alternative work without loss of pay or benefits.

SERIOUS INCIDENTS AT WORKPLACE

Definition: "serious incident"

2.6 In sections 2.7 to 2.9, "**serious incident**" means an incident

- (a) in which a worker is killed;
- (b) in which a worker suffers
 - (i) an injury resulting from electrical contact,
 - (ii) unconsciousness as the result of a concussion,
 - (iii) a fracture of his or her skull, spine, pelvis, arm, leg, hand or foot,
 - (iv) amputation of an arm, leg, hand, foot, finger or toe,
 - (v) third degree burns,
 - (vi) permanent or temporary loss of sight,
 - (vii) a cut or laceration that requires medical treatment at a hospital as defined in *The Health Services Insurance Act*, or
 - (viii) asphyxiation or poisoning; or
- (c) that involves
 - (i) the collapse or structural failure of a building, structure, crane, hoist, lift, temporary support system or excavation,
 - (ii) an explosion, fire or flood,
 - (iii) an uncontrolled spill or escape of a hazardous substance, or
 - (iv) the failure of an atmosphere-supplying respirator.

Notice of serious incident

2.7(1) When a serious incident occurs at a workplace, an employer must immediately and by the fastest means of communication available, notify the division of the incident and provide the following information:

- (a) the name and address of each person involved in the incident;
- (b) the name and address of the employer, and if any person involved in the incident is employed by another employer, the name and address of that other employer;
- (c) the name and address of each person who witnessed the incident;

(d) the date, time and location of the incident;

(e) the apparent cause of the incident and the circumstances that gave rise to it.

2.7(2) An employer who becomes aware that information provided under subsection (1) was inaccurate or incomplete must immediately notify the division of the correct or complete information.

Site of serious incident to be preserved

2.8 Except to the extent necessary to free a trapped person or to avoid the creation of an additional hazard, and subject to a directive issued by a safety and health officer under clause 24(1)(l) of the Act, an employer must ensure that nothing involved in a serious incident is altered or moved until at least 24 hours after the notice under subsection 2.7(1) is given.

Investigations: serious incidents and accidents

2.9(1) An employer must ensure that each of the following is investigated as soon as reasonably practicable after it occurs:

(a) a serious incident;

(b) an accident or other dangerous occurrence

(i) that injures a person, and results in the person requiring medical treatment, or

(ii) that had the potential to cause a serious incident.

2.9(2) An investigation must be carried out by

(a) the co-chairpersons of the committee at the workplace or their designates;

(b) the employer and the representative at the workplace; or

(c) the employer, in the presence of a worker employed at the workplace who is not associated with the management of the workplace, when there is no committee or representative at the workplace.

2.9(3) After an investigation is completed, an employer, in consultation with the co-chairpersons or their designates, the representative or the worker, as applicable, must prepare a written report that includes the following:

- (a) the name of any person injured or killed;
- (b) the date, time and place of the incident, accident or dangerous occurrence;
- (c) a description of the incident, accident or dangerous occurrence;
- (d) any graphics, photographs or other evidence that may assist in determining the cause or causes of the incident, accident or dangerous occurrence;
- (e) an explanation of the cause of the incident, accident or dangerous occurrence, including any factors or events that indirectly contributed to it occurring;
- (f) any immediate corrective action taken;
- (g) any long-term action that will be taken to prevent the occurrence of a similar incident, accident or dangerous occurrence, or the reasons for no action being taken.

RECORDS

Retention of records

2.10 An employer must ensure that a record required to be made or retained under this regulation is not destroyed or disposed of

- (a) for the period prescribed in this regulation for the specific class of records; or
- (b) if there is no prescribed period, for five years after the record is made or comes into the possession of the employer.

Transferring custody of records

2.11 When an employer who has control of a record required to be kept under this regulation ceases to operate in Manitoba,

- (a) the employer must transfer the record to the successor employer, when there is a successor employer; or
- (b) when there is no successor employer, the employer must
 - (i) preserve the record,
 - (ii) notify the director, and

(iii) deliver the record at the time and to the place identified by the director.

MISCELLANEOUS

Pressure plants and pressure vessels

2.12 An employer and an owner must ensure that a pressure plant or pressure vessel used at a workplace that is not subject to *The Steam and Pressure Plants Act* is properly constructed, installed, used, stored, repaired and maintained in accordance with the manufacturer's specifications.

Non-smokers health protection in workplace

2.13 A contravention of sections 2 to 6.2 of *The Non-Smokers Health Protection Act* relating to a workplace is deemed to be a contravention of the Act for the purpose of issuing an improvement order to a person under section 26 of the Act.

Clean and sanitary workplace

2.14 An employer must ensure that, so far as is reasonably practicable, a workplace is

- (a) kept in a clean and sanitary state; and
- (b) kept free from any condition that may create a risk to a worker's safety or health.

Control of airborne dust

2.15 An employer and a prime contractor must ensure that appropriate methods are used at a construction project site to control airborne dust that creates or may create a risk to the safety or health of a worker.

Protrusions

2.16 An employer must ensure that any protrusion from concrete or other surfaces, such as nails, pins, cables or other temporary obstructions, is removed or cut off at the surface if it

- (a) creates a tripping or other hazardous condition for a worker; and
- (b) is not necessary for the work being done.

Snow and ice accumulation

2.17 An employer must ensure that

(a) all work areas are, so far as is reasonably practicable, kept clear of snow and ice accumulations; and

(b) where an overhead accumulation of snow or ice creates a risk to a person,

(i) the accumulation is removed, or

(ii) an overhead barrier designed to withstand any load that will be or is likely to be imposed is installed.

Sign at construction project site

2.18 The prime contractor, or if there is no prime contractor, the employer, must ensure that the following information is clearly and prominently identified on a sign located in a conspicuous place at a construction project site:

(a) the name of the prime contractor or the employer, as applicable;

(b) the location of any first aid service;

(c) the name and telephone number of the person who can be contacted about safety and health matters at the site; and

(d) contact information for the committee and the representative, as applicable.