

WHO'S THE BOSS?

Your responsibilities under the *Occupational Health and Safety Act* in New Brunswick.

The answer may seem perfectly obvious, but under the legislation governing workplace health and safety in New Brunswick, it's not always cut and dried. For any discussion about workplace health and safety regulations, it is critical that you know your role, your rights, and your responsibilities.

New Brunswick's *Occupational Health and Safety Act* is designed to ensure the protection of workers and workplaces. Owners, contractors, employers, contracting employers, supervisors, suppliers and workers all have statutory obligations to ensure that their workplaces are safe, and that everyone works in a safe manner. Even boards of directors and officers of a company have obligations to ensure that their businesses comply with health and safety legislation.

When statutory obligations are violated by any of the workplace parties, WorkSafeNB has a legal obligation to enforce compliance. An individual or company may be prosecuted for failure to comply with legislation. It's important that everyone understand their roles and responsibilities.

WHERE DO YOU STAND?

To help clarify where you stand under the law, please refer to sections 1, 8(1), 9(1), 9(2), 10, 10.1(2), 10.1(3), 11, and 12 of the *Occupational Health and Safety Act*.

Note: It is conventional to draft laws using the singular male pronoun; however, the laws apply to both genders equally, and corporations where the context allows.

“Employee” means

- (a) a person employed at or in a place of employment, or
- (b) a person at or in a place of employment for any purpose in connection therewith.

“Employer” means

- (a) a person who employs one or more employees,
- (b) a manager, superintendent, supervisor, overseer or any person having authority over an employee, or
- (c) an agent of any person referred to in paragraph (a) or (b).

EVERY EMPLOYER SHALL

- (a) take every reasonable precaution to ensure the health and safety of his employees;
- (b) comply with this Act, the regulations and any order made in accordance with this Act or the regulations; and
- (c) ensure that his employees comply with this Act, the regulations and any order made in accordance with this Act or the regulations.

Without limiting the generality of the duties under subsection (1), every employer shall

- (a) ensure that the necessary systems of work, tools, equipment, machines, devices and materials are maintained in good condition and are of minimum risk to health and safety when used as directed by the supplier or in accordance with the directions supplied by the supplier;
- (a.1) ensure that the place of employment is inspected at least once a month to identify any risks to the health and safety of his employees;
- (b) acquaint an employee with any hazard to be found in connection with the use, handling, storage, disposal and transport of any tool, equipment, machine, device or biological, chemical or physical agent;

- (c) provide such information, instruction, training and supervision as are necessary to ensure an employee's health and safety;
- (d) provide and maintain in good condition such protective equipment as is required by regulation and ensure that such equipment is used by an employee in the course of work; and
- (e) co-operate with a committee, where such a committee has been established, a health and safety representative, where such a representative has been elected, and with any person responsible for the enforcement of this Act and the regulations.

Every employer with twenty or more employees regularly employed at a place of employment shall establish and file with WorkSafeNB a safety policy in respect of that place of employment.

DUTIES OF CONTRACTING EMPLOYERS

A contracting employer who directs the activities of one or more employers involved in work at a place of employment shall ensure, as far as is reasonably practicable to so do, that each employer complies with this Act and the regulations in respect of that place of employment.

EVERY CONTRACTOR AND SUB-CONTRACTOR SHALL

- (a) comply with this Act, the regulations and any order made in accordance with this Act or the regulations; and
- (b) for every project site for which he is responsible take every reasonable precaution to ensure the health and safety of any person having access to such project site.

EVERY CONTRACTING EMPLOYER SHALL

comply with this Act, the regulations and any order made in accordance with this Act or the regulations.

EVERY OWNER OF A PLACE OF EMPLOYMENT OR PART THEREOF SHALL

- (a) comply with this Act, the regulations and any order made in accordance with this Act or the regulations; and
- (b) take every reasonable precaution to ensure the health and safety of any person having access to that place of employment or part thereof.

EVERY EMPLOYEE SHALL

- (a) comply with this Act, the regulations and any order made in accordance with this Act or the regulations;
- (b) conduct himself to ensure his own health and safety and that of other persons at, in or near his place of employment;
- (c) report to the employer the existence of any hazard of which he is aware;
- (d) wear or use such protective equipment as is required by regulation;
- (e) consult and co-operate with the committee where one has been established or with the health and safety representative where one has been elected; and
- (f) co-operate with any person responsible for the enforcement of this Act and the regulations.

For more information, contact:
WorkSafeNB
WorkSafe Services
1 Portland Street, PO Box 160
Saint John, NB E2L 3X9
Toll free 1 800 222-9775
Web www.worksafenb.ca