

Occupational Health and Safety

and how it applies to you and your workplace



Workplaces

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

New Brunswick's *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.

When any person doesn't follow the rules under the Act, WorkSafeNB can intervene.

Understanding rights and responsibilities

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.

Employee is a person in a workplace whose work is directed, whether they are unpaid such as a volunteer or an on-the job learner, or they are a paid worker.

Employer is a person who provides direction to any employee such as a supervisor, manager or owner.

Your rights

No matter what your job responsibilities are, as an employee – you have the following three fundamental rights:

- **Right to know**
You have a right to receive the training needed to do the job safely. All employees – new, transferred or experienced – should be aware of:
 - Workplace hazards
 - Safe work procedures
 - Emergency procedures
 - If at any time you are unsure about a job task or are concerned about your safety or the safety of others, talk to your supervisor about receiving additional on-the-job training.
 - **Right to participate**
You have a right to participate in solving health and safety problems and in identifying and controlling workplace hazards. In workplaces with 20 or more employees, joint health and safety committees (JHSCs) are formed to address health and safety concerns. Find out who your workplace JHSC representatives are and talk to them about questions or concerns related to workplace health or safety.
 - **Right to refuse dangerous work**
You have a right to refuse work you believe is dangerous to your health or safety, or to that of others. If you are unsure about your safety at work, take the following steps:*

STEP 1: Report the safety concern to the supervisor. If the problem is resolved, return to work. If not, then...
STEP 2: Report the matter to the JHSC, if one exists. If still not resolved, or if there is no JHSC, then . . .
STEP 3: Call WorkSafeNB (1 800 999-9775) and explain the situation.
Return to work only when the situation is no longer dangerous.
- * In all cases, stay at your workplace until your shift ends.

Your responsibilities

As an employee, you must:

- Comply with the Act and regulations
- Conduct yourself safely and do not put yourself or others at risk.
- Report any known hazards to your supervisor
- Wear appropriate personal protective equipment
- Co-operate with the JHSC or safety representative
- Report any incident that resulted or could have resulted in injury to your supervisor

Your employer must:

- Take every reasonable precaution to ensure employee health and safety
- Comply with the Act and regulations
- Ensure that employees comply with the Act and regulations
- Maintain tools and equipment in good working order
- Inspect the workplace at least once a month to identify any health and safety risks
- Advise employees of all workplace hazards
- Provide a health and safety orientation session to all new employees before they begin work
- Provide employees with appropriate health and safety training and supervision
- Provide personal protective equipment (not necessarily pay for it) and ensure it is maintained, accessible and used
- Co-operate with the JHSC and notify it of serious injuries or incidents that must be reported to WorkSafeNB
- Establish a procedure that requires a worker to notify them of an incident before they leave work
- Register with WorkSafeNB if three or more people are employed either part-time or full-time, at any time during the year

What if there's an incident or an injury?

The employer must immediately notify WorkSafeNB (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.
- An injury that includes:
 - Loss of consciousness
 - An amputation
 - A fracture (other than fingers or toes)
 - A burn that requires medical attention beyond first aid treatment
 - Loss of vision in one or both eyes
 - A deep laceration requiring medical attention beyond first aid treatment
 - Admission to a hospital facility as an in-patient
 - Death

* 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.

If an employee who works for an employer registered with WorkSafeNB, is injured on the job and seeks medical attention from a physician, or they can no longer perform their regular work duties, a claim for benefits must be filed within 72 hours.

To learn about your responsibilities under the *Workers' Compensation Act*, please visit the **Workers** or **Employers** section of our website.

Our vision

WorkSafeNB is committed to promoting healthy and safe workplaces for New Brunswick's workers and employers. While our priority is preventing workplace injuries and occupational disease, we provide rehabilitation services and compensation benefits when workplace injuries do occur.

For more information, contact



1 800 999-9775

worksafenb.ca

