

Legal Issues in Sun Safety for Workplaces in Nunavut

This fact sheet provides an overview of legal issues in sun safety for workplaces in Nunavut. This covers jurisdiction-specific occupational health and safety (OHS) legislation for both solar UV radiation and heat stress. The focus is on OHS legislation, workers compensation legislation has not been covered. The purpose of the fact sheet is to provide an overview of the OHS laws as they apply to sun safety at the time of writing (August 2016), the purpose is not to provide legal advice or opinion. This jurisdiction-specific information should be read with our fact sheet on *Legal Issues in Sun Safety for Canadian Workplaces* which provides an introduction to legal issues associated with implementing a sun safety program.

The Nunavut (NU) *Safety Act*, R.S.N.W.T. 1988, c.S-1, has general duties for the employer and workers. There is also a *Mine Health and Safety Act*, S.N.W.T. 1994, c.25, which has general duties for the mine owner, directors and officers, the mine manager, supervisors, contractors, and workers.

The key terms in the NU *Safety Act*:

- joint occupational health and safety committee;
- occupational health and safety representative;
- “employer” includes a person in charge of a workplace;
- safety officer;
- direction;
- worker; and
- work site.

The NU *Safety Act*, R.S.N.W.T. 1988, c.S-1, has general duties for the employer and workers. The regulations, *Occupational Health and Safety Regulations*, NU Reg 039-2015, set out the circumstances whereby the employer must implement an OHS program. The regulations also prescribe when a joint occupational health and safety committee is required. The regulations have requirements for heat stress and drinking water.

Thermal Conditions

74. (3) If it is not reasonably possible to control thermal conditions or if work is being performed outdoors, an employer shall provide and maintain measures for (a) the effective protection of the health and safety of workers; and (b) the reasonable thermal comfort of workers.

(4) If a worker is required or permitted to work in thermal conditions that are different from those associated with the worker’s normal duties, an employer shall provide and require the worker to use suitable clothing or other personal protective equipment necessary to protect the health and safety of the worker.

Drinking Water

80. (1) An employer shall provide, at suitable points that are readily accessible to workers, an adequate supply of clean and safe drinking water.
- (2) If the supply of drinking water at a work site is not piped, an employer shall
- provide drinking water in suitable covered containers;
 - protect the drinking water from contamination; and
 - change the drinking water as often as necessary to ensure that it is clean and safe to drink.
- (3) An employer shall provide an adequate supply of clean cups near each supply of drinking water unless the drinking water is supplied in an upward jet.
- (4) If it is necessary to identify a supply of drinking water, an employer shall clearly indicate the supply of drinking water with a sign that says "Drinking Water" or by another visual means.
- (5) If there is a supply of water at a work site that is unfit for drinking, an employer shall clearly indicate the supply of water with a permanently fixed, durable sign that says "Unfit for Drinking" or by another visual means.

The key terms in the *NU Mine Health and Safety Act*:

- employer and worker (worker means an employee other than the mine manager or supervisor);
- mine;
- inspector;
- supervisor; and
- worksite.

The *NU Mine Health and Safety Act*, S.N.W.T. 1994,c.25, has general duties for the mine owner, directors and officers, the mine manager, supervisors, contractors, and workers.

Where there are 15 or more workers at a mine an OHS committee will be established. A committee shall identify conditions or practices that may be hazardous to employees or other persons and make recommendations to the manager and the employees in respect of occupational health and safety.

An employee may refuse to work if he or she has reasonable cause to believe that to do so could endanger the health or safety of any person.

The *NU Mine Health and Safety Regulations*, NWT Reg 125-95, have provisions regarding thermal stress and drinking water.

Thermal Environment

- 9.57. (1) Where it is not reasonably practicable to control thermal conditions and the thermal conditions, together with the nature of the work, can cause

distress or illness to a person, the manager shall institute a program to

- (a) inform employees to the possible adverse effects of their working environment;
- (b) train employees how to recognize symptoms of heat or cold stress and what emergency treatment should be applied; and
- (c) monitor thermal conditions to identify when employees could be adversely affected by heat or cold stress and if protective measures are required to adequately protect employees.

(2) The Committee shall be advised of the measures taken and may review and comment on them.

9.60. Where acclimatized employees may be exposed to heat stress, the permissible heat exposure limits are those shown in the 1994-1995 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices published by the American Conference of Governmental Industrial Hygienists.

9.61. Where special clothing is required for particular work, the manager shall ensure that due allowance is made for the insulation value of the clothing and the time limits are modified accordingly to meet the limits set out in the 1994-1995 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices published by the American Conference of Governmental Industrial Hygienists.

9.62. When persons are exposed to conditions of heat stress shown in the 1994-1995 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices published by the American Conference of Governmental Industrial Hygienists, potable water to drink shall be made available, kept cool and kept at or near the worksite.

Drinking Water

9.63. The manager shall provide a source of potable drinking water complying with the drinking water standards of the Department of Health and Social Services in locations that

- (a) are reasonably accessible to employees;
- (b) are kept clean and in a sanitary condition; and
- (c) are designed to permit the water to be dispensed and drunk in a sanitary manner.