

## Legal Issues in Sun Safety for Workplaces in Prince Edward Island

This fact sheet provides an overview of legal issues in sun safety for workplaces in Prince Edward Island. 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 Prince Edward Island *Occupational Health and Safety Act* (PE OHSA), RSPEI 1988, c O-1.01, has general duties for the employer and workers, among others. The primary regulation, the *General Regulations*, PEI Reg EC180/87, has some requirements for drinking water and thermal stress.

Key terms under the PE OHSA:

- “employer” includes a person engaging a contractor;
- worker;
- joint health and safety committee;
- constructor and contractor;
- OHS officer;
- OHS representative;
- order;
- policy and program; and
- workplace.

There are general duties in the PE OHSA for employers, workers, self-employed persons, contractors, constructors and owners. The phrase used is “that every reasonable precaution is taken”. There also broad duties to provide instruction and training for hazards in section 12.

Where 20 or more workers are regularly employed, the employer must establish an OHS program. The content is set out in section 23. An OHS policy is required where there are 5 or more workers.

A joint health and safety committee is required where there are 20 or more workers. The committee has broad advisory duties. Where there are 5 or more workers a health and safety representative is required. Duties are similar to those of the committee. Recommendations by the committee or representative must be responded to.

Under section 28 a worker may refuse to do an act that is likely to endanger. Workers are protected against “discriminatory action” if they engage in a work refusal. Extreme effects of sun exposure may be reportable under section 36.

In the primary regulation under the PE OHSA there are specific requirements for the provision of drinking water (s.3.1).

#### Extremes of Temperature

42.1 Permissible heat and cold exposure shall conform to Threshold Limit Values (TLVs) as laid down by the American Conference of Governmental Industrial Hygienists (ACGIH).

The regulation requires protection where the face or eyes are subject to injury (s.45.7).

The regulation does contain requirements regarding infra-red radiation but the wording suggests that the sun is not contemplated as a source:

#### Non-ionizing Radiation

10.2 (1) The employer shall ensure that all sources of intense infra-red radiation are shielded as near the source as possible by heat absorbing screens, water screens, or other suitable devices.

(2) The employer shall ensure that employees are provided with and all employees shall wear properly fitting goggles, face shields, or other adequate eye protection when entering an area where they may be subjected to heat rays liable to injure or irritate the eyes.

10.3 The employer shall ensure that employees are protected from dangerous emissions of ultra-violet radiation by remaining at a safe distance from the source or by the employer

- (a) placing protective cabinets or screens around the sources of emission; or
- (b) placing a screen of ultra-violet absorbing glass or other material between the employees and the source of radiation.