

Legal Issues in Sun Safety for Workplaces in Saskatchewan

This fact sheet provides an overview of legal issues in sun safety for workplaces in Saskatchewan. 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 *Saskatchewan (SK) Employment Act*, SS 2013, c S-15.1, Part 3, contains general duties for the employer, supervisors, workers, contractors, owners, and self-employed persons. The *Occupational Health and Safety Regulations*, 1996, RRS c O-1.1 Reg 1, contain requirements for drinking water, skin protection, and thermal stress.

Key terms in the *SK Employment Act*:

- supervisor;
- worker;
- train;
- contractor;
- prime contractor;
- worksite;
- place of employment;
- “practicable” means possible given current knowledge, technology and invention;
- “reasonably practicable” means practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty;
- occupational health officer;
- occupational health committee; and
- occupational health and safety representative.

The *SK Employment Act*, SS Chapter S-15.1, Part 3, contains general duties for the employer, supervisors, workers, contractors, owners, and self-employed persons. There is a broad duty on the employer to train workers. As well, there is a broad duty to make OHS information available to the committee or representative.

At every place of employment where 10 or more workers of one employer work, the employer shall establish an occupational health committee. Subject to the regulations at each prescribed place of employment where fewer than 10 workers of one employer work, the employer shall designate a person as the occupational health and safety representative for those workers. The duties of an occupational health committee include participating in the identification and

control of health and safety hazards in or at the place of employment and establishing, promoting and recommending the means of delivery of occupational health and safety programs for the education and information of workers. The representatives have similar duties.

A worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at the place of employment. No employer shall take discriminatory action against a worker because the worker, among other things, acts or has acted in compliance with the Act or regulations.

The Minister may designate a place of employment as one in which an occupational health and safety service must be established. There is a requirement for a written OHS program which must be established and designed in consultation with the committee or the representative.

The *Occupational Health and Safety Regulations*, 1996, Chapter O-1.1 Reg 1 contain requirements for drinking water, skin protection, and thermal stress.

Drinking water

76(1) An employer, contractor or owner shall provide, at suitable points that are readily accessible to all workers, an adequate supply of clean and safe drinking water.

(2) Where the supply of drinking water at a place of employment is not piped, an employer, contractor or owner shall:

- (a) provide drinking water in suitable covered containers;
- (b) protect the drinking water from contamination; and
- (c) change the drinking water as often as is necessary to ensure that the water is clean and safe to drink.

(3) Except where drinking water is supplied in an upward jet, an employer, contractor or owner shall provide an adequate supply of disposable cups near each supply of drinking water.

(4) Where it is necessary to identify the supply of drinking water, an employer, contractor or owner shall clearly indicate the supply of drinking water with a sign that says "Drinking Water" or by another visual means.

(5) Where there is a supply of water at a place of employment that is unfit for drinking, an employer, contractor or owner shall clearly indicate the supply of water with a permanently fixed, durable sign that says "Unfit for Drinking" or by another visual means.

Eye and face protectors

93(1) Where there is a risk of irritation or injury to the face or eyes of a worker from ... ultraviolet, ... or infrared radiation, an employer or contractor shall

provide industrial eye or face protectors and require the worker to use them.

(2) Where an industrial eye or face protector is required by these regulations to be provided or used, the industrial eye or face protector must be approved.

Skin protection

94(1) Where there is a risk of injury to the skin of a worker from ... radiation, an employer or contractor shall provide, and require the worker to use, approved protective clothing or covers or any other safeguard that provides equivalent protection for the worker.

Thermal conditions

70(3) Where it is not reasonably practicable to control thermal conditions or where work is being performed outdoors, an employer, contractor or owner 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) Measures for the purposes set out in subsection (3) may include, but are not limited to, the following:

(a) frequent monitoring of thermal conditions;

(b) the provision of special or temporary equipment, including screens, shelters and temporary heating or cooling equipment;

(c) the provision of suitable clothing or personal protective equipment;

(d) the provision of hot or cold drinks;

(e) the use of acclimatization or other physiological procedures;

(f) the use of limited work schedules with rest and recovery periods, changes in workloads, changes in hours or other arrangements for work;

(g) frequent observation of workers by a person who is trained to recognize the symptoms of physiological stress resulting from extreme temperatures;

(h) the provision of emergency supplies for use when travelling under extremely cold or inclement weather conditions.

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

Eating areas

75(1) An employer, contractor or owner shall provide sufficient, suitable areas that are kept clean, dry, thermally comfortable and reasonably quiet for workers to eat and drink during work breaks.

TABLE 1

[Subclause 2(1)(g)(i), subsection 54(2)]

Minimum Requirements for Class A Qualification

A First aid training course:

I Course duration: 14-16 hours

II Course Content:

... Problems of heat and cold

Visit sunsafetyatwork.ca for more information. This fact sheet was correct as of August 2016. Production of this resource has been made possible through financial support from Health Canada through the Canadian Partnership Against Cancer.