

## Legal Issues in Sun Safety for Workplaces in the Yukon

This fact sheet provides an overview of legal issues in sun safety for workplaces in the Yukon. 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 Yukon *Occupational Health and Safety Act* (YK OHSA), RSY 2002, c.159, contains general duties for employers, constructors, owners, self-employed persons, supervisors, and workers. The employer also has broad duties regarding appropriate work techniques and procedures, training of workers and ensuring the awareness of hazards by workers. *Occupational Health and Safety Regulations*, YOIC 2006/178, define administrative and engineering controls, and have some relevant provisions regarding personal protective equipment. A second set of relevant regulations, the *Occupational Health Regulations*, O.I.C. 1986/164, has detailed requirements for heat stress.

The key terms in the YK OHSA:

- constructor;
- joint health and safety committee;
- health and safety representative;
- occupational illness;
- safety officer;
- supervisor; and
- worker.

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Where there are 20 or more workers a joint health and safety committee is required. Among other functions, each committee shall identify situations that may be a source of danger or hazard to workers; develop and promote programs, measures, and procedures for the protection of health and safety and for the education and training of workers represented by the committee and make recommendations to the constructor or employer and to the workers for the improvement of the health and safety of workers.

At prescribed workplaces with 20 or more workers an OHS program is required.

A worker may refuse to work or do particular work if the worker has reason to believe that there is an undue hazard.

The *Occupational Health and Safety Regulations*, YOIC 2006/178, define key terms such as:

- “administrative controls” means the provision, use and scheduling of work activities and resources in the workplace, including planning, organizing, staffing and coordinating, for the purpose of controlling risk;
- “engineering controls” means the physical arrangement, design or alteration of workstations, equipment, materials, production facilities or other aspects of the physical work environment, for the purpose of controlling risk; and
- “hazard” means a thing or condition that may expose a person to a risk of injury or occupational disease.

The regulations also set out the “hierarchy of controls”:

s. 1.04 All reasonable precautions shall be taken, and measures implemented, to prevent occupational injuries and diseases to workers by

- (a) eliminating hazards where possible,
- (b) controlling hazards through engineering and administrative procedures,
- (c) developing safe work procedures, and
- (d) providing the information, training and personal protective equipment where it is not possible to eliminate or control the hazards.

s. 1.08 All workers shall provide and wear clothing to protect themselves against the natural elements ...

S. 1.10 Appropriate personal protective equipment shall be readily available to workers, with appropriate training provided, and properly used, cleaned, inspected, maintained and stored.

1.14 Appropriate skin, hand, foot or body protection shall be provided if a worker may be exposed to a substance or a condition that may puncture, abrade, burn, corrode, electrically shock or otherwise adversely affect the skin or be absorbed through it.

1.22 A worker shall be required to wear properly fitting safety eyewear, goggles, face shields, side shields, glasses or other such protective items provided by the employer and appropriate to the workplace conditions where the worker ...

(c) is exposed to excessive light, heat rays, electric arcs or similar hazards,

1.71(2) All workers shall be provided with a sufficient quantity of safe fresh drinking water with sanitary appliances for drinking.

The second set of relevant regulations, the *Occupational Health Regulations*, O.I.C. 1986/164, has detailed requirements for heat stress.

- 9(3) Where it is not reasonably practicable to control thermal conditions pursuant to subsection (1) or where the work is being performed outdoors, the employer shall provide effective protection for the health and safety and reasonable thermal comfort of workers; such protection may include:
- (a) frequent monitoring of thermal conditions;
  - (b) special or temporary equipment such as screens, shelters and temporary heating or cooling equipment;
  - (c) special clothing or personal protective protection equipment;
  - (d) hot or cold drinks, acclimatization or other physiological procedures;
  - (e) limited work schedules with rest and recovery periods, changes in workloads, changes in hours or other arrangements for work;
  - (f) any other appropriate measure.

#### HEAT STRESS

12.(1) Where hot environment work conditions may cause heat disorders in workers employed in such conditions, the employer shall determine and record the thermal index using:

- (a) Wet Bulb Globe Temperature (WBGT) according to the formulae:

INDOOR OR OUTDOOR WITHOUT SOLAR LOAD:

$$\text{WBGT} = 0.7\text{WB} + 0.3\text{GT}$$

OUTDOOR WITH SOLAR LOAD:

$$\text{WBGT} = 0.7\text{WB} + 0.2\text{GT} + 0.1\text{.DB}$$

WHERE:

WB = natural wet-bulb temperature

DB = dry-bulb temperature

GT = globe thermometer temperature, or

(b) Wet Globe Temperature (WGT).

(2) Workers shall not be permitted to work continuously when the thermal index, as measured in clause (1), exceeds the following limits:

Work Activity	Thermal index averaged over a 2 hour period			
	Low Air Velocity (less than 300 rpm or 91 m/min)		High Air Velocity (above 300 rpm or 91 m/min)	
	WBGT	WGT	WBGT	WGT
Light Work	30°C(86°F)	26°C(79°F)	32°C(90°F)	28°C(82°F)
Sitting at ease: light hand 30 °C (86 °F) 26 °C (79 °F) 32 °C (90 °F) 28 °C (82 °F) work (writing, typing, drafting, bookkeeping); hand and arm (small bench tools, assembly, sorting) arm and leg work (operating foot switch or pedal, driving a car). Standing: drill press for small parts; milling machine for small parts; light power tools; casual walking.				
Moderate Work	28°C(82°F)	24°C(75°F)	31°C(87°F)	27°C(81°F)
Hand and arm work (nailing, filing); arm and leg work (tractors, construction equipment); air hammer; heavy assembly; picking fruits and vegetables.				
Heavy Work	26°C(79°F)	22°C(72°F)	29°C(84°F)	25°C(77°F)
Shovelling, sledge hammer work; sawing, planing; digging; axe work; pushing or pulling heavy loads; concrete block laying.				

- (3) Where the thermal index exceeds the levels in clause (2), the employer shall
- (a) implement engineering methods to reduce thermal index or isolate the worker from the source of heat, or
  - (b) implement work-rest regimes so that the thermal index averaged over the hottest 2 hour period is below that listed in clause (2),
  - (c) ensure that the worker is wearing appropriate protective clothing, or

(d) implement a combination of (a), (b) and (c).

(4) Where workers are exposed to hot work conditions, the employer shall:

(a) instruct the workers in the recognition of symptoms of heat disorders including heat exhaustion, dehydration, heat cramps, prickly-heat, and heat stroke, and

(b) provide an adequate supply of potable water and salt supplement or a 0.1-0.2% saline drinking solution.