

**Incorporating  
Responsible  
Solutions**  
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## **DAVE DAHR'S HOME SENSE ON WORKPLACE SAFETY**

In understanding what I am going to share with you on workplace safety I have to start at the beginning when the homeowner was included under the Occupational Health and Safety Act. The reason for this is to help Homeowners who are unaware of what the Occupational Health and Safety Act means to them.

In the mid 1990's after a workplace tragedy in Nova Scotia ( Westray Mine Disaster ) the provincial governments in Canada revised their Occupational Health and Safety Acts and Regulations which included the homeowner. The reason the general population has not been informed of this is because policy dictates how the legislation is enforced.

The main focus is placed on who has the authority and control of the work site, traditionally it was the employer and the employee. In commercial construction this would be true but in residential construction the circumstances has changed. This also put the homeowner at a disadvantage on what they have a right to know and how this has impacted them.

Some years following the revisions of the acts a workplace accident now could be a criminal offence under the criminal code known as Bill c 45. The teeth of this law is when a culpable act has been committed against the worker. In other words if you deliberately deprive a worker of the proper safety controls, the necessary time to put them in place and you profited from it, you could be found guilty of the crime. What makes this bill toothless is that a worker has to become injured before it kicks in.

The Occupational Health and Safety Act is based on what is termed the Internal Responsibility System. What this means is that the Department of Labour and Workforce Development Safety Officers are not responsible for the safety of the workers on your project. They are there to enforce the legislation and policies of this Act of the provincial governments.

The foundation of the Act is based on the principal that employers, contractors, constructors, employees and self employed at the workplace and the owner of the workplace ( Homeowner ) along with others such as suppliers of goods share the responsibility for the health and safety of persons at the workplace. This is where applying Due-Diligence is important.

Due-Diligence means that you understand your responsibilities and exercise them in a careful and conscientious manner. When applying Due-Diligence the Homeowner has the ability to maintain control over their project. Having a contract in writing is crucial but what is written in that contract is even more important. As a Homeowner when you hire someone to work on your property you also delegate your safety responsibilities to that competent person. Having your safety concerns outlined in your contract keeps you in control. You can delegate your responsibilities but you can never be removed from them.

The duties and responsibilities of a Homeowner can be found in section 19 page 1 of the Occupational Health and Safety Act. Every owner shall take every precaution to provide and maintain the owners land and premises being or to be used as a workplace. Insure the health and safety of persons at or near the workplace. Share with the employer what is known by you and necessary to identify eliminate or control hazards to health and safety of persons at the workplace. The person you decide to hire should also share with you the hazards they are going to bring to your workplace and how they intend to control them.

In identifying hazards on your property is not as difficult as it may sound. For example, you may have a dog that is protective of your family and property. By sharing that with the person you hire you have identified a hazard and have prevented the possibility of the person you hired from getting bitten. The safety control you have in place could be a sign that says beware of dog. Another example is that your walkways may be slippery so you advise the person you hire to use caution.

The person you hire should have knowledge of the hazards that pertains to the task they are going to carry out. They should also have knowledge of safe work practices and how to control the hazards. By having the competent person identify the hazards that are part of the task will eliminate or reduce the risk of someone becoming injured at your workplace. By having the person you hire identify what method of controls they are going to use provides you with peace of mind.

Most contracts do not include this so ask for it as an attachment. Some tasks may require a combination of safety controls.

Construction is inherently a dangerous business. For this reason the competent person you hire delegates day to day safety responsibilities for implementation.

As the work moves forward new hazards present themselves and must be identified then controlled. Unlike other types of workplaces a wide variety of controls is necessary as well as a wide range of safety training. For example if your workplace is an office environment your employer is only required to have an office safety inspection list that might be carried out once a month. The only safety training the employees would require would be first aid and WHIMS .

Both the construction worker and the employer require many types of workplace safety training. This is the first line of defense in controlling and reducing workplace injuries. To help you identify what types of safety training that would be required for those that work on your project contact the Nova Scotia Construction Safety Association at 1-800-971-3888. The second line of defense in controlling a hazard is called PPE ( personel protective equipment ) . This would include a hardhat, safety boots, gloves and safety glasses to mention a few. When working at heights the controls are prevention equipment first arresting the fall is second.

As a homeowner you are now aware of your duties and responsibilities. There is however another area of concern that you as a homeowner may be unaware of. This area of concern is that you the homeowner can very easily become that constructor or contractor. When you hire that independent contractor or handy person you have taken on that role. With that role comes additional responsibilities beyond the homeowner.

The duties and responsibilities for these roles are very similar. The Occupational Health and Safety Act in section 3 page 2 under the definition of a contractor means a person who contracts for work to be performed at the premises of the person contracting to have the work performed. Their precautions and duties can be found in section 14 page 1 . Some of them are to ensure the health and safety of persons at or near the workplace. Communications necessary to the health and safety of persons. Everyone at the workplace complies with the Act and regulations. Homeowners have been successfully charged under this role.

As a homeowner you have the ability to make a difference in reducing workplace accidents. You are a major stakeholder in residential construction. More often than not you have been the constructor or contractor and economics is the reason why.

I am going to share with you now what you need to know about taking on these roles. A constructor or contractor maintains control over their project from start to finish. This does not only include the enforcement's of safe work practices it also includes the coordination of the work. For the purpose I am only going to focus on the safety aspects and what they entail.

The first thing a contractor must do is to protect themselves from the unforeseeable. This is done by understanding how liability insurance works. Incorporating is a method of protection against personal loss but in reality you are a homeowner. Liability insurance protects you from loss or damage to property. WCB coverage protects you from successfully being sued for a workplace injury by the injured person.

When you are a contractor it is your responsibility to determine what safety controls are reasonable and practical. Implement them and when necessary enforce them. Hold regular tool box meetings. This helps both the worker and the contractor by identifying the hazards as well as their safety concerns. This also gives the worker real exposure to the Occupational Health and Safety Act as it pertains to their task.

When working at heights over ten feet preventing the fall from occurring would be your first option. This is achieved with railings, platforms, ( scaffolding ), temporary flooring ( covering openings that a person could fall through ) and a roof ledge ( roof jacks at the edge of the roof ).

When these methods are not reasonable or practical your last option is to arrest the fall. There are two ways to arrest a fall ( catch you in the fall ). The fall arrest harness is the most popular. The anchor point the safety rope connects to must withstand four thousand pounds. Placing a safety net under the workers is the second way to arrest a fall.

When a worker is hanging in a harness for a long period of time it could kill the worker. Having the worker trained in fall arrest rescue and a rescue is a must.

When a contractor decides what method of controls are reasonable and practical applying due-diligence is critical. Your decisions will have a direct impact on those who will carry out the task. A variety of innovative products for residential construction have helped reduce the risk and control the hazard. Falls from heights is one of those high risk areas. Some of these products are termed bracket scaffolding.

Bracket scaffolding is two or more brackets connected together by railings, platforms, ledges or any combination. This type of equipment must have written instructions. It must also be rated ( tested ) and certified by engineers not C.S.A..

As a contractor when using these methods of controls you need to know these things. There must be three rails in the railing system ( upper, lower and intermediate ). The platforms or ledge must be rough lumber not dressed. There is also engineered and designed platforms.

There are also a variety of anchor points designed for residential construction. Some attach to the ridge of the roof. Other types can be built into the roof as a permanent anchor point. Bracket scaffolding should never be used as an anchor point.

Knowing what products are safe is critical. How to inspect and install them is even more important. Written instructions of these types of products must be kept at the workplace. This will ensure that the workers know how to install it properly. It also allows a government safety officer the same upon an inspection. Bracket scaffolding is one method of providing fall protection.

Another type of scaffolding is X brace or pipe frame. Every section must have two X Braces. The end frames must be level and plumb to one another. This is achieved with adjustable screw legs that slide into the bottom of the end frame legs. Platforms are designed specifically for this type of scaffolding. Two by ten rough planks side by side (2) can also be used. They must also be cleted together ( a board nailed across the middle of the span of the two planks tying them together ).

Pumpjacks are used mostly for installing siding to the exterior of a house. This particular type of scaffolding will actually move when you walk on it. The movement can be from side to side or in and out. The engineered platform has a rail six inches higher than the deck. The working table acts as a top rail. A mid rail or net must also be added. Gates are also required on both ends.

There is another important piece of equipment that when misunderstood can and does cause serious injuries. Ladders, there are a variety of ladders used to do work at heights. Some of them are straight ladders, extension ladders, step ladders, and combination ladders ( ladders that can convert from a stepladder to an extension ladder.

Here are a few steps that must be followed to ensure your safety. The base of the ladder must be on a solid surface. The resting place of the ladder should also be solid and strong enough to support the individual. A straight ladder must have three rungs above the ridge that it rest upon. For every four feet of ladder ( four rungs ) the base of the ladder needs to be one foot away from the wall or its resting point.

Never stand on the top of a step ladder. Ensure that both braces are locked. Inspect your ladder before every use. Never use a ladder on a scaffold platform ( deck ). Never use a ladder to travel up or down a pitched roof unless it's a fireman's ladder. Maintain three point contact when on a ladder (one hand two feet ). Only one person on a ladder at a time.

A construction zone is always a hazard area. When poor house keeping is present it compounds the hazard. This will increase the possibility of a workplace injury. There should be a designated area for construction debris. Work stations must be kept clear of scrap materials. All construction debris should be removed from the work area at the end of each work day.

When that unforeseeable occurs and an accident has taken place know this. Under section 64 page 1 Disturbance of Accident Scene of the Occupational Health and Safety Act you shall: Attend to the injured or killed person and call 911. Prevent further injuries by getting all the workers in the immediate area out of danger. Protect property that is endangered as a result of the accident. Secure the area were the injury took place.

Section 65 page 1 Duties to Disclose Accident Information of the Occupational Health and Safety Act. Every person at the accident scene must provide information when requested. After you have completed these things take pictures of the area were the work place injury occurred. 911 will notify the appropriate people be they: Police, Ambulance, Fire Department and the Department of Labour and Workforce Development.

One definition I have yet to share with you is or could be considered a homeowner. The Occupational Health and Safety Act References-section 3 page 4 (v) " Owner" includes a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of lands or premises used as a workplace and a person who acts for, or on behalf of, an owner as a agent or delegate. This also includes Cities and Towns.