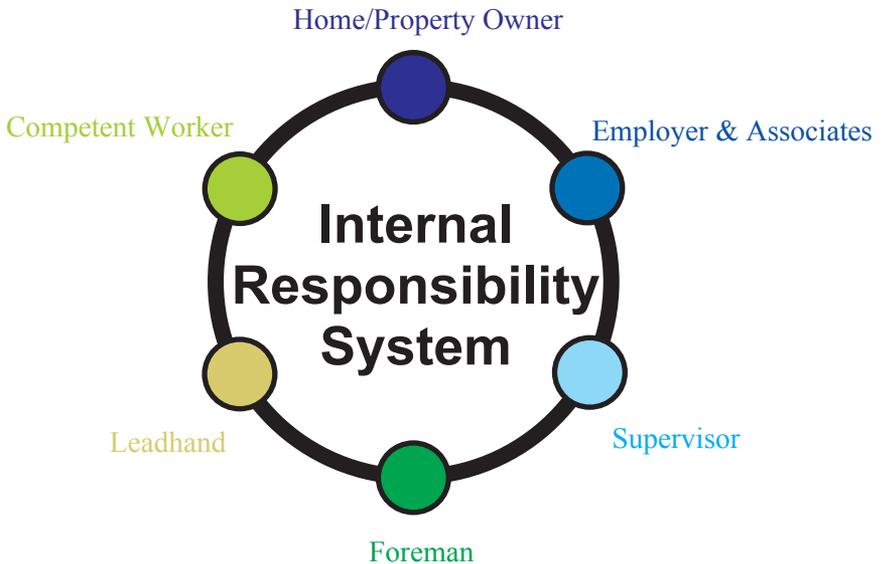


# PROTECTION IN A HANDBOOK!

## A HOMEOWNER'S REFERENCE GUIDE



***Circle of Workplace Safety***

**AS STRONG AS THE WEAKEST LINK**

Although all sources have been thoroughly researched to ensure the accuracy and completeness of the information contained in this book, we assume no responsibility for errors, inaccuracies, omissions, or any inconsistencies herein. Any slight to people or organizations are unintentional. Any perceived reference to actual persons, living or dead, is purely coincidental.

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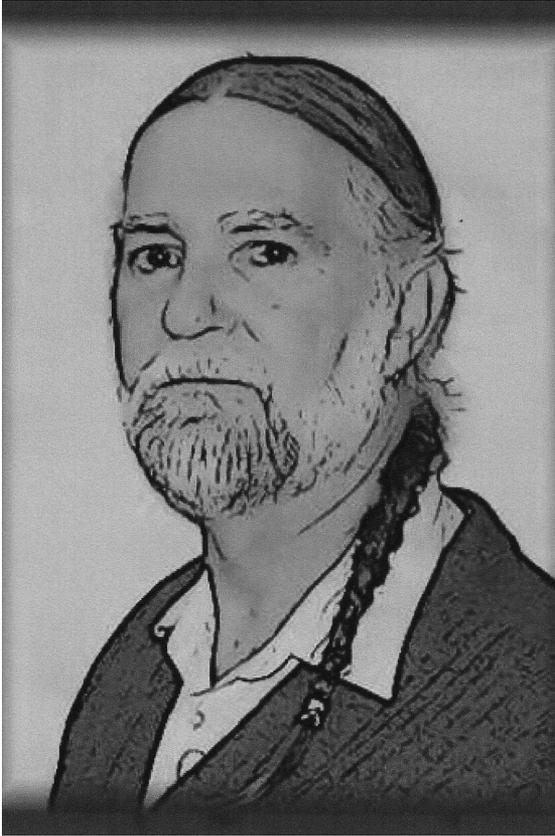
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**IF YOU COULD SAVE A LIFE WOULD YOU?**

## **Preface to the Revised Edition 2009**

This handbook and the information in it was written for homeowners to assist them in understanding who the major players are in the construction industry, as well as for employers and employees who work in the industry itself. It is meant to assist everyone in, or related to, commercial or residential construction to have a better appreciation of their responsibilities in occupational health and safety. It explains how these factors impact on the construction process itself and on the process of hiring someone to work on a homeowner's property.

While staff and officials of the Workers' Compensation Board, the Department of Labour and Workforce Development, and the government of Nova Scotia were very helpful and wished me every success with this project, they also asked me to make it clear that none of these agencies was directly involved with the original publication, nor in the design of the cover, and do not directly endorse this handbook. Unfortunately, none of the above agencies has a mandate to deliver this information to the homeowner or the public in this fashion.

So why continue to pursue this issue? It is my belief that both the homeowner and the individual construction worker (employee) are more important than the groups and organizations that I have termed as "external influences" throughout this publication.

*Protection in a Handbook! is an interesting and informative discussion of internal responsibility in the workplace (IRS). This booklet, as an educational tool, is currently not within the mandate of the Occupational Health and Safety Division.*

*Jim LeBlanc, Director  
Occupational Health and Safety Division (N.S.)  
February 28, 2003*

Each homeowner and construction worker has the right to know who all the players are in workplace safety and how these players, individually and collectively, affect them personally. Assuming that you know what you need to know does not compare to having real knowledge of prevention or loss associated with workplace safety.

Upon completion of the first draft edition of *Protection, in a Handbook!*, copies were presented to the prevention and consulting department of the Workers' Compensation Board (WCB), the director of the Department of Labour and Workforce Development (DLWD), and the Minister of Labour of the Government of Nova Scotia for their review. This updated edition was vetted in a similar fashion.

Respondents were asked to give their input on the accuracy of the information in the book, as human lives depend upon the quality of safety-related information. Their responses were sincere and their comments and concerns have been taken into consideration in the re-drafting of this edition. I would like to thank each of them for their forthright input.

It likely was difficult for them, as it was not in their mandate to produce guidelines or documents for the public and, to my knowledge, still is not. Conversely, since none of these agencies was directly involved in the development or delivery of the information contained within this publication, it has not been censored by anyone. This handbook is “pro” workplace safety not “con” (controversial).

Several provinces and territories have a Workplace Health, Safety and Compensation Commission. These provinces and territories have amalgamated the Department of Environment and Labour and the WCB into a single department. When that was accomplished, they adopted new mandates as well as laws and policies that had applied previously. Environmental issues were separated and are now included within the mandates of the Department of Environment, as well as within local governments. Although the department names have changed, the laws of Canada have not and the outcomes are essentially the same in other jurisdictions in Canada. Therefore, the majority of the information in this publication is relevant to the entire country, not just in Nova Scotia where it was written.

## **Thank You**

A very special thanks to my mother and stepfather for believing in the importance of what I am doing on behalf of workers and their safety. They have always given me moral

and financial support, even when they didn't fully understand.

I am also indebted to those who shared their expertise and advice and those who helped me define the issues and questions, as well as to those who gave their assistance to find the answers that ultimately led to the completion of this book. Many of them are listed below.

- Nova Scotia Department of Labour and Workforce Development safety officers
- The Nova Scotia Construction Safety Association and its providers
- Nova Scotia Workers' Compensation Board staff
- Nova Scotia Injured Workers Association
- Worker representatives (for safety)
- Construction safety supervisors
- Insurance brokers and claims adjusters
- Nova Scotia Mainland Building Trades
- Century 21 Classic Realty
- Nova Scotia Roofing Association
- Local contractors (both union and non-union)
- Nova Scotia Safety Council
- New World Publishing

## **David Dahr: A brief biography and the beginning of his journey**

It has taken David Dahr many years to know what he now knows to be able to write this book—and he is still learning. He has been a carpenter for thirty years and obtained his knowledge by actually performing the work on the job.

Over the years, David has progressed from being a carpenter, to a carpenter's foreman, to a site supervisor. During the past several years, he has been actively involved in workplace safety within the construction industry. He is also the inventor of the *Genesis Safety System*, a fall protection system that has not only been proven to be effective in the construction industry, but has been certified for use in North America by Innova Corporation. Other certifications include Construction Safety Supervisor, Principal of Loss Control Audit Provider, Occupational Health and Safety Trainer. He now adds the title of author with this timely publication of *Protection, in a Handbook! A homeowner's guide to workplace safety, responsibility and liability*.

In his early years as a carpenter, quality of workmanship was considered the most important aspect of his job, not safety. After the Westray incident (a Nova Scotia mine workplace tragedy) that all changed. That tragedy prompted the federal government to change the criminal code (See Bill C-45, p. 50) to include workplace responsibility and triggered the government of Nova Scotia to undertake a

complete revision of the *Occupational Health and Safety Act* (OHSA), as well as the regulations under the Act. The Nova Scotia government shared these changes with their counterparts in other provincial jurisdictions within Canada. Each provincial government then began to update their own legislation, which resulted in fairly uniform standards for safety being implemented across the entire country. Today, safety on the job site is as important as the quality of workmanship. They go hand in hand.

It was not until the mid-nineties that David became more aware of the importance of safety in the workplace. However, the extent of his understanding was limited although he was, at that time, employed as a worksite supervisor. Then, a Nova Scotia Department of Labour and Workforce Development safety officer visited his workplace for the first time. The officer informed David that certain procedures had to be followed in order to provide appropriate fall protection for his workers. Although he and his employer were in compliance with the OHSA, David still had a concern for other workers in the construction industry. The difference was that now everyone had to do his or her job within the regulations of OHSA.

After reviewing the *Fall Protection and Scaffolding Regulations*, David found there were some gaps in the regulations that pertained to fall protection, especially with respect to the availability of certified products that met the requirements for residential construction. It was only then

he realized that the construction industry had a more serious problem.

One restless night, unable to sleep, patterns danced in his head. Instead of fighting with those thoughts, he decided to put these patterns on paper. That was a turning point in his life, as he really began to internalize the importance of workplace safety and subsequently started to research the requirements to develop a safer product for fall protection within the construction industry in Canada, indeed, for North America.

The question was, “Who certifies scaffolding in Canada?”

To find the answers to this question, David approached the director of the Nova Scotia Department of Labour and Workforce Development (NSDLWD), the director of the Nova Scotia Construction Safety Association (NSCSA), and the Prevention and Consulting Department of the Workers’ Compensation Board (WCB).

That question and many answers later ultimately led to the development of the *Genesis Safety System* (patent pending) for the construction industry and planted the seeds for the writing of this book for homeowners, who are likely the least informed of all those potentially affected by laws relating to safety and accident prevention.

The information in this book should be well known by all those who work in, or are associated with, the construction industry. However, most homeowners who may well

assume the role of employers or constructors when work is being done on their properties, it is, for the most part, unknown.

## Table of Contents

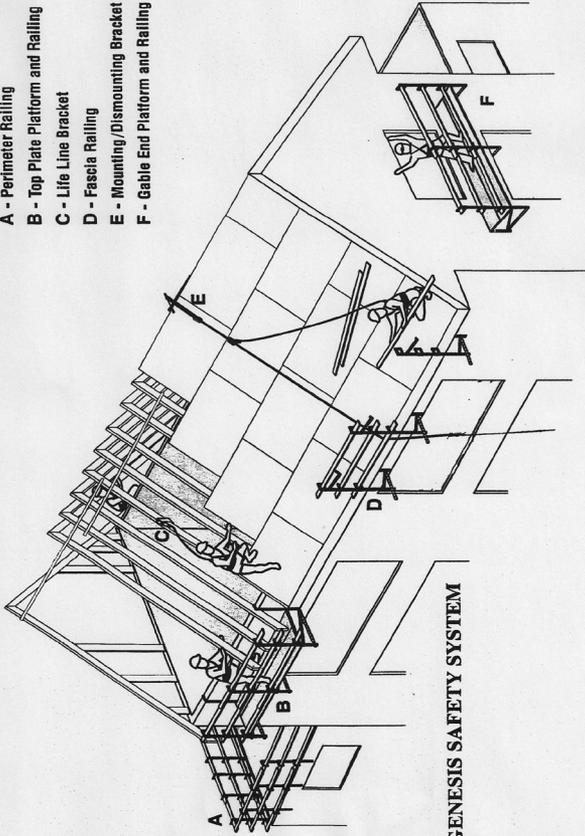
Preface to the Revised Edition .....	ii
Thank You .....	iv
David Dahr: A brief biography and the beginning of his journey .....	vi
Table of Contents .....	x
Introduction.....	1
Definitions.....	1
Common Terms .....	1
<i>Nova Scotia Occupational Health and Safety Act</i>	
Definitions.....	2
The Internal Responsibility System (I.R.S.) .....	4
<i>Fall Protection and Scaffolding Regulations</i> Definition ....	4
I Chose to Look the Other Way .....	5
Manufacturing and Certifying Equipment .....	7
The Internal Responsibility System (I.R.S.) and the External Influences: Causes and Effects.....	8
What does I.R.S. mean to the property owner? .....	9
What does I.R.S. mean to the employer?.....	10
What does I.R.S. mean to the employee? .....	10
I.R.S. and the “external influences”.....	11
Inside or outside the circle? .....	12
Falls in the workplace .....	12
Nova Scotia Construction Safety Association .....	13
Worker's Compensation Board .....	15
Department of Labour and Workforce Development.....	18
The Role of Government .....	20
Liability Insurance .....	22
The Property Owner.....	24
A Brief Review of Concepts Thus Far.....	34

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The Employer.....	37
The Employee.....	43
Conclusion.....	46
Appendix I.....	48
Provinces and Territories Occupational Health and Safety Web Addresses.....	48
Nova Scotia Toll-free Telephone Numbers.....	49
Appendix II.....	49
Construction Safety Associations: Canadian Web Addresses.....	49
Construction Safety Associations: International Web Addresses.....	50
Appendix III.....	50
Statutes: Summary Convictions.....	50
Other Safety Resources.....	51
Reviews.....	51, 52, 53, 54
Injured Workers Tree.....	55

**A SAFE, QUICK ALTERNATIVE TO SCAFFOLDING**

- A - Perimeter Railing**
- B - Top Plate Platform and Railing**
- C - Life Line Bracket**
- D - Fascia Railing**
- E - Mounting/Dismounting Bracket**
- F - Gable End Platform and Railing**



**GENESIS SAFETY SYSTEM**

**SAFETY DOESN'T HAVE TO BE EXPENSIVE**  
The Genesis Safety System pays for itself by helping to safely get more work done - in less time.

This is where my journey in the field of workplace safety began. Understanding workplace safety will always be an ongoing process of education and training that never ends.

## Introduction

In this book, I share my journey in workplace safety with you—a journey that started in the mid-nineties. The principal driving force behind this journey was one of concern for the safety of my co-workers. What I knew then and what I know now is like night and day. This handbook will inform you of things you never knew you never knew, and it is my hope that this publication will help you in the same way the information contained in these pages has helped me to understand the liabilities and responsibilities inherent in workplace safety.

## Definitions

Since the following definitions are used frequently throughout this handbook, it was decided to place them here rather than in an appendix at the end of this publication. You will find it much easier to follow the advice if you are acquainted with these operational definitions.

## Common Terms

**Delegate:** a person sent with authority to represent or act for another or others.

**Due diligence:** understanding your responsibilities and exercising them in a careful and conscientious manner in a

task or duty; not swaying in its application; keeping steady and constant.

**Italics:** a style of type in which the letters slant, often used to denote emphases: *These words are printed in italics.*

**Legislate:** to make a law or laws; to cause to be in a specified state by legislation.

**Legislation:** the act or procedures of enacting laws; an officially enacted law or laws.

**Linked Bracket:** any bracket that consists of more than two brackets connected to one another by means of a ledge, platform, railing or static line.

**Mandate:** In politics, an instruction from an electorate to its representative, often expressed by the result of an election.

**Mandatory:** compulsory

**Manufacture:** to make or process a product with machinery; to fabricate or invent; to produce, make or process something.

## ***Nova Scotia Occupational Health and Safety Act*** **Definitions**

Employee's duty under section 17.2: Where an employee believes that any condition, device, equipment, machine, material or thing or any aspect of the workplace is or may be dangerous to the employee's health or safety or that of any other person at the workplace, the employee shall:

- (a) immediately report it to a supervisor;
- (b) where the matter is not remedied to the employee's satisfaction, report it to the committee or their representative if any; and
- (c) where the matter is not remedied to the employee's satisfaction after the employee reports in accordance with the clauses (a) and (b); report it to the Division [Department of Environment and Labour.] 1996, c.7, s.17

**Constructor:** A person who contracts for work on a project or who undertakes work on a project himself or herself.

**Employee:** A person who is employed to do work, and includes dependent contractor.

**Employer:** A person who employs one or more employees or contracts for the services of one or more employees and includes a constructor, contractor or subcontractor.

**Owner:** Includes a trustee; a receiver; mortgagee in possession; a 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 an agent or delegate.

## **The Internal Responsibility System (I.R.S.)**

2. The foundation of this Act is the Internal Responsibility System which

(a) is based on the principle that:

- (i) employers, contractors, constructors and self-employed persons at a workplace; and
- (ii) the owner of a workplace [property owner] a supplier of goods or provider of an occupational health or safety service to a workplace, or an architect or professional engineer, all of whom can affect the health and safety of persons at the workplace,

share the responsibility for the health and safety of persons at the workplace .

## ***Fall Protection and Scaffolding Regulations*** **Definition**

**Competent person:** ...a person who is (i) qualified because of that person's knowledge, training and experience to do the assigned work in a manner that will ensure the health and safety of persons in the workplace, and (ii) knowledgeable about the provisions of the Act and those regulations that apply to assigned work, and about

potential or actual danger to health or safety associated with the assigned work .

In my journey of understanding workplace safety, a poem I had seen some time ago came back to me. It rang true to my mind and it stuck with me. I hope it helps to raise your awareness of your responsibility for workplace safety, as it did mine.

### **I Chose to Look the Other Way**

I could have saved a life that day,  
But I chose to look the other way.  
It wasn't that I didn't care,  
I had the time, and I was there.  
But I didn't want to seem a fool,  
Or argue over a safety rule.

I knew he'd done the job before.  
If I called it wrong, he might get sore.  
The chances didn't seem that bad,  
I've done the same, he knew I had.  
So I shook my head and walked on by,  
He knew the risk as well as I.  
He took a chance, I closed an eye  
And with that act, I let him die.

I could have saved a life that day,  
But I chose to look the other way.  
Now every time I see his wife,  
I'll know I should have saved his life.

The guilt is something I must bear,  
But it isn't something you need to share.  
If you see a risk that others take,  
That puts their health or life at stake,  
The question asked, or thing you say,  
Could help them live another day.

If you see a risk and walk away,  
Then hope you never have to say,  
I could have saved his life that day,  
But I chose to look the other way.

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Don Plant Training Center  
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## **Manufacturing and Certifying Equipment**

Neither the provincial government, the Nova Scotia Department of Labour and Workforce Development nor the Workers' Compensation Board certifies scaffolding or, indeed, safety products of any kind. However, the Occupational Health and Safety Act and the regulations under the act do have established minimum standards that must be followed.

For example, if someone manufactures linked brackets in Nova Scotia, there is a requirement to have an engineer review the drawings, lay them out in proper formats, and oversee the construction of the prototype. After the prototype is built, it must be tested (rated) by a recognized testing facility such as the Canadian Standards Association. This establishes how the product will be rated and used, such as for light or heavy duty usage. When these tests are completed, instructions must also be written as to how the product is to be used, installed, dismantled, and maintained.

When these requirements are successfully completed, the engineer who oversaw the project certifies that the linked brackets have met the minimum requirements of the Occupational Health and Safety Act and its regulations. Then they approve the product by applying their seal to the drawings. The engineer employed by the testing facility will also certify the linked brackets by including the test results along with the engineer's seal.

When employers (or anyone else) choose to manufacture their own safety equipment instead of purchasing certified products, they must follow the same procedures as already outlined. If these procedures are not followed, workers' lives could be at risk. The employer has assumed the role of a manufacturer and with that comes an added responsibility.

## **The Internal Responsibility System (I.R.S.) and the External Influences: Causes and Effects**

The words "Internal Responsibility System" have little meaning until they are placed in context, i.e., surrounded with what we are calling "the external influences". These external influences include the government of Nova Scotia, the Nova Scotia Department of Labour and Workforce Development, the Workers' Compensation Board, and the Nova Scotia Construction Safety Association.

Government makes laws and enacts legislation and policies. The Department of Labour and Workforce Development enforce the laws pertaining to them and are the instruments of policy for the provincial government.

The *Workers' Compensation Act* prevents employees from successfully having any recourse against employers or homeowners when a workplace injury occurs. In exchange for this limitation, the employee is offered no fault insurance. The Act requires every employer to carry

workers' compensation when they have three or more employees. That is not to say that an employer could not obtain such coverage with just a single employee, but it is a requirement when there are three or more.

The Nova Scotia Construction Safety Association receives a levy from the Workers' Compensation Board (WCB) on behalf of the construction sector. A percentage of the premiums paid by contractors is used to ensure that employers and employees have access to professional training and are up-to-date on safe work practices and procedures. In addition, there are three other sectors of industry that receive a levy through the WCB: the trucking and forestry sectors, and gasoline retailers.

### **What does I.R.S. mean to the property owner?**

Property owners must understand the concept of *due diligence* with respect to the allocation and delegation of responsibility. Owners must share information about any potentially unsafe or hazardous conditions that may exist on their property. Property owners must also recognize and acknowledge safety concerns that may be created in any workplace and delegate the responsibility for proper safety measures to a knowledgeable person. Property owners share that responsibility unless it is specifically delegated to someone else. That being said, even after responsibilities have been delegated, if unsafe work practices are observed, there is an immediate responsibility on the part of the homeowner to stop work, to remove the workers from danger, and to contact the Department of Labour and

Workforce Development to ensure that the workers are in compliance with the law. Otherwise, the property owner could be held liable. Supervision of employees is also a mandatory requirement under the *Occupational Health and Safety Act*. However, employees will only attain a level of compliance with respect to safe work practices that employers are willing to tolerate or accept.

### **What does I.R.S. mean to the employer?**

This system provides the procedures that ensure that work is done safely following existing legislation, safety rules, and policies of the *Occupational Health and Safety Act*.

### **What does I.R.S. mean to the employee?**

Workers have a duty to report any unsafe working conditions to their immediate supervisor. This is the case when there are fewer than five employees. In situations where there are between five and 19 employees, under section 17.2 of the *Occupational Health and Safety Act*, they would report to their safety representative. If there are more than 20 employees, the employee would report to the Joint Occupational Health and Safety Committee (JOHSC). If employees are not satisfied with an employer's or supervisor's response, they would contact the Department of Labour and Workforce Development. If they feel that an immediate danger exists, they should call toll free 1-800-952-2687 (Department of Labour and Workforce Development for Nova Scotia). Most other provinces have similar numbers published in the blue pages of the local telephone directory.

## **I.R.S. and the “external influences”**

In order for the Internal Responsibility System to be effective, each individual must understand how external influences affect them personally, as well as how each of these external influences relate to and affect one another. When the I.R.S. is not understood, there is no balance or fairness, and the only outcome is chaos. External influences can have a positive impact on property owners, employers, and employees. Some may also be seen as being somewhat negative, or at least questionable from their perspective.

**Property owners:** The Workers’ Compensation Board, the Nova Scotia Construction Safety Association, and the Department of Labour and Workforce Development. The questionable external influence is the provincial government itself, as it plays no appreciable role in informing property owners of their rights and responsibilities with respect to safety or accident prevention on their property. The provincial government claims that they have no mandate to educate the public on these matters.

**Employers:** The Workers’ Compensation Board, the Nova Scotia Construction Safety Association and the provincial government. The least positive or questionable influence for employers is the Department of Labour and Workforce Development, in that their officers protect workers’ safety over employers’ interests.

**Employees:** The Nova Scotia Construction Safety Association, the Department of Labour and Workforce Development and the provincial government. Playing a more dubious or questionable role for employees is the Workers' Compensation Board. There is a more complete discussion of the WCB and the worker (employee) a little later in this booklet.

### **Inside or outside the circle?**

Property owners, employers, and employees are protected when they are “inside the circle”, which means understanding and implementing the *Occupational Health and Safety Act*. If an individual finds him or herself outside the circle, this could mean standing alone against the world of external influences. It does not matter whether one becomes a defendant or a plaintiff in a legal action, something went wrong. Accidents often happen for no other reason than misunderstanding the available information, poor communication, or simply not knowing that the proper information even exists.

For a more complete understanding of what it means to be “inside or outside” the circle, refer to Diagram 1 on the back cover of this booklet.

### **Falls in the workplace**

Falls constitute the number one cause of death in the workplace. According to government statistics, one in four

workers will suffer a workplace injury during their lifetime. There is a workplace injury every nine seconds in Canada!

### ***When will it be your turn?***

## **Nova Scotia Construction Safety Association**

The Nova Scotia Construction Safety Association has a responsibility both outside and inside the circle. This is the only organization that is completely devoted to the construction industry. Construction safety associations are firmly established across Canada and are linked by the Federation of Construction Safety Associations of Canada (See Appendix II). Together the federation and the associations have developed a variety of training and educational programs related to the *Occupational Health and Safety Act*. In addition, the Federation has established standards for administering training programs, as well as the manner in which they are delivered. These are high standards to live up to and that is why the Federation is also considered an important external influence. Additionally, it is placed inside the circle for the level of education and training it provides for employers and employees. Construction safety associations provide the construction industry with information on how to apply the *Occupational Health and Safety Act* and related industry regulations with an expectation that employees will become competent workers capable of carrying out their job under the law, as required by the Act.

The *Occupational Health and Safety Act* and regulations require professional training in three major areas.

- 1) to identify unsafe or hazardous work;
- 2) to teach about the *Occupational Health and Safety Act* and its regulations; and
- 3) to develop professional training programs in the use of scaffolding including linked-scaffold brackets static lines, fall arrest harness and anchor points, to mention but a few.

Although there is no specific training a property owner can obtain when it comes to hiring workers for his/her property, having both the contractor/employer and employee professionally trained can minimize, if not eliminate, many of the owner's safety concerns.

The Nova Scotia Construction Safety Association has an indirect relationship with the Workers' Compensation Board (WCB). This relationship is based on a levy (approximately \$1 million annually) which is a percentage of the premiums that the WCB collects from the employer on behalf of employers and employees. This also means that every employer and their employees are automatic members of the Nova Scotia Construction Safety Association. Therefore, if the training required does not exist, both employers and employees should request it from the association. Various organizations and companies appoint delegates (the stakeholders) to the board of the Nova Scotia Construction Safety Association, thereby giving employers and employees a voice in this organization when they approach the Board of Directors, in writing, about their concerns.

In the early 1990s, the WCB and the provincial government began to place a greater importance on workplace safety and the costs associated with it, both in financial and human terms. That is when the government and the WCB met with industry representatives to find ways to reduce the cost of workplace injuries. Work parties were established, and out of these humble beginnings, the Construction Safety Association was born.

## **Workers' Compensation Board**

While everyone is aware of the Workers' Compensation Board (WCB), many, if not most, assume it is an insurance program for the injured worker, offering financial support and committed solely to the injured worker. While this in part is true, only a small percentage of the premiums collected from employers are allocated for the financial compensation of injured workers. The WCB is also committed to other areas related to workplace injuries. The administration of a wide variety of educational programs is also part of the cost of the day-to-day business of the WCB. These include:

- research and development related to workplace injuries and their prevention;
- retraining and education;
- therapy and medication research; and
- legal counsel.

According to departmental figures, over 90% of the cost of the OHS Division of the Department of Labour and Workforce Development is funded by the WCB. These

monies go toward the application and enforcement of laws, polices, and regulations related to the occupational health and safety of workers, even though there is no universal coverage (i.e., not everyone is required to carry workers' compensation coverage) in Nova Scotia.

During one visit to the Workers Compensation Board offices, a gentleman in the parking lot was handing out information that he felt injured workers needed to know if they had suffered a workplace injury. He was a member of the Nova Scotia Injured Workers Association. The brochure suggested that the *Workers' Compensation Act* was **not** created primarily for the injured worker, although the injured worker might receive some financial compensation through it. The brochure went on to say that, the Workers' Compensation Board was formed and the legislation was written and enacted in the early 1900s by the provincial government because of lawsuits brought against employers by their employees when employer accountability for a workplace injury could be established. This forced some employers into bankruptcy and had a negative effect on provincial tax revenues. Due to the serious financial impact on both parties, the government worked with several industries to form what is now called the *Workers' Compensation Act*, complete with no fault insurance.

No fault insurance means that no blame is attached to any of the parties involved when a workplace injury occurs, with each case based on its own merits. The *Workers' Compensation Act* has complete jurisdiction over all

workplace injuries. Even when the employer pays the employees in cash, injured workers may still apply for workers' compensation coverage.

When evaluating a workplace injury, in addition to meeting the criteria required by the *Workers' Compensation Act*, employees must also be able to prove their level of pay and if there was any loss of wages due to the injury. Unfortunately, when employees are paid in cash, there is no record of their employment or wages paid. That makes it very difficult, if not impossible, to receive compensation. Given the preceding paragraphs, this situation might seem unfair to workers. However, many workers are also property owners, and although it may not seem to be designed in the best interest of employees, the WCB is structured to protect the employer, which includes homeowners as well. While the homeowner is not specifically mentioned in the *Workers' Compensation Act*, homeowners do fall under the umbrella of an employer when others work on their property. While workers cannot afford to be injured, property owners, on the other hand, cannot afford to have persons hired to work on their property without workers' compensation coverage. This situation is a bit of a double-edged sword for the person who is both a construction worker and a homeowner.

As stated earlier, the *Workers' Compensation Act* requires every employer with three or more employees to carry workers' compensation coverage. Employers with fewer than three employees are not required to have workers' compensation coverage, although there is nothing that

precludes them from applying for coverage. Without such coverage, many small companies and property owners could face a serious liability issue should a workplace injury occur on their property.

“It is commendable that you have made the effort to try to overcome safety issues within the industry by publishing this booklet.”

Emile Touesnard, Education Officer  
Prevention and Consulting Department  
Nova Scotia Workers Compensation Board

## **The Department of Labour and Workforce Development**

The Department of Labour and Workforce Development’s penalties and associated fines do not fall under the same jurisdiction as civil law. These penalties and fines are included within the penal statutes, commonly referred to as summary offences. A person can commit a summary offence and be convicted, but the offender will not have a criminal record. However, if wilful or culpable negligence is present, individuals may also be indicted under provisions of the Criminal Code (See Bill C45). That is why liability insurance cannot protect companies or individuals from prosecution. Individuals and companies must provide a safe workplace for all workers, and are on their own, so to speak, both financially and personally, to defend themselves from prosecution (i.e., to prove that

everything reasonable and practical was done to prevent accidents from occurring).

The Department of Labour and Workforce Development is not responsible for making the workplace safe. That responsibility is placed on all parties directly involved or connected to each workplace. There are many reasons a Department of Labour and Workforce Development safety officer might find him or herself at a workplace. Two of the more common are: 1) there has been a serious accident; or 2) someone has witnessed unsafe or dangerous work taking place (without proper protection in place) and reports it to the Department of Labour and Workforce Development. When either of these situations occurs, the employer and the property owner could face serious non-compliance and liability issues.

The Department of Labour and Workforce Development safety officer's job is to enforce the *Occupational Health and Safety Act* and its regulations as it relates to property owners, employers, and employees. It is the officer's duty to inform each person of his or her rights and responsibilities and to enforce the act. Safety officers are instruments of policy of the government of the day. However, the reality is that officers often can not visit a worksite when requested. There are simply not enough of them. In fact, one of the more difficult tasks of a Department of Labour and Workforce Development safety officer is deciding which, among the many calls they receive, are the most critical and in need of a more immediate response. There is a heavy demand for their

presence and the number of calls often exceeds the number of available officers at any given time.

Under existing legislation, Department of Labour and Workforce Development safety officers, upon completion of a workplace investigation, also have the authority to order an employer to reinstate a worker whom they judge has been unjustly dismissed for raising safety concerns. They also have the authority to order employers not to intimidate workers who might wish to report unsafe working conditions or practices. Under current legislation, a broad safety net exists to protect workers' rights.

“David Dahr has kept in regular contact with me and has always been a motivated and strong advocate for the health and safety of his fellow workers.”

Dave Walsh, M.M., C.R.S.P.  
Safety Officer, Nova Scotia  
Department of Labour and Workforce  
Development

## **The Role of Government**

When governments legislate, that legislation becomes the law of the land and a part of government policy. Laws on safety are intended for the entire population to follow and are enforced by Department of Labour and Workforce Development officers. Governments also recognize that the public is likely unaware of recent safety legislation, how it

is worded and how it could directly affect each citizen. The primary reason for this knowledge gap is simply that there is no specific mandate for government to inform the people of new legislation or other changes in the laws related to safety. Hence, the practice of the day is to focus on employers and their employees, despite the fact that the legislation has been written in such a way as to hold virtually everyone accountable should a workplace accident occur. The *Occupational Health and Safety Act* does hold everyone accountable and responsible, although the degree of responsibility is determined by each person's ability and authority in the process.

At the request of employers, the Construction Association of Nova Scotia met with government officials and the Workers' Compensation Board to find ways to reduce the cost of workers' compensation premiums paid by employers. Of the various methods that were reviewed, they chose the Certificate of Recognition (C.O.R.) process. That process was the brainchild of the Alberta Construction Safety Association. The Nova Scotia Government adopted the C.O.R. process and approved it for use by the Department of Labour and Workforce Development as the principal criteria for safety audits. This had a two-fold impact on the construction industry. It provided a safer environment for everyone at or near the workplace; and, in addition, permitted employers to work towards a reduction in their workers' compensation premiums when they implemented and enforced the C.O.R. process for reducing workplace incidents and injuries.

“Working Safely Today For a Better Tomorrow. Based In terms of the report itself, it has provided a great deal of information, including recommendations for consideration. I have provided copies of the report to those organizations such as the Workers Compensation Board and the Nova Scotia Construction Safety Association.”

Mark Parent  
Minister of Labour  
And Workforce Development of Nova Scotia

## **Liability Insurance**

Property owners and employers purchase a variety of liability insurance policies. These policies protect both persons and property from a wide variety of liabilities and civil litigation. When it comes to protecting the property owner from legal action by an employee or employer (the person or contractor hired to do the work) who may become injured while working on the homeowner’s property, there is always a question as to whether any existing liability insurance covers the property owner, and if so, to what extent? That is the primary reason why people hired must carry workers’ compensation coverage. Employer insurance policies work in a similar fashion. That is why most companies, in addition to having liability insurance, also carry workers’ compensation. It is also why many of these same companies incorporate as *limited*

*liability* companies. This separates their day-to-day business from any personal assets in case of legal action against them, thereby limiting their personal liability to some extent.

If companies manufacture their own safety equipment they must also obtain manufacturer's insurance as the ordinary liability insurance described above does not apply to the manufacture of safety equipment. A lot of money is spent on insurance to protect employers and property owners from the unforeseeable. There is, however, one scenario that cannot be insured against and that involves fines and penalties of the Nova Scotia Department of Labour and Workforce Development, which can be as high as \$250,000 and/or up to ten years in jail. Fines in other jurisdictions in Canada can be even higher. These are very severe penalties indeed, and there is the added weight of the *Criminal Code of Canada* if the negligence is found to be wilful or culpable (See Bill C45).

Department of Environment and Labour penalties and fines do not fall under the same jurisdiction as civil law. These penalties and fines are part of the penal statutes, more commonly referred to as summary offences. Liability insurance cannot help anyone charged under these statutes. No insurance can cover such situations. Individuals are "on their own hook" to defend themselves should they be charged under these statutes. Signing a waiver with anyone hired to work on the homeowner's property is also not an acceptable defence, especially with respect to applying and enforcing the concept of *due diligence* as a property owner.

All insurance companies require homeowners to exercise what is called “a duty of care” when hiring anyone to work on their property. How this concept is applied may vary from one insurance company to another. Therefore, before beginning work on their property, the Insurance Bureau of Canada suggests it is imperative that homeowners contact their insurance representative to have them clarify what is required with respect to safety and liability on the work site—and to what extent the policy owner is covered for workplace liability.

## **The Property Owner**

The person in control is, and should be, the property owner. She or he owns the worksite and pays for all the work that is to be carried out on that property. All companies or persons hired by the homeowner have a responsibility to share their knowledge and expertise to assist in identifying potentially hazardous or unsafe conditions. They also have a duty to propose all necessary safety precautions during the progress of any work to take place on that site. These precautions and procedures should be put in writing. Property owners can delegate their responsibility with other persons, but they can never be removed from it. Safety training is also a perishable commodity. Being armed with the best of knowledge and knowing how that translates on a work site is crucial if workplace accidents are to be minimized.

The *Reference Guide to the Occupational Health and Safety Act*, Section 19, Owner's Precautions and Duties, states that:

Every owner shall:

- (a) take every precaution that is reasonable in the circumstances to provide and maintain the owner's land or premises being or to be used as a workplace
  - (i) in a manner that insures the health and safety of persons at or near the the workplace; and
  - (ii) in compliance with this act and the regulations; and
- (b) give to the employer at the workplace the information that is:
  - (i) known to the owner or that the owner could reasonably be expected to know, and
  - (ii) necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace.

The concept of *due diligence* plays a crucial role when applied to workplace safety. The following is one example how it might be applied. The owner of the workplace and the contractor or person hired to do the job jointly identify any unsafe or potentially hazardous work to be done on the owner's property. There must be a mutual understanding and agreement on the kind of safety precautions (controls)

that must be put in place to eliminate or minimize any potential or real danger to health or safety associated with the assigned work. Following a procedure such as this, is applying *due diligence*.

In identifying potentially hazardous or unsafe work, homeowners should ask those being considered or hired for a copy of their safety manual and for written safety policies. This helps both the contractor and the property owner to put safety controls in place, and also identifies the type of equipment that would be required for these controls. Hiring someone with both a written safety manual and safety policies in place will make the job easier to understand and should eliminate much of the guesswork. The homeowner should also ask to see the training certificates of the people actually performing the work. Not every person hired will have a safety manual or written policies, but this does not mean that due diligence cannot be applied. However, having such documents does make it easier.

The Principle of Loss Control Safety Audit is one of the methods a company can apply in the development of their safety manual and policies. Due to the nature of construction, hazardous or dangerous work can vary from job to job. In addition to having knowledge of the *Occupational Health and Safety Act* as it pertains to their job, people hired may also be required to have specific training to complete certain tasks. For example, if the task requires people to work at heights above three metres (or 10 feet) they require “fall protection” training. By ensuring

procedures such as these are followed, the homeowner has applied due diligence. The homeowner delegates his or her responsibility to the contractor or person(s) hired to work on the property. The employer then delegates that responsibility to their supervisor, who, in turn, delegates it to a foreman or lead hand, and finally to a competent worker.

Sorting out dangerous or unsafe work starts at the top. On the other hand, when a workplace injury occurs, the investigation of the injury starts at the bottom with the questioning of the workers first, followed by the foreman, then the supervisor, the employer, and finally, the property owner (refer to the diagram on the front cover). The process works this way because it enables the investigator to determine whether the concept of due diligence was applied, and if so, at what level the process broke down, causing the injury to occur. This also is a reminder that safety training is a perishable commodity: *knowing* the correct procedures and *applying* them to a worksite may well be entirely different things.

### **Workplace safety must be practiced, not simply studied!**

A homeowner is not required to know how to install or dismantle equipment or how to put safety controls in place. That responsibility belongs to the contractor/employer and his employees. However, the homeowner must ensure that arrangements have been made with the people they have

employed to put these controls in place, to monitor them, and enforce them as required.

Continuing with the process of due diligence, if a homeowner were to witness unsafe work being done on his or her property, the homeowner has an added responsibility that begins by immediately removing the workers from harm's way by whatever means necessary, to prevent injury. Once the workers are out of danger, the homeowner must contact the Department of Labour and Workforce Development to ensure that the project (workplace) is in compliance with the requirements of the *Occupational Health and Safety Act*.

Property owners must be aware of any potential hazards that may be brought to the worksite when someone else works on their property. In addition, the homeowner must enforce the agreed upon controls with the person(s) hired when there is a breach or perceived breach of that agreement (contract).

Homeowners who also work in the construction industry have an added concern when they hire personnel to work on their property. If due diligence is not properly applied in such cases, their training or lack thereof, as well as their experience could be used against them should a workplace injury occur. Property owners should also realize that workers hired to work on their property could place the homeowner in the category of constructor or employer. When that occurs, there are additional responsibilities beyond the homeowner's normal "duty of care".

When someone that has WCB coverage is hired to work on a property, the homeowner indirectly contributes to the Construction Safety Association via the WCB levy that the association receives. This premium is included in the employer's cost of doing the project.

Every construction project has specific workplace safety concerns that may vary from one job to another. Construction Safety Associations in Canada have a vast knowledge in this area and can assist the homeowner with any of their safety concerns.

When homeowners decide to do construction work themselves, they need to consider their own personal safety. It is relatively easy to be injured, as injuries do not discriminate between professionals and amateurs. Experienced construction workers recognize that fact and homeowners need to as well. When researching and preparing for what will be required on the construction project, be sure to include workplace safety, even if you, as the owner of the worksite in question will be the only worker. Safety is an integral part of any job!

Most places where construction materials are purchased can help homeowners identify some of their safety concerns. Use them as your first resource. Even if a homeowner decides to do most or all of the work him/herself, many contractors would be pleased to share their knowledge of workplace safety with you. All anyone has to do is ask!

Having friends help with a project is not uncommon; that's what friends do for one another. However, that assistance should not be at the expense of that "helping hand" becoming injured. Although homeowners are not employers, they need to ensure the safety of friends or relatives who are lending a helping hand in the same manner that employers protect their employees. Workplace safety is not a choice, it is a duty as well as a responsibility; it is applying due diligence.

The reference guide to the *Occupational Health and Safety Act's* general regulations provides a broad summary of the safety standards for a wide variety of construction-related worksite situations. This guide can assist homeowners when completing a hazard assessment of their project. For homeowners who decide to hire a local contractor, it is important to understand that contractors want "a fair and level playing field" with respect to bidding on your project (i.e., full disclosure). It is important to know whether each contractor has incorporated workplace safety, and any related costs, in that bid.

When an employer/contractor has been found guilty of workplace safety violations, especially for non-compliance, that information becomes public knowledge under the *Freedom of Information Act*. In Nova Scotia, you can get that information by contacting the Department of Labour and Workforce Development or the Workplace Health, Safety, and Compensation Commission in other provinces or territories. In most situations, identifying a safe worksite

is as easy as recognizing the difference between a nail and a screw.

In addition, homeowners should understand how they might be considered a constructor or employer themselves. When a project requires more than one recognized or certified trade (such as carpenters, plumbers, electricians), the coordination of these trades and the materials they require should be delegated to one of these trades to oversee the work of the others. In this way, the homeowner does not directly undertake the project, oversee the work, or manage the trades and materials. The communication should also be limited to just one of the employers/trades involved in the project. In this way, the homeowner has allocated much of his or her responsibility to them as it pertains to the role of constructor and that responsibility includes workplace safety as the Act pertains to a constructor.

When a homeowner decides to hire each of these trades people individually (and pay them separately), the homeowner could then be considered a constructor. In addition, when homeowners hire three or more people who do not carry WCB coverage, that automatically deems them as an employer. Not every homeowner, in every situation, is an employer or contractor. However, when one assumes these roles, there is an added responsibility for safety that each role brings to the worksite.

During the preparation of a project, when workplace safety is first mentioned, a common response is: “What is this

going to cost me?” Compared to the potential cost to the individual, the healthcare system, the social welfare system, the WCB and private insurance premiums, as well as disability and pension funds, the appropriate answer should be “Not much!”

Employers who purchase certified safety equipment charge a pro-rated fee for the use of that equipment to each project on which it is used. Over time, the equipment pays for itself. At that point, the contractor/employer profits from using it.

When you compare the cost of NOT implementing workplace safety, consider the following: a worker is injured every nine seconds in Canada. That is six injured workers per minute or 360 per hour, which in turn equals 8640 in a 24 hour period. In a full year, that amounts to over three million injuries. Although the individual cost of each injury varies widely, if the average cost to all of the healthcare system is over \$1000 per event, the total cost is in excess of three billion dollars. Based on a report from the Public Health Agency of Canada, Policy Research Division, Strategic Policy Directorate, Economic Burden of Illness in Canada, (as of January 17, 2003), injury costs:

*Direct costs*

Hospitals	\$2,477.4 billion
Drugs	\$7.3 million
Physicians' care	\$506 million
Additional direct costs	\$7.3 million

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**Total direct costs     \$3,224.8 billion**

*Other related indirect costs*

Death                      \$5,925.6 billion

Long term disability     \$1,833.7 billion

Short term disability     \$1,753 billion

**Total indirect costs     \$9,512 .3 billion**

**Total costs                 \$12,737.1 billion**

While that is a shocking number, what is even more shocking is that most of these injuries could have been prevented.

In addition to the direct costs to the healthcare system, consider the hidden costs:

Employers:                Incident / accident investigation; lost production.

WCB:                        increased premiums paid by employers.

Private Insurers:        increased premiums to homeowners and employers.

Social welfare:         assists workers during the processing of claims by WCB; adds to their already heavy case load

When you consider these factors and the impact upon society, in both human and financial terms, you can clearly see that the cost of NOT implementing workplace safety is much greater than the individual cost per project.

The City of Vancouver recognized the importance of workplace safety and how it can have a direct effect on public safety. Their challenge was their inability to separate public safety from workplace safety. In an attempt to find a solution to this problem, Vancouver amended by-law #6134 (the building by-law) to one which gave the city more control. They trained individuals in a safety program developed by the city. These individuals then became part of the workplace environment and ensured that public safety was incorporated into the safe work practices as the project progressed.

In some situations, these people work alongside the employer's safety supervisor. In other cases, the existing safety supervisor would obtain the required training and integrate the two roles. Upon completion of their training programs, they receive designations as a Trades Safety Coordinator or as a Construction Safety Officer. Both positions report to the City of Vancouver, and are not to be confused with Safety Officers that work for the province. Provincial and city officials have different mandates, but work together to achieve safer workplaces for all.

## **A Brief Review of Concepts Thus Far**

The following is a brief review of what has been discussed in the preceding sections. The **manufacture of safety equipment** plays a very important role in workplace safety. Having safety equipment certified indicates that the

equipment has met the minimum standards required by law. You should also understand that when safety equipment is not certified, the end user's life could be at risk.

An individual's **internal responsibility system** and the **external influences** are the major factors in workplace safety. Knowing how these factors become an integral part of the overall **Internal Responsibility System**, how they affect one another, and how each affects individuals, are of paramount importance in developing a better appreciation for workplace safety.

The **Nova Scotia Construction Safety Association** plays a very important role in the **Internal Responsibility System**. It has contributed to the reduction of workplace injuries in the construction industry through the development of new safety programs and by providing specific training as requested or required by the industry itself.

The **Workers' Compensation Board** is also a key player among the **external influences**. The Board is actively involved in many areas of workplace safety, but of all the external influences, its role is likely the most misunderstood. Many of the issues facing the **WCB** are complex. An acknowledgment of that fact is vital to the understanding of the role and function of the **WCB**, especially how it can directly affect the lives of homeowners, employers, and their employees.

Readers should also be aware by now that the **Department of Labour and Workforce Development** has the most

difficult task: the enforcement of the *Occupational Health and Safety Act* and its regulations. Understanding their role in relation to the **Internal Responsibility System** assists each person to appreciate his or her own degree of internal responsibility.

The principal **external influence** is the **provincial government**. Without government involvement, many voices would go unheard. It is responsible for the *Occupational Health and Safety Act* and its regulations, in addition to other factors pertaining to workplace safety. Without provincial legislation, there would be no blueprint for workplace safety.

**Liability insurance** is another issue that needs to be well understood, especially with respect to the many kinds of coverage that different liability insurance policies can provide, not only in financial terms, but for your peace of mind as well.

In writing about the **property owner**, several comments from the Department of Labour and Workforce Development and the Workers Compensation Board were described under the discussion on **responsibility**. They focused on the concept of **due diligence** and what needed to be considered before hiring workers for the homeowner's property. It also addressed what homeowners needed to look for in identifying potential hazards and available safety training that may be required.

The next section expands this concern beyond the **property owner** to include specific references to **employers** and **employees**. This will help homeowners understand the roles played by them

## **The Employer**

The employer's first responsibility is found in Sections 19 (a) (i) and (ii) of the *Reference Guide to the Occupational Health and Safety Act*. This section of the act was outlined in an earlier part of this publication under "property owner". The Internal Responsibility System is an overall philosophy for the interpretation of the legislation with respect to the *Occupational Health and Safety Act* and its regulations.

Some employers may feel that workplace safety is an intimidating mountain of information and regulations that they cannot overcome. However, that is only a perception, one that is both erroneous and potentially dangerous. That perception is often brought about by the many possible interpretations of the *Occupational Health and Safety Act* and its regulations. In addition to these factors, it is not mandatory to have professional training in occupational health and safety. Employers (stakeholders) are not required to possess certification papers/tickets. These are what you receive upon completion of professional safety training. Department of Labour and Workforce Development safety officers may look for evidence of years of experience, previous professional training given,

knowledge of the Occupational Health and Safety Act, supervision, etc. Some employers prefer to rely on the latter but there is no substitute for professional training.

The occupational health and safety training accepted and approved by the Nova Scotia Construction Safety Association to provide employers with the full circle of workplace safety understanding and its application are as follows:

<p>Owners/Employers</p>	<ul style="list-style-type: none"> <li>• Principles of Loss Control</li> <li>• Principles of Loss Control Audit</li> <li>• Hazard Identification and Control</li> </ul>
<p>Supervisors, Foreman, Lead Hands</p>	<ul style="list-style-type: none"> <li>• Leadership for Safety Excellence</li> <li>• Hazard Identification and Control</li> <li>• Occupational Health and Safety Act and Regulations course</li> <li>• Fall Protection Basic</li> <li>• Fall Protection Supervisor</li> <li>• Respiratory Basic</li> <li>• Respiratory Management for Supervisors</li> </ul>

Safety Representatives	<ul style="list-style-type: none"> <li>• Workplace Hazardous Material Information System</li> <li>• Safety Orientation</li> <li>• First Aid</li> <li>• Occupational Health and Safety Committee Member/Representative course</li> </ul>
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The courses that have been identified by name are for Nova Scotia. Other provinces and territories provide these types of programs but they may be identified by another name.

Another reason some employers will not seek out professional training is that they deduct a large portion of their occupational health and safety non-compliance summary offence fines and legal costs on their income tax as a day-to-day expense. Employers recognize that it can be difficult to compete with their counterparts that choose to substitute professional training for a tax deduction.

Perhaps the most helpful documents which can assist in interpreting the act and the regulations under the act include the following: *the Reference Guide to the Occupational Health and Safety Act*, *the Reference Guide to the Occupational Health and Safety Act General Regulations*, and *the Reference Guide to the Fall Protection and Scaffold Regulations*. The key phrase in each of these documents is “Reference Guide”. With

everyone working from the same written information, a lot of the confusion can be eliminated.

***Remember, workplace safety is not rocket science,  
but at times it might appear to be.***

The Principle of Loss Control Safety Audit provides employers with the tools to overcome that intimidating mountain of safety regulations, but many small employers often feel that they cannot afford to implement them. Perhaps the smaller employer needs to think more like many larger employers, who not only understand the necessity for safety training, but do not attempt to devour that mountain of workplace safety information in one bite, so to speak. Their “mountain” is simply overcome one “hill” at a time, not all at once. In other words, workplace safety is achieved by taking it one step at a time. An excellent starting point would be to become familiar with the *Occupational Health and Safety Blueprint for Due Diligence* by Mary Beth Currie (see Appendix III).

Currie’s book provides the foundation of what employers need to understand with respect to national expectations related to the concept of due diligence. Before employers can expect employees to understand what is expected of them, employers must know what is expected of themselves. It is not possible to teach another something that is not well understood by the teachers (employers). In other words, an employer should not ask an employee to do something he would not do himself. Taking the same

training required of employees also gives an employer or manager the ability to identify with the workers' environment and is usually seen by employees in a positive light. It is also an accepted practice that employers (or at least their supervisory personnel) be professionally trained beyond the average employee.

Will this cost a lot of money? The simple answer is that it does not have to be expensive. One "bare bones" approach to developing a safety audit which can limit workplace accidents/incidents simply involves enrolling in courses recommended by the Nova Scotia Construction Safety Association, including Safety Orientation, Workplace Hazardous Material Information System (WHMIS), Principle of Loss Control, Principle of Loss Control Audit, Principles of Loss Control Update, Leadership for Safety Excellence and Owner/Operator Safety. Once certified through these training programs, the cost of hiring someone else to do a safety audit on their company has been eliminated as employers would now have the ability to do their own audit in their own time—and one step at a time.

The Principle of Loss Control is outlined in this example of an incident to accident ratio or "incident pyramid". According to criterion tables from the Nova Scotia Construction Safety Association's "Principles of Loss Control", for every 600 incidents (known as close calls where no visible injury or damage occurs), there are 30 property damage accidents and ten minor injuries to persons. One of those injuries will be of a serious nature! Therefore, an understanding of safety concerns and the

need for compliance is critically important for all employers.

While not every employer has the same occupational health and safety concerns, when specific tasks fall under a specific section of the *Occupational Health and Safety Act*, the procedures for those tasks include a minimum safety standard that must be applied in each situation. Management is accountable for non-compliance under current health and safety legislation. Individual responsibilities apply to each employee in a company, including the Chief Executive Officer. Unfortunately, these duties are often not well known or understood throughout the chain of command. Health and safety is not just an extra part of anyone's job; it is an integral, full-time component of each person's responsibilities. A brief accounting of the responsibilities for employers is the following:

- 1) to provide a safe and healthy workplace;
- 2) to ensure workers are trained and or certified as required;
- 3) to provide workers with good information on health and safety;
- 4) to promote safety awareness among workers;
- 5) to inspect work sites and take any necessary remedial action to minimize or eliminate hazards;
- 6) to enforce health and safety regulations; and
- 7) to evaluate health and safety performance.

This section applies to all employers including the self-employed with only one or two employees.

## The Employee

The *Occupational Health and Safety Act* and the regulations under the Act do not directly require an employee to be trained in anything specific. This, however, does not mean that employees are not obligated to seek out the level of training that their specific workplace tasks require. The responsibility for employees being safety trained has been placed on employers. The *Occupational Health and Safety Act* does not permit employers to employ workers untrained in workplace safety. Not every employee requires the same kind or level of training, as some types of training are specific to the employee's workplace tasks. Regardless of the type of work an employee might be asked to do, the minimum training required is in Workplace Hazardous Material Information System (WHMIS), Safety Orientation, and First Aid. Having only this basic training does not give the employee the ability to have a complete understanding of the circle of workplace safety. Therefore, the employee should know whether their superior has adequate safety training. Under workers' rights, the employee needs to know this to properly implement their basic training without feeling bullied or intimidated.

Some employees may feel intimidated by the specific training an employer might require of them, but there is no reason to be fearful, as the training is not that difficult. Even specialized safety training required for a particular job or task might cause workers to think that failure to complete the program could cost them their jobs. Safety courses are designed to be understood in a user-friendly

manner and failure is a rare occurrence. No one wants a worker to fail and every effort is made to ensure that they do not fail.

However, simply completing workplace safety training is not enough. It is wrong to think that obtaining a certificate of training required by an employer is all that is necessary. Completing safety courses is simply the beginning of the process of due diligence. Effectively applying that training to your workplace tasks every day is crucial. When employees implement their training, they are elevated to the level of a competent worker—and competent workers are tremendously valuable assets to any employer. Every worker should have a good understanding of what the employer requires to provide each employee with a safe working environment. These requirements usually go well beyond the simple training of employees.

Having some knowledge of the Principle of Loss Control can give employees a better appreciation of workplace safety from an employer's perspective. Workplace safety is achieved by teamwork, both in its understanding and in its enforcement.

Employees have a duty under section 17.2 of the *Occupational Health and Safety Act*.

These responsibilities include:

- 1) using personal protection and safety equipment as required by the employer
- 2) following safe work procedures
- 3) knowing and complying with all regulations

- 4) reporting injuries or illnesses immediately
- 5) reporting unsafe acts and unsafe working conditions
- 6) participating in “joint health and safety committees”.

Employees not only have a responsibility to their co-workers and their employer, but they also have a responsibility to the owner of the worksite (the property owner) to maintain an appropriate level of safety while work is being performed. If a high level of workplace safety is to be achieved and maintained, employees must not only recognize the importance of having appropriate knowledge and skills in safety, but also in the application of that knowledge to the actual work being performed on site.

***Safety is everyone’s concern and it is everyone’s business!***

It is not enough simply to have knowledge, it must also be applied or it is worthless. Homeowners who also work in the construction industry have an added concern when they hire personnel to work on their property. If due diligence is not properly applied in such cases, their training, or lack thereof, as well as their experience, could be used against them should a workplace injury occur and charges are laid for non-compliance.

## Conclusion

If you find yourself thinking that workplace safety is nothing more than a “cash cow” and that the wide variety of available or required training programs are overkill, just reflect on where it all began. Laws, regulations, and training programs are a direct result of the many tears of injured workers, their families, and friends. Take a moment and imagine their pain and loss. We should thank them, because they have often paid the ultimate price so that we might live safer and healthier lives.

Then reflect upon the unsuspecting homeowner who found out too late that their property/liability insurance did not cover summary offences, nor uninsured workers injured while working on their property, leaving the homeowner “holding the bag” for thousands of dollars in out of pocket expenses (e.g., medical, lost wages, etc.) or other damages.

Safety in the workplace is an ongoing process of education and training. You cannot simply draw a line in the sand and state this is where it stops. The organizations that comprise the external influences are working continuously to improve education and training in safe work practices. Each of these groups have distinctive roles for improving safety in the workplace. It is important to understand how they work together to produce balance and fairness in the entire system. They complement one another, and work together to underscore the importance of obtaining proper training in workplace safety.

***To the best of my ability, I will teach you how to  
protect yourself,  
but only you can protect you from yourself. It is  
up to you.***

## Appendix I

### Provinces and Territories Occupational Health and Safety Web Addresses

Canada Occupational Health and Safety:  
[www.canoshweb.org](http://www.canoshweb.org)

Human Resources Development of Canada: <http://labour-travail.hrhc-drhc.gc.ca/>

College of Continuing Education Dalhousie University  
Working Safely Today for a Better Tomorrow  
<http://collegeofcontinuinged.dal.ca/OHS/Report.php>

Canadian Centre for Occupational Health and Safety:  
<http://www.ccohs.ca/oshanswers/hsprograms/basic.html>

Nova Scotia Reference Guides:  
<http://www.gov.ns.ca/enla/pubs/pubtype.htm>

- Reference Guide to the Occupational Health and Safety Act
- Reference Guide to the Occupational Health and Safety Act General Regulations
- Reference Guide to the Fall Protection and Scaffold Regulations

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## **Nova Scotia Toll-free Telephone Numbers \***

Nova Scotia Department of Labour and Workforce  
Development

1-800-952-2687

Nova Scotia Workers' Compensation Board

1-800-870-3331

Nova Scotia Construction Safety Association

1-800-971-3888

\* For toll-free numbers in other provinces, consult the yellow and/or blue pages of your local telephone directory.

## **Appendix II**

### **Construction Safety Associations: Canadian Web Addresses**

Canada's National Occupational Health and Safety

Resources: <http://www.ccohs.ca/>

Alberta Construction Safety Association: <http://www.acsa-safety.org/>

ASP Construction - Historique Quebec: <http://www.asp-construction.org/>

British Columbia Safety Network:

<http://www.safetynetwork.bc.ca/>

Ontario Construction Association: <http://www.csao.org/>

Heavy Construction Safety Association of Saskatchewan:

<http://www.hcsas.sk.ca/>

Manitoba Construction Safety Association:

<http://www.constructionsafety.ca/>

Manitoba Heavy Construction Association:

<http://www.mhca.mb.ca/>

New Brunswick Construction Safety Association:

<http://www.nbcsa.ca/>

Newfoundland and Labrador Construction Safety Association: <http://www.nlcsa.com/>

Saskatchewan Construction Safety Association:

<http://www.scsaonline.ca/>

Nova Scotia Construction Safety Association:

<http://www.nscsa.org/>

## **Construction Safety Associations: International Web Addresses**

British Occupational Hygiene Society:

<http://www.bohs.org/>

## **Appendix III**

### **Statutes: Summary Convictions**

Bill C45's amendments to the criminal code, affecting the criminal liability of organizations. The Plain Language Guide (Bill C45) can be found at:

<http://www.justice.gc.ca/eng/dept-min/pub/c45/>

Occupational Health and Safety Summary Offences:

[www.ohscanada.com](http://www.ohscanada.com)

## Other Safety Resources

*OHS Blueprint for Due Diligence* by Mary Beth Currie  
<http://www.ohscanada.com/BonusStories/BlueprintDueDiligence.asp>

Maryland, USA Construction Industry Safety and Health,  
Economics, Technology, and Training:  
<http://www.cpwr.com/>

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It is my pleasure to recommend *Protection in a Handbook* by David Dahr. As a lawyer who practiced for thirteen years, and as a realtor for nineteen more, I am perhaps more aware than most of liability problems that can attach themselves to the homeowner employing workers and contractors to work on their property; but David Dahr has revealed some surprises of which I was unaware. I have been impressed by his pure and driven desire to protect his fellow workers and homeowners, and make them more aware of how to best protect themselves. He is an apostle for safety.

This is a must-read for homeowners, workers, contractors and realtors who assist home buyers by providing names of prospective contractors. This book is concise, easy to read, and valuable.

Don Clark, B.A., L.L.B., A.B.R.  
Century 21 Classic Realty Ltd.

Brother Dahr,

I enjoyed talking with you concerning workplace safety and how it impacts the home owner.

I wish you the very best in your most important endeavours in the field of safety.

Fraternally yours,

William K. Irwin, Jr.  
Executive Director, Carpenters International  
Training Fund Las Vegas, NV USA

Thank you for providing me with a copy of the handbook that you have developed. The time measured in years that you have worked on this document has demonstrated your commitment to the project and the issue.

Your handbook will be a helpful addition to the resources that are available, in plainly written language, to home owners and others who contract for services.

Jim LeBlanc  
Director,

Occupational Health and Safety Division  
Nova Scotia Department of Labour and Work force  
Development

I believe any tool, that can improve understanding of OH&S duties and responsibilities by the homeowner and other buyers of residential services, should be given serious consideration.

Mike Kelly  
Executive Director Services  
Nova Scotia Construction Safety Association

Canada Mortgage and Housing Corporation

I am pleased to receive a copy of your publication and know that it will prove a useful addition to the collection of Canadian Housing Information Centre.

Leslie Jones  
Manager  
Canadian Housing Information Centre

To purchase a copy of *Protection in a Handbook*, send a cheque or money order in the amount of CDN\$15.95 (\$12.95 + \$3.00 tax and shipping) to:

David Dahr  
c/o Protection in a Handbook  
Email...[daviddahr@ns.sympatico.ca](mailto:daviddahr@ns.sympatico.ca)

A discount is available to bulk orders from groups and professional associations.



PHOTO BY: CHRISTINE CALLAGHAN

This Laburnum tree was planted in the Halifax Public Gardens in the name of all workers injured or killed on the job and acknowledging April 28 Injured Workers Day in remembrance of their sacrifices.

**SAFETY: IT'S A FACT OF LIFE!**

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