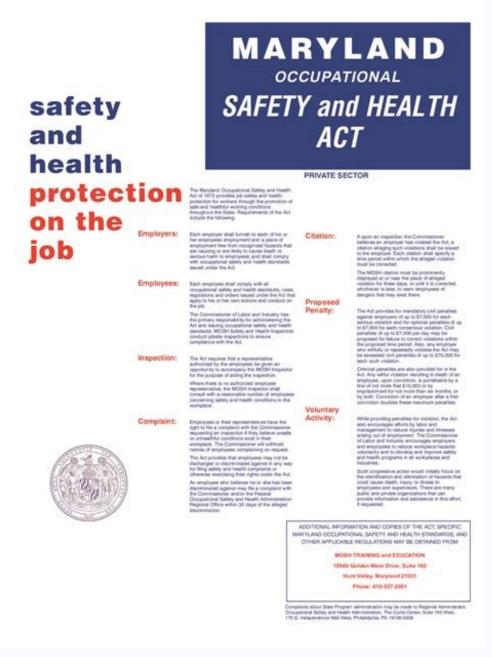
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U.S. Department of Labor - OSHA National Office 1-800-321-OSHA (6742) Directorate of Standards & Guidance 202-693-1950 Directorate of Construction 202-693-2020 Ask a question by email Labour Alert - Impersonating a Safety and Health Officer Workplace Safety and Health Officer Workplace Safety and Health has become aware that an individual is impersonating a Safety and Health Officer. Please be advised that all Safety and Health Officers carry government-issued ID, which they must produce upon request. If you are uncertain or wish to verify an officer's ID, please call us 24/7 at: Winnipeg: 204-957-SAFE (7233) Toll-free: 1-855-957-SAFE (7235-957-SAFE (7235-957-SAFE (7235-957-SAFE (7235-957-SAF our office by phone or email. Overview Workplace Safety and Health enforces The Workplace Safety and Health Act and its three associated regulations in order to reduce workplace fatalities, serious injuries and illnesses. Workplace Safety and Health enforcement targets high-risk hazards and sectors, as well as repeated or willful non-compliance. In addition to focused enforcement strategies, click here: Enforcement Strategies Statistics & Reporting Safety and Health Officers conduct approximately 5,000 inspections per year. Approximately 50% of inspections per year. timeframe in order to ensure the safety and health of workers. Approximately 7,500 improvement orders are issued annually. When an officer is satisfied that the hazard, they may order work to stop work orders are issued each year. Annually, Workplace Safety and Health receives over 8,500 phone calls and hundreds of emails, including general questions, tips regarding unsafe work and reports of serious incidents at workplaces. each, and the safety and health history of the employer. On average, just over 1,000 serious incidents are reported to the Branch each year. Administrative penalties range from \$1,000 to \$5,000 and are reserved for cases of wilful, severe or repeated non-compliance. On average 15-20 penalties are being issued each year. Approximately 10-15 files are forwarded for review by Manitoba Justice. Charges may be laid when: Injury or illness occur as a direct result of contraventions to safety and health requirements; is noted; or, Work continues after a stop work order has been issued. For more information on orders, penalties and convictions, click here: Stop Work Orders, Penalties & Convictions For more information on enforcement statistics, click here: Reports Top of page Labour - Workplace, Safety & Health Manitoba's Workplace Safety and Health Act and associated regulations are in place to protect the safety and health of workers in Manitoba. View the official versions of The Workplace Safety and Health Act, Workplace Safety and Health Regulation, Operation of Mines Regulation and Administrative Penalty Regulation and Administrative Penalty Regulation and Administrative Penalty Regulation and Administrative Penalty Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation, Operation of Mines Regulation and Administrative Penalty Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation, Operation of Mines Regulation and Administrative Penalty Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation, Operation and Administrative Penalty Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Administrative Penalty Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Administrative Penalty Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Purpose Applicability of This Act Occupational Safety and Health Regulation and Pu Inspections, Investigations, and Recordkeeping Procedure for Enforcement The Occupational Safety and Health Review Commission Procedures to Counteract Imminent Dangers Representation in Civil Litigation Confidentiality of Trade Secrets Variations, Tolerances, and Exemptions State Jurisdiction and State Plans Federal Agency Safety Programs and Responsibilities Research and Related Activities Training and Employee Education National Institute for Occupational Safety and Health Act 2006 Table of Contents Long Title Part 1 PRELIMINARY Part 2 INTERPRETATION Part 3 ADMINISTRATION OF ACT Part 4 GENERAL DUTIES OF PERSONS AT WORKPLACES Part 5 POWERS OF COMMISSIONER Part 6 INVESTIGATIONS, INQUIRIES AND REPORTING OF ACCIDENTS, DANGEROUS OCCURRENCES AND OCCUPATIONAL DISEASES Part 7 SAFETY AND HEALTH MANAGEMENT ARRANGEMENTS Part 8 WORKPLACE SAFETY AND HEALTH COUNCIL Part 9 INSPECTIONS AND OTHER POWERS OF ENFORCEMENT Part 10 OFFENCES, PENALTIES AND PROCEEDINGS Part 11 GENERAL FIRST SCHEDULE Dangerous Occurrences SECOND SCHEDULE Occupational Diseases THIRD SCHEDULE Work of Engineering Construction FOURTH SCHEDULE Workplaces Specified As Factories FIFTH SCHEDULE Exempt Persons At Work Legislative History Abbreviations Comparative Table C.C.S.M. c. W210 The Workplace Safety and Health Act HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows: DEFINITIONS Definitions 1 In this Act, unless otherwise specified, "agency of the government" means any board, commission, association, or other body, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board directors of which, (a) are appointed by an Act of the Legislature or by the Lieutenant Governor in Council, or (b) if not so appointed, are, in the discharge of their duties, public officers or servants of the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown; (« organisme gouvernemental ») "Board" means the Workplace Safety and Health Branch; (« Commission ») "chief occupational medical officer" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "committee" means a workplace safety and health committee established under section 40; (« comité ») "construction, demolition, repair, alteration or removal of a structure, building, complex, street, road, highway, pipeline, sewage system or electrical telecommunication or transmission line, (b) the digging of, working in or filling a trench or excavation, (c) the installation, modification, repair or removal of any equipment or machinery, or (d) any work prescribed by regulation as a construction project; (« projet de construction project site" means a workplace where work is performed on a construction project; (« chantier de construction ») "contractor" means a person who, pursuant to one or more contracts, directs the activities of one or more employers or self-employed persons involved in work at a workplace; (« entrepreneur ») "department" means such department of the government of the government of the design at do by the Lieutenant Governor in Council for the purpose of this Act; (« ministère ») "director" means the Director" means the Director of the Workplace Safety and Health Branch appointed under subsection 14(4.1); (« directeur ») "employer" includes (a) every person who, by himself or his agent or representative employs or engages one or more workers, and (b) the Crown and every agency of the government; (« employeur ») "health" means the condition of being sound in body, mind and spirit, and shall be interpreted in accordance with the objects and purposes of this Act; (« santé ») "improvement order" means an order made under section 26; (« ordre d'amélioration ») "minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act; (« ministre ») "occupational health nurse" means a service organized in or near a workplace for the purposes of (a) protecting workers against any health hazard that may arise out of their work or the conditions under which it is carried on, (b) ensuring the physical and mental adjustment to jobs for which they are suited, and (c) contributing to the establishment and maintenance of a high degree of physical and mental well-being of the workers; (« service d'hygiène ») "owner", in relation to any land or premises used or to be used as a workplace, includes (a) a trustee, receiver, mortgagee in possession, tenant, lessee, licensee or occupier of the land or premises, and (b) a person who acts for or on behalf of an owner as an agent or delegate, but does not include a person who occupies premises used as a private residence, unless that person carries on a business, profession or trade at that residence; (« propriétaire ») "physician" means a duly qualified medical practitioner; (« médecin ») "prime contractor" means the prime contractor for a construction project referred to in section 7; (« entrepreneur principal ») "representative" means a worker safety and health representative" means a worker safety and health representative designated or appointed under section 41; (« délégué ») "reprisal" means any act or omission by an employer or any union which adversely affects any term or condition of employment, or of membership in a union, and without restricting the generality of the foregoing includes he determined of location of workplace, reduction in wages, or change in working hours but does not include the temporary relocation of a worker to other similar or equivalent work without loss of pay or benefits until a condition that threatens the prevention of physical injury to workers and the prevention of physical injury to other persons arising out of or in connection with activities in the workplace; (« sécurité ») "safety and health officer" means a person designated as a safety and health officer under this Act; (« agent de sécurité et d'hygiène ») "stop work order" means a person designated as a safety and health officer under this Act; (« agent de sécurité et d'hygiène ») "stop work order" means an order made under section 36; (« ordre d'arrêt du travail ») "supervisor" means a person who has charge of a workplace or authority over a worker; (« surveillant ») "supplier" means a person who supplies, sells, leases, installs or provides (a) any tool, equipment, machine or device, or (b) any biological substance or chemical substance, to be used in a workplace; (« fournisseur ») "union" means a union as defined under The Labour Relations Act; (« syndicat ») "welfare" means the

conditions or facilities, in or near a workplace, provided for the feeding, rest, hygiene or sanitary requirements of a worker includes (a) any person who is employed by an employer to perform a services. whether under a contract of employment or not (i) who performs work or services for another person for compensation or reward on such terms and conditions that he is, in relationship of any employee than that of an independent contractor, and (ii) who works or performs services in a workplace which is owned or operated by the person who engages him to perform services, (c) any person undergoing training or serving an apprenticeship at an educational institution or at any other place; (« travailleur ») "worker safety and health representative" means the person designated as a worker safety and health representative under this Act; (« délégué à la santé des travailleurs ») "workplace" means any building, site, workshop, structure, mine, mobile vehicle, or any other premises or location whether indoors in which one or more workers, or self-employed persons, are engaged in work or have worked. (« lieu de travail ») S.M. 2002, c. 33, s. 3; S.M. 2009, c. 15, s. 251; S.M. 2013, c. 9, s. 2; S.M. 2013, c. 9, s. 2; S.M. 2021, c. 16, s. 2013, c. 9, s. 2; S.M. 2021, c. 16, s. 2. PURPOSE OF THIS ACT General objects and purposes of this Act are (a) to secure workers and self-employed persons from risks to their safety, health and welfare arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in workplaces; and purposes 2(2) Without limiting the generality of subsection (1), the objects and purposes of this Act include (a) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers; (b) the prevention among workers of ill health; (d) the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological condition; and (e) the promotion of workers' rights (i) to know about safety and health hazards in their workplaces, (ii) to refuse dangerous work, and (iv) to work without being subject to a reprisal. S.M. 2013, c. 9, s. 3; S.M. 2021, c. 16, s. 3. APPLICATION OF THIS ACT Application of Act 3 This Act applies to (a) the Crown in right of Manitoba and every agency of the government; (b) every employer, worker and self-employed person whose workplace safety, health and welfare standards are ordinarily within the exclusive jurisdiction of the Legislature to regulate; and (c) the Crown in right of Canada, every agency of the government of Canada, and every other person whose workplace safety, health and welfare standards are ordinarily within the jurisdiction of this Act. DUTIES OF EMPLOYERS General duties of employers 4(1) Every employer shall in accordance with the objects and purposes of this Act (a) ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his workers; and (b) comply with this Act (a) provide shall (a) provide shall (b) comply with this Act and regulations. and maintain a workplace, necessary equipment, systems and tools that are safe and without risks to health, so far as is reasonably practicable; (b) provide to all his workers; (c) ensure that all his workers, and particularly his supervisors, foremen, chargehands or similar persons, are acquainted with any safety or health hazards which may be encountered by the workers in the course of their service, and that workers are familiar with the use of all devices or equipment provided for their protection; (d) conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons who are not in his service are not exposed to risks to their safety or health arising out of, or in connection with activities in his workplace; (e) consult and matters with which that committee is charged under this Act; (f) consult and co-operate with the worker safety and health representative has been designated, regarding the duties and matters with which that representative is charged under this Act; (g) co-operate with any other person exercising a duty imposed by this Act, or the regulations; (h) ensure that all of the employer's workers are supervised by a person who (i) is competent, because of knowledge, training or experience, to ensure that work is performed at the workplace; (i) if the employer's workers are working on a construction project that has a prime contractor, advise the prime contractor of the approver's workers on the project. Employer as supervisor of the approver's duty re training 4(4) Without limiting the generality of clause (2)(b), every employer shall provide information, instruction and training to a worker to ensure, so far as is reasonably practicable, the safety, and health of the worker (a) begins performing a work activity at a workplace; (b) performs a different work activity than the worker was originally trained to perform; or (c) is moved to another area of the workplace or a different workplace that has different facilities, procedures or hazards. Performing work activity during training 4(5) Notwithstanding subsection (4), a worker may perform a work activity while being trained if the worker is under the direction of a supervisor or another person who is fully trained and has sufficient experience in performing that work activity to ensure that the safety or health of the worker and benefits for any time spent in training that he or she would be entitled to had the worker been performing his or her regular work duties during that time. S.M. 2002, c. 33, s. 7. DUTIES OF SUPERVISORS Duties of supervisors 4.1 Every supe or her supervision works in the manner and in accordance with the procedures and measures required by this Act and the regulations, and (iii) ensure that a worker under his or her supervision uses all devices and wears all clothing and personal protective equipment designated or provided by the employer or required to be used or worn by this Act or the regulations; (b) advise a worker under his or her supervision of all known or reasonably foreseeable risks to safety and health in the area where the worker is performing work; (c) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (d) comply with this Act and the regulations. S.M. 2002, c. 33, s. 7. DUTIES OF WORKERS General duties of workers 5 Every worker while at work shall, in accordance with the objects and purposes of this Act, (a) take reasonable care to protect his safety and health of other persons who may be affected by his acts or omissions at work; (b) at all times, when the nature of his work requires use all devices and wear all articles of clothing and personal protective equipment designated and provided for his protection by his employer, or required to be used and worn by him by the regulations; (c) consult and co-operate with the workplace safety and health committee. which that committee is charged under this Act; (d) consult and co-operate with the worker safety and health representative has been designated, regarding the duties and matters with any other person exercising a duty imposed by this Act or the regulations. DUTIES OF SELF-EMPLOYED PERSONS General duties of self-employed person shall, in accordance with the objects and purposes of this Act, (a) conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he or any other person is not exposed to risks to his or that person's safety or health, arising out of, or in connection with, activities in his workplace; (a.1) when he or she is working on a construction project that has a prime contractor, advise the prime contractor, advise the prime contractor that he or she is working on the project; (b) comply with this Act and the regulations; and (c) co-operate with any other person exercising a duty imposed by this Act or the regulations. S.M. 2002, c. 33, s. 10. DUTIES OF PRIME CONTRACTORS Requirement for prime contractor 7(1) There shall be a prime contractor for a construction project site at the same time. Prime contractor for construction project site; or (b) if there is no contract referred to in clause (a), or if that contract or before, the owner of the construction project site; or (b) if there is no contract referred to in clause (a), or if that contract or before the construction project site; or (b) if there is no contract referred to in clause (a), or if that contract or before the construction project site; or (b) if there is no contract referred to in clause (a), or if that contract or before the construction project site; or (b) if there is no contract referred to in clause (a), or if that contract or before the construction project site; or (b) if there is no contract referred to in clause (b) if the construction project site; or (b) if there is no contract referred to in clause (b) if the construction project site; or (c) project site. Duties of prime contractor 7(3) The prime contractor for a construction project shall (a) ensure, so far as is reasonably practicable, that every person involved in work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his Act and the regulations; (b) co-ordinate, organize and conduct his Act and the regulations; (b) co-ordinate, organize and conduct his Act and the regulation at the construction project site and conduct his Act and the regulation at the construction at t or her own activities in such a way as to ensure, so far as is reasonably practicable, that no person is exposed to risks to his or her safety or health arising out of, or in connection with activities at the construction project site; (c) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (d) comply with this Act and the regulations. S.M. 2002, c. 33, s. 11. DUTIES OF CONTRACTORS Duties of contractors 7.1 Every work process or procedure where an employer work process o performed at a workplace by an employer, employer or self employed person pursuant to a contractor, that is not in the direct and complete control of that employer or self-employed person project that has a prime contractor, advise the prime contractor of the name of every employer or self-employed person with whom the contractor has contracted to perform work on the regulations; and (d) comply with this Act and the regulations. S.M. 2002, c. 33, s. 12. DUTIES OF OWNERS Duties of owners 7.2 Every owner of a workplace shall (a) ensure, so far as is reasonably practicable, that the land or premises used as a workplace that is under his or her control is provided and maintained in a manner that does not create a risk to the safety or health of any person; (b) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (c) comply with this Act and the regulations. S.M. 2002, c. 33, s. 12. DUTIES OF SUPPLIERS Duties of supplier shall (a) ensure, so far as is reasonably practicable, that any tool, equipment, machine, device or chemical or biological substance provided by the supplier for use at a workplace (i) is safe when used in accordance with the instructions provided by the supplier, and (ii) conforms with the regulation, provide written instructions and information prescribed by regulation; (b) when prescribed by regulation; (b) when prescribed by regulation; (c) when prescribed by regulation to every employer, self-employed person, contractor or prime contractor to whom the supplier supplies any tool, equipment, machine, device or chemical or biological substance; and (c) comply with this Act and the regulations. S.M. 2002, c. 33, s. 12. WORKPLACE SAFETY AND HEALTH PROGRAM Establishment of workplace safety and health program 7.4(1) An employer shall establish a written workplace safety and health program for each workplace where 20 or more workers of that employed at a workplace shall be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each working day. Program for multiple workplaces 7.4(3) Notwithstanding subsection (1), the director may issue a written order permitting an employer to establish a workplace or parts of more than one workplace. subsection (3), the director shall take into account (a) the nature of the workplace; (b) any request for an order by an employer, worker or union representing workers at the workplace; (b) any request for an order by an employer, worker or union representing workers at the workplace safety and health program must include (a) a statement of the employer's policy with respect to the protection of the safety and health of workers at the workplace and the measures that will be taken to reduce, eliminate or control those dangers, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including personnel and equipment, that may be required to responsibilities of the employer, supervisors and workers at the workplace; (d) a statement of the responsibilities of the employer. work processes and procedures at the workplace; (f) a plan for the control of any biological or chemical substance used, produced, stored or disposed of at the workplace; (g) a statement of the procedures to be followed to protect safety and health in the workplace when another employer or self-employed person is involved in work at the workplace that includes (i) criteria for evaluating and self-employed persons to be involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a procedures for regularly monitoring employers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers and self-employed persons involved in work at the workplace; (h) a plan for training workers at the workplace; (h) a plan for training workers at the workplace; (h) a plan for training workers at the workplace; (h) a plan for training workers at the workplace; (h) a plan for training workers at the workplace; (h) a plan for training workers at the workplace; (h) a plan for training workers at t for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for reviewing and revising the workplace safety and health program every three years or more often if circumstances at a workplace change in a way that poses a risk to the safety or health program in a way that poses a risk to the safety and health program in a way that poses a risk to the safety and health program in a way that poses a risk to the safety or health of workers at the workplace; and (l) any other requirement program in a way that poses a risk to the safety or health program in a way that poses a risk to the safety and health program in a way that poses a risk to the safety or health program consultation with (a) the committee for the workplace; or (b) if there is no committee, the representative for the workplace safety and health program available to the following persons on request: (a) the committee; (b) if there is no committee, the representative; (c) a worker at the workplace; (d) a safety and health officer. Co-ordinate the programs by prime contractor 7.4(8) If workers from two or more employers. S.M. 2002, c. 33, s. 12; S.M. 2013, c. 9, s. 4. DUTY TO PROVIDE REQUIRED INFORMATION Definition: "required information" 7.5(1) In this section, "required information" means any information" means any information (a) that may affect the safety and health of a person at a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; (b) that is necessary to identify and or any process, procedure or biological or chemical substance used at a workplace; or (c) prescribed by regulation as required information. Required information by prime contractor 7.5(2) Every prime contractor for a construction project shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) the owner of the construction project site; and (b) every contractor 7.5(3) Every contra reasonably be expected to know to (a) every owner of a workplace with whom the contractor has a contract; (b) every employer and self-employed person at a workplace with whom the contractor has a contract; (b) every employer and self-employed person at a workplace with whom the contractor has a contract; (b) every employer and self-employed person at a workplace with whom the contractor has a contract; (c) every employer and self-employed person at a workplace with whom the contractor has a contract; (b) every employee and self-employed person at a workplace with whom the contractor has a contract; (c) every employee and self-employee prime contractor. Required information by owner 7.5(4) Every owner of a workplace shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) every self-employee who employer who employer who employee shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) every employee who employee shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) every employee who employee shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) every employee to know to (a) every employee to know to (b) every employee to know to (c) every employee to Required information by owner of construction project 7.5(5) Despite subsection (4), if a workplace is a construction project site where work is performed on a construction project that is required information that he or she knows or may reasonably be expected to know only to the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) In this section, "function, "function" 7.6(1) In this section, "function" Multiple functions 7.6(2) If a person has two or more functions under this Act in respect of one workplace, that person shall satisfy the duties apply to more than one person 7.7 If (a) one or more functions imposes the same duty on more than one person; and (b) one of the persons subject to that duty complies with the applicable provision; the other persons subject to that duty are relieved of their duty only during the time when (c) simultaneous compliance of that duty by more than one person; and (b) one of the persons subject to that duty are relieved of their duty only during the time when (c) simultaneous compliance of that duty by more than one person would result in unnecessary duplication of effort and expense; and (d) the safety and health of any person at the workplace is not put at risk by compliance with that duty by only one person. S.M. 2002, c. 33, s. 12. RELATIONSHIP OF THIS ACT TO THE WORKERS COMPENSATION ACT Effect on compensation 8 The failure to comply with any provision of this Act or the regulations does not affect the right of a worker to compensation under The Workers Compensation Act. Effect on liabilities and obligations of any person under The Workers Compensation Act are not decreased, reduced, or removed, by reason only of his compliance with the provisions of this Act or the regulations. 10 [Renumbered as subsection 14(4)] 11(1) [Repealed] S.M. 1991-92, c. 36, s. 65. 11(2) [Renumbered as subsection 14(5)] S.M. 1991-92, c. 36, s. 65. DUTIES AND POWERS OF THE DIRECTOR Duties of director 12 The director shall, in accordance with the maintenance of reasonable standards for the protection of the safety and health of workers and self-employed persons in Manitoba; (b) be responsible for the administration of this Act and the regulations; (c) submit from time to time to the minister such recommendations as he considers appropriate for the making of regulations; (c) submit from time to time to the minister such recommendations as he considers appropriate for the making of regulations; (c) submit from time to time to the minister such recommendations as he considers appropriate for the making of regulations; (c) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (c) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (c) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (c) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (d) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (d) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (d) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (d) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (d) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (d) submit from time to the making of regulations; (d) submit from time to the making of regulations; (d) submit from time to the making of regulations; (d) submit from time to the making of regulations; (d) submit from time to the making of regulations; (d) submit from time to the making of regulations; (d) submit from time to the making of regulations; (d) submit from time to the making of regulations; (d) submit from time to the making of regulations purposes of this Act are provided with information and advice pertaining to its administration and to the protection of the safety and health of workers generally; (e) prepare and maintained illness, death and accident statistics relating to workers and self-employed persons, and do so either alone or in conjunction with The Workers Compensation Board, the Department of Health, Healthy Living and Seniors, or any other department, agency or commission; and (f) do such other things in connection with safety and health in the workplace as the minister may direct, for the purposes of carrying out the provisions of this Act and the regulations and the provisions of any other Act or regulations assigned to the minister for administration. S.M. 2013, c. 9, s. 5; S.M. 2014, c. 32, s. 38. Powers of director 13 The director may, in accordance with the objects and purposes of this Act, (a) provide assistance to persons concerned with safety and health in the workplace, and provide services to assist workplace safety and health committees, employers and workers in maintaining reasonable standards for the protection of the safety and health of workers; (b) carry out studies and research, or cause studies and research to be carried out, and make arrangements for the publication of results of research, in matters relating to the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of this Act, education and information programs for promoting the safety and health; (d) make recommendations to the minister regarding grants of moneys for any of the purposes referred to in this section; (d.1) make recommendations to the minister regarding workplace safety and health and the prevention of workplace injury and illness; (d.2) coordinate examinations to the minister regarding workplace safety and health and the prevention of workplace safety and health worker, or self-employed person, and arising out of or in connection with activities in the workplace; and (e) perform such other functions as the minister may direct for the proper administration of this Act and the regulations. S.M. 2013, c. 9, s. 6. Public reporting of orders and penalties made or imposed under this Act. The reports disclosing details of improvement orders, stop work orders and administrative penalties made or imposed under this Act. S.M. 2013, c. 9, s 7. DUTIES AND POWERS OF THE MINISTER Powers of minister 14(1) The minister may, in accordance with the objects and purposes of this Act, (a) authorize the director or any other person to investigate and make a special report to him on any accident, occurrence, or any matter of safety and health in the workplace; (b) appoint the director or any other person to conduct a public inquiry into any matter of safety or health in the workplace, and the director or the person so appointed, for the purpose of an inquiry, has all the powers of a commissioner under Part V of The Manitoba Evidence Act; (c) appoint consultants and advisors who are professionally or technically qualified to advise him in the making of regulations, or to advise him on the administration of this Act or regulations; (d) [repealed] S.M. 2018, c. 8, s. 28; (e) [repealed] S.M. 2018, c. 8, s. 28; consultants or advisors may be paid such remuneration and out-of-pocket expenses as may be authorized by the minister. Payment of certain costs (a) for investigative and consultative services; and (b) for medical examinations and reports made under this Act, the costs of which are not payable from public funds; that may be carried out or rendered for the purposes of this Act. Administration of Act 14(4) This Act is to be administered through the Workplace Safety and Health must be appointed under Part 3 of The Public Service Act. Consolidated Fund 14(5) To assist in defraying the expenses incurred in the administration of this Act moneys may be paid from the Consolidated Fund, if authorized by an Act of the Legislature to be so paid and applied. S.M. 2002, c. 33, s. 14 and 15; S.M. 2013, c. 9, s. 8; S.M. 2018, c. 8, s. 28; S.M. 2021, c. 11, s. 137; S.M. 2021, c. 16, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 8, s. 28. 16 [Repealed] S.M. 2015, c. 43, s. 66; S.M. 2018, c. 8, s. 28. 16 [Repealed] S.M. 2018, c. 8, s. 28. 16 [Repealed Chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(2) The chief occupational medical officer has all the powers of a workplace safety and health officer as set out in this Act, and such other powers as may be conferred upon him by the minister or the regulations. Authorization for occupational health nurse 17(3) The chief occupational health nurse to enter a workplace for ball have such duties and powers as are prescribed for the person by the chief occupational medical officer, but the duties and powers as are prescribed shall not include any duties and powers that are not prescribed for a person who is appointed as a safety and health officer under owners and suppliers to protect the safety and health of any person at a workplace; (b) respecting procedures, measures and precautions that are required, or prohibited, when performing any work activity; (c) imposing requirements respecting conditions at workplaces, including such matters as the structural condition and stability of premises available exits from premises, cleanliness, temperature, lighting, ventilation, overcrowding, noise, vibrations, ionizing and other radiations, dust and fumes; (c.1) respecting the prohibition of smoking and e-cigarette use at workplaces, including deeming a contravention of The Smoking and Vapour Products Control Act relating to workplaces to be a contravention of this Act for the purpose of issuing an improvement order under section 26; (d) prescribing minimum standards of welfare facilities for washing, bathing, changing, storing personal property, breaks and refreshment; (e) regulating or prohibiting the manufacture, supply, or use of any plant, tool, equipment, machine or device; (f) respecting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, testing, installation, commissioning, examination, repair, maintenance, alteration, adjustment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device used or manufactured in any workplace, and regulating or restricting the manufactured in any workplace, and regulating or restricting the use of specified markings; (h) regulating or prohibiting the manufactured in any workplace. or health of any person at a workplace; (i) respecting the testing, labelling and examination of any substance or material that may affect the safety or health for medical examinations and health surveillance of persons. involved in work at a workplace; (k) respecting the monitoring of atmospheric and other conditions in workplaces; (l) respecting the instruction, training and supervision by employers, and the use by workers; of protective clothing or devices, including clothing affording protection against the weather, (n) prohibiting the performance of specified functions by any person who does not possess specified functions at a workplace, and the fees and conditions required to obtain a licence, certificate or designation; (p) requiring a licence, certificate or designation; (p) requiring a licence of specified functions or experience; (o) respecting licences, certificate or designation; (p) requiring a licence of specified functions or experience; (o) respecting licences, certificate or designation; (p) requiring a licence of specified function of specified functions or experience; (o) respecting licences, certificate or designation; (p) requiring a licence of specified function of specified functions at a workplace of specifi person to obtain a permit to carry on a specified activity affecting the safety or health of any person at a workplace, including the terms and conditions of any licence, certificate or permit issued under this Act; (r) respecting the preparation, maintenance and submission of records and reports dealing with accidents, industrial diseases and workplace safety and health standards; (s) restricting, prohibiting or requiring any activity if an accident or any other specified dangerous occurrence has occurr of meetings of committees, including more frequent meetings for specified classes of workplaces, (iii) the participation of committee records to the director; (u) respecting representatives, including but not limited to (i) the participation of representatives in inspections, investigations and other related matters, and (ii) the submission of representatives' records to the director; (v) respecting workplace safety and health shall be communicated; (x) prescribing the fees payable for examinations required under this Act; (y) respecting arrangements for ambulance service and first-aid treatment at workplaces; (z) respecting the employment or the provision of alternate employment to (i) a worker, and (ii) a worker, and (ii) a worker whose safety or health is put at risk by exposure to a chemical or biological substance; (a) respecting the establishment of policies and procedures in workplaces or classes of workplaces to prevent harassment in the workplace; (bb.1) for the purpose of section 21, respecting the criteria to be used and the procedures to be followed when determining whether to make an order, or to reconsider an order, an order, or to reconsider an order, or to reconseq and to under subsection 40(6) or (7.1), and (ii) respecting any additional criteria to be considered by the director under subsection 40(7); (cc) for the purpose of section 53.1, (i) specifying the form and content of notices of administrative penalties, (i.1) prescribing provisions of this Act or the regulations for the purpose of subclauses 53.1(1)(a)(ii) and (2)(a) (ii), (ii) respecting the determination of amounts of administrative penalties, which may vary according to the number of workers affected by, or the nature or frequency of, the matter that gave rise to the issuance of the notice of administrative penalty, and (iii) respecting any other matter that gave rise to the issuance of the notice of administrative penalty, and (iii) respecting any other matter that gave rise to the issuance of the notice of administrative penalty, and (iii) respecting any other matter that gave rise to the issuance of the notice of administrative penalty, and (iii) respecting any other matter that gave rise to the issuance of the notice of administrative penalty, and (iii) respecting any other matter that gave rise to the issuance of the notice of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty, and (iii) respecting the determination of a system of administrative penalty admin penalties provided for under this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (ee) respecting any matter required or authorized by this Act to be prescribed or dealt with by regulation; (ff) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes. of this Act. Application of regulations 18(2) A regulation made under subsection (1) may be made applicable generally to all workplaces, or to such classes thereof as may be specified therein. S.M. 2002, c. 33, s. 22; S.M. 2004, c. 17, s. 10; S.M. 2013, c. 9, s. 10; S.M. 2015, c. 36, s. 20; S.M. 2018, c. 18, s. 14. Approval of codes of practice 19(1) For the purpose of providing practical guidance with respect to the regulations, the director may approve and issue such codes of practice or any amendment or revision thereof as in his opinion are suitable for that purpose. Notice in Gazette 19(2) Where a code of practice of any provision of the regulations, the director may approve and issue such codes of practice of any provision of the regulations, the director may approve and issue such codes of practice of practic approved by the director under subsection (1), he shall cause to be published in the Manitoba Gazette a notice identifying the code, specifying the effective date of the approval. Failure to observe code, no offence 20(1) The failure by any person to observe any provision of an approved code of practice is not of itself an offence. Admissibility of codes as evidence 20(2) Where a person is charged with a breach of any provision of the regulations. Certified copy of code required 20(3) A copy of a code of practice, or any amendment or revision thereto as approved by the director, certified to be a true copy by the director shall be received as evidence in any court without proof of the signature or of the signatu admitted as evidence under subsection (2), and a prima facie case of non-compliance with the code of practice is established, the onus is on the accused to prove that he has complied with the regulation. Exemption from regulation 21(1) After consulting with any parties he or she considers appropriate, the director may, in accordance with the regulations, make a written order exempting a person or class of persons from any provision of a regulation to meet the special circumstances in a particular case. Considerations on exemptions 21(2) The director may make an order under subsection (1) only if he or she is satisfied that no worker's health or safety is materially affected by the exemption and any criteria set out in the regulations are met. Terms and conditions of order 21(3) The director may impose any terms or conditions in connection with the order that the director considers necessary to maintain the safety or health of a worker. Reconsideration of exemption order 21(4) If, after making an order under this section, additional information comes to the attention of the director may, in accordance with the regulations, reconsider the order and (a) confirm the order and (a) confirm the order and (b) vary, suspend or revoke the order was made, or (ii) a worker's safety or health is materially affected by the order. S.M. 2002, c. 33, s. 23; S.M. 2013, c. 9, s. 11. SAFETY AND HEALTH OFFICERS Appointment of safety and health officers for the purpose of enforcing this Act and the regulations. Agreements with other provinces 22(2) The minister may enter into an agreement with any province authorizing a person employed by that province to act as a safety and health officer for the purpose of this Act. Inspections for other work on behalf of another province or the Government of Canada upon such terms and conditions as he deems advisable. Credentials of his appointment which the officer shall provide to safety and health officer vith written credentials of his appointment which the officer shall provide to safety and health officer shall provide to safety and health officer vith written credentials of his appointment which the officer shall provide to safety and health officer vith written credentials of his appointment which the officer shall provide to safety and health officer vith written credentials of his appointment which the officer vith written credentials of his appointentials of his appointment writt any of the powers conferred on him under this Act. Duties of safety and health officers 23 A safety and health officer shall (a) make such inspections and inquiries, and carry out such other duties as may be assigned to safety and health officers under this Act or the regulations. Powers of safety and health officers 24(1) For the purpose of enforcing this Act and the regulations, a safety and health officers 24(1) For the purpose of enforcing this Act and the regulations. prior notification enter any place or premises in which he has reason to believe workers or self-employed personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premis believe workers or self-employed persons are working or were working; (c) take with him any other person, and such equipment and materials, as he needs to assist him; and arrange with the employer, or person in charge of the place or premises, for that other person to re-enter alone to perform specified duties; (d) make such examinations and investigations as he deems necessary for determining the cause and particulars of any accident or ill health occurring to a worker, or self-employed person, and arising out of or in connection with activities in the workplace; (e) take such measurements and photographs, make such tests and recordings, and take such samples of articles or premises, or of the atmosphere in or near the place or place or premises, or of the atmosphere in or near the place or premises, or removed to a place designated by the employer or a person designated by the employer or a person designated by the employer to demonstrate the use of any machinery, equipment, appliance or thing at a workplace; (g) cause any article, substance or sample taken pursuant to clause (e), to be dismantled or subjected to any process or test but not in such manner as to damage or destroy it unless under the circumstances damage thereto is unavoidable or necessary; (h) in the case of any article, substance or equipment mentioned in clauses (e) and (g), to take possession thereof and detain it for so long as is necessary for use as evidence in any proceedings or prosecution under this Act; (i) require any documents, books, or records that relate in any way to the safety and health in workplaces of workers, or self-employed persons, to be produced for inspection and to make copies thereof or take extracts therefrom; (j) require any person to provide him with facilities or assistance with respect to any matters or things within that person's control, or in relation to which that person has responsibilities; (k) in conducting any inspection, inquiry, investigation, or examination under this section, or under section 23 require any person, whom the officer has reasonable cause to believe to possess any information respecting the conditions of workplace safety, health and welfare, to attend an interview and to provide full and correct answers, either orally or in writing, to such questions as the officer thinks fit to ask; and the interview shall take place in the absence of person whom the officer may allow to be present; (1) direct that any workplace, or part thereof, or anything therein, be left undisturbed for such time as is reasonably necessary for any of the purposes specified in clauses (d), (e) and (g); (m) do such other things as may be authorized by the minister. Order for entry into residential premises 24(2) A safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer to enter the residential premises for the purposes of inspecting them and, if the judge is satisfied that it is reasonable and necessary for the administration of the Act to grant such an order. S.M. 2002, c. 33, s. 25. Power of commissioner under Part V of The Manitoba Evidence Act. IMPROVEMENT ORDERS Improvement orders 26(1) Where a safety and health officer is of the opinion that a person (a) is contravened any provision of this Act or the regulations; or (b) has contravened any provision of this Act or the regulations in circumstances which make it likely that the contravention will continue or be repeated; the officer may make an improvement order against that person, requiring the person to remedy the contravention within such period as may be specified in the order and requiring the reasons for making the order and requiring the the officer. believes that the contravention referred to in clause (1)(a) or (b), involves or is likely to involve a serious risk to the safety or health of any person in or about the workplace, he may, in the improvement order specify that if the contravention is not remedied within the period mentioned therein, a stop work order may be issued in accordance with section 36. S.M. 2013, c. 9, s. 12. 27 to 31 [Repealed] S.M. 2002, c. 33, s. 27. 32 [Renumbered as section 36.3] Remedial measures to be taken to remedy any contravention or matter to which the order relates, and those directions (a) may be made by reference to any approved code of practice; and (b) may set out different ways of remedying the contravention or matter. Period for compliance with improvement order may approve to the person against whom it is made; (b) the order may be withdrawn by the safety and health officer at any time before the end of the specified period; or (c) the period may be extended by the safety and health officer, unless an appeal against the order is made shall (a) within seven days after the expiry of the period specified in the order or any extension thereof prepare a written report to the measures taken to remedy the contravention and on any measures taken to remedy the contravention and on any measures taken to the measures taken to remedy the contravention and on any measures taken to remedy the contraventation and on any workplace safety and health committee for the workplace with respect to which the order was made or to the worker safety and health committee acopy of the report if there is no safety and health committee or a worker safety and health representative for the workplace. Achieving compliance with improvement orders 35(2) Despite the submission of a report under subsection (1), the report is not determinative of whether or not the improvement order when an officer determines that compliance has been achieved. S.M. 2002, c. 33, s. 29; S.M. 2013, c. 9, s. 13. STOP WORK ORDERS Stop work order 36(1) Where a safety and health injury are being carried on, or are about to be carried on in a workplace, or where a contravention specified in an improvement order was not remedied and a warning was given in accordance with subsection 26(2), the officer may make a stop work order providing for any one or more of the following matters: (a) the cessation of those activities; (b) that all or part of the workplace be vacated; (c) that no resumption of those activities be permitted by the employer. Stop work order — multiple workplaces 36(1.1) Where a safety and health officer is of the opinion that activities that involve, or are likely to involve, an imminent risk of serious physical or health injury are being carried on, by workers of the same employer at more than one workplace, the officer may make a stop work order providing for any one or more of the employer's workplaces. Improvementation of those activities; (b) that all or part of any of the employer's workplaces. Improvementation of those activities; (b) that all or part of any of the employer's workplaces. work not affected 36(2) A stop work order does not prevent the doing of any work or thing that may be necessary in order to remove the risk of injury referred to in subsection (1) or (1.1). 36(3) [Repealed] S.M. 2002, c. 33, s. 31. Duration of stop work order 36(4) A st and health officer who issued it; or (b) set aside or varied by the director or the Board under subsection 37(4) or 39(5). Duration of varied order remains in effect until a safety and health officer withdraws or discontinues it. Workers must be paid 36(6) While a stop work order is in effect, (a) any worker who is directly affected by the order is entitled to the same wages and benefits that he or she would have received had the stop work order not been issued; and (b) the employer may re-assign the worker to alternate work. If alternate work is directly affected by the order is entitled to the same wages and benefits that he or she would have received had the stop work order not been issued; and (b) the employer may re-assign the worker to alternate work. If alternate work is directly affected by the order is entitled to the same wages and benefits that he or she would have received had the stop work order not been issued; and (b) the employer may re-assign the worker to alternate work. director that alternate work is not available, the director may order that clause 6(a) does not apply for any period that the director under under the employer is required to provide a worker with all wages and benefits under that clause. Appeal 36(8) A person affected by an order of the director under subsection (7) may appeal it to the Board. In that case, section 39 applies with necessary changes. S.M. 2002, c. 33, s. 31; S.M. 2013, c. 9, s. 14. COMMUNICATING IMPROVEMENT ORDERS AND STOP WORK ORDERS Communication of orders 36.1(1) Subject to subsection (2), an improvement order or stop work order may be communicated to the person against whom the order is made (a) by delivering a copy of the order to the person; (b) by sending a copy of the order cannot be communicated by delivery or mail under clause (a) or (b), by posting a copy of the order in a conspicuous place at or near the workplace with respect to which the order was made. Communication to worker or self-employed person may be communicated (a) by delivering a copy of the order to the worker or the self-employed person; or (b) if, despite reasonable efforts, the order cannot be delivered to the worker or self-employed person, by sending a copy of the order subsection (1), it is deemed to have been communicated to the person against whom the order was made 24 hours after the order was posted. Communicated at the time it is delivered, received or posted in accordance with this section and takes effect immediately upon delivery, receipt or posting. Directions for communication 36.1(5) Despite subsections (1) and (2), the director may direct that an order is deemed to have been communicated. S.M. 2002, c. 33, s. 31. Communication of orders to prime contractor 36.2 If a safety and health officer makes an order against any person involved in work on a construction project that has a prime contractor, the officer shall provide a copy of the order to the prime contractor. S.M. 2002, c. 33, s. 31. Communication to workplace committees 36.3(1) A copy of every improvement order shall be provided by the safety and health officer to (a) the workplace safety and health committee for the workplace with respect to which the order was made; or (b) the worker safety and health committee exists for the workplace. Posting improvement order 36.3(2) Where there is no workplace safety and health committee or a worker safety and health committee or a worker safety and health committee exists for the workplace. representative for the workplace, the officer shall post in a prominent place at or near the workplace a copy of every improvement order. S.M. 2002, c. 33, s. 28. APPEALS Appeal can be made to director 37(1) A person directly affected by an order or decision of a safety and health officer made under (a) section 26 (improvement order); (b) section 36 (stop work order); (c) section 42.1 (reprisal); or (d) section 43.1 (right to refuse dangerous work); may appeal the order or decision to the director within 14 days after the date of the order or decision, or within any further period that the director may allow The notice must state the reasons for the appeal and list the persons interested in the appeal. Submissions from interested persons 37(2.1) The director must give the interested persons 37(2.1) The director must give the interested persons 37(2.1) The director must give the interested in the appeal and persons 37(2.1) The director must give the interested persons 37(2.1) The director must give the interested persons interested persons 37(2.1) The director must give the intere Hearing not required 37(3) The director is not required to hold a hearing before deciding an appeal. Decision 37(4) On an appeal, the director may (a) make any other order the director may (a) make a decision; or (b) make any other order the director may (a) make a decision about the appeal, and give written reasons, within a reasonable time after receiving the appeal notice, unless the appeal has been referred to the Board under section 38. Original decision remains in effect pending appeal 37(6) Unless the director orders otherwise, an appeal under this section does not suspend the operation of the order or decision under appeal. S.M. 1995, c. 33, s. 23; S.M. 2002, c. 33, s. 23; S.M. 2013, c. 9, s. 15; S.M. 2021, c. 16, s. 6. Confirmation of order or decision 37.1 Despite section 37.1 Despite sec under appeal is frivolous or vexatious; or (b) in the case of an appeal of a reprisal, the director determines that the reprisal was not referred to a safety and health officer in the time period required by subsection 42.1(1.1). S.M. 2021, c. 16, s. 7 Referring an appeal to Board 38(1) Instead of deciding an appeal under section 37, the director may refer it to the Board. In that case, subsections 39(2) to (8) apply to the appeal, with necessary changes. Reasons 38(2) The director must give written reasons for a decision to refer an appeal to the Board under subsection (1). Director to give information to Board 38(3) On referring an appeal to the Board, the director shall (a) inform the person appealing that the appeal has been referred to the Board; (b) give the Board (i) the appeal notice under section 37, (ii) any written information the director thinks are directly affected by the order or decision under appeal; and (c) give each person on that list a copy of the appeal notice and any written information the director under section 37 may appeal it to the Board, but an order or decision of the director under section 37.1 is final and cannot be appealed to the Board. How to appeal 39(2) The person appealing must send a written appeal and must be in the form and contain the information the Board requires. Notice of hearing date 39(3) On receiving a notice of appeal, the Board shall (a) fix a date, time and place for hearing the appeal; and (b) give written notice of the hearing to the person appealing, the director is a party to an appeal under this section. Right to be heard 39(5) At the hearing, the Board shall give any interested person an opportunity to be heard, to present evidence and to make an order confirming, varying or setting aside the order or decision appealed from. It may also make any other order it considers necessary that is mentioned in subsection 31(4) of The Labour Relations Act (remedies for unfair labour practice). Order remains in effect pending appeal 39(7) Unless otherwise ordered by the Board under this section does not suspend the operation of the order or decision under appeal. Order filed in Queen's Bench 39(8) An order of the Board may be filed in the Court of Appeal, but only on a question of law or jurisdiction and by leave of a judge of the Court. S.M. 2002, c. 33, s. 32; S.M. 2013, c. 9, s. 16; S.M. 2021, c. 16, s. 8. WORKPLACE SAFETY AND HEALTH COMMITTEES AND REPRESENTATIVES Workplace where (i) in the case of a seasonal workplace, at least 20 of the employer's workers are involved, or are expected to be involved, in work and the work is expected to continue for at least 20 of the employer's workers are regularly employed; and (b) for any other workplace or class of workplace designated by a written order of the director. Exception for construction project site 40(3) A prime contractor shall establish a committee at a construction project site if (a) at least 20 workers are involved, or expected to be involved, in work on a construction project; and (b) the project is expected to require more than 90 days to complete. Determining number of workers employed at a workplace shall be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each working day. More than one committee in a workplace 40(5) The director may issue a written order requiring an employer or prime contractor to establish more than one committee for a workplace. multiple workplaces 40(6) Notwithstanding subsections (1) and (3), the director may, in accordance with the regulations, issue a written order permitting an employer or prime contractor to establish one committee for more than one workplace. of that committee. Considerations of director 40(7) In determining whether to make an order under subsection (5) or (6), the director shall take into account (a) the nature of the workplace; (b) any request for an order by an employer, prime contractor, worker or union representing workers at the workplace; (c) the frequency of injury or illness in the workplace or in the industry in question; and (d) with respect to an order under subsection (6), additional information comes to the attention of the director, the director may, in accordance with the regulations, reconsider the order; or (b) vary, suspend or revoke the order if the director believes that (i) he or she would have come to a different decision if the information had been known when the order is safety or health is materially affected by the order. Membership of committee 40(8) A committee 40(8) A committee (a) shall consist of not fewer than four or more than 12 persons, of whom at least 1/2 shall be persons, of whom at least 1/2 shall be persons, of whom at least 1/2 shall be persons (i) representing workers who are not associated with the management of the workplace, and (ii) appointed in accordance with the constitution of the union that is the certified bargaining agent or that has acquired bargaining rights on behalf of those workers, or where no such union exists, persons elected by the workers they represent; and (b) shall have two co-chairpersons — one chosen by the employer members on the committee, and the other chosen by the employer members on the committee and the other chosen by the workers, or where no such union exists, persons elected by the workers they represent; and (b) shall have two co-chairpersons — one chosen by the employer members on the committee and the other chosen by the workers and the other chosen by the workers are consistent of the employer members on the committee and the other chosen by the workers are consistent of the employer members are consistent of th meetings of the committee and shall participate in all decisions of the committee. Posting of names of members are posted conspicuously in the workplace. Duties of a committee 40(10) The duties of a committee include (a) the receipt, consideration and disposition of concerns and complaints respecting the safety and health of workers; (b) participation in the identification of risks to the safety and health and welfare of persons in the workplace; (c) the development and promotion of measures to protect the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the workplace; (c) the development and promotion of measures to protect the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety and health and welfare of persons in the identification of risks to the safety the workplace, and checking the effectiveness of such measures; (d) co-operation with the occupational health service, if such a service has been established within the workplace; (e) co-operation with a safety and health officer exercising duties under this Act or the regulations; (f) the development and promotion of programs for education and information concerning safety and health in the workplace; (g) the making of recommendations to the employer or prime contractor respecting the safety and health of workers; (h) the inspection of the workplace; (j) the maintenance of records in connection with the receipt and disposition of concerns and complaints and the attendance to other matters relating to the duties as may be specified in this Act or prescribed by regulation. Time off for committee is entitled to take the following time off from his or her regular duties: (a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee; (c) the time reguired to attend workplace safety and health training in accordance with section 44, as approved by the committee and the employer; (d) such time as the committee determines is necessary to carry out his or her duties as a committee member 40(12) A member of a committee is deemed to be at work during the times described in subsection (11) and is entitled to be paid for those times by his or her employer at the member's regular or premium pay, as applicable. Training of committee members. S.M. 2002, c. 33, s. 32; S.M. 2013, c. 9, s. 17. Workplace safety and health representative 41(1) Each employer shall cause a worker not associated with management to be designated as the worker safety and health representative (a) at a workplace, other than a construction project, notwithstanding the requirements for a safety and health committee; and (c) at any other individual workplace or classes of workplace or classes or agent or has acquired bargaining rights on behalf of those workers, or if no such union exists, shall be elected by the workers he representative to be posted prominently in the workplace. 41(4) [Repealed] S.M. 2002, c. 33, s. 33. Duties of representative 41(5) The worker representative shall, in co-operation with a representative of the employer, perform the same duties as set out for the workplace safety and health committees in section 40. Time off from his or her regular duties: (a) one hour to prepare for each safety and health meeting with the employer; (b) the time required to attend each safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend each safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (c) the time required to attend workplace safety and health training to attend workplace safety and health training to attend workplace safety and health training to attend workplace safety and health Act and the regulations. Entitlement to pay for work as representative 41(7) A representative is deemed to be at work during the times described in subsection (6) and is entitled to be paid for those times by his or her employer at the representative's regular or premium pay, as applicable. Training of representative 41(8) The employer must ensure that the representative is trained to competently fulfill his or her duties as a representative. S.M. 2002, c. 33, s. 33; S.M. 2013, c. 9, s. 18. Definition: "employer" means an employer" 41.1(1) In this section, "employer" to designate a representative. Recommendation by co-chair of committee 41.1(1.1) If a committee has failed to reach a decision about whether or not to make a recommendation under clause 40(10)(g) after attempting in good faith to do so, either co-chairperson may make written recommendations to the employer. from a representative, a committee or a committee co-chairperson that identifies anything that may pose a danger to the safety or health of any person, the employer must response 41.1(3) The response of an employer must (a) contain a timetable for implement to address the danger posed to the safety or health of a person; and (b) give reasons why the employer disagrees with any recommendations that the employer does not accept. Referral to safety and health officer 41.1(4) If no agreement can be reached regarding the response of an employer; (b) the committee; (c) a member of the committee; (d) if there is no committee, the representative. Order from officer 41.1(5) If a dispute regarding a recommendation is referred to a safety and health officer. S.M. 2002, c. 33, s. 33; S.M. 2013, c. 9, s. 19. Information on request 41.2 If requested by a committee or a representative, or a worker: (a) information concerning the testing of any equipment, device or chemical or biological substance used at a workplace; (b) an inspection or investigation report; (c) a report respecting safety and health monitoring or audits; (d) a report providing summary information on the results of a harassment investigation, without disclosing the circumstances relating to the complaint or any information that could identify a worker or other person involved with the matter. S.M. 2013, c. 9, s. 20. Accompanying an officer 41.3(1) A safety and health officer who conducts an inspection or investigation at a workplace, may request that he or she be accompanied by (a) the worker co-chairperson of the committee or his or her designate; (b) if there is no committee at the workplace, a worker not associated with the management of the workplace. Employer co-operation 41.3(2) If a safety and health officer makes a request under subsection (1), the employer shall pay the person in accordance with subsection 40(11). S.M. 2002, c. 33, s. 33. REPRISALS Reprisals prohibited 42(1) No employer, union or person acting on behalf of an employer or union shall take or threaten a reprisal against a worker for (a) exercising a right under or carrying out a duty in accordance with this Act or the regulations; (b) testifying in a proceeding under this Act; (c) giving information about workplace conditions affecting the safety, health or welfare of any worker to (i) an employer or a person acting on behalf of an employer, (ii) a safety and health officer or a union representative; (d) performing duties or exercising rights as a member of a committee or as a representative; (e) refusing to do dangerous work under section 43; (f) taking reasonable action at the workplace to protect the safety or health of another person; (g) complying with this Act, or the regulations or a code of practice under this Act, or an order or decision made under this Act; or (h) attempting to have this Act or the regulations enforced. Failure to pay wages or benefits to a worker when required to do so by this Act is deemed to have taken a reprisal against the worker under this section. S.M. 2002, c. 33, s. 34; S.M. 2013, c. 9, s. 21; S.M. 2021, c. 16, s. 9. Referring a complaint to an officer 42.1(1) A worker who believes on reasonable grounds that the employer or union has taken a reprisal against him or her for a reason described in section 42 may refer the matter to a safety and health officer. Time limit 42.1(1.1) A referral under subsection (1) must be made within six months after the date of the alleged reprisal. Order 42.1(2) If a safety and health officer decides that an employer or union has taken a reprisal against a worker for a reason described in section 42, the officer shall make an order requiring the employer or union to do one or more of the following: (a) stop the reprisal; (b) reinstate the worker to his or her former employment on the same terms and conditions on which the worker was formerly employed; (c) pay the worker any wages the worker for loss of any benefits; (d) remove any reprimand or other reference to the matter from any employment records the employer maintains about the worker. Officer to advise if no reprisal 42.1(3) If a safety and health officer shall inform the worker in writing of the reasons for that decision. Onus on employer or union 42.1(4) If, in a prosecution or other proceeding under this Act, a worker establishes (a) that a reprisal was taken against him or her; and (b) that the worker conducted himself or herself in a manner described in section 42; it shall be presumed that the decision to take the reprisal was not influenced by the conduct. Court order to reinstate, etc. 42.1(5) If an employer or union is convicted of taking a reprisal against a worker contrary to this Act, the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to this Act, the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to this Act, the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to this Act, the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to this Act, the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to this Act, the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to this Act, the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker contrary to the convicting justice shall order the employer or union is convicted of taking a reprisal against a worker convicting justice shall order the employer or union is convicted of taking a reprisal against a worker convicted of taking a rep employment on the same terms and conditions on which the worker was formerly employed; (c) pay the worker any wages the worker for loss of any benefits; (d) remove any reprimand or other reference to the matter from any employment. records the employer maintains about the worker. S.M. 2002, c. 33, s. 34; S.M. 2021, c. 16, s. 10. RIGHT TO REFUSE DANGEROUS WORK Right to refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that the work constitutes a danger to his or her safety or health or to the safety or health of another worker or another person. Reporting the refusal 43(2) A worker who refuses to work or do particular work under subsection (1) shall promptly report the refusal and the reasons for it to his or her employer or immediate supervisor, or to any other person in charge at the workplace.

Inspecting dangerous conditions 43(3) If the employer does not remedy the dangerous condition immediately, the person who receives the report of refusal to work, or a person designated by that person, shall immediately inspect the dangerous condition in the presence of the worker and one of the following persons: (a) if there is a committee under section 40, the worker co-chairperson of the committee or, if that person is unavailable, a committee member who representative or, if he or she is unavailable, another worker selected by the worker refusing to do the work; (c) if there is a committee or representative, another worker selected by the worker who is refusing to work. Remedial action 43(4) The person required to inspect the dangerous condition, or ensure that such action is taken. Worker may continue to refuse 43(5) Until the dangerous condition is remedied, the worker who reported it may continue to refuse to work or do particular work. Other workers not to be assigned 43(6) When a worker to do the work unless (a) the employer has advised the other worker, in writing, of (i) the first worker's refusal, (ii) the reasons for the refusal, (iii) the other worker or any person; (b) where practicable, the first worker has advised the other worker or any person; (b) where practicable, the first worker has advised the other worker or any person; (b) where practicable, the first worker has advised the other worker has advised the other worker. worker of (i) the first worker's refusal, and (ii) the reasons for the refusal; and (c) the actions required by subsections (3) and (4) have been taken. S.M. 2002, c. 33, s. 34; S.M. 2013, c. 9, s. 22. Report of dangerous condition is not remedied after an inspection under subsection 43(3), any of the persons present during the inspection may notify a safety and health officer of the refusal to work and the reasons for it. Investigate the matter and decide whether the worker has refused to do constitutes a danger to the safety or health of the worker or any other worker or person at the workplace. Order by officer 43.1(3) If the officer decides that the officer considers necessary or advisable; and (c) give a copy of the officer stating the report and any order to (i) the worker who refused to do the work, (ii) the co-chairpersons of the committee, or the representative. Decision not to issue an order 43.1(4) If the officer decides that the work is not dangerous, he or she shall, in writing, (a) inform the employer and the worker of that decision; and (b) inform the worker that he or she is no longer entitled to refuse to do the work. S.M. 2002, c. 33, s. 34; S.M. 2013, c. 9, s. 23. Worker entitled to be paid despite refusal 43.2 If a worker has refused to work or do particular work under section 43, (a) the worker is entitled to the same wages and benefits that he or she would have received had the worker continued to work; and (b) the employer may re-assign the worker temporarily to alternate work. S.M. 2002, c. 33, s. 34. Employer at a workplace or his or her agent, or the supervisor or another person representing the employer at the workplace in a supervisory capacity, knows or ought to know of a condition at the workplace that is or is likely to be dangerous to the safety or health of a worker, he or she shall not require or permit any worker to do that work until the dangerous condition is remedied. Employer may remedy dangerous condition 43.3(2) Subject to subsection 43(5), nothing in subsection (1) prevents the doing of any work or thing at a workplace that may be necessary to remedy a condition that is or is likely to be dangerous to the safety or health of a worker. S.M. 2002, c. 33, s. 34. EDUCATIONAL LEAVE Educational leave 44(1) Subject to this section, every employer at a workplace where there is a committee or a representative, must allow each member of the safety or health of a worker. the committee, the representative, or their respective designates, to take educational leave each year, without loss of pay or benefits, for the purpose of attending workplace safety and health training seminars, programs or courses of instruction (a) offered by the Committee; or (c) provided for in the purpose of attending workplace safety and health training seminars, programs or courses of instruction (b) approved by the Committee; or (c) provided for in the purpose of attending workplace safety and health training seminars, programs or courses of instruction (b) approved by the Committee; or (c) provided for in the purpose of attending workplace safety and health training seminars, programs or courses of instruction (b) approved by the Committee; or (c) provided for in the purpose of attending workplace safety and health training seminars, programs or courses of instruction (b) approved by the Committee; or (c) provided for in the purpose of attending workplace safety and health training seminars, programs or courses of instruction (b) approved by the Committee; or (c) provided for in the purpose of attending workplace safety and health training seminars, programs or courses of instruction (b) approved by the Committee; or (c) provided for in the purpose of attending workplace safety and health training seminars, programs or courses of instruction (b) approved by the Committee; or (c) provided for in the purpose of attending workplace safety and health training seminars, programs or courses of instruction (b) approved by the Committee; or (c) provided for in the purpose of attending workplace safety and health training seminars, programs or courses of instruction (b) approved by the committee; or (c) provided for in the purpose of attending workplace safety approximate safety current collective bargaining agreement respecting the workers at the workplace. Time allowed for educational leave 44(1.1) The amount of time allowed for educational leave 44(1.1) The amount allowed for educational leave 44(1.1) The amo members 44(2) The total number of safety and health committee members for whom the employer is required to provide educational leave in accordance with subsection (1) during any year is equal to the number of members constituting the normal size of the committee. Pay while attending educational leave in accordance with subsection (1) during any year is equal to the number of members constituting the normal size of the committee. pay a committee member, representative or designate who attends a workplace safety and health training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training; and (b) the number of hours the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training; and (b) the number of hours spent attending the training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training; and (b) the number of hours spent attending the training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training program referred to in subsection (1) at the actual number of hours spent attending to in subsection (1) at the actual number of hours spent attending to in subsection (1) at the actual number of hours spent attending to in subsection (1) at the actual number of hours spent attending to in shift. Exception 44(2.2) Subsection (1) does not apply to an employer on a construction project or an employer at a seasonal workplace as described in subclause 40(1)(a)(i). Education project, each employer at a seasonal workplace as described in subclause 44(3) On a construction project, each employer at a seasonal workplace as described in subclause 44(3). education program at the worksite at which all workers shall attend without loss of pay or other benefits for a period or periods equivalent to 30 minutes. Education program at seasonal workplace 44(4) At a seasonal workplace as described in subclause 40(1)(a)(i), each employer must institute a safety and health education program at the workplace. All workers must attend the program without loss of pay or other benefits for a period or periods equivalent to 30 minutes every two weeks, of which no period may be less than 15 minutes, for the duration of the seasonal workplace. S.M. 2002, c. 33, s. 36; S.M. 2013, c. 9, s. 24; S.M. 2021, c. 5, s. 27. 45 [Repealed] S.M. 2002, c. 33, s. 37. NEEDLES IN MEDICAL WORKPLACES Use of safety-engineered needles; and (b) that safe work procedures and practices relating to the use of those safety-engineered needles in a medical workplace. If safety-engineered needles in a medical workplace, the employer must ensure that safe work procedures and practices relating to the use of hollow-bore or intravenous needles are implemented in the workplace. Procedures — needlestick injuries 45.1(3) The employer must develop procedures to be followed in a medical workplace when a worker suffers a needlestick injury, including instructions for the worker suffering the injury. Investigation and report required 45.1(4) The employer must investigate and prepare a report on every needlestick injury to a worker in a medical workplace. Definitions 45.1(5) The following definitions; a personal care home, a psychiatric facility, a medical laboratory, a community health centre and CancerCare Manitoba; (b) a physician's office; (c) if prescribed by regulation, a registered dentist's office; (d) an ambulance as defined in The Ambulance Services Act; and (e) any other workplace where physical or mental health treatment or care is provided to a person. (« lieu de travail en milieu médical ») "needlestick injury" means an injury caused by a hollow-bore or intravenous needle puncturing a person's skin or mucous membrane. (« blessure par piqûre d'aiguille ») "safety-engineered needle" includes a shielded needle device, a retractable needle device, a retractable needle system and a needleless device. (« seringue conçue en vue d'un usage sécuritaire ») S.M. 2005, c. 15, s. 2. INAPPROPRIATE OR UNSAFE FOOTWEAR Inappropriate or unsafe footwear 45.2 An employer must not require a worker to safely perform their work. S.M. 2018, c. 22, s. 2. GENERAL PROVISIONS Obtaining information 46 To obtain information that the director may require a person to provide any information in the manner and within the time period that the director may specify. S.M. 2002, c. 33, s. 38. Order to conduct tests 46.1(1) The director may, by order, require an employer to do the following at the employer's expense: (a) have tests conducted by a person who has the professional knowledge, experience or qualifications specified by the director; (b) give the director a report or assessment prepared by that person; and to do so in the manner and within the time period specified in the order. Service of order 46.1(2) The order must be served on the employer personally or be sent by registered mail to the employer's last known address. S.M. 2002, c. 33, s. 38. 47 [Repealed] S.M. 2002, c. 33, s. 38. 47 [Repealed] S.M. 2002, c. 33, s. 38. 47 [Repealed] S.M. 2002, c. 33, s. 39. Confidential information 48(1) No person shall disclose any information 48(1) No person shall di power conferred by this Act, except for the purpose of administering this Act and the regulations, or as required by law. Names to remain confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by this Act shall divulge the name of the information is obtained in confidence by virtue of any power conferred by the information is obtained in confidence by virtue of any power conferred by the information is obtained in confidence by virtue of any power conferred by the information is obtained in confidence by the information is obtained in confidence by virtue of any power conferred by the information is obtained in confidence by the information is obtai the regulations. Exemption from liability 49(1) No action lies or shall be instituted against any person whether in his public or private capacity, where the person is acting under the authority of this Act or the regulations for any loss or damage suffered by any person by reason of anything done or omitted to be done by him in good faith, in the exercise of the powers given to him by this Act or the regulations. No exemption in case of negligence 49(2) Subsection (1) does not apply where the person exercising any of the powers given to him under this Act or the regulations is negligent in the performance thereof. person assisting a safety and health officer, the chief occupational medical officer, the director, or any other person acting under the authority of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than an inquest or inquiry under the authority of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than an inquest or inquiry under the authority of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than an inquest or inquiry under the authority of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than an inquest or inquiry under the authority of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than an inquest or inquiry under the authority of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than an inquest or inquiry under the authority of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than an inquest or inquiry under the authority of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than a obtained, received or made under this Act or the regulations, and may not be compelled to produce any such document. S.M. 2002, c. 33, s. 40. Medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The chief occupational medical examinations and health surveillance 50(1) The or health surveillance of workers or former workers as he or she considers desirable for the purpose of administering this Act and the regulations. But no medical examinations shall, wherever reasonably practicable, be conducted during working hours without loss in pay to the worker being examined and the employer shall, if required by the physician or other qualified person, provide suitable accommodation for such examinations at the workplace, and otherwise facilitate the conduct of those examinations. Health surveillance during working hours must be conducted without loss of pay to the workplace for health surveillance, if required to do so by the chief occupational medical officer or a physician or other qualified person. S.M. 2002, c. 33, s. 41. Reports 51(1) Every physician or other qualified person attending or consulted respecting a person who, (a) became ill or injured while employed at a workplace or while being otherwise engaged as a worker; or (b) who has been examined pursuant to section 50; shall furnish to the chief occupational medical officer upon request of the officer such reports concerning the condition of the person as the chief occupational medical officer may require for the purposes of this Act and the regulations. Reports by hospitals 51(2) Notwithstanding the provisions of any other Act, where a worker referred to in clause (1)(a) or (b) is, or has been, a patient in a hospital, the person in charge of the administrative affairs of that hospital shall furnish without charge to the chief occupational medical officer upon request such reports concerning the condition of the person as the chief occupational medical officer may require for the purposes of this Act and the regulations. Information from being identified as relating to a particular person or case or unless disclosed as required by law, any information obtained by the chief occupational medical officer pursuant to section 50 and this section shall not be disclosed without the consent of the person examined or attended. Power to require alternative work 52 Where it appears to the director upon the advice of the chief occupational medical officer that a worker to resume his usual work, the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director is suitable, for such period of time as the director may specify. Requirement of occupational health service, having regard to the type of work being carried on therein, the number of workers employed thereat, and the degree or uncertainty of hazard thereof; and upon such designation, the employer shall cause an occupational health services to be provided 53(2) The minister may specify the services that are to be provided by the occupational health service for any workplace, or for any class of workplaces designated under subsection (1). Continued operation of health service is subject to the approval of the minister. ADMINISTRATIVE PENALTIES Administrative penalty 53.1(1) If a person (a) has failed to comply with (i) an improvement order within the period specified in the order, or (ii) a prescribed provision of this Act or the regulations, and a safety and health officer is of the opinion that the failure involves, or is likely to involve, an imminent risk of serious physical or health injury to a worker or other person; (b) has failed to maintain compliance with an improvement order after initially complying with it; (c) has resumed an activity that previously was the subject of a stop work order which was discontinued because the person had complied with it; or (d) was ordered to take action under section 42.1 because the person took a reprisal against a worker; the officer shall provide evidence of the matter to the director. Imposing a penalty 53.1(2) When the director determines that a person (a) has failed to comply with (i) an improvement order, or (ii) a prescribed provision of this Act or the regulations, and the director is of the opinion that the failure involves, or is likely to involve, an imminent risk of serious physical or health injury to a worker or other person; (b) has failed to maintain compliance with an improvement order but was discontinued because the person had complied with it; or (d) was ordered to take action under section 42.1 because the person took a reprisal against a worker; the director may issue a notice in writing requiring the matter that gave rise to the notice under subsection (2) has expired or, if an appeal has been made on appeal. Maximum amount 53.1(4) An administrative penalty must set out (a) the amount of the penalty determined in accordance with the regulations; (b) when and how the penalty must be paid; and (c) a statement that the person may appeal the matter to the board within 14 days after being served on the penalty must be served personally or may be sent by registered mail to the person's last known address. Appeal to the board 53.1(7) Within 14 days after being served with a notice, the person required to pay the administrative penalty is stayed until the board 54.1(7) Within 14 days after being served with a notice, the person's last known address. decides the matter. Notice of hearing 53.1(8) On receiving a notice of appeal, the board shall (a) fix a date, time and place for hearing the appeal; and the director, written notice of the hearing at least five days before the hearing the appeal, the board shall decide the matter and (a) confirm or revoke the administrative penalty; or (b) vary the amount of the penalty if the board considers that it was not established in accordance with the regulations. Payment 53.1(10) Subject to an appeal under subsection (7), a person named in a notice of administrative penalty; or (b) vary the amount of the penalty within 30 days after the notice is served. The government must use the amounts paid for the purpose of educating the public on matters relating to workplace safety and health. Debt due to the government 53.1(11) If an administrative penalty is not paid within 30 days after the board's decision, the amount of the penalty is a debt due to the government. Certificate registered in court 53.1(12) The director may certify a debt that has not been paid. The certificate may be registered in the Court of Queen's Bench and, once registered, may be enforced as if it were a judgment of the Court. No offence to be charged if penalty is paid 53.1(13) A person who pays an administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the matter that gave rise to the issuance of the matter that gave rise to the issuance of the notice of administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty under the notice of administ The government has, in addition to any other remedy it has for the recovery of a debt arising under this section, a lien and charge on every estate or interest in real property acquired by the debtor"), including property acquired by the debtor after the debt arose. Extent of the recovery of a debt arising under this section, a lien and charge on every estate or interest in real property acquired by the debtor. security 53.1(15) The lien secures the payment of (a) the amount of the debt when the lien takes effect; (b) interest on the debt from the time the debt from the tergulations under that Act; and (c) costs reasonably incurred by the director (i) for the registration and discharge of the lien, and (ii) in retaking, holding, repairing, processing, preparing for disposition or dispositi the debtor; and (b) in relation to the debtor's personal property, when a financing statement in respect of the lien is registered in the Personal Property Registry. Registration and enforcement of a lien arising under this section as if (a) the references in those provisions to "employer" were references to the debtor under this section; and (b) the references to the director under this section; and (c) the references to the debtor under this section; and (c) the references to the director under this section; and (c) the references to the debtor under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the debtor under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under this section; and (c) the references to the director under the references to the dir person who (a) contravenes this Act or the regulations; (b) fails to comply with an order made under this Act or the regulations; (c) knowingly obstructs or makes a false entry in any register, book, notice or other document to be kept by him under the Act or the regulations, or deleted or destroyed any true or proper entry in any such document; is guilty of an offence and is liable on summary conviction to the penalties set out in section 55. S.M. 2002, c. 33, s. 44. Penalty 55(1) A person guilty of an offence is liable (a) for a first offence to a fine of not more than \$500,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 for each day during which the offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 for each day during which the offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 and, in the case of a continuing and t exceeding \$100,000 for each day during which the offence continues. 55(2) [Repealed] S.M. 2002, c. 33, s. 45. Additional penalty 55(3) Where a person is convicted for an offence under this Act, in addition to the penalties set out in subsection (1), he may be imprisoned for a term not exceeding six months. Further penalty 55(4) If a person is convicted of an offence for a contravention of subsection 43.3(1), he or she shall not work in a supervisory capacity at any workplace for a six month period after the date of conviction. Time limit for prosecution 55(5) A prosecution 55(5) A prosecution 55(5) A prosecution 55(5) A prosecution 43.3(1), he or she shall not work in a supervisory capacity at any workplace for a six month period after the date of conviction. S.M. 2002, c. 33, s. 45; S.M. 2010, c. 3, s. 2; S.M. 2021, c. 16, s. 12. Additional penalties 55.1(1) When a person is convicted of an offence and the circumstances surrounding its commission, order the offence and the circumstances surrounding its commission. the purpose of educating the public on matters relating to workplace safety and health. Such a penalty may be required to be paid under section 55; must not any other penalty that may be imposed under section 55; must not exceed the amount of the maximum penalty for which the offender could be liable under section 55. Unpaid additional penalties 55.1(3) If an amount is ordered to be paid under subsection (1), the director may file the order in the same extent as a judgment of that court. S.M. 2002, c. 33, s. 45; S.M. 2021, c. 16, s. 13. Offences by directors, etc., of corporation, who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and liable, on summary conviction, to the penalty provided for the offence. Onus 57(1) In any proceedings for an offence under any of the provisions of this Act or regulations consisting of a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, it shall be for the accused to prove that it was not practicable or not reasonably practicable means than was in fact used to satisfy the duty or requirement, or that there was no better practicable to do more than was in fact used to satisfy the duty or requirement. person is charged as an employer in respect of an offence under this Act he shall be deemed to be an employer within the meaning of this Act unless it is otherwise proven. Application of subsection (1) 57(3) Subsection S.M. 2002, c. 33, s. 46. Laying of information 58 Any person may lay an information in respect of any offence or alleged offence against this Act or the regulations. 59 [Repealed] S.M. 2002, c. 33, s. 47. Page 2 C.C.S.M. c. W210 The Workplace Safety and Health Act HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows: DEFINITIONS Definitions 1 In this Act, unless otherwise specified, "agency of the government" means any board, commission, association, or other body, whether incorporated or unincorporated by an Act of the Legislature or by the Lieutenant Governor in Council, or (b) if not so appointed, are, in the discharge of their duties, public officers or servants of the Crown, or, for the proper discharge of their duties, public officers or servants of the Crown, or, for the proper discharge of their duties, public officers or servants of the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown, or, for the proper discharge of their duties, public officers or servants of the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown, or, for the proper discharge of the under The Labour Relations Act; (« Commission ») "branch" means the Workplace Safety and Health Branch; (« Direction ») "chief occupational Medical Officer under this Act; (« médecin du travail en chef ») "committee" means a workplace safety and health committee established under section 40; (« comité ») "construction, repair, alteration or transmission line, (b) the digging of, working in or filling a trench or excavation, (c) the installation, modification or removal of any equipment or machinery, or (d) any work prescribed by regulation as a construction project; (« chantier de construction ») "contractor" means a workplace where work is performed on a construction project; (« chantier de construction ») "contractor" means a workplace where work is performed on a construction project; (« chantier de construction ») "contractor" means a workplace where work is performed on a construction project; (« chantier de construction ») "contractor" means a workplace where work is performed on a construction project; (« chantier de construction ») "contractor" means a workplace where work is performed on a construction project; (« chantier de construction ») "contractor" means a person who, pursuant to one or the activities of one or more employers or self-employed persons involved in work at a workplace; (« entrepreneur ») "department" means such department of the Burpose of this Act; (« ministère ») "director" means the Director of the Workplace Safety and Health Branch appointed under subsection 14(4.1); (« directeur ») "employer" includes (a) every person who, by himself or his agent or representative employer ») "health" means the condition of being sound in body, mind and spirit, and shall be interpreted in accordance with the objects and purposes of this Act; (« santé ») "improvement order" means an order made under section 26; (« ordre d'amélioration ») "minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act; (« minister ») "occupational health nurse" means a practising registered nurse under The Regulated Health Professions Act; (« infirmière hygiéniste ») "occupational health service" means a service organized in or near a workplace for the purposes of (a) protecting workers against any health hazard that may arise out of their work or the conditions under which it is carried on, (b) ensuring the physical and mental adjustment of workers in their employment and ensuring their assignment to jobs for which they are suited, and (c) contributing to the establishment and mental well-being of the workers; (« service d'hygiène ») "owner", in relation to any land or premises used or to be used as a workplace, includes (a) a trustee, receiver, mortgagee in possession, tenant, lessee, licensee or occupier of the land or premises, and (b) a person who occupies premises used as a private residence, unless that person carries on a business, profession or trade at that residence; (« propriétaire ») "person" includes a partnership or an unincorporated association; (« personne ») "physician" means a duly qualified medical practitioner; (« médecin ») "prime contractor" means a worker safety and health representative designated or appointed under section 41; (« déléqué ») "reprisal" means any act or omission by an employer or any person acting under the authority of the employer or any person acting under the generality of the foregoing includes lay-off, suspension, dismissal, loss of opportunity for promotion, demotion, transfer of duties, change of location of a worker to other similar or equivalent work without loss of pay or benefits until a condition that threatens the safety or health of the worker is remedied; (« mesure discriminatoire ») "safety" means the prevention of physical injury to workers and the preventing the physical injury to worke under this Act; (« agent de sécurité et d'hygiène ») "stop work order" means a person who supplies, sells, leases, installs or provides (a) any tool, equipment, machine or device, or (b) any biological substance or chemical substance, to be used in a workplace; (« fournisseur ») "union" means a union as defined under The Labour Relations Act; (« syndicat ») "welfare" means the conditions or facilities, in or near a workplace, provided for the feeding, rest, hygiene or sanitary requirements of a worker; (« bien-être ») "worker" includes (a) any person who is employed by an employer to perform a service whether under a contract of employment or not, (b) any person engaged by another person for compensation or reward on such terms and conditions that he is, in relation to that person, in a position of economic dependence upon that person more closely resembling the relationship of any employee than that of an independent contractor, and (ii) who works or performs services in a workplace which is owned or operated by the person who engages him to perform services, (c) any person undergoing training or serving an apprenticeship at an educational institution or at any other place; (« travailleur ») "worker safety and health representative under this Act; (« délégué à la sécurité et à la santé des travailleurs ») "workplace" means any building, site, workshop, structure, mine, mobile vehicle, or any other premises or location whether indoors or outdoors in which one or more worked. (« lieu de travail ») S.M. 2002, c. 33, s. 3; S.M. 2009, c. 15, s. 251; S.M. 2013, c. 9, s. 2; S.M. 2018, c. 8, s. 28; S.M. 2021, c. 16, s. 2. PURPOSE OF THIS ACT General objects and purposes 2(1) The objects and purposes of this Act are (a) to secure workers and self-employed persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connecting the persons connection with, activities in workplaces. Specific objects and purposes 2(2) Without limiting the generality of subsection (1), the objects and purposes of this Act include (a) the prevention among workers; (b) the prevention among workers; (b) the prevention and maintenance of the highest degree of physical, mental and social well-being of workers; (b) the prevention among workers of ill health caused by their working. conditions; (c) the protection of workers in their employment from factors promoting ill health; (d) the placing and maintenance of workers in an occupational environment adapted to their physiological condition; and (e) the promotion of workers in their workplaces, (ii) to participate in safety and health activities at their workplaces, (iii) to refuse dangerous work, and (iv) to work without being subject to a reprisal. S.M. 2013, c. 9, s. 3; S.M. 2021, c. 16, s. 3. APPLICATION OF THIS ACT Application of Act 3 This Act applies to (a) the Crown in right of Manitoba and every agency of the government; (b) every employer, worker and self-employed person whose workplace safety, health and welfare standards are ordinarily within the exclusive jurisdiction of the Legislature to regulate; and (c) the Crown in right of Canada, every agency of the government of Canada, and every other person whose workplace safety, health and welfare standards are ordinarily within the jurisdiction of the Parliament of Canada, to the extent that the Crown in right of Canada may submit to the application of this Act. DUTIES OF EMPLOYERS General duties of employers 4(1) Every employer shall in accordance with the objects and purposes of this Act. of all his workers; and (b) comply with this Act and regulations. Further duties of employer's duty under subsection (1), every employer shall (a) provide and maintain a workplace, necessary equipment, systems and tools that are safe and without risks to health, so far as is reasonably practicable; (b) provide to all his workers such information, instruction, training, supervision and facilities to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his workers; (c) ensure that all his workers; (c) ensure that all his workers, and particularly his supervisions, foremen, chargehands or similar persons, are acquainted with any safety or health hazards which may be encountered by the workers in the course of their service, and that workers are familiar with the use of all devices or equipment provided for their service, and that workers are familiar with the use of all devices or equipment provided for their service, and that workers are familiar with the use of all devices or equipment provided for their service. arising out of, or in connection with activities in his workplace; (e) consult and co-operate with the workplace safety and health representative where such a committee is charged under this Act; (f) consult and co-operate with the workplace safety and health representative where such a representative has been designated, regarding the duties and matters with which that representative is charged under this Act; (g) co-operate with any other person exercising a duty imposed by this Act, or the regulations; (h) ensure that all of the employer's workers are supervised by a person who (i) is competent, because of knowledge, training or experience, to ensure that work is performed in a safe manner, and (ii) is familiar with this Act and the regulations that apply to the workplace; (i) if the employer's workers on a construction project that has a prime contractor, advise the prime contractor, advise the prime contractor of the supervisor of the employer's workers on the project. Employer as supervisor 4(3) For the purposes of clause (2)(b), an employer may supervise his or her workers if he or she satisfies the criteria set out in that clause. Employer's duty re training to a worker to ensure, so far as is reasonably practicable, the safety, and health of the worker, before the worker (a) begins performing a work activity at a workplace; (b) performs a different workplace or a different workplace that has different facilities, procedures or hazards. Performing work activity during training 4(5) Notwithstanding subsection (4), a worker may perform a work activity while being trained if the worker and any other person is not at risk. Wages and benefits during that time. S.M. 2002, c. 33, s. 7. DUTIES OF SUPERVISORS Duties of supervisors 4.1 Every supervisor shall (a) so far as is reasonably practicable, (i) take all precautions, and (iii) ensure that a worker under his or her supervision, (ii) ensure that a worker under his or her supervision, (ii) ensure that a worker under his or her supervision uses all devices and wears all clothing and personal protective equipment designated or provided by the employer or required to be used or worn by this Act or the regulations; (b) advise a worker under his or her supervision of all known or reasonably foreseeable risks to safety and health in the area where the worker is performing work; (c) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (d) comply with this Act, (a) take reasonable care to protect his safety and health and the safety and health of other persons who may be affected by his acts or omissions at work; (b) at all times, when the nature of his work requires, use all devices and wear all articles of clothing and personal protective equipment designated and provided for his protection by his employer, or required to be used and worn by him by the regulations; (c) consult and co-operate with the workplace safety and health representative, where such a representative has been designated, regarding the duties and matters with which that representative is charged under this Act; (e) comply with this Act and the regulations; and (f) co-operate with any other person exercising a duty imposed by this Act or the regulations. DUTIES OF SELF-EMPLOYED PERSONS General duties of self-employed persons 6 Every self-employed person shall, in accordance with the objects and purposes of this Act, (a) conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he or any other person is not exposed to risks to his or that person's safety or health, arising out of, or in connection with, activities in his workplace; (a.1) when he or she is working on a construction project that has a prime contractor, advise the prime contractor that he or she is working on the regulations; and (c) co-operate with any other person exercising a duty imposed by this Act or the regulations. S.M. 2002, c. 33, s. 10. DUTIES OF PRIME CONTRACTORS Requirement for prime contractor for a construction project if more than one employed person is involved in work at the construction project is (a) the person who enters into a contract to serve as the prime contractor with the owner of the construction project site; or (b) if there is no contract referred to in clause (a), or if that contract or for a construction project site; or (b) if there is no contract referred to in clause (a), or if that contract referred to in clause (a), or if that contract referred to in clause (a), or if that contract referred to in clause (b) if there is no contract referred to in clause (c) or if that contract referred to in clause (c) or if that contract referred to in clause (c) or if the construction project site; or (b) if there is no contract referred to in clause (c) or if that contract referred to in clause (c) or if the construction project site; or (c) practicable, that every person involved in work on the project complies with this Act and the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his or her safety or health arising out of, or in connection with activities at the construction project site; (c) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (d) comply with this Act and the regulations. S.M. 2002, c. 33, s. 11. DUTIES OF CONTRACTORS Duties of contractors 7.1 Every contractor shall (a) ensure, so far as is reasonably practicable, (i) that every workplace where an employer, employer workplace by an employer work process or procedure performed at a workplace by an employer, employer work process or procedure performed at a workplace by an employer. is not in the direct and complete control of that employer or self-employed person does not create a risk to the safety or health of any person; (b) if the contractor is involved in work on a construction project that has a prime contractor has contracted to perform work on the project; (c) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (d) comply with this Act and the regulations; and (d) comply with this Act and the regulations; and (d) comply with this Act and the regulations; and (d) comply with this Act and the regulations. S.M. 2002, c. 33, s. 12. DUTIES OF OWNERS Duties of owners 7.2 Every owner of a workplace shall (a) ensure, so far as is reasonably practicable, that the land or premises used as a workplace that is under his or her control is provided and maintained in a manner that does not create a risk to the safety or health of any person; (b) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (c) comply with this Act and the regulations. S.M. 2002, c. 33, s. 12. DUTIES OF SUPPLIERS Duties of suppliers 7.3 Every supplier shall (a) ensure, so far as is reasonably practicable, that any tool, equipment, machine, device or chemical or biological substance provided by the supplier, and (ii) conforms with the requirements of this Act and the regulations; (b) when prescribed by regulation, provide written instructions and information prescribed by regulation, contractor to whom the supplies any tool, equipment, machine, device or chemical or biological substance; and (c) comply with this Act and the regulations. S.M. 2002, c. 33, s. 12. WORKPLACE SAFETY AND HEALTH PROGRAM Establishment of workplace safety and health program for each workplace where 20 or more workers of that employer are regularly employed. Determining number of workers 7.4(2) For the purposes of subsection (1), the number of workers employed at a workplace shall be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each workplace shall be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each workplace shall be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each workplace shall be determined by averaging. employer to establish a workplace safety and health program for more than one workplace; (b) any request for an order by an order by an employer, worker or union representing workers at the workplace; and (c) the frequency of injury or illness in the workplace or in the industry in question. Content of program 7.4(5) A workplace safety and health of workers at the workplace; (b) the identification of existing and potential dangers to workers at the workplace and the measures that will be taken to reduce, eliminate or control those dangers, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external resources, including procedures to be followed in an emergency; (c) the identification of internal and external and external resources, including procedures to be followed in an emergency; (c) the i respond to an emergency at the workplace; (d) a statement of the responsibilities of the employer, supervisors and workers at the workplace; (e) a schedule for the control of any biological or chemical substance used, produced, stored or disposed of at the workplace; (g) a statement of the procedures to be followed to protect safety and health in the workplace when another employer or self-employed persons to be involved in work at the workplace, and (ii) procedures for regularly monitoring employers and self-employed persons involved in work at the workplace; (h) a plan for training workers and supervisors in safe work practices and procedures; (i) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for worker participation in workplace safety and health activities, including inspections and the investigation of accidents, dangerous occurrences and refusals to work under section 43; (k) a procedure for reviewing and revising the workplace safety and health program every three years or more often if circumstances at a workplace change in a way that poses a risk to the safety or health of workers at the workplace; and (l) any other requirement prescribed by regulation. Requirement for consultation 7.4(6) The employer shall design the workplace; or (b) if there is no committee for the workplace; or (b) if there is no committee for the workplace at the workplace. on request 7.4(7) The employer shall make a workplace safety and health program available to the following persons on request: (a) the committee; (b) if there is no committee; (c) a worker at the workplace; (d) a safety and health officer. Co-ordination of programs by prime contractor 7.4(8) If workers from two or more employers that have workplace safety and health programs are working at a construction project site that has a prime contractor, the prime con information" means any information (a) that may affect the safety and health of a person at a workplace; (b) that is necessary to identify and control any process, procedure or biological or chemical substance used at a workplace; or (c) prescribed by regulation as required information. Required information by prime contractor 7.5(2) Every prime contractor for a construction project shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) the owner of the construction project site; and (b) every contractor, employee and self-employed person who is involved in work on the project. Required information by contractor 5.(3) Every contractor shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) every owner of a workplace with whom the contractor has a contract; (b) every employer and self-employed person at a workplace with whom the contractor has a construction project, if the contractor for a construction project, if the contractor is involved in work on a construction project for which there is a prime contractor. Required information by owner 7.5(4) Every owner of a workplace shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) every employer who employer who employer at the workplace; and (b) every self-employed person who works at the workplace is a construction project site where work is performed on a construction project that is required to have a prime contractor, an owner of that workplace shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably practicable, all required information: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS DEfinition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS DEfinition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS DEfinition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS DEfinition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS DEfinition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS DEfinition: "function" 7.6(1) and the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS DE In this section, "function" means the function of employer, supervisor, worker, self-employed person, prime contractor, contractor, owner or supplier under this Act and the regulations. Multiple functions 7.6(2) If a person has two or more functions worker, self-employed person, prime contractor, contract the regulations for each function. S.M. 2002, c. 33, s. 12. Responsibility if duties apply to more than one person; and (b) one of the persons subject to that duty are relieved of their duty only during the time when (c) simultaneous compliance of that duty by more than one person would result in unnecessary duplication of effort and expense; and (d) the safety and health of any person at the workplace is not put at risk by compliance with that duty by only one person. S.M. 2002, c. 33, s. 12. RELATIONSHIP OF THIS ACT TO THE WORKERS COMPENSATION ACT Effect on compensation and er The Workers Compensation Act. Effect on liabilities and obligations of any person under The Workers Compensation Act are not decreased, reduced, or removed, by reason only of his compliance with the provisions of this Act or the regulations. 10 [Renumbered as subsection 14(5)] S.M. 1991-92, c. 36, s. 65. DUTIES AND POWERS OF THE DIRECTOR Duties of director 12 The director shall, in accordance with the objects and purposes of this Act, (a) be concerned with workplace safety and health generally, and with the maintenance of reasonable for the administration of this Act and the regulations; (c) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (d) ensure that persons and organizations concerned with the purposes of this Act are provided with information and advice pertaining to its administration and to the protection of the safety and health of workers generally; (e) prepare and maintain or cause to be prepared and maintained illness, death and accident statistics relating to workers and self-employed persons, and do so either alone or in conjunction with The Workers Compensation Board, the Department of Health, Healthy Living and Seniors, or any other things to workers and self-employed persons, and do so either alone or in conjunction with The Workers Compensation Board, the Department of Healthy Living and Seniors, or any other things are complexed as a self-employed persons, and do so either alone or in conjunction with The Workers Compensation Board, the Department of Healthy Living and Seniors, or any other things are complexed as a self-employed persons, and do so either alone or in conjunction with The Workers Compensation Board, the Department of Healthy Living and Seniors, and do so either alone or in conjunction with The Workers Compensation Board, the Department of Healthy Living and Seniors, and do so either alone or in conjunction with The Workers Compensation Board, the Department of Healthy Living and Seniors, and do so either alone or in conjunction with The Workers Compensation Board, the Department of Healthy Living and Seniors, and do so either alone or in conjunction with The Workers Compensation Board, the Department of Healthy Living and Seniors, and the Seniors, and the Seniors of Seniors in connection with safety and health in the workplace as the minister may direct, for the purposes of carrying out the provisions of this Act and the regulations assigned to the minister for administration. S.M. 2013, c. 9, s. 5; S.M. 2014, c. 32, s. 38. Powers of director 13 The director may, in accordance with the objects and purposes of this Act, (a) provide assistance to persons concerned with safety and health in the workplace, and provide safety and health of workers; (b) carry out studies and workers; (b) carry out studies and workers in maintaining reasonable standards for the protection of the safety and health committees, employers and workers; (b) carry out studies and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and workers; (c) carry out studies and be accordance with safety and health committees, employers and workers; (b) carry out studies and be accordance with safety and be accordan research, or cause studies and research to be carried out, and make arrangements for the publication of results of research, in matters relating to the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of this Act, education and information programs for promoting the safety and health of workers and for improving the qualifications of persons concerned with workplace safety and health; (d) make recommendations to the minister regarding workplace safety and health and the safe prevention of workplace injury and illness; (d.2) coordinate examinations and investigations (i) for determining the cause and particulars of any accident or ill health arising out of or in connection with activities in the workplace, or (ii) for the prevention of accidents or ill health arising out of or in connection with activities in the workplace. ection with activities in the workplace; and (e) perform such other functions as the minister may direct for the proper administration of this Act and the regulations. S.M. 2013, c. 9, s. 6. Public reporting of orders and penalties 13.1 The director may issue public reports disclosing details of improvement orders, stop work orders and ac penalties made or imposed under this Act. The reports may disclose personal information as defined in The Freedom of Information and Protection of Privacy Act. S.M. 2013, c. 9, s. 7. DUTIES AND POWERS OF THE MINISTER Powers of minister 14(1) The minister may, in accordance with the objects and purposes of this Act, (a) authorize the director or any other person to investigate and make a special report to him on any accident, occurrence, or any matter of safety and health in the workplace; (b) appoint the director or the person to conduct a public inquiry into any matter of safety and health in the workplace and make a special report to him on any accident, occurrence, or any matter of safety and health in the workplace and make a special report to him on any accident, occurrence, or any matter of safety and health in the workplace and make a special report to him on any accident. inquiry, has all the powers of a commissioner under Part V of The Manitoba Evidence Act; (c) appoint consultants and advisors who are professionally or technically qualified to advise him on the administration of this Act or regulations; (d) [repealed] S.M. 2018, c. 8, s. 28; (e) [repealed] S.M. 2021, c. 16, s. 4; (f) do such other things as he deems necessary for the proper carrying out of this Act. Remuneration and expenses 14(2) Subject to the approval of the Lieutenant Governor in Council, consultants or advisors may be paid such remuneration and out-of-pocket expenses as may be authorized by the minister. may authorize the payment of certain costs (a) for investigative and consultative services; and (b) for medical examinations and reports made under this Act. Administration of Act 14(4) This Act is to be administered through the Workplace Safety and Health Branch of the department. Appointment 14(4.1) A Director of Workplace Safety and Health must be appointed under Part 3 of The Public Service Act. Consolidated Fund, if authorized by an Act of the Legislature to be so paid and applied. S.M. 2002, c. 33, s. 14 and 15; S.M. 2013, c. 9, s. 8; S.M. 2018, c. 8, s. 28; S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 10, s. 4. Review 14.1 At least once every five years, the minister must undertake a review of this Act that includes consultations with representatives of employers and worker 8, s. 28. 15 [Repealed] S.M. 2015, c. 43, s. 66; S.M. 2018, c. 8, s. 28. 16 [Repealed] S.M. 2002, c. 33, s. 19; S.M. 2018, c. 8, s. 28. CHIEF OCCUPATIONAL MEDICAL OFFICER Chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall append to the minister s practitioner and who has training and experience in occupational medical officer as set out in this Act, and such other powers of a workplace safety and health officer as set out in this Act, and such other powers as may be conferred upon him by the minister or the regulations. Authorization for occupational health nurse 17(3) The chief occupational medical officer may provide written authority to a person who is an occupational medical medical officer may provide written authorized shall have such duties and powers as are prescribed for the person by the chief occupational medical officer, but the duties and powers prescribed shall not include any duties and powers that are not prescribed for a person who is appointed as a safety and health officer under this Act. 17.1 [Repealed] S.M. 2013, c. 9, s. 9; S.M. 2021, c. 16, s. 5. REGULATIONS, CODES AND STANDARDS Regulations 18(1) The Lieutenant Governor in Council may make regulations (a) respecting standards and practices to be established and maintained by employers, supervisors, self-employed persons, prime contractors, con performing any work activity; (c) imposing requirements respecting conditions at workplaces, including such matters as the structural condition, overcrowding, noise, vibrations, ionizing and other radiations, dust and fumes; (c.1) respecting the prohibition of smoking and e-cigarette use at workplaces, including deeming a contravention of the Smoking and Vapour Products Control Act relating to workplaces, including the supply of water, sanitary conveniences and facilities for washing, bathing, changing, storing personal property, breaks and refreshment; (e) regulating or prohibiting the manufacture, supply, or use of any plant, tool, equipment, machine or device; (f) respecting the design, construction, guarding, siting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, testing, inspection, use, or approval prior to installation or use, of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the ma use of specified markings; (h) regulating or prohibiting the manufacture, supply, keeping, handling or use of any substance or material that may affect the safety or health of any person at a workplace; (i) respecting the testing, labelling and examination of any substance or material that may affect the safety or health of any person at a workplace; (j) respecting the prevention, study and treatment of industrial diseases, including arrangements for medical examinations and health surveillance of persons involved in work at a workplace; (k) respecting the monitoring of atmospheric and other conditions in workplaces; (l) respecting the instruction, training and supervision of workers; (m) respecting the provision by employers, and the use by workers, of protective clothing or devices, including clothing affording protection against the weather; (n) prohibiting the performance of specified functions by any person who does not possess specified qualifications or experience; (o) respecting licences, certificates or designations required by persons performing specified functions at a workplace, and the fees and conditions required to obtain a licence, certificate or designation; (p) requiring a person to obtain a permit to carry on a specified activity affecting the safety or health of any person at a workplace, including the terms and conditions and the fee for the permit; (q) respecting the suspension or cancellation of any licence, certificate or permit issued under this Act; (r) respecting the preparation, maintenance and submission of records and reports dealing with accidents, industrial diseases and workplace safety and health standards; (s) restricting, prohibiting or requiring any activity if an accident or any other specified dangerous occurrence has occurred, or may occur; (t) respecting committees, including but not limited to (i) the operation of committees, (iii) the participation of committees, (iii) the operation of committees, (iii) the participation of committees, (matters, and (iv) the submission of committee records to the director; (u) respecting workplace safety and health programs; (w) prescribing the persons to whom, circumstances in which, and methods by which specified information concerning safety and health shall be communicated; (x) prescribing the fees payable for examinations required under this Act; (y) respecting arrangements for ambulance service and first-aid treatment at workplaces; (z) respecting the employment or the provision of alternate employment to (i) a pregnant or nursing worker, and (ii) a worker whose safety or health is put at risk by exposure to a chemical or biological substance; (aa) respecting the establishment of policies and procedures in workplaces or classes of workplaces to prevent and respond to potentially violent situations; (bb) respecting measures that employers shall take to prevent harassment in the workplace; (bb.1) for the purpose of section 21, respecting the criteria to be used and the procedures to be followed when determining whether to make an order, or to reconsider an order, exempting a person or class of persons from any provision of a regulation; (bb.2) for the purpose of section 40, (i) respecting the procedures to be followed in determining whether to issue an order, or to reconsider an order, or to reconsider an order, under subsection 40(6) or (7.1), and (ii) respecting the form and content of notices of administrative penalties, (i.1) prescribing provisions of this Act or the regulations for the purposes of subclauses 53.1(1)(a)(ii) and (2)(a)(ii), (ii) respecting the determination of amounts of administrative penalties, which may vary according to the number of workers affected by, or the nature or frequency of, the matter that gave rise to the issuance of the notice of administrative penalty, and (iii) respecting any other matter necessary for the administration of a system of administrative penalty or authorized by this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (dd) defining the meaning th dealt with by regulation; (ff) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this Act. Application of regulations 18(2) A regulation made under subsection (1) may be made applicable generally to all workplaces, or particularly to one or more workplaces, or to such classes thereof as may be specified therein. S.M. 2002, c. 33, s. 22; S.M. 2004, c. 17, s. 10; S.M. 2013, c. 9, s. 10; S.M. 2015, c. 36, s. 20; S.M. 2015, c. 30; S.M. 2015, s. 30; codes of practice or any amendment or revision thereof as in his opinion are suitable for that purpose. Notice in Gazette 19(2) Where a code of practice is approved by the director under subsection (1), he shall cause to be published in the Manitoba Gazette a notice identifying the code, specifying the provisions of the regulations to which it applies and stating the effective date of the approval. Failure to observe code, no offence 20(1) The failure by any person to observe any provision of an approved code of practice is not of itself an offence. Admissibility of codes as evidence 20(2) Where a person is charged with a breach of any provision of the regulations in respect of which the director has issued a code of practice, that code is admissible as evidence in a prosecution for the violation of the regulation. Certified copy of a code of practice, or any amendment or revision thereto as approved by the director, certified to be a true copy by the director shall be received as evidence in any court without proof of the signature or of the official character of the person purporting to have signed the certificate. Onus 20(4) Where a code of practice is established, the onus is on the accused to prove that he has complied with the regulation. Exemption from regulation 21(1) After consulting with any parties he or she considers appropriate, the director may, in accordance with the regulations, make a written order exemptions 21(2) The director may make an order under subsection (1) only if he or she is satisfied that no worker's health or safety is materially affected by the exemption and any criteria set out in the regulations are met. Terms and conditions of order 21(3) The director may impose any terms or conditions in connection with the order that the director considers necessary to maintain the safety or health of a worker. Reconsideration of exemption order 21(4) If, after making an order under this section, additional information comes to the attention of the director may, in accordance with the regulations, reconsider the order; or (b) vary, suspend or revoke the order if the director believes that (i) he or she would have come to a different decision if the information had been known when the order. S.M. 2002, c. 33, s. 23; S.M. 2013, c. 9, s. 11. SAFETY AND HEALTH OFFICERS Appointment of safety and health officers 22(1) The minister may appoint persons as safety and health officers for the purpose of enforcing this Act and the regulations. Agreements with other province authorizing a person employed by that province to act as a safety and health officer for the purpose of this Act. Inspections for other jurisdictions 22(3) The minister may consent to have a safety and health officer carry out safety and health inspections or other work on behalf of another provide each safety and health health officer carry out safety and health health inspections or other work on behalf of another provide each safety and health he officer with written credentials of his appointment which the officer shall produce upon request when exercising or seeking to exercise any of the powers conferred on him under this Act. Duties of safety and health officer shall (a) make such inspections and inquiries, and carry out such tests, as he deems necessary to ascertain whether compliance is being made with the provisions of this Act and the regulations; and (b) carry out such other duties as may be assigned to safety and health officers 24(1) For the purpose of enforcing this Act and the regulations; and (b) carry out such other duties as may be assigned to safety and health officers under this Act and the regulations. any reasonable time, or where in his opinion a situation exists that is or may be dangerous at any time (a) without prior notification enter any place or premises in which he has reason to believe workers or self-employed persons are working, other than premises used for personal residential purposes; (b) under the authority of an order made under subsection (2), enter any premises used for personal residential purposes in which he has reason to believe working; (c) take with him any other person, and such equipment and materials, as he needs to assist him; and arrange with the employer, or person in charge of the place or premises, for that other person to re-enter alone to perform specified duties; (d) make such examinations and investigations as he deems necessary for determining the cause and particulars of any accident or ill health occurring to a worker, or self-employed person, and arising out of or in connection with activities in the workplace, or for the prevention of accidents or ill health arising out of or in connection with activities in the workplace; (e) take such samples of articles or substances found in the place or premises, or of the atmosphere in or near the place or premises as he deems necessary; (f) test or cause to be tested any equipment in the place or premises, or for the purposes of testing, require the employer or a person designated by the employer to demonstrate the use of any machinery, equipment, appliance or thing at a workplace; (g) cause any article, substance or sample taken pursuant to clause (e), to be dismantled or subjected to any process or test but not in such manner as to damage thereto is unavoidable or necessary; (h) in the case of any article, substance or equipment mentioned in clauses (e) and (g), to take possession thereof and detain it for so long as is necessary for use as evidence in any proceedings or prosecution under this Act; (i) require any documents, books, or self-employed persons, to be produced for inspection and to make copies thereof or take extracts therefrom; (j) require any person to provide him with facilities or assistance with respect to any matters or things within that person/s control, or in relation to which that person/s control, or under section, inquiry, investigation, or examination under this section, or under section any matters or things within that person has responsibilities; (k) in conducting any inspection, inquiry, investigation, or examination under this section, or under section 23 require any person has responsibilities; (k) in conducting any inspection, inquiry, investigation, or examination under this section, or under section and the officer has reasonable of the officer has reasonable o

cause to believe to possess any information respecting the conditions of workplace safety, health and welfare, to attend an interview and to provide full and correct answers, either orally or in writing, to such questions as the officer thinks fit to ask; and the interview and to provide full and correct answers, either orally or in writing, to such questions as the officer thinks fit to ask; and the interview and to provide full and correct answers, either orally or in writing, to such questions as the officer thinks fit to ask; and the interview and to provide full and correct answers, either orally or in writing to such questions as the officer thinks fit to ask; and the interview and to provide full and correct answers, either orally or in writing to such questions as the officer thinks fit to ask; and the interview and to provide full and correct answers, either orally or in writing to such questions as the officer thinks fit to ask; and the interview and to provide full and correct answers, either orally or in writing to such questions as the officer thinks fit to ask; and the interview and to provide full and correct answers, either orally or in writing to such questions as the officer thinks fit to ask; and the interview and to provide full and correct answers, either orally or in writing to such questions as the officer thinks fit to ask; and the interview and to provide full and correct answers, either orally or in writing to ask. person being interviewed to be present, and any other person whom the officer may allow to be present; (l) direct that any workplace, or part thereof, or anything therein, be left undisturbed for such time as is reasonably necessary for any of the purposes specified in clauses (d), (e) and (g); (m) do such other things as may be authorized by the minister. Order for entry into residential premises 24(2) A safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety applies the person in possession of any residential premises in which the safety applies the person in possession of any residential premises in which the safety applies the person in possession of any residential premises applies the person in possession of any residential premises applies the person in possession of any residential premises applies the person in possession of any residential premises applies the person in possession of any residential premises applies the person in possession of any residential premises applies the person in possession of any residential premises applies the person in possession of any residential premises a safety and health officer to enter the residential premises for the purposes of inspecting them and, if the judge is satisfied that it is reasonable and necessary for the administration of the Act to grant such an order, he may grant the order. S.M. 2002, c. 33, s. 25. Power of commissioner under Evidence Act 25 A safety and health officer, for the purpose of conducting an inspection, inquiry or investigation under this Act or the regulations, has all the powers of a commissioner under Part V of The Manitoba Evidence Act. IMPROVEMENT ORDERS Improvement orders 26(1) Where a safety and health officer is of the opinion that a person (a) is contravening any provision of this Act or the regulations; or (b) has contravened any provision of this Act or the regulations in circumstances which make it likely that the contravention will continue or be repeated; the officer may make an improvement order against that person, requiring that person to remedy the contravention within such period as may be specified in the order and stating the reasons for making the order and requiring the person to maintain compliance with the improvement order. Stop work warning 26(2) Where the officer believes that the contravention referred to in clause (1)(a) or (b), involves or is likely to involve a serious risk to the safety or health of any person in or about the workplace, he may, in the improvement order specify that if the contravention is not remedied within the period mentioned therein, a stop work order may be issued in accordance with section 36. S.M. 2013, c. 9, s. 12. 27 to 31 [Repealed] S.M. 2002, c. 33, s. 27. 32 [Renumbered as section 36.3] Remedial measures 33 An improvement order may, but need not, include directions as to the measures to be taken to remedy any contravention or matter to which the order relates, and those directions (a) may be made by reference to any approved code of practice; and (b) may set out different ways of remedying the contravention or matter. for compliance therewith (a) the period shall begin at the time the order is communicated to the period; or (c) the period may be extended by the safety and health officer, unless an appeal against the order is made and not finally disposed of. Reporting compliance with improvement orders 35(1) The person against whom an improvement order is made shall (a) within seven days after the expiry of the period specified in the order or any measures yet to be taken; (b) send a copy of the report to the workplace safety and health committee for the workplace safety and health committee exists; and (d) post in a prominent place at or near the workplace a copy of the report if there is no safety and health committee or a worker safety and health representative for the submission of a report under subsection (1), the report is not determinative of whether or not the improvement order has been complied with. The person against whom an improvement order is made only achieves compliance with the order when an officer determines that compliance with the order 36(1) Where a safety and health officer is of the opinion that activities that involve, or are likely to involve, an imminent risk of serious physical or health injury are being carried on, in a workplace, or where a contravention specified in an improvement order providing for any one or more of the following matters: (a) the cessation of those activities; (b) that all or part of the workplace be vacated; (c) that no resumption of those activities that involve, or are likely to involve, an imminent risk of serious physical or health injury are being carried on, or are about to be carried on, by workers of the same employer at more of the following matters: (a) the cessation of those activities; (b) that all or part of any of the employer's workplaces be vacated; (c) that no resumption of those activities be permitted by the employer's workplaces. Improvement work or thing that may be necessary in order to remove the risk of injury referred to in subsection (1) or (1.1). 36(3) [Repealed] S.M. 2002, c. 33, s. 31. Duration of stop work order 36(4) A stop work order remains in effect until it is (a) withdrawn or discontinued by the safety and health officer who issued it; or (b) set aside or varied by the director or the Board varies a stop work order, the varied order remains in effect until a safety and health officer withdraws or discontinues it. Workers must be paid 36(6) While a stop work order is in effect, (a) any worker who is directly affected by the order is entitled to the same wages and benefits that he or she would have received had the stop work order not been issued; and (b) the employer may re-assign the worker to alternate work. If alternate work not available, the director may order that clause 6(a) does not apply for any period that the director specifies in the order, but until the director makes an order the employer is required to provide a worker with all wages and benefits under that clause. Appeal 36(8) A person affected by an order of the director under subsection (7) may appeal it to the Board. In that case, section 39 applies with necessary changes. S.M. 2002, c. 33, s. 31; S.M. 2013, c. 9, s. 14. COMMUNICATING IMPROVEMENT ORDERS AND STOP WORK ORDERS AND STOP W Communication of orders 36.1(1) Subject to subsection (2), an improvement order or stop work order may be communicated to the person; or (c) if, despite reasonable efforts, the order cannot be communicated by delivery or mail under clause (a) or (b), by posting a copy of the order was made. Communication to worker and self-employed person 36.1(2) An improvement order or a stop work order against a worker or self-employed person may be communicated (a) by delivering a copy of the order to the worker or self-employed person; or (b) if, despite reasonable efforts, the order cannot be delivered to the worker or self-employed person. Communication of improvement order 36.1(3) If an improvement order is posted at a workplace under subsection (1), it is deemed to have been communicated at a workplace under subsection (1), it is deemed to have been communicated at a workplace under subsection (1), it is deemed to have been communicated at a workplace under subsection (1), it is deemed to have been communicated at a workplace under subsection (1), it is deemed to have been communicated at a workplace under subsection (1), it is deemed to have been communicated to the person against whom the order was made 24 hours after the order was made 24 ho the time it is delivered, received or posted in accordance with this section and takes effect immediately upon delivery, receipt or posting. Directions for communicated to a person in a manner not described in this section and may direct when the order is deemed to have been communicated. S.M. 2002, c. 33, s. 31. Communication of orders to prime contractor. S.M. 2002, c. 33, s. 31. Communication of orders to prime contractor. S.M. 2002, c. 33, s. 31. Communication to workplace committees 36.3(1) A copy of every improvement order shall be provided by the safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and health committee for the workplace safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and health committee for the workplace safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and health committee for the workplace safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and health committee safety and hea workplace. Posting improvement order 36.3(2) Where there is no workplace safety and health committee or a worker safety and health representative for the workplace, the officer shall post in a prominent place at or near the workplace safety and health representative for the workplace safety and health representative for the workplace at or near the workplace person directly affected by an order or decision to the director. How to appeal 37(2) The person appealing shall send a written order); (b) section 43.1 (right to refuse dangerous work); may appeal the order or decision to the director. How to appeal 37(2) The person appealing shall send a written appeal notice to the director within 14 days after the date of the order or decision, or within any further period that the director may allow. The notice must state the reasons for the appeal and list the persons listed in the notice of appeal an opportunity to provide oral or written submissions, as determined by the director, about the matter that is the subject of the appeal. Decision 37(4) On an appeal, the director may (a) make an order confirming, varying or setting aside the order or decision; or (b) make any other order the director considers reasonable. Reasons 37(5) The director must make a decision about the appeal has been referred to the Board under section 38. Original decision remains in effect pending appeal 37(6) Unless the director orders otherwise, an appeal under this section does not suspend the operation of the order or decision 37.1 Despite section 37. the director may make an order confirming an order or decision and order or decision 37.1 Despite section 37. the director may make an order confirming an order or decision and order or decision 37.1 Despite section 37.1 Despite sect decision of a safety and health officer at any time after receiving a notice of appeal if (a) the director determines that the reprisal was not referred to a safety and health officer in the time period required by subsection 42.1(1.1). S.M. 2021, c. 16, s. 7 Referring an appeal to Board 38(1) Instead of deciding an appeal under section 37, the director may refer it to the Board. In that case, subsections 39(2) to (8) apply to the appeal, with necessary changes. Reasons 38(2) The director may refer it to the Board 38(1) Instead of deciding an appeal to the Board. under subsection (1). Director to give information to Board 38(3) On referring an appeal to the Board; (b) give the Board; (b) give the Board; (b) give the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appeal has been referred to the Board; (c) any written information the director shall (a) inform the person appealing that the appea persons who the director thinks are directly affected by the order or decision under appeal; and (c) give each person on that list a copy of the appeal notice and any written information the director under or decision of the director under section 37 may appeal it to the Board, but an order or decision, or within any further period that the Board may allow. The board may allow. The board within 14 days after the date of the order or decision, or within any further period that the Board may allow. notice must state the reasons for the appeal and must be in the form and contain the information the Board requires. Notice of hearing the appeal; and (b) give written notice of the hearing to the person appealing, the director and any other person directly affected, at least five days before the hearing date. Director is a party to an appeal under this section. Right to be heard 39(5) At the hearing an appeal, the Board may appeal, the Board may appeal, the Board may appeal under this section. make an order confirming, varying or setting aside the order or decision appealed from. It may also make any other order it considers necessary that is mentioned in subsection 31(4) of The Labour Relations Act (remedies for unfair labour practice). Order remains in effect pending appeal 39(7) Unless otherwise ordered by the Board chairperson, an appeal to the Board under this section does not suspend the operation of the order or decision under appeal. Order filed in Queen's Bench 39(8) An order of the same manner and to the same extent as a judgment of that court. Appeal to Court of Appeal 39(9) A person who is a party to an order of the Board made under subsection (6) may appeal the order to The Court of Appeal, but only on a question of law or jurisdiction and by leave of a judge of the Court. S.M. 2013, c. 9, s. 16; S.M. 2013, c. 9, s. 16; S.M. 2021, c. 16, s. 8. WORKPLACE SAFETY AND HEALTH COMMITTEES AND REPRESENTATIVES Workplace safety and health committee 40(1) An employer must establish a workplace safety and health committee (a) for each workplace where (i) in the case of a seasonal workplace, at least 20 of the employer's workers are involved, in work and the work is expected to be involved, in work and the work is expected to be involved, in the case of any other workplace, at least 20 of the employed; and (b) for any other individual workplace or class of workplace designated by a written order of the director. Exception for construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project with prime contractor 40(2) Subsection (1) does not apply to a construction (1) does not apply to a construction (1) does not apply to a construction (1) does not apply to a const Committee for construction project site 40(3) A prime contractor shall establish a committee at a construction project; and (b) the project is expected to require more than 90 days to complete. Determining number of workers 40(4) For the purposes of subsection (1), the number of workers employed at a workplace shall be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each working day. More than one committee in a workplace 40(5) The director may issue a written order requiring an employer or prime contractor to establish more than one committee for a workplace. The order may provide for the composition, practice and procedures of those committees. Committee for multiple workplaces 40(6) Notwithstanding subsections (1) and (3), the director may, in accordance with the regulations, issue a written order permitting an employer or prime contractor to establish one committee for more than one workplace or parts of more than one workplace. The order may provide for the composition, practice and procedures of that committee. Considerations of director 40(7) In determining whether to make an order under subsection (5) or (6), the director shall take into account (a) the nature of the work performed at the workplace; (b) any request for an order by an employer, prime contractor, worker or union representing workers at the workplace; (c) the frequency of injury or illness in the workplace; (b) any request for an order under subsection (6), any additional criteria set out in the regulations. Reconsideration re one committee for multiple workplaces 40(7.1) If, after making an order under subsection (6), additional information comes to the attention of the director, the director believes that (i) he or she would have come to a different decision if the information had been known when the order was made, or (ii) a worker's safety or health is materially affected by the order. Membership of committee 40(8) A committee (a) shall consist of not fewer than four or more than 12 persons, of whom at least 1/2 shall be persons (i) representing workers who are not associated with the management of the workplace, and (ii) appointed in accordance with the constitution of the union that is the certified bargaining agent or that has acquired bargaining rights on behalf of those workers, or where no such union exists, persons elected by the workers they represent; and (b) shall have two co-chairpersons - one chosen by the employer members on the committee, and the other chosen by the worker members on the committee and shall participate in all decisions of the committee. Posting of names of members 40(9) The employer or prime contractor shall ensure that the names of the committee members are posted conspicuously in the workplace. Duties of a committee include (a) the receipt, consideration of risks to the safety or health of workers or other persons, arising out of or in connection with activities in the workplace; (c) the development and promotion of measures to protect the safety and health and welfare of persons in the workplace; if such a service has been established within the workplace; (e) co-operation with a safety and health officer exercising duties under this Act or the regulations; (f) the development and promotion of programs for education and information concerning safety and health of workers; (h) the inspection of the workplace at regular intervals; (i) the participation in investigations of accidents and disposition of concerns and complaints and the attendance to other matters relating to the duties of the committee; and (k) such other duties as may be specified in this Act or prescribed by regulation. Time off for committee work 40(11) A member of a committee work 40(11) A member of a committee is entitled to take the following time off from his or her regular duties: (a) one hour or such longer period of time as the committee work 40(11) A member of a committee work required to attend each meeting of the committee and the employer; (d) such time as the committee determines is necessary to carry out his or her duties as a committee member under this Act and the regulations. Entitlement to pay for work as committee member 40(12) A member of a committee is deemed to be at work during the times described in subsection (11) and is entitled to be paid for those times by his or her employer or prime contractor must ensure that committee members are trained to competently fulfill their duties as committee members. S.M. 2002, c. 33, s. 32; S.M. 2013, c. 9, s. 17. Workplace safety and health representative (a) at a workplace, other than a construction project, where a safety and health committee; and (c) at any other individual workplace or classes of workplaces designated by a written order of the director. Appointment of representative 41(2) The worker safety and health representative shall be appointed in accordance with the constitution of the union which is the certified bargaining rights on behalf of those workers, or if no such union exists, shall be elected by the workers he representative of the union which is the certified bargaining rights on behalf of those workers, or if no such union exists, shall be elected by the workers he representative shall be elected by the name of representative 41(3) The employer shall cause the name of the representative to be posted prominently in the workplace. 41(4) [Repealed] S.M. 2002, c. 33, s. 33. Duties of representative 41(5) The workplace safety and health committees in section 40. Time off for work as representative 41(6) A representative is entitled to take the following time off from his or her regular duties: (a) one hour to prepare for each safety and health meeting with the employer; (b) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (d) such time as is necessary to carry out his or her duties as a representative under this Act and the regulations. Entitlement to pay for work as representative 41(7) A representative is deemed to be at work during the times described in subsection (6) and is entitled to be paid for those times by his or her employer at the representative's regular or premium pay, as applicable. Training of representative 41(8) The employer must ensure that the representative is trained to competently fulfill his or her duties as a representative. S.M. 2002, c. 33, s. 33; S.M. 2013, c. 9, s. 18. Definition "employer" 41.1(1) In this section, "employer" means an employer or prime contractor who is required to establish a committee has failed to reach a decision about whether or not to make a recommendation under clause 40(10)(g) after attempting in good faith to do so, either co-chairperson may make written receiving a recommendation from a representative, a committee or a committee or a committee co-chairperson that identifies anything that may pose a danger to the safety or health of any person, the employer must respond in writing to the representative, committee or committee co-chairperson who made the recommendation. Contents of employer must (a) contain a timetable for implementing the recommendations that the employer will implement to address the danger posed to the safety or health officer 41.1(4) If no agreement can be reached regarding the response of an employer under subsection (3), any of the following may refer the matter to a safety and health officer: (a) the employer; (b) the committee; (c) a member of the committee; (d) if there is no committee; (e) a member of the committee; (d) if there is no committee; (d) if there is no committee; (d) if there is no committee; (e) a member of the committee; (f) a member of the committee; (h) a member of the committee; (this Act. No limitation 41.1(6) Nothing in this section limits the right of a worker to refer any matter respecting safety and health directly to a safety and employer or prime contractor must disclose the following to the committee, representative or worker: (a) information concerning the testing of any equipment, device or chemical or biological substance used at a workplace; (b) an inspection or investigation report respecting safety and health at the workplace, other than a harassment investigation report; (c) a report respecting workplace safety and health monitoring or audits; (d) a report providing summary information on the results of a harassment investigation, without disclosing the circumstances relating to the complaint or any information that could identify a worker or other person involved with the matter. S.M. 2002, c. 33, s. 33; S.M. 2013, c. 9, s. 20. Accompanying an officer 41.3(1) A safety and health officer who conducts an inspection or investigation at a workplace, may request that he or she be accompanied by (a) the workplace, may request that he or she be accompanied by (b) if there is no committee or his or her designate; (b) if there is no committee or his or her designate; (c) if there is no committee at the workplace, may request that he or she be accompanied by (a) the worker co-chairperson of the committee or his or her designate; (b) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (b) if there is no committee at the workplace, may request that he or she be accompanied by (a) the worker co-chairperson of the committee or his or her designate; (b) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (b) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if th representative at the workplace, a worker selected by the union; or (d) if there is no committee, representative or union representative or union representative or union representative at the workplace. Employer co-operation 41.3(2) If a safety and health officer makes a request under subsection (1), the employer shall permit the person requested to accompany the officer on the inspection and shall pay the person in accordance with subsection 40(11). S.M. 2002, c. 33, s. 33. REPRISALS Reprisals prohibited 42(1) No employer, union or person acting on behalf of an employer or union shall take or threaten a reprisal against a worker for (a) exercising a with the administration of this Act, (iii) another worker or a union representative; (e) refusing to do dangerous work under section 43; (f) taking reasonable action at the workplace to protect the safety or health of another person; (g) complying with this Act or the regulations or a code of practice under this Act, or an order or decision made under this Act; or (h) attempting to have this Act; or (h) attempting to have this Act; or (h) attempting to have this Act; or he regulations or a code of practice under this Act; or he regulations and even this Act; or he regulations at a code of practice under the regulations at a code of practice unde fails to pay wages or benefits to a worker when required to do so by this Act is deemed to have taken a reprisal against the worker under this section. S.M. 2021, c. 33, s. 34; S.M. 2013, c. 9, s. 21; S.M. 2021, c. 16, s. 9. Referring a complaint to an officer 42.1(1) A worker who believes on reasonable grounds that the employer or union has taken a reprisal against him or her for a reason described in section 42 may refer the matter to a safety and health officer. Time limit 42.1(1.1) A referral under subsection (1) must be made within six months after the date of the alleged reprisal. Order 42.1(2) If a safety and health officer decides that an employer or union has taken a reprisal against a worker for a reason described in section 42, the officer shall make an order requiring the employee or union to do one or more of the following: (a) stop the vorker to his or her former employment on the same terms and conditions on which the worker to his or her former employment on the same terms and conditions on which the worker to his or her former employment on the same terms and conditions on which the worker was formerly employed; (b) reinstate the worker would have earned had he or she not been wrongfully subjected to a reprisal and compensate the worker for loss of any benefits; (d) remove any reprimand or other reference to the matter from any employer maintains about the worker. Officer to advise if no reprisal was taken against a worker for a reason described in section 42, the officer shall inform the worker in writing of the reasons for that decision. Onus on employer or union 42.1(4) If, in a prosecution or other proceeding under this Act, a worker establishes (a) that a reprisal was taken against him or her; and (b) that the worker conducted himself or herself in a manner described in section 42; it shall be presumed that the reprisal was not influenced by the conduct. The onus is then on the employer or union is convicted of taking a reprisal against a worker contrary to this Act, the convicting justice shall order the employeer or union to do one or more of the following: (a) stop the vorker was formerly employed; (c) pay the worker any wages the worker would have earned had he or she not been wrongfully subjected to a reprisal and compensate the worker for loss of any benefits; (d) remove any reprimand or other reference to the matter from any employment records the employer maintains about the worker. S.M. 2002, c. 33, s. 34; S.M. 2021, c. 16, s. 10. RIGHT TO REFUSE DANGEROUS WORK Right to refuse dangerous work 43(1) Subject to this section, a worker may refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that the work constitutes a danger to his or her safety or health of another worker or another person. Reporting the refusal 43(2) A worker who refuses to work or do particular work under subsection (1) shall promptly report the refusal and the reasons for it to his or her employer or immediate supervisor, or to any other person in charge at the workplace. Inspecting dangerous conditions 43(3) If the employer does not remedy the dangerous condition immediately, the person who receives the report of refusal to work, or a person designated by that person, shall immediately inspect the dangerous condition in the presence of the worker co-chairperson of the committee or, if that person is unavailable, a committee member who represents workers; (b) if there is a representative designated under section 41, that representative or, if he or she is unavailable, another worker selected by the worker refusing to do the work; (c) if there is no committee or representative, another worker selected by the worker selected by the worker who is refusing to work. Remedial action 43(4) The person required to inspect the dangerous condition shall take any action necessary to remedy any dangerous condition, or ensure that such action is taken. Worker may continue to refuse 43(5) Until the dangerous condition is remedied, the worker s not to be assigned 43(6) When a worker has refused to work or do particular work under subsection (1), the employer shall not request or assign another worker to do the work unless (a) the employer, the refusal, (ii) the reasons for the refusal, (iii) the refusal, (iii) the reasons for the refusal, (iii) the other worker's refusal, (iii) the ref work does not constitute a danger to the safety or health of the other worker, another worker of (i) the first worker of (i) the first worker of (i) the refusal; and (c) the actions required by subsections (3) and (4) have been taken. S.M. 2002, c. 33, s. 34; S.M. 2013 c. 9, s. 22. Report of dangerous condition to an officer 43.1(1) If the dangerous condition is not remedied after an inspection may notify a safety and health officer of the refusal to work and the reasons for it. Investigation by officer 43.1(2) On receiving a notice under subsection (1), the officer shall investigate the matter and decide whether the work is dangerous, he or she shall (a) make a written report stating the officer's findings; (b) make any improvement order under section 26 or stop work order under section 36 that the officer considers necessary or advisable; and (c) give a copy of the report and any order to (i) the worker who refused to do the work, (ii) the employer, and (iii) the co-chairpersons of the committee, or the representative. Decision not to issue an order 43.1(4) If the officer decides that the work is not dangerous, he or she shall, in writing, (a) inform the employer and the worker that he or she is no longer entitled to refuse to do the work. S.M. 2002, c. 33, s. 34; S.M. 2013, c. 9, s. 23. Worker entitled to be paid despite refusal 43.2 If a worker has refused to work or do particular work under section 43, (a) the worker is entitled to the same wages and benefits that he or she would have received had the worker continued to work; and (b) the employer may re-assign the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she would have received had the worker is entitled to the same wages and benefits that he or she worker is entitled to the same wages and benefits that he or she worker is entitled to the same wages and benefits that he or she worker is entitled to the same wages and benefits that he or she worker is entitled to the same wages and benefits that he or she worker is entitled to the same wages and benefits that he or she worker is entitled to the same wages and benefits that he or she worker is entitled to the same wages and benefits that he or sh 43.3(1) When the employer at a workplace or his or her agent, or the supervisory capacity, knows or ought to know of a condition at the workplace that is or is likely to be dangerous to the safety or health of a worker, he or she shall not require or permit any worker to do that work until the dangerous condition is remedied. Employer may remedy dangerous condition 43.3(2) Subject to subsection 43.5), nothing in subsection 43.5), no 34. EDUCATIONAL LEAVE Educational leave 44(1) Subject to this section, every employer at a workplace where there is a committee, the representative, or their respective designates, to take educational leave 44(1) Subject to this section. workplace safety and health training seminars, programs or courses of instruction (a) offered by the Workers at the workplace. Time allowed for educational leave 44(1.1) The amount of time allowed for educational leave under subsection (1) is the greater of (a) 16 hours; and (b) the number of safety and health committee members for whom the employer is required to provide educational leave in accordance with subsection (1) during any year is equal to the number of members constituting the normal size of the committee. Pay while attending educational leave programming 44(2.1) The employer must pay a committee member, representative or designate who attends a workplace safety and health training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training; and (b) the number of hours the worker normally works during a normal shift. Exception 44(2.2) Subsection (1) does not apply to an employer on a construction project or an employer at a seasonal workplace as described in subclause 40(1)(a)(i). Education program on construction project, each employer who employer who employer at the worksite at which all workers shall attend without loss of pay or other benefits for a period or periods equivalent to 30 minutes every two weeks, of which no period shall be less than 15 minutes. Education program at seasonal workplace 44(4) At a seasonal workplace. All workers must attend the program without loss of pay or other benefits for a period or periods equivalent to 30 minutes every two weeks, of which no period may be less than 15 minutes, for the duration of the seasonal workplace. S.M. 2002, c. 33, s. 37. NEEDLES IN MEDICAL WORKPLACES Use of safety-engineered needles 45.1(1) When hollow-bore or intravenous needles are used in a medical workplace, the employer must ensure (a) so far as is reasonably practicable, that workers use only safety-engineered needles; and (b) that safe work procedures and practices relating to the use of those safety-engineered needles. practicable 45.1(2) If it is not reasonably practicable to use safety-engineered needles in a medical workplace, the employer must develop procedures to be followed in a medical workplace when a worker suffers a needlestick injury, including instructions for the worker suffering the injury. Investigate and prepare a report on every needlestick injury to a worker in a medical workplace. Definitions 45.1(5) The following definitions apply in this section. "medical workplace" means (a) a hospital, a personal care home, a psychiatric facility, a medical clinic, a medical clinic, a medical clinic, a medical by regulation, a registered dentist's office; (d) an ambulance as defined in The Ambulance Services Act; and (e) any other workplace where physical or mental health treatment or care is provided to a person. (« lieu de travail en milieu médical ») "needlestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle" includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a hollow-bore or intravenous needle "includestick injury" means an injury caused by a h a shielded needle device, a retractable needle system and a needleless device. (« seringue conçue en vue d'un usage sécuritaire ») S.M. 2005, c. 15, s. 2. INAPPROPRIATE OR UNSAFE FOOTWEAR Inappropriate or unsafe footwear 45.2 An employer must not require a worker to wear footwear that (a) is not of a design, construction and material appropriate to the protection required for the worker's work; or (b) does not allow the worker to safely perform their work. S.M. 2018, c. 22, s. 2. GENERAL PROVISIONS Obtaining information that the director may require a person to provide any information in the manner and within the time period that the director may specify. S.M. 2002, c. 33, s. 38. Order to conduct tests 46.1(1) The director may, by order, require an employer to do the following at the employer's expense: (a) have tests conducted by a person who has the professional knowledge, experience or qualifications specified by the director; (b) give the director; (b) give the director a report or assessment prepared by that person; and to do so in the employer personally or be sent by registered mail to the employer's last known address. S.M. 2002, c. 33, s. 38. 47 [Repealed] S.M. 2002, c. 33, s. 39. Confidential information with respect to any manufacturing or trade secret obtained by him by virtue of the exercise of any power conferred by this Act, except for the purpose of administering this Act and the regulations, or as required by law. Names to remain confidential 48(2) No person by whom information is obtained in confidence by virtue of any power conferred by this Act or the regulations. Exemption from liability 49(1) No action lies or shall be instituted against any person whether in his public or private capacity, where the person is acting under the authority of this Act or the regulations for any loss or damage suffered by any person by reason of anything done or omitted to be done by him in good faith, in the exercise of the powers given to him by this Act or the regulations. No exemption in case of negligence 49(2) Subsection (1) does not apply where the person exercising any of the powers given to him under this Act or the regulations is negligent in the performance thereof. Officials cannot be compelled to testify 49.1 A safety and health officer, the director, or any other person assisting a safety and health officer. of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than an inquest or inquiry under The Fatality Inquiries Act — respecting any document, information, or test obtained, received or made under this Act or the regulations, and may not be compelled to produce any such document. S.M. 2002, c. 33, s. 40 Medical examinations and health surveillance 50(1) The chief occupational medical officer may carry out, or may arrange for another physician or other qualified person to carry out, any medical examinations or health surveillance of workers as he or she considers desirable for the purpose of administering this Act and the regulations. But no medical examinations shall, wherever reasonably practicable, be conducted during working hours 50(2) Medical examinations shall, wherever reasonably practicable, be conducted during working hours 50(2) Medical examinations shall, wherever reasonably practicable and the employer shall, if required by the physician or other qualified person, provide suitable accommodation for such examinations at the workplace, and otherwise facilitate the conduct of those examinations. Health surveillance 50(3) Health surveillance during working hours must be conducted without loss of pay to the workers who participate. In addition, the employer shall facilitate and provide suitable accommodation at the workplace for health surveillance, if required to do so by the chief occupational medical officer or a physician or other qualified person attending or consulted respecting a person who, (a) became ill or injured while employed at a workplace or while being otherwise engaged as a worker; or (b) who has been examined pursuant to section 50; shall furnish to the chief occupational medical officer may require for the purposes of this Act and the regulations. Reports by hospitals 51(2) Notwithstanding the provisions of any other Act, where a worker referred to in clause (1)(a) or (b) is, or has been, a patient in a hospital shall furnish without charge to the administrative affairs of that hospital shall furnish without charge to the condition of the person as the chief occupational medical officer may require for the purposes of this Act and the regulations. Information confidential 51(3) Unless disclosed in a form calculated to prevent the information from being identified as relating to a particular person or case or unless disclosed as required by law, any information obtained by the chief occupational medical officer pursuant to section 50 and this section shall not be disclosed without the consent of the person examined or attended. Power to require alternative work 52 Where it appears to the director upon the advice of the chief occupational medical officer that a worker has been over-exposed to a harmful substance and that a temporary removal from the hazard will enable the worker to resume his usual work, the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director is suitable, for such period of time as the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director is suitable, for such period of time as the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director is suitable, for such period of time as the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director is suitable, for such period of time as the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director is suitable. 53(1) The minister may designate a workplace, or a class of workplaces, as requiring an occupational health service, having regard to the type of work being carried on therein, the employer shall cause an occupational health service, having regard to the type of work being carried on therein, the employer shall cause an occupational health service and the degree or uncertainty of hazard thereof; and upon such designation, the employer shall cause an occupational health service and the degree or uncertainty of hazard thereof; and upon such designation and the degree or uncertainty of hazard thereof. to be established and maintained for the workplace in accordance with this section. Minister may specify health services to be provided 53(2) The minister may specify the services to be provided by the occupational health service for any workplace, or for any class of workplace in accordance with this section. service 53(3) The establishment and continued operation of an occupational health service is subject to the approval of the minister. ADMINISTRATIVE PENALTIES Administrative penalty 53.1(1) If a person (a) has failed to comply with (i) an improvement order within the period specified in the order, or (ii) a prescribed provision of this Act or the regulations, and a safety and health officer is of the opinion that the failure involves, or is likely to involve, an imminent risk of serious physical or health injury to a worker or other person; (b) has failed to maintain compliance with an improvement order after initially complying with it; (c) has resumed an activity that previously was the subject of a stop work order which was discontinued because the person had complied with it; or (d) was ordered to take action under section 42.1 because the person took a reprisal against a worker; the officer shall provide evidence of the matter to the director. Imposing a penalty 53.1(2) When the director determines that a person (a) has failed to comply with (i) an improvement order within the period specified in the order, or (ii) a prescribed provision of this Act or the regulations, and the director is of the opinion that the failure involves, or is likely to involve, an imminent risk of serious physical or health injury to a worker or other person; (b) has failed to maintain compliance with an improvement order after initially complying with it; (c) has resumed an activity that previously was the subject of a stop work order but was discontinued because the person took a reprisal against a worker; the director may issue a notice in writing requiring the person to pay an administrative penalty in the amount set out in the notice. When penalty may be imposed 53.1(3) Notice of an administrative penalty may be issued only after a decision has been made on appeal. Maximum amount set out in the notice under subsection (2) has expired or, if an appeal has been filed, after a decision has been made on appeal. 53.1(4) An administrative penalty must be paid; and (c) a statement that the person may appeal the matter to the board within 14 days after being served with the notice. Serving the notice 53.1(6) A notice of administrative penalty must be served on the person required to pay the penalty. The notice may be served with a notice, the person required to pay the administrative penalty may appeal the matter to the board by sending the board a notice of the appeal together with reasons for the appeal. The requirement to pay the penalty is stayed until the board decides the matter. Notice of hearing 53.1(8) On receiving a notice of appeal, the board shall (a) fix a date, time and place for hearing the appeal; and (b) give the person appealing, and the director, written notice of the hearing at least five days before the hearing date. Decision of the board 53.1(9) After hearing the administrative penalty; or (b) vary the amount of the penalty if the board considers that it was not established in accordance with the regulations. Payment 53.1(10) Subject to an appeal under subsection (7), a person named in a notice of administrative penalty shall pay the amounts paid for the public on matters relating to workplace safety and health. Debt due to the government 53.1(11) If an administrative penalty is not paid within 30 days after notice of the penalty is a debt due to the government. Certificate registered in court 53.1(12) The director may certify a debt referred to in subsection (11), or any part of such a debt that has not been paid. The certificate may be registered in the Court. No offence to be charged if penalty is paid 53.1(13) A person who pays an administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty unless the matter continues after the penalty is paid. Lien for debt 53.1(14) The government has, in addition to any other remedy it has for the recovery of a debt arising under this section, a lien and charge on every estate or interest in real property and personal property of the person required to pay the debt (referred to in this section as the "debtor"), including property acquired by the debt or after the debt from the time the debt arose until it is paid in full, as determined under The Financial Administration Act and the regulations under that Act; and (c) costs reasonably incurred by the director (i) for the registration and discharge of the lien, and (ii) in retaking, holding, repairing, processing, preparing for disposition or disposition or disposition or disposition and discharge of the lien is registered. When lien takes effect 53.1(16) The lien is registered against specific lands of the debtor's interest in real property, when a certificate in respect of the lien is registered in the Personal Property Registry. Registration and enforcement of lien 53.1(17) Subsections 28(6) to (14) of The Pension Benefits Act apply, with necessary changes, to the references in those provisions to "employer" were references to the debtor under this section; and (b) the references in those provisions to "the superintendent" were references to the director under this Act. S.M. 2002, c. 33, s. 42; S.M. 2013, c. 9, s. 25; S.M. 2021, c. 16, s. 11. OFFENCES AND PENALTIES Offences 54 Every person who (a) contravenes this Act or the regulations; (b) fails to comply with an order made under this Act or the regulations; (c) knowingly obstructs or makes a false statement to a safety and health officer engaged in the exercise or performance of his or her powers or duties; or (d) knowingly makes or causes to be deleted or destroyed any true or proper entry in any such document; is guilty of an offence to a fine of not more than \$500,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 for each day during which the offence to a further fine not exceeding \$100,000 for each day during which the offence continues; and (b) for a second or subsequent offence to a further fine not exceeding \$100,000 for each day during which the offence continues. 55(2) [Repealed] S.M. 2002, c. 33, s. 45. Additional penalty 55(3) Where a person is convicted for an offence under this Act, in addition to the penalties set out in subsection (1), he may be imprisoned for a term not exceeding six months. Further penalty 55(4) If a person is convicted of an offence for a contravention of subsection 43.3(1), he or she shall not work in a supervisory capacity at any workplace for a six month period after the date of conviction. Time limit for prosecution 55(5) A prosecution under this Act may be commenced not later than two years after the day the alleged offence was committed. S.M. 2010, c. 33, s. 45; S.M. 2010, c. 33, s. 45; S.M. 2021, c. 16, s. 12. Additional penalties 55.1(1) When a person is convicted of an offence under this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, order the public on matters relating to workplace safety and health. Such a penalty may be required in additi to any other penalty that may be imposed under this Act. Limit 55.1(2) The total of (a) any additional amount required to be paid under section 55; must not exceed the amount of the maximum penalty for which the offender could be liable under section 55. Unpaid additional penalties 55.1(3) If an amount is ordered to be paid under subsection (1), the director may file the order in the Court of Queen's Bench, and on being filed the order may be enforced in the same extent as a judgment of that court. S.M. 2002, c. 33, s. 45; S.M. 2021, c. 16, s. 13. Offences by directors, etc., of corporations 56 Where a corporation commits an offence under this Act, any officer, director or agent of the corporation, who directed, authorized, assented to, acquiesced in or participated in the commission of the offence and liable, on summary conviction, to the penalty provided for the offence. Onus 57(1) In any proceedings for an offence under any of the provisions of this Act or regulations consisting of a failure to comply with a duty or requirement to do something, it shall be for the accused to prove that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement. Or that there was no better practicable means than was in fact used to satisfy the duty or requirement. Person deemed to be an employer within the meaning of this Act unless it is otherwise proven. Application of subsection (1) 57(3) Subsection (1) applies with such modifications as the circumstances require to any appeal involving an improvement order. S.M. 2002, c. 33, s. 46. Laying of information 58 Any person may lay an information in respect of any offence or alleged offence against this Act or the regulations. 59 [Repealed] S.M. 2002, c. 33, s. 47. Page 3 C.C.S.M. c. W210 The Workplace Safety and Health Act HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows: DEFINITIONS Definitions 1 In this Act, unless otherwise specified, "agency of the government" means any board, commission, association, or other body, whether incorporated or unincorporated, all the members of their duties, public officers or servants of the Crown, or, for the proper discharge of their duties are, directly or indirectly, responsible to the Crown; (« organisme gouvernemental ») "Board" means the Workplace Safety and Health Branch; (« Direction ») "chief occupational medical officer" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "construction project" means a workplace safety and health committee established under section 40; (« comité ») "construction project" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "construction project" means a workplace safety and health committee established under section 40; (« comité ») "construction project" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "construction project" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "construction project" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "construction project" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "construction project" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "construction project" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "construction project" means the person designated as Chief Occupational Medical Officer under this Act; (« médecin du travail en chef ») "construction project" means the person designation of the person designation o structure, building, complex, street, road, highway, pipeline, sewage system or electrical telecommunication, repair or removal of any equipment or machinery, or (d) any work prescribed by regulation as a construction project; (« projet de construction ») "construction project site" means a workplace where work is performed on a construction project; (« chantier de construction ») "contractor" means a vorkplace; (« entrepreneur ») "department" means such department of the government of Manitoba as may be designated by the Lieutenant Governor in Council for the purpose of this Act; (« ministère ») "director" means the Director of the Workplace Safety and Health Branch appointed under subsection 14(4.1); (« directeur ») "employer" includes (a) every person who, by himself or his agent or representative employs or engages one or more workers, and (b) the Crown and every agency of the government; (« employeur ») "health" means the condition of being sound in body, mind and spirit, and shall be interpreted in accordance with the objects and purposes of this Act; (« santé ») "improvement order" means an order made under section 26; (« ordre d'amélioration ») "minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act; (« infirmière hygiéniste ») "occupational health service" means a service organized in or near a workplace for the purposes of (a) protecting workers against any health hazard that may arise out of their work or the conditions under which it is carried on, (b) ensuring the physical and mental adjustment of workers in their employment and ensuring their assignment to jobs for which they are suited, and (c) contributing to the establishment and maintenance of a high degree of physical and mental well-being of the workers; (« service d'hygiène ») "owner", in relation to any land or premises used or to be used as a workplace, includes (a) a trustee, receiver, mortgagee in possession, tenant, lessee, licensee or occupier of the land or premises, and (b) a person who acts for or on behalf of an owner as an agent or delegate, but does not include a person who occupies premises used as a private residence; (« propriétaire ») "person" includes a partnership or an unincorporated association; (« personne ») "physician" means a duly qualified medical practitioner; (« médecin ») "representative" means a worker safety and health representative designated or appointed under section 41; (« délégué ») "reprisal" means any act or omission by an employer or any person acting under the authority of the employer or any union, and without restricting the generality of the foregoing includes lay-off, suspension, dismissal, loss of opportunity for promotion, transfer of duties, change of location of workplace, reduction in wages, or change in working hours but does not include the temporary relocation of a worker to other similar or equivalent work without loss of pay or benefits until a condition that threatens the safety or health of the worker is remedied; (« mesure discriminatoire ») "safety" means the prevention of physical injury to workers and the prevention of physical injury to other persons arising out of or in connection with activities in the workplace; (« sécurité ») "safety and health officer" means a person designated as a safety and health officer" means an order made under section 36; (« ordre d'arrêt du travail ») "supplier" means a person who has charge of a workplace or authority over a worker; (« surveillant ») "supplier" means a person who supplies, sells, leases, installs or provides (a) any tool, equipment, machine or device, or (b) any biological substance or chemical substance, to be used in a workplace; (« fournisseur ») "union" means a union as defined under The Labour Relations Act; (« syndicat ») "welfare" means the conditions or facilities, in or near a worker; (« bien-être ») "worker" includes (a) any person who is employed by an employer to perform a service whether for gain or reward, or hope of gain or reward or not. (b) any person engaged by another person to perform services, whether under a contract of employment or not (i) who performs work or services for another person for compensation or reward on such terms and conditions that he is, in relation to that person, in a position of economic dependence upon that person more closely resembling the relationship of any employee than that of an independent contractor, and (ii) who works or perform services, (c) any person undergoing training or serving an apprenticeship at an educational institution or at any other place; (« travailleur ») "worker safety and health representative" means the person designated as a worker safety and health representative under this Act; (« délégué à la sécurité et à la santé des travailleurs ») "workplace" means any building, site, workshop, structure, mine, mobile vehicle, or any other premises or location whether indoors or outdoors in which one or more workers, or self-employed persons, are engaged in work or have worked. (« lieu de travail ») S.M. 2013, c. 9, s. 2; S.M. 2013, c. 9, s Act are (a) to secure workers and self-employed persons from risks to their safety, health and welfare arising out of, or in connection with, activities in workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in their workplaces; and (b) to protect other persons from risks to their safety and health arising out of, or in connection with, activities in thealth arising out of, or in connection with, activitie the generality of subsection (1), the objects and purposes of this Act include (a) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers; (b) the provention among workers of ill health caused by their working conditions; (c) the protection of workers in their employment from factors promoting ill health; (d) the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological condition; and (e) the promotion of workers in an occupational environment adapted to their workplaces, (ii) to refuse dangerous work, and (iv) to work without being subject to a reprisal. S.M. 2013, c. 9, s. 3; S.M. 2021, c. 16, s. 3. APPLICATION OF THIS ACT Application of Act 3 This Act applies to (a) the Crown in right of Manitoba and every agency of the government; (b) every employer, worker and self-employed person whose workplace safety, health and welfare standards are ordinarily within the exclusive jurisdiction of the Legislature to regulate; and (c) the Crown in right of Canada, every agency of the government of Canada, and every agency of the government of Canada, and every agency of the government of Canada, and every agency of the government of Canada, every agency of the government of Canada may submit to the application of this Act. DUTIES OF EMPLOYERS General duties of employers 4(1) Every employer shall in accordance with the objects and purposes of this Act (a) ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his workers; and (b) comply with this Act and regulations. Further duties of employer 4(2) Without limiting the generality of an employer's duty under subsection (1), every employer shall (a) provide and maintain a workplace, necessary equipment, systems and tools that are safe and without risks to health, so far as is reasonably practicable; (b) provide to all his workers such information, instruction, training, supervision and facilities to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his workers; (c) ensure that all his workers; and particularly his supervisors, foremen, chargehands or similar persons, are acquainted with any safety or health hazards which may be encountered by the workers in the course of their service, and that workers are familiar with the use of all devices or equipment provided for their protection; (d) conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons who are not in his service are not exposed to risks to their safety or health arising out of, or in connection with activities in his workplace; (e) consult and co-operate with the workplace safety and health committee where such a committee exists, regarding the duties and matters with which that committee is charged under this Act; (f) consult and co-operate with the worker safety and health representative has been designated, regarding the duties and matters with which that representative is charged under this Act; (g) co-operate with any other person exercising a duty imposed by this Act, or the regulations; (h) ensure that all of the employer's workers are supervised by a person who (i) is familiar with this Act and the regulations that apply to the work performed at the workplace; (i) if the employer's workers or the project that has a prime contractor of the angloyer's workers on the project. Employer as supervisor 4(3) For the purposes of clause (2)(h), an employer may supervise his or her workers if he or she satisfies the criteria set out in that clause. Employer's duty re training to a worker to ensure, so far as is reasonably practicable, the safety, and health of the worker, before the worker (a) begins performing a work activity at a workplace; (b) performs a different work activity than the worker was originally trained to perform; or (c) is moved to another area of the workplace or a different workplace that has different (b) performs a different workplace that has different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the workplace or a different (c) is moved to another area of the worker (c) is moved to another area of the workplace or a different (c) is moved to another area of the worker (c) is moved to another area of the worker (c) is moved to another area of the worker (c) is moved to another area of the worker (c) is moved to another area of the worker (c) is moved to another (c) is m worker may perform a work activity while being trained if the worker is under the direction of a supervisor or another person who is fully trained and has sufficient experience in performing that work activity to ensure that the safety or health of the worker and any other person is not at risk. Wages and benefits during training 4(6) A worker is entitled to the same wages and benefits for any time spent in training that he or she would be entitled to had the worker been performing his or her regular work duties during that time. S.M. 2002, c. 33, s. 7. DUTIES OF SUPERVISORS Duties of supervisors 4.1 Every supervisor shall (a) so far as is reasonably practicable, (i) take all precautions necessary to protect the safety and health of a worker under his or her supervision. (ii) ensure that a worker under his or her supervision uses all devices and measures required by this Act and the regulations, and (iii) ensure that a worker under his or her supervision uses all devices and wears all clothing and personal protective equipment designated or provided by the employer or required to be used or worn by this Act or the regulations; (b) advise a worker under his or her supervision of all known or reasonably foreseeable risks to safety and health in the area where the worker is performing work; (c) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (d) comply with this Act and the regulations. S.M. 2002, c. 33, s. 7. DUTIES OF WORKERS General duties of workers 5 Every worker while at work shall, in accordance with the objects and purposes of this Act, (a) take reasonable care to protect his safety and health of other persons who may be affected by his acts or omissions at work; (b) at all times, when the nature of his work requires, use all devices and wear all articles of clothing and personal protective equipment designated and provided for his protection by his employer, or required to be used and worn by him by the regulations; (c) consult and co-operate with the workplace safety and health committee, where such a committee exists, regarding the duties and matters with which that committee is charged under this Act; (d) consult and co-operate with the worker safety and health representative, where such a committee is charged under this Act; (d) consult and co-operate with the worker safety and health representative, where such a committee is charged under this Act; (d) consult and co-operate with the worker safety and health representative, where such a committee is charged under this Act; (d) consult and co-operate with the worker safety and health representative, where such a committee is charged under this Act; (d) consult and co-operate with the worker safety and health representative is charged under this Act; (d) consult and co-operate with the worker safety and health representative is charged under this Act; (d) consult and co-operate with the worker safety and health representative is charged under this Act; (d) consult and co-operate with the worker safety and health representative is charged under this Act; (d) consult and co-operate with the worker safety and health representative is charged under this Act; (d) consult and co-operate with the worker safety and health representative is charged under this Act; (d) consult and co-operate with the worker safety and health representative is charged under the safety and health representative is charged under representative is charged under this Act; (e) comply with this Act and the regulations; and (f) co-operate with any other person exercising a duty imposed by this Act or the regulations. DUTIES OF SELF-EMPLOYED PERSONS General duties of self-employed persons 6 Every self-employed person shall, in accordance with the objects and purposes of this Act, (a) conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he or any other person is not exposed to risks to his or that person's safety or health, arising out of, or in connection with, activities in his workplace; (a.1) when he or she is working on a construction project that has a prime contractor, advise the

prime contractor that he or she is working on the project; (b) comply with this Act and the regulations; and (c) co-operate with any other person exercising a duty imposed by this Act or the regulations. S.M. 2002, c. 33, s. 10. DUTIES OF PRIME CONTRACTORS Requirement for prime contractor 7(1) There shall be a prime contractor for a construction project if more than one employed person is involved in work at the construction project site at the same time. Prime contractor for a construction project is (a) the person who enters into a construction project is (a) the person who enters into a construction project is (b) the person who enters into a construction proj project site; or (b) if there is no contract referred to in clause (a), or if that contract is not in effect, the owner of the construction project site. Duties of prime contractor 7(3) The prime contractor for a construction project site. the regulations; (b) co-ordinate, organize and oversee the performance of all work at the construction project site and conduct his or her safety or health arising out of, or in connection with activities at the construction project site; (c) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (d) comply with this Act and the regulations; and (d) comply with this Act and the regulations; and (d) comply with this Act and the regulations of contractors 7.1 Every contractor shall (a) ensure, so far as is reasonably practicable, (i) that every workplace where an employer, employer's worker or self-employed person works pursuant to a contract, and (ii) that every work process or procedure performed at a workplace by an employer or self-employed person does not create a risk to the safety or health of any person; (b) if the contractor is involved in work on a construction project that has a prime contractor, advise the prime contractor, advise the prime contractor is involved in work on the project; (c) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (d) comply with this Act and the regulations. S.M. 2002, c. 33, s. 12. DUTIES OF OWNERS Duties of owners 7.2 Every owner of a workplace shall (a) ensure, so far as is reasonably practicable, that the land or premises used as a workplace that is under his or her control is provided and maintained in a manner that does not create a risk to the safety or health of any person; (b) co-operate with any other person exercising a duty imposed by this Act or the regulations; and (c) comply with this Act or the regulations; and the regulations. S.M. 2002, c. 33, s. 12. DUTIES OF SUPPLIERS Duties of suppliers 7.3 Every supplier shall (a) ensure, so far as is reasonably practicable, that any tool, equipment, machine, device or chemical or biological substance provided by the supplier, and (ii) conforms with the requirements of this Act and the regulations; (b) when prescribed by regulation, provide written instructions and information prescribed by regulation to every employer, self-employed person, contractor or prime contractor to whom the supplies any tool, equipment, machine, device or chemical or biological substance; and (c) comply with this Act and the regulations. S.M. 2002, c. 33, s. 12. WORKPLACE SAFETY AND HEALTH PROGRAM Establishment of workplace safety and health program for each workplace safety and health program for e workplace shall be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each working day. Program for multiple workplaces 7.4(3) Notwithstanding subsection (1), the director may issue a written order permitting an employer to establish a workplace safety and health program for more than one workplace or parts of more than one workplace. Considerations of director 7.4(4) In determining whether to make an order under subsection (3), the director shall take into account (a) the workplace; (b) any request for an order by an employer, worker or union representing workers at the workplace; and (c) the frequency of injury or illness in the workplace or in the industry in question. Content of program must include (a) a statement of the employer's policy with respect to the protection of the safety and health of workers at the workplace; (b) the identification of existing and potential dangers to workers at the workplace and the measures that will be taken to reduce, eliminate or control those dangers, including personnel and equipment, that may be required to respond to an emergency; (c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency; (c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency; (c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency; (c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency; (c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency; (c) the identification of internal and external resources, including personnel and equipment. responsibilities of the employer, supervisors and workers at the workplace; (e) a schedule for the regular inspection of the workplace; (f) a plan for the control of any biological or chemical substance used, produced, stored or disposed of at the workplace; (g) a statement of the procedures to be followed to protect safety and health in the workplace when another employer or self-employed persons to be involved in work at the workplace, and (ii) procedures for regularly monitoring employers and self-employed persons to be involved in work at the workplace when another employer or self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employed persons to be involved in work at the workplace when another employers and self-employeed persons to be involved in work at the workplace when another employeed persons to be involved in work at the workplace when another employeed persons to be involved in work at the workplace when another employeed persons to be involved in work at the workplace when another employeed persons to be involved in work at the workplace when another employeed persons to be involved in work at the workplace when another employeed persons to be involved in work at the workplace when another employeed persons involved in work at the workplace; (h) a plan for training workers and supervisors in safe work practices and procedures; (i) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; (j) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43; 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and (l) any other requirement prescribed by regulation. Requirement for consultation 7.4(6) The employer shall design the workplace safety and health program in consultation 7.4(7) The employer shall make a workplace safety and health program available to the following persons on request: (a) the committee; (b) if there is no committee; (c) a worker at the workplace; (d) a safety and health programs by prime contractor 7.4(8) If workers from two or more employers that have workplace; (d) a safety and health programs by prime contractor 7.4(8). at a construction project site that has a prime contractor, the prime contractor shall co-ordinate the programs of those employers. S.M. 2002, c. 33, s. 12; S.M. 2013, c. 9, s. 4. DUTY TO PROVIDE REQUIRED INFORMATION Definition: "required information" 7.5(1) In this section, "required information" 7.5(1) I safety and health of a person at a workplace; (b) that is necessary to identify and control any existing or potential hazards with respect to a workplace; or (c) prescribed by regulation as required information. Required information by prime contractor 7.5(2) Every prime contractor for a construction project shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) the owner of the construction project site; and (b) every contractor, employer and self-employed person who is involved in work on the project. Required information by contractor 7.5(3) Every contractor shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) every employer and self-employed person at a workplace with whom the contractor has a contract; (b) every employer and self-employed person at a workplace with whom the contractor has a contract; (b) every employer and self-employed person at a workplace with whom the contractor has a contract; (b) every employer and self-employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract; (b) every employed person at a workplace with whom the contractor has a contract, (b) every employed person at a workplace with whom the contractor has a contract, (b) every employed person at a workplace with whom the contractor has a contract, (b) every employed person at a workplace with whom the contractor has a contract, (b) every employed person at a workplace with whom the contractor has a contra and (c) the prime contractor for a construction project, if the contractor is involved in work on a construction project for which there is a prime contractor. Required information by owner 7.5(4) Every owner of a workplace shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know to (a) every employer who employes workers at the workplace; and (b) every self-employed person who works at the workplace is a construction project 7.5(5) Despite subsection (4), if a workplace is a construction project that is required to have a prime work is performed on a construction project that is required to have a prime work is performed on a construction project that is required to have a prime contractor, an owner of that workplace shall provide, so far as is reasonably practicable, all required information that he or she knows or may reasonably be expected to know only to the prime contractor. S.M. 2002, c. 33, s. 12. PERSONS WITH MULTIPLE FUNCTIONS Definition: "function" 7.6(1) In this section, "function" means the function of employer, supervisor, worker, self-employed person, prime contractor, contractor, contractor, owner or supplier under this Act in respect of one workplace, that person shall satisfy the duties imposed by this Act and the regulations for each function. S.M. 2002, c 33, s. 12. Responsibility if duties apply to more than one person 7.7 If (a) one or more provisions in this Act or the regulations imposes the same duty on more than one person; and (b) one of their duty only during the time when (c) simultaneous compliance of that duty by more than one person would result in unnecessary duplication of effort and expense; and (d) the safety and health of any person at the workplace is not put at risk by compliance with that duty by only one person. S.M. 2002, c. 33, s. 12. RELATIONSHIP OF THIS ACT TO THE WORKERS COMPENSATION ACT Effect on compensation 8 The failure to comply with any provision of this Act or the regulations does not affect the right of a worker to compensation Act. Effect on liabilities 9 The liabilities and obligations of any person under The Workers Compensation Act. removed, by reason only of his compliance with the provisions of this Act or the regulations. 10 [Renumbered as subsection 14(4)] 11(1) [Repealed] S.M. 1991-92, c. 36, s. 65. DUTIES AND POWERS OF THE DIRECTOR Duties of director shall, in accordance with the objects and purposes of this Act, (a) be concerned with workplace safety and health generally, and with the maintenance of reasonable standards for the administration of this Act and the regulations; (c) submit from time to the minister such recommendations as he considers appropriate for the making of regulations; (d) ensure that persons and organizations concerned with the purposes of this Act are provided with information and advice pertaining to its administration and to the protection of the safety and health of workers generally; (e) prepare and maintain or cause to be prepared and maintained illness, death and accident statistics relating to workers and self-employed persons, and do so either alone or in conjunction with The Workers Compensation; and (f) do such other things in connection with safety and health in the workplace as the minister may direct, for the purposes of carrying out the provisions of this Act and the regulations and the provisions of this Act and the regulations and the provisions of this Act and the regulations and the provisions of this Act and the regulations and the provisions of this Act and the regulations and the provisions of this Act and the regulations and the provisions of this Act and the regulations and the provisions of this Act and the regulations and the provisions of this Act and the regulations and the provisions of this Act and the regulations and the provisions of the purposes of carrying out the provisions of this Act and the regulations and the provisions of the purposes of this Act, (a) provide assistance to persons concerned with safety and health in the workplace, and provide services to assist workplace safety and health of workers; (b) carry out studies and research, or cause studies and research to be carried out, and make arrangements for the publication of results of research, in matters relating to the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of this Act, education and information programs for promoting the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of this Act, education and information programs for promoting the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of this Act, education and information programs for promoting the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of this Act, education and information programs for promoting the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of this Act, education and information programs for promoting the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with organizations concerned with the purposes of the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with the purposes of the safety and health of workers; (c) encourage, develop and conduct, either alone or in co-operation with the purposes of the safety and healt workers and for improving the qualifications of persons concerned with workplace safety and health; (d) make recommendations to the minister regarding workplace safety and health and the prevention of workplace injury and illness; (d.2) coordinate examinations and investigations (i) for determining the cause and particulars of any accident or ill health occurring to a worker, or self-employed person, and arising out of or in connection with activities in the workplace; and (e) perform such other functions as the minister may direct for the proper administrative penalties 13.1 The director may issue public reports disclosing details of improvement orders, stop work orders and administrative penalties made or imposed under this Act. The reports may disclose personal information as defined in The Freedom of Information and Protection of Privacy Act. S.M. 2013, c. 9, s. 7. DUTIES AND POWERS OF THE MINISTER Powers of minister 14(1) The minister may, in accordance with the objects and purposes of this Act, (a) authorize the director or any other person to investigate and make a special report to him on any accident, occurrence, or any matter of safety and health in the workplace; (b) appoint the director or the person to conduct a public inquiry into any matter of safety or health in the workplace, and the director or the person so appointed, for the purpose of an inquiry, has all the powers of a commissioner under Part V of The Manitoba Evidence Act; (c) appoint consultants and advisors who are professionally or technically qualified to advise him on the administration of this Act or regulations; (d) [repealed] S.M. 2018, c. 8, s. 28; (e) [repealed] S.M. 2021, c. 16, s. 4; (f) do such other things as he deems necessary for the proper carrying out of this Act. Remuneration and expenses as may be paid such remuneration and out-of-pocket expenses as may be paid such remuneration and out-of-pocket expenses as may be authorized by the minister may authorize the payment of certain costs (a) for investigative and consultative services; and (b) for medical examinations and reports made under this Act. Administration of Act 14(4) This Act is to be administered through the Workplace Safety and Health Branch of the department. Appointment 14(4.1) A Director of Workplace Safety and Health must be appointed under Part 3 of The Public Service Act. Consolidated Fund, if authorized by an Act of the Legislature to be so paid and applied. S.M. 2002, c. 33, s. 14 and 15; S.M. 2013, c. 9, s. 8; S.M. 2018, c. 8, s. 28; S.M. 2021, c. 11, s. 137; S.M. 2021, c. 16, s. 4. Review of this Act that includes consultations with representatives of employers and workers. S.M. 2018, c. 8, s. 28. 15 [Repealed] S.M. 2015, c. 43, s. 66; S.M. 2018, c. 8, s. 28. 16 [Repealed] S.M. 2002, c. 33, s. 19; S.M. 2018, c. 8, s. 28. CHIEF OCCUPATIONAL MEDICAL OFFICER Chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer 17(1) The minister shall appoint as chief occupational medical officer for the purpose of this Act, a person who is a duly qualified medical practitioner and who has training and experience in occupational medicine. Powers of a workplace safety and health officer as set out in this Act, and such other powers as may be conferred upon him by the minister or the regulations. Authorization for occupational health nurse 17(3) The chief occupational medical officer may provide written authority to a person who is an occupational medical officer, but the duties and powers prescribed shall not include any duties and powers that are not prescribed for a person who is appointed as a safety and health officer under this Act. 17.1 [Repealed] S.M. 2013, c. 9, s. 9; S.M. 2021, c. 16, s. 5. REGULATIONS, CODES AND STANDARDS Regulations 18(1) The Lieutenant Governor in Council may make regulations 18(1) The Lieutenant Governor in Council may (a) respecting standards and practices to be established and maintained by employers, supervisors, self-employed persons, prime contractors, contrac work activity; (c) imposing requirements respecting conditions, at workplaces, including such matters as the structural condition, overcrowding, noise, vibrations, ionizing and other radiations, dust and fumes; (c.1) respecting the prohibition of smoking and e-cigarette use at workplaces, including deeming a contravention of this Act for the purpose of issuing an improvement order under section 26; (d) prescribing minimum standards of welfare facilities at workplaces, including the supply of water, sanitary conveniences and facilities for washing, bathing, changing, storing personal property, breaks and refreshment; (e) regulating or prohibiting the manufacture, supply, or use of any plant, tool, equipment, machine or device; (f) respecting the design, construction, guarding, siting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, testing, inspection, use, or approval prior to installation or use, of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribing requirements with respect to the marking of any plant, tool, equipment, machine or device; (g) prescribes and the marking of any plant, tool, equipment, machine or device; (g) prescribes and the marking of any plant, tool, equipment, machine or device; (g) specified markings; (h) regulating or prohibiting the manufacture, supply, keeping, handling or use of any substance or material that may adversely affect the safety or health of any person at a workplace; (i) respecting the testing, labelling and examination of any substance or material that may affect the safety or health of any person at a workplace (j) respecting the prevention, study and treatment of industrial diseases, including arrangements for medical examinations and health surveillance of persons involved in work at a workplace; (k) respecting the monitoring of atmospheric and other conditions in workplaces; (l) respecting the instruction, training and supervision of workers; (m) respecting the provision by employers, and the use by workers, of protective clothing or devices, including clothing affording protection against the weather; (n) prohibiting the performance of specified functions by any person who does not possess specified qualifications or experience; (o) respecting licences, certificates or designations required by persons performing specified functions at a workplace, and the fees and conditions required to obtain a licence, certificate or designation; (p) requiring a person to obtain a permit to carry on a specified activity affecting the safety or health of any person at a workplace, including the terms and conditions and the fee for the permit; (q) respecting the suspension or cancellation of any licence, certificate or permit issued under this Act; (r) respecting the preparation, maintenance and submission of records and reports dealing with accidents, industrial diseases and workplace safety and health standards; (s) restricting, prohibiting or requiring any activity if an accident or any other specified dangerous occurrence has occurred, or may occur; (t) respecting committees, including but not limited to (i) the operation of committees, (iii) the participation of committees, (iii) the participations and other related matters, and (iv) the submission of committee records to the director; (u) respecting workplace safety and health programs; (w) prescribing the persons to whom, circumstances in which, and methods by which specified information concerning safety and health shall be communicated; (x) prescribing the fees payable for examinations required under this Act; (y) respecting arrangements for ambulance service and first-aid treatment at workplaces; (z) respecting the employment or the provision of alternate employment to (i) a pregnant or nursing worker, and (ii) a worker whose safety or health is put at risk by exposure to a chemical or biological substance; (aa) respecting the establishment of policies and procedures in workplaces or classes of workplaces to prevent and respond to potentially violent situations; (bb) respecting measures that employers shall take to prevent harassment in the workplace; (bb.1) for the purpose of section 21, respecting the criteria to be used and the procedures to be followed when determining whether to make an order, or to reconsider an order, or to reconsider an order, exempting a person or class of persons from any provision of a regulation; (bb.2) for the purpose of section 40, (i) respecting any additional criteria to be considered by the director under subsection 40(7); (cc) for the purpose of section 53.1, (i) specifying the form and content of notices of administrative penalties, (i.1) prescribing provisions of this Act or the regulations for the purposes of subclauses 53.1(1)(a)(ii) and (2)(a)(ii), (ii) respecting the determination of administrative penalties, which may vary according to the number of workers affected by, or the nature or frequency of, the matter that gave rise to the issuance of the notice of administrative penalty, and (iii) respecting any other matter necessary for the administration of a system of administrative penalties provided for under this Act; (dd) defining the meaning of any word or phrase used but not defined in this Act; (de) respecting any matter required or authorized by this Act to be prescribed or dealt with by regulation; (ff) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this Act. Application of regulations 18(2) A regulation made under subsection (1) may be made applicable generally to all workplaces, or particularly to one or more workplaces, or to such classes thereof as may be specified therein. S.M. 2002, c. 33, s. 22; S.M. 2004, c. 17, s. 10; S.M. 2015, c. 36, s. 20; S.M. 2015, c. 36, s. 20; S.M. 2018, c. 18, s. 14. Approval of codes of providing practical guidance with respect to the requirements of any provision of the regulations, the director may approve and issue such codes of practice or any amendment or revision thereof as in his opinion are suitable for that purpose. Notice in Gazette a notice identifying the code, specifying the provisions of the regulations to which it applies and stating the effective date of the approval. Failure to observe code, no offence 20(1) The failure by any person to observe any provision of an approved code of practice is not of itself an offence. Admissibility of codes as evidence 20(2) Where a person is charged with a breach of any provision of the regulations in respect of which the director has issued a code of practice, that code is admissible as evidence in a prosecution for the violation of the regulation. Certified copy of a code of practice, or any amendment or revision thereto as approved by the director, certified to be a true copy by the director shall be received as evidence in any court without proof of the signature or of the official character of the person purporting to have signed the certificate. Onus 20(4) Where a code of practice is established, the onus is on the accused to prove that he has complied with the regulation. Exemption from regulation 21(1) After consulting with any parties he or she considers appropriate, the director may, in accordance with the regulations, make a written order exemptions 21(2) The director may make an order under subsection (1) only if he or she is satisfied that no worker's health or safety is materially affected by the exemption and any criteria set out in the regulations are met. Terms and conditions of order 21(3) The director may impose any terms or conditions in connection with the order that the director considers necessary to maintain the safety or health of a worker. Reconsideration of exemption order 21(4) If, after making an order under this section, additional information comes to the attention of the director, the director may, in accordance with the regulations, reconsider the order if the appoint persons as safety and health officers for the purpose of enforcing this Act and the regulations. Agreements with other province authorizing a person employed by that province to act as a safety and health officer for the purpose of this Act. Inspections for other jurisdictions 22(3) The minister may consent to have a safety and health officer carry out safety and health inspections or other work on behalf of another provide each safety and health health officer carry out safety and health inspections or other work on behalf of another provide each safety and health health officer carry out safety and health health officer carry out safety and health officer carry out safety and health health officer carry out safety and health health officer carry out safety and health health health officer carry out safety and health health health officer carry out safety and health he officer with written credentials of his appointment which the officer shall produce upon request when exercising or seeking to exercise any of the powers conferred on him under this Act. Duties of safety and health officer shall (a) make such inspections and inquiries, and carry out such tests, as he deems necessary to ascertain whether compliance is being made with the provisions of this Act and the regulations; and (b) carry out such other duties as may be assigned to safety and health officers under this Act or the regulations. Powers of safety and health officers 24(1) For the purpose of enforcing this Act and the regulations, a safety and health officer may, at any reasonable time, or where in his opinion a situation exists that is or may be dangerous at any time (a) without prior notification enter any place or premises in which he has reason to believe workers or self-employed persons are working, other than premises in which he has reason to believe workers or self-employed persons are working or were workers or self-employed persons are working or were the authority of an order made under subsection (2), enter any premises used for personal residential purposes in which he has reason to believe working; (c) take with him any other person, and such equipment and materials, as he needs to assist him; and arrange with the employer, or person in charge of the place or premises, for that other person to re-enter alone to perform specified duties; (d) make such examinations and investigations as he deems necessary for determining the cause and particulars of any accident or ill health occurring to a worker, or self-employed person, and arising out of or in connection with activities in the workplace, or for the prevention of accidents or ill health arising out of or in connection with activities in the workplace; (e) take such samples of articles or substances found in the place or premises, or of the atmosphere in or near the place or premises as he deems necessary; (f) test or cause to be tested any equipment in the place or premises, or for the purposes of testing, require the employer or a person designated by the employer to demonstrate the use of any machinery, equipment, appliance or thing at a workplace; (g) cause any article, substance or sample taken pursuant to clause (e), to be dismantled or subjected to any process or test but not in such manner as to damage or destroy it unless under the circumstances damage thereto is unavoidable or necessary; (h) in the case of any article, substance or equipment mentioned in clauses (e) and (g), to take possession thereof and detain it for so long as is necessary for use as evidence in any proceedings or prosecution under this Act; (i) require any documents, books, or self-employed persons, to be produced for inspection and to make copies thereof or take extracts therefrom; (j) require any person to provide him with facilities or assistance with respect to any matters or things within that person, or examination under this section, or under section 23 require any person, whom the officer has reasonable cause to believe to possess any information respecting the conditions of workplace safety, health and welfare, to attend an interview and to provide full and correct answers, either orally or in writing, to such questions as the officer thinks fit to ask; and the interview shall take place in the absence of persons other than a person nominated by the person being interviewed to be present, and any other person whom the officer may allow to be present; (l) direct that any workplace, or part thereof, or anything therein, be left undisturbed for such time as is reasonably necessary for any of the purposes specified in clauses (d), (e) and (g); (m) do such other things as may be authorized by the minister. Order for entry into residential premises 24(2) A safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety and health officer may apply to a judge of the Court of Queen's Bench for an order requiring the person in possession of any residential premises in which the safety applies the person in possession of any residential premises are working to person in possession of any residential premises are working to person in possession of any residential premises are working to person in possession of any residential premises are working to person in possession of any residential premises are working to person in possession of any residential premises are working to person in possession of any residential premises are working to person in possesion of an safety and health officer to enter the residential premises for the purposes of inspecting them and, if the judge is satisfied that it is reasonable and necessary for the administration of the Act to grant such an order, he may grant the order. S.M. 2002, c. 33, s. 25. Power of commissioner under Evidence Act 25 A safety and health officer, for the purpose of conducting an inspection, inquiry or investigation under this Act or the regulations, has all the powers of a commissioner under Part V of The Manitoba Evidence Act. IMPROVEMENT ORDERS Improvement orders 26(1) Where a safety and health officer is of the opinion that a person (a) is contravening any provision of this Act or the regulations; or (b) has contravened any provision of this Act or the regulations in circumstances which make it likely that the contravention will continue or be repeated; the officer may make an improvement order against that person, requiring that person to remedy the contravention within such period as may be specified in the order and stating the reasons for making the order and requiring the person to maintain compliance with the improvement order. Stop work warning 26(2) Where the officer believes that the contravention referred to in clause (1)(a) or (b), involves or is likely to involve a serious risk to the safety or health of any person in or about the workplace, he may, in the improvement order specify that if the contravention is not remedied within the period mentioned therein, a stop work order may be issued in accordance with section 36. S.M. 2013, c. 9, s. 12. 27 to 31 [Repealed] S.M. 2002, c. 33, s. 27. 32 [Renumbered as section 36.3] Remedial measures 33 An improvement order may, but need not, include directions as to the measures to be taken to remedy any contravention or matter to which the order relates, and those directions (a) may be made by reference to any approved code of practice; and (b) may set out different ways of remedying the contravention or matter. Period for compliance with improvement orders 34 Where an improvement order provides a period for compliance therewith (a) the period shall begin at the time the order is communicated to the person against whom it is made; (b) the order may be extended by the safety and health officer, unless an appeal against the order is made and not finally disposed of. Reporting compliance with improvement order is made shall (a) within seven days after the expiry of the period specified in the order or any measures yet to be taken; (b) send a copy of the report to the workplace safety and health committee for the workplace safety and health committee exists; and (d) post in a prominent place at or near the workplace a copy of the report if there is no safety and health committee or a worker safety and health representative for the workplace. Achieving compliance with improvement orders 35(2) Despite the submission of a report under subsection (1), the report is not determinative of whether or not the improvement order has been complied with. The person against whom an improvement order is made only achieves compliance with the order when an officer determines that compliance with the order 36(1) Where a safety and health officer is of the opinion that activities that involve, or are likely to involve, an imminent risk of serious physical or health injury are being carried on, in a workplace, or where a contravention specified in an improvement order providing for any one or more of the following matters: (a) the cessation of those activities; (b) that all or part of the workplace be vacated; (c) that no resumption of those activities that involve, or are likely to involve, an imminent risk of serious physical or health injury are being carried on, or are about to be carried on, by workers of the same employer's workplaces, the officer may make a stop work order providing for any one or more of the following matters: (a) the cessation of those activities; (b) that all or part of any of the employer's workplaces. be vacated; (c) that no resumption of those activities be permitted by the employer's workplaces. Improvement work or thing that may be necessary in order to remove the risk of injury referred to in subsection (1) or (1.1). 36(3) [Repealed] S.M. 2002 c. 33, s. 31. Duration of stop work order 36(4) A stop work order remains in effect until it is (a) withdrawn or discontinued by the safety and health officer who issued it; or (b) set aside or varied order 36(5). Duration of varied order 36(5). varied order remains in effect until a safety and health officer withdraws or discontinues it. Workers must be paid 36(6) While a stop work order is entitled to the same wages and benefits that he or she would have received had the stop work order not been issued; and (b) the employer may re-assign the worker to alternate work. If alternate work not available 36(7) If the employer provides satisfactory evidence to the director may order that clause 6(a) does not apply for any period that the director specifies in the order, but until the director may order the employer is required to provide a worker with all wages and benefits under that clause. Appeal 36(8) A person affected by an order of the director under subsection (7) may appeal it to the Board. In that case, section 39 applies with necessary changes. S.M. 2002, c. 33, s. 31; S.M. 2013, c. 9, s. 14. COMMUNICATING IMPROVEMENT ORDERS AND STOP WORK ORDERS Communication of orders 36.1(1) Subject to subsection (2), an improvement order or stop work order may be communicated to the person; (b) by sending a copy of the order is made (a) by delivering a copy of the order to the person; or (c) if, despite reasonable efforts, the order cannot be communicated by delivery or mail under clause (a) or (b), by posting a copy of the order was made. Communication to worker and self-employed person 36.1(2) An improvement order or a stop work order against a worker or self-employed person may be communicated (a) by delivering a copy of the order to the worker or self-employed person; or (b) if, despite reasonable efforts, the order cannot be delivered to the worker or self-employed person. Communication of improvement order 36.1(3) If an improvement order is posted at a workplace under subsection (1), it is deemed to have been communicated at a workplace at a workplace under subsection (1), it is deemed to have been communicated at a workplace at a workplace under subsection (1), it is deemed to have been communicated at a workplace at a workplace under subsection (1), it is deemed to have been communicated at a workplace at a workplace under subsection (1), it is deemed to have been communicated at a workplace at a workplace under subsection (1), it is deemed to have been communicated at a workplace at a workplace under subsection (1), it is deemed to have been communicated at a workplace at a workpla the time it is delivered, received or posted in accordance with this section and takes effect immediately upon delivery, receipt or posting. Directions for communicated to a person in a manner not described in this section and may direct when the order is delivered. The direction and takes effect immediately upon delivery, receipt or posting. deemed to have been communicated. S.M. 2002, c. 33, s. 31. Communication of orders to prime contractor. S.M. 2002, c. 33, s. 31. Communication of orders to prime contractor. S.M. 2002, c. 33, s. 31. Communication to workplace committees 36.3(1) A copy of every improvement order shall be provided by the safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and health committee for the workplace safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and health committee for the workplace safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and health committee for the workplace safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and health committee for the workplace with respect to which the order was made; or (b) the workplace safety and health committee for the workplace safety and healt workplace. Posting improvement order 36.3(2) Where there is no workplace a copy of every improvement order. S.M. 2002, c. 33, s. 28. APPEALS Appeal can be made to director 37(1) A person directly affected by an order or decision of a safety and health officer made under (a) section 26 (improvement order); (b) section 42.1 (reprisal); or (d) section 42.1 (reprisal); or (d) section 43.1 (right to refuse dangerous work); may appeal the order or decision to the director. How to appeal 37(2) The person appealing shall send a written appeal notice to the director within 14 days after the date of the order or decision, or within any further period that the director may allow. The notice must state the reasons for the appeal and list the persons interested in the appeal. Submissions from interested persons 37(2.1) The director must give the interested persons listed in the notice of appeal an opportunity to provide oral or written submissions, as determined by the director, about the matter that is the subject of the appeal. Hearing not required 37(3) The director may (a) make an order confirming, varying or setting aside the order or decision; or (b) make any other order the director considers reasonable. Reasons 37(5) The director must make a decision about the appeal notice, unless the appeal has been referred to the Board under section 38. Original decision remains in effect pending appeal 37(6) Unless the director orders otherwise, an appeal under this section does not suspend the operation of the order or decision 37.1 Despite section 37. the director may make an order confirming an order or decision and order or decision 37.1 Despite section 37. the director may make an order confirming an order or decision and order or decision 37.1 Despite section 37.1 Despite sect decision of a safety and health officer at any time after receiving a notice of appeal if (a) the director determines that the reprisal was not referred to a safety and health officer in the time period required by subsection 42.1(1.1). S.M. 2021, c. 16, s. 7 Referring an appeal to Board 38(1) Instead of deciding an appeal under section 37, the director may refer it to the Board. In that case, subsections 39(2) to (8) apply to the appeal, with necessary changes. Reasons 38(2) The director may refer it to the Board 38(1) Instead of deciding an appeal to the Board 38(1) Instead of deciding an appeal to the Board 38(2) to (8) apply to the appeal appeal to the Board 38(2) to (8) apply to the appeal appea under subsection (1). Director to give information to Board (i) the appeal notice under section 37, (ii) any written information the director shall (a) inform the person appealing that the appeal, and (iii) a list of persons who the director thinks are directly affected by the order or decision under appeal; and (c) give each person on that list a copy of the appeal notice and any written information the director under appeal; and (c) give each person on that list a copy of the appeal notice and any written information the director under appeal. S.M. 2002, c. 33, s. 32. Appeal to Board 39(1) Any person directly affected by an order or decision of the director under section 37 may appeal it to the Board, but an order or decision of the director under section 37.1 is final and cannot be appealed to the Board within 14 days after the date of the order or decision, or within any further period that the Board may allow. The notice must state the reasons for the appeal and must be in the form and contain the information the Board requires. Notice of hearing the appeal; and (b) give written notice of the hearing to the person appealing, the director and any other person directly affected, at least five days before the hearing date. Director is a party to an appeal under this section. Right to be heard 39(5) At the hearing an appeal, the Board may make an order confirming, varying or setting aside the order or decision appealed from. It may also make any other order it considers necessary that is mentioned in subsection 31(4) of The Labour Relations Act (remedies for unfair labour practice). Order remains in effect pending appeal 39(7) Unless otherwise ordered by the Board chairperson, an appeal to the Board under this section does not suspend the operation of the order or decision under appeal. Order filed in Queen's Bench and enforced in the same manner and to the same extent as a judgment of that court. Appeal to Court of Appeal 39(9) A person who is a party to an order of the Board made under subsection (6) may appeal the order to The Court of Appeal, but only on a question of law or jurisdiction and by leave of a judge of the Court. S.M. 2013, c. 9, s. 16; S.M. 2021, c. 16, s. 8. WORKPLACE SAFETY AND HEALTH COMMITTEES AND REPRESENTATIVES Workplace safety and health committee 40(1) An employer must establish a workplace safety and health committee (a) for each workplace where (i) in the case of a seasonal workplace, at least 20 of the employer's workers are involved, in work and the work is expected to be involved, in work and the work is expected to be involved, in work and the work is expected to be involved, in work and the work is expected to be involved, in work and the work is expected to be involved. workplace, at least 20 of the employer's workers are regularly employed; and (b) for any other individual workplace or class of workplace designated by a written order of the director. Exception for construction project with prime contractor 40(2) Subsection (1) does not apply to a construction project site that is required to have a prime contractor Committee for construction project site 40(3) A prime contractor shall establish a committee at a construction project; and (b) the project is expected to require more than 90 days to complete. Determining number of workers 40(4) For the purposes of subsection (1), the number of workers employed at a workplace shall be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each working day. More than one committee in a workplace 40(5) The director may issue a written order requiring an employer or prime contractor to establish more than one committee for a workplaces 40(6) Notwithstanding subsections (1) and (3), the director may, in accordance with the regulations, issue a written order permitting an employer or prime contractor to establish one committee for more than one workplace or parts of more than one workplace. The order may provide for the composition, practice and procedures of that committee. Considerations of director 40(7) In determining whether to make an order under subsection (5) or (6), the director shall take into account (a) the nature of the work performed at the workplace; (b) any request for an order by an employer, prime contractor, worker or union representing workers at the workplace; (c) the frequency of injury or illness in the workplace; (b) any request for an order under subsection (6), any additional criteria set out in the regulations Reconsideration re one committee for multiple workplaces 40(7.1) If, after making an order under subsection (6), additional information comes to the attention of the director, the director believes that (i) he or she would have come to a different decision if the information had been known when the order was made, or (ii) a worker's safety or health is materially affected by the order. Membership of committee 40(8) A committee 40(8) who are not associated with the management of the workplace, and (ii) appointed in accordance with the constitution of the union that is the certified bargaining agent or that has acquired bargaining rights on behalf of those workers, or where no such union exists, persons elected by the workers they represent; and (b) shall have two co-chairpersons - one chosen by the employer members on the committee, and the other chosen by the worker members on the committee and shall participate in all decisions of the committee. Posting of names of members 40(9) The employer or prime contractor shall ensure that the names of the committee members are posted conspicuously in the workplace. Duties of committee 40(10) The duties of a committee include (a) the receipt, consideration and disposition of concerns and complaints respecting the safety are the safety or health of workers; (b) participation in the identification of risks to the safety or health of workers or other persons, arising out of or in connection with activities in the workplace; (c) the development and promotion of measures to protect the safety and health are vice, if such a service has been established within the workplace; (e) co-operation with a safety and health officer exercising duties under this Act or the regulations; (f) the development and promotion of programs for education and information concerning safety and health of workers; (h) the inspection of the workplace at regular intervals; (i) the participation in investigations of accidents and dangerous occurrences at the workplace; (j) the maintenance of records in connection with the receipt and disposition of concerns and complaints and the attendance to other matters relating to the duties of the committee; and (k) such other duties as may be specified in this Act or prescribed by regulation. Time off for committee work 40(11) A member of a committee work 40(11) A member of a committee is entitled to take the following time off from his or her regular duties: (a) one hour or such longer period of time as the committee work 40(11) A member of a committee work required to attend each meeting of the committee and the employer; (d) such time as the committee determines is necessary to carry out his or her duties as a committee member under this Act and the regulations. Entitlement to pay for work as committee members 40(12) A member of a committee is deemed to be at work during the times described in subsection (11) and is entitled to be paid for those times by his or her employer at the member's regular or premium pay, as applicable. Training of committee members 40(13) The employer or prime contractor must ensure that committee members are trained to competently fulfill their duties as committee members. S.M. 2002, c. 33, s. 32; S.M. 2013, c. 9, s. 17. Workplace safety and health representative (a) at a workplace, other than a construction project, where a safety and health committee; and (c) at any other individual workplace or classes of workplaces designated by a written order of the director. Appointment of representative 41(2) The worker safety and health representative shall be appointed in accordance with the constitution of the union which is the certified bargaining agent or has acquired bargaining rights on behalf of those workers, or if no such union exists, shall be elected by the workers he represents. Posting of name of representative 41(3) The employer shall cause the name of the representative to be posted prominently in the workplace. 41(4) [Repealed] S.M. 2002, c. 33, s. 33. Duties of representative 41(5) The workplace safety and health committees in section 40. Time off for work as representative is entitled to take the following time off from his or her regular duties: (a) one hour to prepare for each safety and health meeting with the employer; (b) the time required to attend each safety and health meeting with the employer; (c) the time required to attend workplace safety and health training in accordance with section 44, as approved by the employer; (d) such time as is necessary to carry out his or her duties as a representative under this Act and the regulations. Entitlement to pay for work as representative 41(7) A representative is deemed to be at work during the times described in subsection (6) and is entitled to be paid for those times by his or her employer at the representative's regular or premium pay, as applicable. Training of representative 41(8) The employer must ensure that the representative is trained to competently fulfill his or her duties as a representative. S.M. 2002, c. 33, s. 33; S.M. 2013, c. 9, s. 18. Definition "employer" 41.1(1) In this section, "employer" means an employer or prime contractor who is required to establish a committee has failed to reach a decision about whether or not to make a recommendation under clause 40(10)(g) after attempting in good faith to do so, either co-chairperson may make written receiving a recommendations to the employer response to recommendations 41.1(2) Within 30 days after receiving a recommendation from a representative, a committee or a commendation from a representative, a committee or a employer must respond in writing to the representative, committee or committee or committee co-chairperson who made the recommendation. Contents of employer must (a) contain any interim control measures that the employer will implement to address the danger posed to the safety or health of a person; and (b) give reasons why the employer disagrees with any recommendations that the employer disagrees w following may refer the matter to a safety and health officer: (a) the employer; (b) the committee; (c) a member of the committee; (d) if there is no committee; (e) a member of the committee; (d) if there is no committee; (d) if there is no committee; (d) if there is no committee; (e) a member of the committee; (e) a member of the committee; (e) a member of the committee; (f) a member of the committee; (f) a member of the committee; (h) a member of the committee; (this Act. No limitation 41.1(6) Nothing in this section limits the right of a worker to refer any matter respecting safety and health directly to a safety and employer or prime contractor must disclose the following to the committee, representative or worker: (a) information concerning the testing of any equipment, device or chemical or biological substance used at a workplace; (b) an inspection or investigation report respecting safety and health at the workplace, other than a harassment investigation report; (c) a report respecting workplace safety and health monitoring or audits; (d) a report providing summary information on the results of a harassment investigation, without disclosing the circumstances relating to the complaint or any information on the results of a harassment investigation, without disclosing the circumstances relating to the complaint or any information that could identify a worker or other person involved with the matter. S.M. 2002, c. 33, s. 33; S.M. 2013, c. 9, s. 20. Accompanying an officer 41.3(1) A safety and health officer who conducts an inspection or investigation at a workplace, may request that he or she be accompanied by (a) the workplace, may request that he or she be accompanied by (b) if there is no committee or his or her designate; (b) if there is no committee or his or her designate; (c) if there is no committee at the workplace, may request that he or she be accompanied by (a) the worker co-chairperson of the committee or his or her designate; (b) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (b) if there is no committee at the workplace, may request that he or she be accompanied by (a) the worker co-chairperson of the committee or his or her designate; (b) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (b) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or his or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if there is no committee or her designate; (c) if th representative at the workplace, a worker not associated with the management of the workplace. Employer co-operation 41.3(2) If a safety and health officer makes a request under subsection (1), the employer shall permit the person requested to accompany the officer on the inspection or investigation and shall pay the person in accordance with subsection 40(11). S.M. 2002, c. 33, s. 33. REPRISALS Reprisals prohibited 42(1) No employer, union or person acting on behalf of an employer or union shall take or threaten a reprisal against a worker for (a) exercising a right under or carrying out a duty in accordance with this Act or the regulations; (b) testifying in a proceeding under this Act; (c) giving information about workplace conditions affecting the safety, health or melloyer or a person acting on behalf of an employer, (ii) a safety and health officer or another person concerned with the administration of this Act, (iii) another worker or a union representative; (e) refusing to do dangerous work under section 43; (f) taking reasonable action at the workplace to protect the safety or health of another person; (g) complying with this Act or the regulations or a code of practice under this Act, or an order or decision made under this Act; or (h) attempting to have fails to pay wages or benefits to a worker when required to do so by this Act is deemed to have taken a reprisal against the worker under this section. S.M. 2021, c. 33, s. 34; S.M. 2013, c. 9, s. 21; S.M. 2021, c. 16, s. 9. Referring a complaint to an officer 42.1(1) A worker who believes on reasonable grounds that the employer or union has taken a reprisal against him or her for a reason described in section 42 may refer the matter to a safety and health officer. Time limit 42.1(1.1) A referral under subsection (1) must be made within six months after the date of the alleged reprisal. Order 42.1(2) If a safety and health officer decides that an employer or union has taken a reprisal against a worker for a reason described in section 42, the officer shall make an order requiring the employee or union to do one or more of the following: (a) stop the reprisal; (b) reinstate the worker to his or her former employee or union to do one or more of the following: (a) stop the reprisal; (b) reinstate the worker any wages the worker would have earned had he or she not been wrongfully subjected to a reprisal and compensate the worker for loss of any benefits; (d) remove any reprimand or other reference to the matter from any employment records the employer maintains about the worker. against a worker for a reason described in section 42, the officer shall inform the worker in writing of the reasons for that decision. Onus on employer or union 42.1(4) If, in a prosecution or other proceeding under this Act, a worker establishes (a) that a reprisal was taken against him or her; and (b) that the worker conducted himself or herself in a manner described in section 42; it shall be presumed that the reprisal was taken because of the worker's conduct. The onus is then on the employer or union to prove that the decision to take the reprisal against a worker contrary to this Act, the convicting justice shall order the employer or union to do one or more of the following: (a) stop the reprisal; (b) reinstate the worker to his or her former employment on the same terms and conditions on which the worker was formerly employed; (c) pay the worker any wages the worker would have earned had he or she not been wrongfully subjected to a reprisal and compensate the worker for loss of any benefits: (d) remove any reprimand or other reference to the matter from any employment records the employer maintains about the worker. S.M. 2002, c. 33, s. 34; S.M. 2021, c. 16, s. 10. RIGHT TO REFUSE DANGEROUS WORK Right to refuse dangerous work 43(1) Subject to this section, a worker may refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that the work constitutes a danger to his or her safety or health of another work under subsection (1) shall promptly report the refusal and the reasons for it to his or her employer or immediate supervisor, or to any other person in charge at the workplace. Inspecting dangerous conditions 43(3) If the employer does not remedy the dangerous condition immediately, the person who receives the report of refusal to work, or a person designated by that person, shall immediately inspect the dangerous condition in the presence of the worker and one of the following persons: (a) if there is a committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson of the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chairperson and the committee under section 40, the worker co-chai under section 41, that representative or, if he or she is unavailable, another worker selected by the worker refusing to do the work; (c) if there is no committee or representative, another worker selected by the worker selected to remedy any dangerous condition, or ensure that such action is taken. Worker may continue to refuse 43(5) Until the dangerous condition is remedied, the worker s not to be assigned 43(6) When a worker has refused to work or do particular work under subsection (1), the employer shall not request or assign another worker to do the work unless (a) the employer has advised the other worker's refusal, (ii) the reasons for the refusal, (iii) the reasons for the refusal, (iii) the refusal, (iii) the reasons for the refusal, (iii) the other worker's refusal, (iii) the refusal, (iii) the refusal, (iii) the other worker's refusal, (iii) the other worker's refusal, (iii) the refusal, (iii) the refusal, (iii) the refusal, (iii) the other worker's refusal, (iii) the refusal, (iii) the other worker's refusal, (iii) the refusal, (iii) the other worker's refusal, (iii) the refusal, (iii) the refusal, (iii) the refusal, (iii) the other worker's refusal, (iii) the refusal, (iiii) the refusal, (iii) the refusal, (iii) the ref work does not constitute a danger to the safety or health of the other worker, another worker or any person; (b) where practicable, the first worker of (i) the refusal; and (c) the actions required by subsections (3) and (4) have been taken. S.M. 2002, c. 33, s. 34; S.M. 2013, c. 9, s. 22. Report of dangerous condition to an officer 43.1(1) If the dangerous condition is not remedied after an inspection may notify a safety and health officer of the refusal to work and the reasons for it. Investigation by officer 43.1(2) On receiving a notice under subsection (1), the officer shall investigate the matter and decide whether the work is dangerous, he or she shall (a) make a written report stating the officer's findings; (b) make any improvement order under section 26 or stop work order under section 36 that the officer considers necessary or advisable; and (c) give a copy of the report and any order to (i) the worker who refused to do the work, (ii) the employer, and (iii) the co-chairpersons of the committee, or the representative. Decision not to issue an order 43.1(4) If the officer decides that the work is not dangerous, he or she shall, in writing, (a) inform the employer and the worker of that decision; and (b) inform the work is not dangerous, he or she is no longer entitled to refuse to do the work. S.M. 2002, c. 33, s. 34; S.M. 2013, c. 9, s. 23. Worker entitled to be paid despite refusal 43.2 If a worker has refused to work or do particular work under section 43, (a) the worker is entitled to the same wages and benefits that he or she would have received had the worker temporarily to alternate work; and (b) the employer may re-assign the worker temporarily to alternate work. S.M. 2002, c. 33, s. 34. Employer not to make worker work in unsafe conditions 43.3(1) When the employer at a workplace or his or her agent, or the supervisor or another person representing the employer at the workplace that is or is likely to be dangerous to the safety or health of a worker, he or she shall not require or permit any worker to do that work until the dangerous condition is remedied. Employer may remedy dangerous condition 43.3(2) Subject to subsection 43(5), nothing in subsection 43.3(2), nothing in subsection 43.3(2) Subject to subject to subsection 43.3(2) Subject to subject 34. EDUCATIONAL LEAVE Educational leave 44(1) Subject to this section, every employer at a workplace where there is a committee, the representative, or their respective designates, to take educational leave each year, without loss of pay or benefits, for the purpose of attending workplace safety and health training seminars, programs or courses of instruction (a) offered by the Workers Compensation Board; (b) approved by the committee; or (c) provided for in the current collective bargaining agreement respecting the workers at the workplace. educational leave under subsection (1) is the greater of (a) 16 hours; and (b) the number of safety and health committee members for whom the employer is required to provide educational leave in accordance with subsection (1) during any year is equal to the number of members constituting the normal size of the committee. Pay while attending educational leave programming 44(2.1) The employer must pay a committee member, representative or designate who attends a workplace safety and health training program referred to in subsection (1) at the worker's regular or premium pay, as applicable, for the greater of (a) the actual number of hours spent attending the training; and (b) the number of hours spent attending the training; and subclause 40(1)(a)(i). Education program on construction project, each employer who employer who employer who employer at the worksite at which all workers shall attend without loss of pay or other benefits for a period or periods equivalent to 30 minutes every two weeks, of which no period shall be less than 15 minutes. Education program at seasonal workplace 44(4) At a seasonal workplace as described in subclause 40(1)(a)(i), each employer must institute a safety and health education program at the workplace. All workers must attend the program without loss of pay or other benefits for a period or periods equivalent to 30 minutes every two weeks, of which no period may be less than 15 minutes, for the duration of the seasonal workplace. S.M. 2002, c. 33, s. 37. NEEDLES IN MEDICAL WORKPLACES Use of safety-engineered needles 45.1(1) When hollow-bore or intravenous needles are used in a medical workplace, the employer must ensure (a) so far as is reasonably practicable, that workers use only safety-engineered needles; and (b) that safe work procedures and practices relating to the use of those safety-engineered needles; and contract of the use of the us practicable 45.1(2) If it is not reasonably practicable to use safety-engineered needles in a medical workplace, the employer must develop procedures to be followed in a medical workplace when a worker suffers a needlestick injury, including instructions for the worker suffering the injury. Investigate and prepare a report on every needlestick injury to a worker in a medical workplace. Definitions 45.1(5) The following definitions apply in this section. "medical workplace" means (a) a hospital, a personal care home, a psychiatric facility, a medical clinic, a medical clinic facility, a medical clinic facility facilit Act; and (e) any other workplace where physical or mental health treatment or care is provided to a person. (« lieu de travail en milieu médical ») "safety-engineered needle" includes a shielded needle device, a retractable needle system and a needleless device. (« seringue conçue en vue d'un usage sécuritaire ») S.M. 2005, c. 15, s. 2. INAPPROPRIATE OR UNSAFE FOOTWEAR Inappropriate or unsafe footwear 45.2 An employer must not require a worker to wear footwear that (a) is not of a design, construction and material appropriate to the protection required for the worker's work; or (b) does not allow the worker to safely perform their work. S.M. 2018, c. 22, s. 2. GENERAL PROVISIONS Obtaining information that the director may require a person to

provide any information in the manner and within the time period that the director may specify. S.M. 2002, c. 33, s. 38. Order to conduct tests 46.1(1) The director may, by order, require an employer to do the following at the employer's expense: (a) have tests conducted by a person who has the professional knowledge, experience or qualifications specified by the director; (b) give the director; (c) give the director a report or assessment prepared by that person; and to do so in the manner and within the time period specified in the order. S.M. 2002, c. 33, s. 38. 47 [Repealed] S.M. 2002, c. 33, s. 39. Confidential information with respect to any manufacturing or trade secret obtained by him by virtue of the exercise of any power conferred by this Act, except for the purpose of administering this Act and the regulations, or as required by law. Names to remain confidential 48(2) No person by whom information is obtained in confidence by virtue of any person except for the purposes of this Act or the regulations. Exemption from liability 49(1) No action lies or shall be instituted against any person whether in his public or private capacity, where the person is acting under the authority of this Act or the regulations for any loss or damage suffered by any person by reason of anything done or omitted to be done by him in good faith, in the exercise of the powers given to him by this Act or the regulations. No exemption in case of negligence 49(2) Subsection (1) does not apply where the person exercising any of the powers given to him under this Act or the regulations is negligent in the performance thereof. Officials cannot be compelled to testify 49.1 A safety and health officer, the chief occupational medical officer, the director, or any other person assisting a safety and health officer. of this Act or the regulations, is not a compellable witness in a civil action or proceeding — other than an inquest or inquiry under The Fatality Inquiries Act — respecting any document, information, or test obtained, received or made under this Act or the regulations, and may not be compelled to produce any such document. S.M. 2002, c. 33, s. 40. Medical examinations and health surveillance 50(1) The chief occupational medical officer may carry out, or may arrange for another physician or other qualified person to carry out, any medical examinations or health surveillance of workers as he or she considers desirable for the purpose of administering this Act and the regulations. But no medical examination of a worker may be carried out without the worker's consent. Examinations during working hours 50(2) Medical examinations shall, wherever reasonably practicable, be conducted during working hours 50(2) Medical examinations shall, wherever reasonably practicable, be conducted during working hours 50(2) Medical examinations during working hours 50(2) Medical examinations shall, wherever reasonably practicable, be conducted during working hours 50(2) Medical examinations shall, wherever reasonably practicable, be conducted during working hours 50(2) Medical examinations shall, wherever reasonably practicable and the employer shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working hours 50(2) Medical examinations shall be conducted during working ho other gualified person, provide suitable accommodation for such examinations at the workplace, and otherwise facilitate the conduct of those examinations. Health surveillance 50(3) Health surveillance facilitate and provide suitable accommodation at the workplace for health surveillance, if required to do so by the chief occupational medical officer or a physician or other gualified person attending or consulted respecting a person who, (a) became ill or injured while employed at a workplace or while being otherwise engaged as a worker; or (b) who has been examined pursuant to section 50; shall furnish to the chief occupational medical officer may require for the purposes of this Act and the regulations. Reports by hospitals 51(2) Notwithstanding the provisions of any other Act, where a worker referred to in clause (1)(a) or (b) is, or has been, a patient in a hospital shall furnish without charge of the administrative affairs of that hospital shall furnish without charge to the condition of the special shall furnish without charge to the condition of the administrative affairs of that hospital shall furnish without charge to the condition of the special shall furnish without charge to the condition of the condition of the special shall furnish without charge to the condition of the spe person as the chief occupational medical officer may require for the purposes of this Act and the regulations. Information confidential 51(3) Unless disclosed as relating to a particular person or case or unless disclosed as required by law, any information obtained by the chief occupational medical officer pursuant to section 50 and this section shall not be disclosed without the consent of the person examined or attended. Power to require alternative work 52 Where it appears to the director upon the advice of the chief occupational medical officer that a worker has been over-exposed to a harmful substance and that a temporary removal from the hazard will enable the worker to resume his usual work, the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director is suitable, for such period of time as the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director is suitable, for such period of time as the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director is suitable, for such period of time as the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director may by order require the employer to provide without loss of pay to the worker temporary alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the opinion of the director may be alternative work which in the director may be alter 53(1) The minister may designate a workplace, or a class of workplaces, as requiring an occupational health service, having regard to the type of work being carried on therein, the employer shall cause an occupational health service to be established and maintained for the workplace in accordance with this section. Minister may specify health services to be provided 53(2) The minister may specify the services to be provided by the occupational health service for any workplace, or for any class of workplace in accordance with this section. service 53(3) The establishment and continued operation of an occupational health service is subject to the approval of the minister. ADMINISTRATIVE PENALTIES Administrative penalty 53.1(1) If a person (a) has failed to comply with (i) an improvement order within the period specified in the order, or (ii) a prescribed provision of this Act or the regulations, and a safety and health officer is of the opinion that the failure involves, or is likely to involve, an imminent risk of serious physical or health injury to a worker or other person; (b) has failed to maintain compliance with an improvement order after initially complying with it; (c) has resumed an activity that previously was the subject of a stop work order which was discontinued because the person had complied with it; or (d) was ordered to take action under section 42.1 because the person took a reprisal against a worker; the officer shall provide evidence of the matter to the director. Imposing a penalty 53.1(2) When the director determines that a person (a) has failed to comply with (i) an improvement order within the period specified in the order, or (ii) a prescribed provision of this Act or the regulations, and the director is of the opinion that the failure involves, or is likely to involve, an imminent risk of serious physical or health injury to a worker or other person; (b) has failed to maintain compliance with an improvement order after initially complying with it; (c) has resumed an activity that previously was the subject of a stop work order but was discontinued because the person took a reprisal against a worker; the director may issue a notice in writing requiring the person to pay an administrative penalty in the amount set out in the notice. When penalty may be imposed 53.1(3) Notice of an administrative penalty may be issued only after any period for appealing the matter that gave rise to the notice under subsection (2) has expired or, if an appeal has been filed, after a decision has been made on appeal. Maximum amount 53.1(4) An administrative penalty must be paid; and (c) a statement that the penalty must be paid; and (c) a with the notice. Serving the notice 53.1(6) A notice of administrative penalty must be served on the person required to pay the penalty. The notice may be served personally or may be served personal administrative penalty may appeal the matter to the board by sending the board a notice of the appeal. The requirement to pay the penalty is stayed until the board decides the matter. Notice of hearing 53.1(8) On receiving a notice of appeal, the board decides the matter. (b) give the person appealing, and the director, written notice of the hearing at least five days before the hearing date. Decision of the board 53.1(9) After hearing the administrative penalty; or (b) vary the amount of the penalty if the board considers that it was not established in accordance with the regulations. Payment 53.1(10) Subject to an appeal under subsection (7), a person named in a notice of administrative penalty within 30 days after the notice is served. The government must use the amounts paid for the purpose of educating the vorkplace safety and health. Debt due to the government 53.1(11) If an administrative penalty is a debt due to the penalty is served, or, if the penalty is a debt due to the government. Certificate registered in court 53.1(12) The director may certify a debt referred to in subsection (11), or any part of such a debt that has not been paid. The certificate may be registered in the Court. No offence to be charged if penalty is paid 53.1(13) A person who pays an administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty unless the matter continues after the penalty is paid. Lien for debt 53.1(14) The government has, in addition to any other remedy it has for the recovery of a debt arising under this section, a lien and charge on every estate or interest in real property and personal property of the person required to pay the debt (referred to in this section as the "debtor"), including property acquired by the debt or after the debt from the time the debt arose until it is paid in full, as determined under The Financial Administration Act and the regulations under that Act; and (c) costs reasonably incurred by the director (i) for the registration and discharge of the lien, and (ii) in retaking, holding, repairing, processing, preparing for disposition or disposition or disposition of disposition and discharge of the lien is registered. When lien takes effect 53.1(16) The lien is registered against specific lands of the debtor's interest in real property, when a certificate in respect of the lien is registered in the Personal Property Registry. Registration and enforcement of a lien arising under this section; and (b) the references in those provisions to "employer" were references to the debtor under this section; and (b) the references in those provisions to "the superintendent" were references to the director under this Act. S.M. 2002, c. 33, s. 42; S.M. 2013, c. 9, s. 25; S.M. 2021, c. 16, s. 11. OFFENCES AND PENALTIES Offences 54 Every person who (a) contravenes this Act or the regulations; (b) fails to comply with an order made under this Act or the regulations; (c) knowingly obstructs or makes a false statement to a safety and health officer engaged in the exercise or performance of his or her powers or duties; or (d) knowingly makes or causes to be deleted or destroyed any true or proper entry in any such document; is guilty of an offence to a fine of not more than \$500,000 and, in the case of a continuing offence to a further fine not exceeding \$50,000 for each day during which the offence continues; and (b) for a second or subsequent offence to a fine of not more than \$1,000,000 for each day during which the offence continues. 55(2) [Repealed] S.M. 2002, c. 33, s. 45. Additional penalty 55(3) Where a person is convicted for an offence under this Act, in addition to the penalties set out in subsection (1), he may be imprisoned for a term not exceeding six months. Further penalty 55(4) If a person is convicted of an offence for a contravention of subsection 43.3(1), he or she shall not work in a supervisory capacity at any workplace for a six month period after the date of conviction. Time limit for prosecution 55(5) A prosecution under this Act may be commenced not later than two years after the day the alleged offence was committed. S.M. 2010, c. 33, s. 45; S.M. 2010, c. 34, s. 25; S.M. 2010, c. 34, s. 35; offence under this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, order the public on matters relating to workplace safety and health. Such a penalty may be required in addition to any other penalty that may be imposed under this Act. Limit 55.1(2) The total of (a) any additional amount required to be paid under section 55; must not exceed the amount of the maximum penalty for which the offender could be liable under section 55. Unpaid additional penalties 55.1(3) If an amount is ordered to be paid under subsection (1), the director may file the order in the Court of Queen's Bench, and on being filed the order may be enforced in the same manner and to the same extent as a judgment of that court. S.M. 2002, c. 33, s. 45; S.M. 2021, c. 16, s. 13. Offences by directors, etc., of corporations 56 Where a corporation commits an offence under this Act, any officer, director or agent of the corporation, who directed, authorized, assented to, acquiesced in or participated in the commission of the offence and liable, on summary conviction, to the penalty provided for the offence. Onus 57(1) In any proceedings for an offence under any of the provisions of this Act or regulations consisting of a failure to comply with a duty or requirement to do something, it shall be for the accused to prove that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement. Person deemed to be employer 57(2) Where a person is charged as an employer in respect of an offence under this Act he shall be deemed to be an employer within the meaning of this Act unless it is otherwise proven. Application of subsection (1) 57(3) Subsection (1) applies with such modifications as the circumstances require to any appeal involving an improvement order or a stop work order. S.M. 2002, c. 33, s. 46. Laying of information 58 Any person may lay an information in respect of any offence or alleged offence against this Act or the regulations. 59 [Repealed] S.M. 2002, c. 33, s. 47.

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