Highlights of Major Developments in Labour Legislation

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Labour Canada

HIGHLIGHTS OF MAJOR DEVELOPMENTS IN LABOUR LEGISLATION

July 1, 1988 to June 30, 1989

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INTRODUCTION

Between July 1, 1988 and June 30, 1989, many significant changes were made in the different areas of labour legislation in Canada.

With respect to labour standards, some of the most significant changes include: the tabling of proposed amendments to the federal Unemployment Insurance Act concerning, among other things, parental leave benefits; the adoption of a Sunday work policy in Ontario; the adoption of a Pay Equity Act in New Brunswick; and the adoption of group and individual termination of employment provisions in the Northwest Territories.

In the field of industrial relations, Alberta brought into force its Labour Relations Code; amendments to the general collective bargaining legislation were proclaimed in Prince Edward Island; New Brunswick passed new legislation dealing with technological change in the private and public sectors; and Manitoba introduced a bill which will repeal its legislation on final offer selection. In addition, New Brunswick changed the collective bargaining rules applying to municipal and regional police officers. No emergency laws were adopted during the period covered by this report. With respect to the construction industry, Alberta repealed the Construction Industry Collective Bargaining Act and implemented the related provisions of the Labour Relations Code. Changes to construction industry legislation were also made in Quebec and New Brunswick.

Finally, several jurisdictions have made changes to their occupational safety and health legislation. Among these changes, many acts and regulations have been adopted in relation to the Workplace Hazardous Materials Information System (WHMIS); Ontario has proposed amendments to the Occupational Health and Safety Act which would, among other things, empower certified members of joint workplace health and safety committees to order a work stoppage in certain circumstances; Saskatchewan has adopted a regulation which, among other things, regulates tasks that involve a potentially harmful visual demand on a worker (such as work on a VDT); and the federal government has amended the Non-smokers' Health Act.

I. EMPLOYMENT STANDARDS

A. Proclamation of certain Acts described in last year's report

In <u>Alberta</u>, Bill 21, the Employment Standards Code, was proclaimed effective November 1, 1988. Please note that this Act was amended during passage and, because it was described in first reading in last year's report, the following changes must be made.

With regard to compressed workweeks, the report stipulated that an employer could require or permit an employee to work 10 hours a day for a total of not more than 80 hours in a two-week period and not be required to pay overtime rates. This provision now provides that the only requirements for such work arrangements are that the Director of Employment Standards be notified of the arrangement before it becomes effective, and that the arrangement results in a reduction of workdays in consideration for an increase in the daily hours of work.

The Code also provides that an employee is entitled to one-half hour of rest during "each shift in excess of five hours", rather than during every period of five hours or more.

In <u>New Brunswick</u>, Bill 64, an Act to amend the Employment Standards Act, was brought into force on April 1, 1989. This Act provides various improvements to the working conditions of part-time employees, as well as to those of employees in general. Of particular interest are amendments concerning notice of termination requirements, the recovery of unpaid wages, adoption and parental leave, and bereavement leave.

In addition, <u>Prince Edward Island's</u> Bill 35, the Pay Equity Act, has been proclaimed effective October 1, 1988. The object of this Act is to achieve pay equity in the public sector by calling on the full participation of bargaining agents for choosing or developing a single gender-neutral job evaluation scheme or system and for the identification of all job classes subject to the scheme or system. Moreover, this Act establishes a definite timetable for achieving, stage by stage, of pay equity.

Finally, an Act to amend the Labour Standards Act in the <u>Northwest Territories</u> was proclaimed October 2, 1988. Among other things, it reduces the standard workweek from 44 to 40 hours, enacts maternity leave provisions and improves the recovery of unpaid wages provisions.

B. Legislation of General Application

Québec recently put forth a draft bill which proposes a revision of the Act respecting labour standards, the National Holiday Act and other legislative provisions.

It introduces a parental leave without pay, to be fixed by regulation, and a five-day leave, including two days with pay, available upon a birth or adoption. It also proposes that parents have the benefit of a reserve of five days of leave without pay to attend to their parental duties, and that they be entitled, for the same purpose, to refuse to work overtime except in exceptional circumstances or unless their employer asks them twelve hours in advance.

Further, the draft bill proposes improvements to other labour standards, in particular, the addition of one more holiday (Canada Day), and the reduction from ten to five years of the number of years of service required to entitle an employee to three weeks of vacation.

The draft bill also specifies the functions and powers of the Commission des normes du travail (Labour Standards Commission), particularly in promoting agreement between employers and employees with respect to disputes concerning the application of the Act. It is also designed to promote the exercise of employees' rights by making their recourses more readily available.

Finally, the draft bill proposes to broaden the scope of the Act respecting labour standards, particularly by including certain government agencies, but not senior officers except with respect to certain family leaves. Several other amendments are included for the sake of clarification and simplification.

C. Minimum wages

New Brunswick has increased its minimum wage rates. Effective April 1, 1989, the general minimum wage rate was increased to \$4.25 per hour. It is further increased to \$4.50 per hour, effective October 1, 1989. Employees whose hours of work per week are unverifiable and who are not strictly employed on a commission basis are entitled to at least \$187.00 per week, effective April 1, 1989 and to at least \$198.00 per week, effective October 1, 1989. The minimum wage payable for time worked in excess of the maximum number of hours of work is established at \$6.38 per hour, effective April 1, 1989, and at \$6.75 per hour, effective October 1, 1989.

In <u>Newfoundland</u>, the minimum wage rate payable to domestic workers aged 16 or more and employed in a private home has been increased to \$3.00 per hour, effective December 1, 1988.

Ontario and Québec have again acted in concert to bring their minimum wage up to \$5.00 per hour, effective October 1, 1989. Ontario's rate for students under 18 who work not more than 28 hours in a week or during a school holiday will become \$4.15 per hour on October 1. Employees serving alcoholic beverages in licensed establishments will be entitled to \$4.50 per hour, effective the same date. In Québec, persons who usually receive gratuities will be entitled to \$4.28 per hour, and domestics who reside at their employer's home will receive at least \$186 per week, effective October 1, 1989.

Manitoba has revised the various regulations under the Construction Industry Wages Act. These regulations provide upward adjustments in the wages payable to various trades people covered by the Act, effective June 11, 1989 or July 2, 1989.

D. Parental Leave

The $\underline{\text{federal}}$ government has announced a reform to the unemployment insurance provisions respecting parental leave (Bill C-21). The new benefits, which are intended to come into force on January 1, 1990, provide the following:

- . 15 weeks of maternity benefits in the period surrounding the birth of a child;
- 10 weeks of parental benefits, available to natural or adoptive parents, either mother or father, or shared between them as they deem appropriate; and
- . 15 weeks of sickness benefits.

More than one type of benefit could be claimed within the same claim period, up to a cumulative maximum of 30 weeks. In addition, claimants would be able to receive special benefits in combination with regular benefits, but the total could not exceed 30 weeks or the maximum regular benefit entitlement, whichever was greater.

In addition, $\underline{\text{Ou\'ebec}}$ has proposed amendments to the Act respecting labour standards which would introduce a parental leave. The draft bill containing these provisions is described above in section B.

Finally, the <u>Northwest Territories</u> have adopted a maternity leave regulation pursuant to the amendments made last year to the Labour Standards Act.

This regulation establishes a qualifying period of 12 consecutive months of employment with the same employer for an employee to become entitled to maternity leave. The 12-month period must be elapsed before the employee: a) intends to commence maternity leave, where it is requested under section 32.2 of the Act; b) ceases to work, where, under subsection 32.3(1), the employee is unable to give the required notice, or; c) gives birth, where the employee requests maternity leave under subsection 32.3(2) of the Act. This regulation came into force on October 2, 1988.

E. Various other leaves

On June 1, 1989, the Premier of <u>Alberta</u> tabled, in first reading, a bill entitled the "Family Day Act", in recognition of the importance of the family in society. This Act would declare the 3rd Monday in February of each year to be a paid statutory holiday under the Employment Standards Code.

In <u>Prince Edward Island</u>, Bill 65 amended the Labour Act in order to, among other things, remove certain restrictions preventing part-time employees from becoming entitled to an annual vacation with pay. It repeals a provision excluding persons employed 24 hours or less per week from the right to a vacation with pay. It also repeals provisions establishing an exception for employees who do not work at least 90 per cent of the regular working hours within a continuous 12-month period. Consequential amendments are made to the provision requiring vacation pay to be paid upon termination. These provisions came into force on October 1, 1988.

In <u>Ontario</u>, the Retail Business Holidays Act was amended February 27, 1989.

This Act prohibits the carrying on of a retail business on certain holidays, including Sundays, except in conformity with the Act. No person can sell or offer for sale any goods or services or admit members of the public to a retail business establishment on a holiday.

In addition, this Act empowers municipalities to adopt by-laws which would make exceptions to the requirement to close a retail business on a holiday. Before passing such a by-law, the council of a municipality must hold a public meeting, publish notice of the meeting at least 30 days in advance, and permit any person who attends the public meeting the opportunity to make representations in respect of the proposed by-law. Such a by-law may be restricted to one or more retail businesses or to any class or classes of retail businesses, as specified in the by-law. It may also apply to any part or parts of the municipality; limit the opening of retail businesses to specific times or to a certain number of hours; permit the opening or require the closing of retail businesses on certain holidays and not on others; or restrict the opening or require the closing of retail businesses on holidays or Sundays to specific periods of the year.

This Act also establishes the principle of reasonable accommodation on the basis of religion. Despite any provision of this or any other Act or any by-law or regulation made under this Act, a retail business may be open on a Sunday if it is always closed to the public throughout another day of the week by reason of the religion of the owner. "Religion of the owner" is further defined, where the retail business is a partnership or a corporation, and further conditions are established where it is an affiliated corporation. A provision in a lease or other agreement that has the effect of requiring a retail business to remain open on a holiday is of no effect even if the lease or agreement was made before the coming into force of this Act.

This Act further provides that a municipal by-law passed under any other Act is invalid to the extent that it requires the closing of a retail business on a holiday. However, if the by-law was passed before the coming into force of this Act, it continues to be in force until January 1, 1994 or until it is repealed, whichever occurs first.

A person who contravenes a section of this Act is liable, upon summary conviction, to a maximum fine of \$50,000 or the amount of gross sales in the retail business on the holiday on which the contravention occurred, whichever of the two amounts is the greater. A sign or advertisement giving the hours of a retail business is admissible as evidence that the establishment was open during those hours.

Ontario also adopted, on the same date, an Act to amend the Employment Standards Act.

This Act provides that Boxing Day is included in the list of public holidays under the Employment Standards Act.

In addition, employees in retail business establishments (as defined in the Retail Business Holidays Act) that are permitted to open on Sunday are entitled to refuse work that they consider unreasonable. If the employer and employee disagree on what constitutes unreasonable Sunday work, either of them may apply for mediation by an employment standards officer. An employee may also ask for mediation if he or she is punished or otherwise treated improperly for refusing Sunday work. If no settlement is reached, the matter must be referred to an independent referee for determination.

Moreover, <u>Québec</u> proposes to add Canada Day to the list of paid statutory holidays contained in the Act respecting labour standards. In addition, employees would become entitled to a third week of annual vacation after five years of service, rather than after the ten years of service now required. The draft bill outlining these provisions is described in section B.

F. Pay equity

New Brunswick has recently adopted a Pay Equity Act similar to those found in Prince Edward Island and Nova Scotia.

The purpose of this Act is to implement pay equity in Part I of the Public Service, which essentially comprises all departments, most governmental agencies, and certain hospitals. To facilitate the implementation of pay equity, comparisons between female-dominated classes and male-dominated classes of employment must be undertaken, using pay, calculated on an hourly basis, in relation to the value of the work performed. In determining the value of the work, the criterion to be applied is the composite of the skill, effort and responsibility normally required in the performance of the work and the conditions under which the work is performed. A job class is female-dominated or male-dominated if it is composed of ten incumbents or more of whom 60 per cent or more are of the same sex. The employer (represented by the Pay Equity Bureau) and a bargaining agent may also agree, based on the historical incumbency of a job class or other similar criteria, to treat any particular job class as a female-dominated or a male-dominated class.

The employer is deemed to have complied with the obligation to implement pay equity if he adjusts his compensation practices so that female-dominated classes are assigned a maximum rate of pay equal to the average or projected

average of the maximum rate of pay of male-dominated classes of equal or comparable value. However, the employer cannot, in order to achieve pay equity, reduce, freeze or red-circle the pay of any employee, or place an employee in a lower step of a pay range that has been adjusted upward. Moreover, this Act does not apply so as to prevent differences in pay between a female-dominated class and a male-dominated class if the employer is able to show that the difference is the result of: a) a formal seniority system that does not discriminate on the basis of gender; b) a temporary employee training or development assignment that is equally available to male and female employees and that leads to career advancement for those involved in the program; c) a merit pay program known to all employees that is based on a non-sexist performance appraisal system; d) the personnel practice known as red-circling, where, based on a gender-neutral re-evaluation process, the value of a position has been down-graded and the pay of the incumbent has been frozen or curtailed until that of the lower-paid classification reaches the level of pay received by the incumbent; or e) a skills shortage that is causing a temporary inflation in pay.

Throughout implementation of pay equity, the employer must meet with the bargaining agents representing the employees in Part I of the Public Service and disclose to them relevant information at his disposal. The parties must bargain in good faith, making every reasonable effort to reach agreement respecting the implementation of pay equity.

The implementation process must begin within 60 days after the commencement of this Act and be conducted in negotiations separate and apart from the regular negotiations.

The parties must jointly endeavour to reach an agreement, within the period of 12 months after the commencement of this Act respecting: a) the selection of a single gender-neutral job evaluation system; b) the identification of all female-dominated and male-dominated classes in Part I of the Public Service; and c) the manner in which the job evaluation system is to be applied to the identified job classes.

Within 24 months of the commencement of this Act, the parties must apply the job evaluation system in order to determine and compare the value of the work in each class and endeavour to reach an agreement identifying the inequities between classes performing work of equal or comparable value and determining the amount of pay adjustments to be allocated to each of the affected bargaining agents.

Within the period of 27 months after the commencement of this Act, each affected bargaining agent must negotiate in good faith directly with the employer an agreement respecting how the allocated amount is to be distributed among the female-dominated classes represented by that bargaining agent and how the pay equity adjustments are to be implemented. The employer is then obligated to make those pay adjustments in accordance with the agreement. Such an agreement takes precedence over provision of all relevant collective agreements and the pay adjustments are deemed to be incorporated into and form part of any collective agreement entered into during any stage of the implementation process.

The pay equity adjustments are limited to one per cent of the employer's annual payroll for the preceding year over four consecutive 12-month periods.

An arbitrator must be named by the Chairman of the Public Service Labour Relations Board, if it is apparent that the employer and a bargaining agent would fail to reach an agreement required under this Act within the specified periods. An application for the appointment of an arbitrator must be jointly made by the parties concerned and must be accompanied by a statement of the matter or matters in dispute, also prepared jointly. An arbitrator appointed under this Act must, after having afforded the parties full opportunity to present evidence and make representations, render an award. The award must be consistent with the provisions of this Act and the regulations; deal only with the matter or matters referred to arbitration; and be rendered in writing, no later than 60 days after the date on which the arbitrator was appointed. Such an award is binding on the parties and cannot be questioned or reviewed in any court. However, the parties themselves may, within 14 days, jointly agree in writing, to amend, alter or vary any provision of an award.

The Pay Equity Bureau is established within the Board of Management to represent the employer in the process of the implementation of pay equity. The Bureau determines the procedure for and initiates and oversees the selection of one or more employee representatives to represent employees to whom this Act applies and who have no bargaining agent. The Bureau also receives and deals with applications from bargaining agents which maintain that, notwithstanding the fact that a job class consists of fewer than ten incumbents, it is a female-dominated class and the employer should take such action as may be necessary to implement pay equity with respect to the incumbents. Moveover, the Bureau must submit to the Secretary of the Board of Management at least once every six months a detailed report setting out the progress in the implementation of pay equity. In addition, it prepares and maintains statistics relating to pay equity and prepares and disseminates educational material relating to pay equity.

Regulations under this Act may be adopted respecting the duties and powers of the Bureau; respecting the procedure for the conduct of proceedings before an arbitrator appointed under this Act; respecting the modalities by which an application on behalf of a class comprised of fewer than ten incumbents will be dealt with; defining any word or expression used but not defined in this Act; and respecting forms for the purposes of this Act or the regulations.

This Act came into force on June 22, 1989.

G. Termination of Employment

The <u>Northwest Territories</u> have adopted, effective March 16, 1989, an Act to amend the Labour Standards Act, which: provides notice or pay in lieu of notice on termination of employment; requires employers to give the Government of the Northwest Territories advance notice of layoffs of 25 or more employees at one time; provides for the compensation or reinstatement of employees who are discharged or discriminated against for making a complaint or requesting their rights under the Act; and allows an order of the Labour Standards Officer to be enforced by the Supreme Court.

Individual notice of termination or pay in lieu of notice is required where the employment of an employee who has been employed for 90 days or more is terminated. The period of notice is two weeks, if the employee has been employed for less than three years. This period increases by an additional week for each additional year of employment, to a maximum of eight weeks. in lieu of notice, or termination pay, must be an amount equivalent to the wages and benefits to which the employee would have been entitled if the employee had worked his or her usual hours of work for each week of the period for which These provisions do not apply to an notice would otherwise be required. employee: a) who is temporarily laid off; b) who is employed in an activity, business, work, trade, occupation or profession that is exempted by regulation; c) whose employment is terminated for just cause; d) whose employment is terminated because the employee has refused an offer by the employer of reasonable alternative work; or e) on temporary layoff who does not return to work within seven days after being requested to do so in writing by the employer.

"Temporary layoff" means an interruption of employment not exceeding 45 days in a period of 60 consecutive days, or exceeding 45 days, where the employer recalls the employee to work within a time fixed by the Labour Standards Officer. Where an employer wishes to temporarily lay off an employee, the employer must give written notice of layoff and indicate in the notice the expected date of recall. If no such notice is given to an employee, or if the layoff exceeds the period specified in the notice, the employment is deemed to have terminated and the employer must pay the employee the termination pay prescribed above.

Where an employer wishes to terminate the employment of 25 or more employees within any period of four weeks, the employer must, in addition to any individual notice of termination required, give the Labour Standards Officer written notice of not less than: a) four weeks, where less than 50 employees are terminated; b) eight weeks, where 50 to 99 employees; c) 12 weeks, where 100 to 299 employees; and d) 16 weeks, where 300 or more. The employer cannot reduce the rate of wages or alter any term or condition of employment of an employee to whom notice is given and must pay wages and benefits as if the employee had worked his or her usual hours during the period of notice, whether or not work is required or performed. Where an employer has substantially altered a condition of employment and the Labour Standards Officer is satisfied that the purpose of the alteration is to discourage the employee from continuing in the employment, the Officer may declare the employment to have been terminated.

The notice of termination is void and of no effect if an employee continues to be employed by his or her employer after the date of termination specified in the notice.

No employer or any other person can terminate or restrict, or threaten to terminate or restrict the employment of a person, or discriminate in any way against a person because he or she, on his or her own behalf or on behalf of a fellow employee, has made a complaint; has given, or may give, evidence at an inquiry, proceedings or prosecution; requests rights to which he or she or a fellow employee is entitled; or has made or is about to make any statement or disclosure that may be required of the employee under this Act. In order to

remedy a contravention of this provision, the Labour Standards Officer may order the employer to cease certain actions, to compensate the person for wages and benefits to which he or she would have been entitled, or to hire or reinstate a person with no loss of wages or benefits.

Finally, an order made by a Labour Standards Officer under this Act may be filed with the Supreme Court and that order thus becomes enforceable as a judgment of that Court.

Finally, the Northwest Territories also adopted regulations under that Act.

These regulations provide that section 16.3 of the Act, which establishes the individual notice of termination provisions, do not apply to an employee who is employed: a) in the construction industry; b) for less than 180 days in a year, seasonally or intermittently, in a business, work, trade or profession; c) in an activity, business, work, trade or profession, for a definite term or task for a period not exceeding 365 days, where at the end of the term the employment is terminated; or d) in an activity, business, work, trade or profession for less than 25 hours a week.

II. INDUSTRIAL RELATIONS

A. Legislation of General Application

In the last 12 months, two acts described in last year's report have been proclaimed into force.

In <u>Alberta</u>, the Labour Relations Code (Bill 22) was brought into force on November 28, 1988.

Also, in <u>Prince Edward Island</u>, an Act to amend the Labour Act (Bill 65) was proclaimed into force on September 5, 1988, as regards a number of amendments to industrial relations provisions. Among other things, these amendments provided for equal representation of employers and employees on the Labour Relations Board.

With respect to legislative changes adopted within the last 12 months, on December 8, 1988, <u>New Brunswick</u> passed an Act to amend the Industrial Relations Act (Bill 46).

The Act provides that every collective agreement, entered into after April 1, 1989, or still in effect two years after that date, must contain provisions concerning technological change. Among other things, these provisions define technological change, require the employer to give reasonable advance notice of technological change to the bargaining agent, and describe the contents of the notice. If the parties are unable to agree upon the provisions to be included in the agreement regarding technological change, either party may give notice to the other party that their differences are submitted to arbitration for a binding settlement, without stoppage of work. The parties to an agreement may opt out of these provisions by expressly stating in their collective agreement that a benefit, privilege, right or obligation was agreed to in lieu of the application of the technological change provisions contained in the Act.

The provisions mentioned above do not apply to the construction industry.

In <u>Manitoba</u>, Bill 31, the Labour Relations Amendment Act, was introduced on June 19, 1989. Its purpose is to repeal the provisions of the Act dealing with the dispute resolution process known as "final offer selection". However, the provisions will continue to apply with respect to applications for final offer selection made before the coming into force of the legislation.

B. <u>Public and Parapublic Sectors</u>

On December 8, 1988, <u>New Brunswick</u> adopted an Act to amend the Public Service Labour Relations Act (Bill 45).

The Act provides that every collective agreement, entered into after April 1, 1989 or still in effect two years after that date, must contain provisions concerning technological change. Among other things, these provisions

define technological change, require the employer to give reasonable advance notice of technological change to the bargaining agent, and describe the contents of the notice. If the parties are unable to agree on the provisions to be included in the agreement regarding technological change, upon a request being made by either party to the Chairman of the Public Service Labour Relations Board, their differences are submitted to arbitration before the Public Service Arbitration Tribunal for a binding settlement, without stoppage of work. The parties to an agreement may opt out of these provisions by expressly stating in their collective agreement that a benefit, privilege, right or obligation was agreed to in lieu of the application of the technological change provisions of the Act.

New Brunswick also adopted an Act to amend the Industrial Relations Act (Bill 73).

Effective on December 8, 1988, this Act has brought changes to the collective bargaining rules applying to municipal and regional police officers. Such employees and their employers are no longer permitted to declare a strike or a lockout. Under the new rules, if collective bargaining has taken place between the parties and a conciliation officer or a mediator has failed to bring about an agreement, on the application of either party, the Minister, if satisfied that the collective bargaining has been carried on in good faith but that it is unlikely that a settlement will be reached within a reasonable time, will authorize the constitution of an arbitration board, or the appointment of an arbitrator if the parties so request. Such an arbitration board or arbitrator will settle the dispute. Previously, the Lieutenant Governor in Council had the power to prohibit a strike or lockout and to require binding arbitration in order to protect public safety.

In addition to changes to the Industrial Relations Act, amendments to the Police Act establish an arbitration process which replaces the Police Discipline Appeal Board in relation to appeals from sanctions imposed against members of a police force.

Also, by virtue of amendments to the Police Act and the Public Service Labour Relations Act, provisions specifying what can be bargained by municipal or regional police forces, or the New Brunswick Highway Patrol, have been repealed.

In <u>Prince Edward Island</u>, the Conciliation and Arbitration Regulations and the Negotiation Unit Regulations adopted under the Hospitals Act were repealed on September 5, 1988. Hospital employees have the collective bargaining and other rights conferred by Part 1 of the Labour Act (Industrial Relations). However, they do not have the right to strike.

C. Emergency Legislation

No emergency laws were adopted during the period covered by this report.

D. <u>Construction Industry</u>

In <u>Alberta</u>, the Construction Industry Collective Bargaining Act was repealed on November 28, 1988. It has been replaced by the Labour Relations Code which came into force on the same date.

In <u>Quebec</u>, there were modifications to the Construction decree adopted under the Act respecting labour relations, vocational training and manpower management in the construction industry.

The Construction decree was extended and amended with the consent of the Association of Building Contractors of Quebec and of associations representing more than 50 per cent of the employees.

The Decree, which was scheduled to expire on April 30, 1989, was extended until April 30, 1990. Effective May 1, 1989, the wage rates were increased by an approximate average of 5 per cent. Also, as of January 1, 1990, employer contributions to the pension plan will increase to allow for the lowering of the retirement age to a limit of 58 years.

In <u>New Brunswick</u>, Bill 46, an Act to amend the Industrial Relations Act, was assented to and came into force on May 19, 1989.

The Bill adds provisions relating to major projects in the construction industry to the Industrial Relations Act.

A major project advisory committee is established consisting of a chairperson and an equal number of representatives of employees and employers in the construction industry. The chairperson and the other members of the committee are appointed by the Lieutenant-Governor in Council.

The purpose of the committee is to advise the Lieutenant-Governor in Council, through the Minister of Labour, when a request is made for the designation of a construction project, within a described geographic area, as a major project. Such a request is made to the chairperson of the committee by the owner of the construction project or his or her agent. In rendering its advice in relation to a request, the committee must take into account the social and economic effects of the construction project within the province.

The Lieutenant-Governor in Council does not make a regulation designating a construction project as a major project unless: the committee has considered a pertinent request; a majority of its members recommended that such a regulation be made; and the committee has rendered its advice through the Minister of Labour. No designation will be made after June 30, 1995.

If a trade union or council of trade unions has been certified or granted voluntary recognition before the designation of a construction project as a major project, all their members engaged in construction work within the described geographic area of a major project are deemed to constitute a separate bargaining unit. A corresponding structure applies for negotiation purposes to the employers represented by an accredited employers' organization. Any

collective agreement in operation at the time a separate bargaining unit is constituted, that would be applicable to both employees working on the site of a major project and those not working on such a site, ceases to apply in relation to the newly-constituted bargaining unit. When the parties negotiate an agreement in respect of the employees in such a unit and the agreement is for a long duration, an application for certification by another trade union or for decertification by employees may be made at the earliest during the 59th and 60th months of its operation.

Procedures relating to applications for certification are also provided for cases where a collective agreement or a recognition agreement is entered into between an employer and a trade union or council of trade unions in respect of employees engaged in construction work within the geographic area of a major project.

Finally, the legislation provides that picketing at a major project is permitted only if the employees legally on strike or locked out were working on the site at the time the strike or lockout commenced.

III. OCCUPATIONAL SAFETY AND HEALTH

A. Proclamation of Certain Acts Described in Last Year's Report

The <u>federal</u> government proclaimed in force, effective October 17, 1988, an Act to amend the Hudson Bay Mining and Smelting Co. Limited Act. This Act provides that certain acts and regulations respecting occupational health and safety of the Province of Manitoba, which are adopted by reference, apply in the mining operations of the Hudson Bay Mining and Smelting Co. Limited, located near Flin Flon, Manitoba.

B. Legislation of General Application

Alberta has adopted a Chemical Hazards Regulation which contains, in addition to the WHMIS requirements described below at section C, the requirements for protecting workers against harmful substances, certain designated substances, as well as controlled products.

Provisions of general application provide exposure limits to harmful substances, substances which by their nature, application or presence could create a danger to the health or safety of any worker, and provide the methods for making the measurements of concentration of the substances. It is the employer's duty to ensure that, where a worker is exposed to a substance in excess of its occupational exposure limit, the worker is immediately protected from any further exposure and is informed of the nature and extent of the excess exposure, that the source of the excess exposure is immediately identified and controlled, and that the joint worksite health and safety committee is informed as soon as possible of the incident and of the steps taken.

In certain cases, the employer is required to establish a Code of Practice with respect to the storage, handling, use and disposal of specified designated substances as well as procedures to prevent their uncontrolled release and the procedures to be followed in the event of such a release. The employer must also establish procedures, training and instruction in relation to exposure to a harmful substance. The workers must make use of those procedures, training and instruction and wear appropriate skin or eye protection and protective clothing. In addition, where a harmful substance is present at a worksite, the employer must ensure that it is clearly identified and is stored in a manner that does not present a hazard to workers.

Manitoba has amended Man. Reg. 53/88, the Workplace Health Hazard Regulation, principally to modify the method of calculating exposure limits to designated substances and controlled products. Previously, the regulation required employers to keep the occupational exposure limit (OEL) as low as reasonably practicable, near the lowest detectible levels. Employers are now required to keep exposure as low as reasonably practicable, and in no case should it exceed the threshold limit value (TLV) established by the American Conference of Governmental Industrial Hygienists. This regulation also contains consequential amendments, as well as changes of a housekeeping nature.

New Brunswick has recently adopted a general regulation under the Occupational Health and Safety Act. This Regulation repeals and replaces Regulation 84-28 and certain provisions of Regulation 77-1, both under the Occupational Health and Safety Act, as well as certain provisions of Regulation 77-58 under the Mining Act. In general, the Regulation establishes the requirements respecting sanitation and accommodations, occupational health services, air quality, illumination, noise, non-ionizing radiation and protective equipment.

The employer's obligations with regard to sanitation and accommodations range from providing drinking water, toilets and washbasins, eating areas, to providing, under certain circumstances, work clothes and changing rooms as well as showers and emergency showers. The employer must also provide first aid kits, the number, contents and location of which are specified. Moreover, an employer must allow an employee at least one-half hour for food and rest after each five consecutive hours of work. In addition, the employer must ensure that the workplace is generally kept in a clean and sanitary condition and in a good state of repair. Materials, machinery or equipment are to be stored or located in a place where they will not create a hazard to an employee.

Where an occupational health service is required under section 45 of the Act, it shall be established so as: to provide leadership, support, medical and technical services in all areas relating to health in the workplace; to provide ongoing health assessments and supervision for each employee; to establish adequate records, standards, procedures, policies and reporting systems to identify and prevent health and safety hazards; to promote prevention of occupational disease and injury through health education and counselling and environmental assessment programs; to be able to provide an emergency response to injuries and potential disasters in the workplace; and to enhance or maintain the health of employees through appropriate follow-up care, rehabilitation services or referrals to community-based services.

Except underground in a mine, an employer must ensure that the work areas contain at least 8.5 m³ (300 ft.³) of air space for each employee in that area. The ventilation must be adequate, whether it be natural or mechanical ventilation, and must meet the standards specified in this Regulation (in the case of mechanical ventilation, reference is made to ASHRAE 62-191 "Ventilation for Acceptable Indoor Air Quality"). The ambient temperature, the conditions of extreme temperatures and the presence, the measuring of levels of concentration and the means of control of air contaminants are also regulated.

With regard to illumination, reference is made to the following standards: ANSI/IES RP-7, 1983, "American National Standard Practice for Industrial Lighting"; ANSI/IES RP-3, 1977, "American National Standard Guide for School Lighting"; and ANSI/IES RP-1, 1982, "Office Lighting". Provision is also made for adequate illumination in an underground mine.

Certain safety measures are to be taken by an employer, where there is reason to suspect that the noise level in an area where employees work may exceed 80 dBA. First, the employer must ensure that the noise level is measured by a

competent person, using an approved sound level meter. The employer must then ensure that the employee exposure to noise is kept as low as is practical and does not exceed the following exposures:

Sound Level	Duration per day
80 dBA	16 hours
85	8
90	4
95	2
100	1
105	1/2
110	1/4
115	1/8
over 115	o [′]
Peak Sound	Maximum Number of Impulses
Pressure Level	per 8 hour day
120 dB	10 000
130	1 000
140	100
greater than 140	0

Where the noise level exceeds 85 dBA in an area, an employer must ensure that the area is clearly marked by a sign that indicates the range of the noise levels measured and warns individuals of the noise hazard.

With respect to non-ionizing radiation, laser radiation is subject to ANSI Z136.1-1986, "American National Standard for the Safe Use of Lasers". All sources of intense infra-red radiation are to be shielded by heat absorbing screens, water screens or other suitable devices. An employer must ensure that employees are provided with and wear proper eye protection. Where ultraviolet radiation emissions are in the spectral region of between 200 nm and 400 nm, strict safety measures must be adhered to, such as limiting access to the area where such apparatus are contained only to those persons directly concerned with their use. In addition, certain safety measures must be taken where there is continuous or modulated microwave and radiofrequency radiation in the frequency range of 10 MHz to 300 GHz, including ensuring that body exposures do not exceed specified limits.

Where protective equipment is required under this Regulation, an employer must provide it and ensure that the employee is instructed and trained in the proper use and care of it. Reference to the following standards are made: 1) CAN/CSA-Z94.3-M88, "Industrial Eye and Face Protectors"; 2) CSA Standard Z94.1-M1977, "Industrial Protective Headwear"; 3) CSA Z195-M1984, "Protective Footwear"; 4) CSA Z94.4-M1982, "Selection, Care, and Use of Respirators"; 5) CSA Z94.2-M1984, "Hearing Protectors"; 6) CSA Z259.1-1976; "Fall-Arresting Safety Belts and Lanyards for the Construction and Mining Industries"; 7) CSA Z259.2-M1979, "Fall-Arresting Devices, Personnel Lowering Devices and Life Lines"; 8) CSA Z259.3-M1978, "Lineman's Body Belt and Lineman's Safety Strap"; and 9) CAN2-65.7-M80, "Life Jackets, Inherently Buoyant Type".

Ontario has proposed amendments to the Occupational Health and Safety Act. This Bill, Bill 208, was introduced in the Legislative Assembly on January 24, 1989 and succeeds Bill 106, which was introduced in June 1987 and subsequently died on the Order Paper.

In general, the proposed amendments provide employees and employers with greater joint responsibility for health and safety and greater authority to reduce workplace hazards. The Bill would create a new joint labour-management Workplace Health and Safety Agency to take the lead role in educating and training workers and employers in effective health and safety practices. The Bill would greatly expand the obligation to set-up a joint workplace health and safety committee and give the committees greater responsibility for inspecting workplaces and give them also greater access to information about workplace risks. The Bill would also expand a worker's right to refuse dangerous work by including the concern that a work activity, such as lifting heavy objects, is likely to endanger him or her.

The most salient aspect of this Bill is the provision of special training for committee members leading to their certification. Each committee would have at least one certified labour member and one certified management member who would be empowered to order work stoppages if they find a provision of the Act or Regulations is being contravened and if the contravention poses a danger or hazard to a worker which cannot be controlled without delay and without causing serious risk to a worker.

 $\underline{\text{Saskatchewan}}$ has adopted an amendment to the Occupational Health and Safety Regulations.

Among other things, these regulations provide that the employer, in consultation with the health and safety committee, if one exists, must identify those tasks that involve a potentially harmful visual demand on a worker (such as work on VDTs) and take measures to reduce their effects and inform the worker of the risks and of the importance of consulting a physician if any vision impairment, disability or visual strain apparently results from performing those tasks. The employer must also reimburse the worker for the costs of the consultation, where the worker is unable to recover them otherwise, and permit the worker to attend the consultation during normal working hours without loss of pay or other benefits, where it is not reasonably practicable to do otherwise.

The employer must provide effective protection for any worker who may be at risk of injury from work that: a) takes place in a manner that imposes limitations on motion or action; b) is of a repetitive nature; c) requires constant and uninterrupted mental effort; or d) requires excessive or awkward physical effort.

These regulations repeal and replace Part IV of the regulations respecting the first aid and emergency arrangements. The new first aid requirements are based on a system that takes into account such things as the

degree of hazard and the number of workers per shift. These regulations set out the appropriate qualifications for first aid attendants, the necessary supplies, equipment and facilities and provide for the transportation of injured workers, as required.

Part VIII of the regulations respecting chemical substances, biological substances and controlled products is repealed and replaced in order to establish, among other things, the Workplace Hazardous Materials Information System (WHMIS). The basic WHMIS requirements are described below at section C. These regulations require that the employer review, at regular intervals, the use or presence of any chemical or biological substance that may be hazardous to the health or safety of any worker. Insofar as is reasonably practicable, the employer must substitute a less hazardous substance for any chemical or biological substance; reduce contamination of the workplace; design and implement procedures and processes for the safe use, storage, handling and production of any chemical or biological substance; take all steps to prevent exposure of any worker to a substance to an extent likely to be harmful; inform the worker of the nature and degree of the effects to his or her health or safety, of any substance to which the worker is exposed; and provide the worker with adequate instruction with respect to proper and safe handling of any such substance and the proper use of any personal protective equipment that may be necessary.

Every employer is required, in co-operation with the health and safety committee, if one exists, to maintain an up-to-date list of all chemical and biological substances present in the workplace. This list must be kept readily available to an inspector; copies must be provided to the committee. The employer must take all reasonable steps to ascertain and record the hazards that might arise and the precautions that need to be taken with respect to the substance. In addition, the container holding the substance must be marked with the name of the substance as listed. The employer must ensure that a program of instructions is developed and implemented, in consultation with the committee, if one exists, to inform each worker of risks and precautions with respect to a substance.

These regulations prohibit an employer from manufacturing, using, storing or distributing any chemical or biological substance listed in Part IV of the appendix without the written permission of the director of the Occupational Health and Safety Branch and subject to any conditions that he may specify. The employer must ensure that adequate engineering controls and suitable personal protective equipment are provided to prevent, as far as is practicable, the intake of such substances into the body. Other conditions are imposed which deal with respiratory protective devices, emergency arrangements respecting asphyxia and poisoning, and spills and leaks of such substances.

Provisions regarding the danger to a worker from traffic on a public highway are reinforced, requiring that traffic control schemes be put into place and empowering inspectors to direct that additional measures be taken where, in their opinion, the measures taken are inadequate. In addition, similar traffic control schemes are required to ensure that workers are adequately protected from traffic at a place of employment other than a public highway.

These regulations establish new requirements with regard to the installation of roll-over protective structures (ROPS) on tractors, bulldozers, loaders, scrapers, skidders and other similar machinery. Safety requirements for mobile cranes, tower cranes and lattice boom cranes have also been amended, in keeping with CSA Standards. In addition, safety requirements for the operation of mobile elevating platforms are revised to ensure better protection for workers.

Moreover, provisions respecting work in confined spaces are amended to provide that before a worker is required or permitted to enter a confined space, the employer must examine it for all possible hazards. Where a possible hazard exists, the confined space must be purged and ventilated, measures to ensure the safety of a worker must be implemented, and, subject to certain conditions, the worker must be provided with a respiratory protective device. Further tests are required, at appropriate intervals, to ensure the protection of a worker who enters or works in the confined space. If any flammable or explosive materials or gases are present, the employer must ensure that all sources of ignition are eliminated or controlled.

Finally, other amendments deal with provisions respecting: pressurized gases contained in tanks, cylinders and similar containers and the apparatus used for burning or other use of the compressed gases; blasting; and logging operations.

Moreover, the <u>Northwest Territories</u> have adopted amendments to their General Safety Regulation under the Safety Act with respect to personal protective equipment provisions. In general, where there is danger from moving parts or a similar hazard, clothing must fit closely about the body, no dangling or protruding articles can be worn and hair and beards must be trimmed or completely confined. This regulation makes reference to CSA standards for footwear and headgear which must be worn on construction sites, logging sites or other work sites where there is a risk of feet or head injury. Protective gloves must be used when handling materials likely to puncture, cut, abrade, burn or freeze the hands. Similarly, goggles, face shields, or other eye protective equipment must be used to protect against any material, chemical or gas likely to injure or irritate the eyes, against hazard from flying objects or particles or intense light or heat, or from radiation emitted by an electric welding arc. Finally, personal flotation devices must be worn by workers working above water.

C. Hazardous Materials and Controlled Products

Throughout the country, there have been more than twenty acts and regulations adopted since last year's report in relation to the Workplace Hazardous Materials Information System (WHMIS).

 $\underline{\text{Ontario}}$, $\underline{\text{Ouébec}}$ and $\underline{\text{Saskatchewan}}$ have proclaimed amendments to their occupational health and safety acts which provided the legislative framework for the implementation of the WHMIS requirements.

In addition, Alberta, British Columbia, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Saskatchewan, the Northwest Territories and the Yukon have adopted regulations concerning WHMIS which contain, with some minor variances, the basic requirements described below. Certain jurisdictions, for example Ontario, have wished to go further and have adopted requirements to have employers keep and provide material safety data sheets for each dangerous material (controlled products and other materials) found in the workplace as well as a complete and current inventory of them.

Typically, WHMIS requirements establish the employer's obligation to ensure that no controlled product is used, stored, or handled in the workplace unless all of the applicable requirements in respect of labels, identifiers, material safety data sheets (MSDSs) and worker education are complied with. In addition, the employer must ensure the safe storage and handling of hazardous waste generated at a workplace through the combination of any mode of identification and worker education.

A worker who works with a controlled product or in proximity to one must be informed about all hazard information received from a supplier as well as any further available information concerning the use, storage and handling of that controlled product. The employer must ensure that such a worker is instructed in: a) the content of labels and its purpose and significance; b) the content of MSDSs and its purpose and significance; c) procedures for the safe use, storage, handling, and disposal of a controlled product; d) procedures to be followed where fugitive emissions are present; and e) procedures to be followed in case of an emergency involving a controlled product. The worker education program that an employer must provide must be adapted to the workplace so that a worker is able to apply the information as needed to protect his or her health and safety. The program must be developed and implemented in consultation with the joint health and safety committee, if one exists.

It is the employer's duty to ensure that controlled products are labelled with a supplier label that meets the requirements of the federal Controlled Products Regulations, and to ensure that such labels remain legible and affixed to the controlled product or its container. In addition, workplace labels must be provided by the employer for controlled products produced in the workplace and for decanted products (except in certain circumstances). Where a controlled product is contained in a piping system or a vessel, the employer must make appropriate use of colour coding, placards, labels or other modes of identification. Placard identifiers, and laboratory labels may be used instead of supplier labels or workplace labels in certain circumstances, principally relating to research and development (analysis, testing, or evaluation), provided the employer ensures that the identification and worker education used for each controlled product or sample enables workers to protect their health and safety.

MSDSs must be provided for any controlled product and made readily available to workers who may be exposed to them. They must also be readily available to the joint health and safety committee, if one exists. The MSDSs must contain the information required under the federal Controlled Products Regulations. However, provision is made to enable employers to protect confidential business information and claim an exemption from the requirement

to disclose: the chemical identity or concentration of any ingredient of a controlled product; the name of a toxicological study that identifies such an ingredient; the chemical name, common name, generic name or brand name of a controlled product or information that could be used to identify a supplier. The claim must be made to the Commission established under the federal Hazardous Materials Information Review Act. Notwithstanding the confidentiality of this information, the employer must disclose it to a medical doctor or a registered nurse who requests it for the purpose of rendering medical treatment to a person in an emergency.

Moreover, the <u>federal</u> government has published a new set of criteria for determining the validity of a claim for exemption submitted in accordance with the provisions of the Hazardous Materials Information Review Act. This regulation, which is a remake of Regulations SOR/88-65 described in last year's report, came into force on August 25, 1988, on the same date as an accompanying regulation respecting fees payable, the manner in which to calculate them, and the procedure to follow where applying for an exemption.

The federal government also adopted, on two occasions, amendments to its regulations in relation to WHMIS.

In the first instance, the amendment to the Controlled Products Reulations, and the consequential amendments to the Canada Occupational Safety and Health Regulations, are intended to prevent a disruption in the availability of controlled products from secondary suppliers who incorporate ingredients obtained from another supplier into their products, and to clarify the requirements of specific sections, thereby enabling uniform application of the regulations.

This regulation establishes a temporary exemption until March 15, 1989 for secondary suppliers or manufacturers of a mixture containing a controlled product who have not, as of July 31, 1988, received a material safety data sheet from the primary supplier concerning that controlled product. The temporary exemption is from the obligation to transmit, obtain or prepare a material safety data sheet and to apply a label to a controlled product which is an ingredient in the mixture of the secondary supplier.

In addition, where the primary supplier has filed a claim for exemption or is exempt from disclosing information relating to a controlled product under the Hazardous Materials Information Review Act, the secondary manufacturer is also exempt from disclosure requirements for ingredients purchased from that primary supplier.

The definition of "outer container" is made more explicit for the purposes of the exemptions from labelling contained in the regulations, to specify that it means the most outward container - the one which is visible under normal conditions of storage and handling - but does not include the most outward container if it is the only container of the controlled product.

Moreover, the exemption from applying the WHMIS border label onto a controlled product originating from a laboratory supply house is clarified. This

exemption, where it applies, is subject to the requirement that the label on these products must include the appropriate risk phrases, precautionary measures and first aid measures.

Finally, an amendment specifies that, where a supplier has received notice of a decision that his claim for exemption, or a portion of his claim, from the requirement to disclose information on a material safety data sheet (MSDS) or label is valid, the registry number assigned to the claim must be disclosed, along with a statement that an exemption has been granted and the date of this decision. This information must be contained on the MSDS and, where applicable, on the label of the controlled product or its container, and must be disclosed upon the sale or importation of the controlled product.

In the second case, the amendments to the Hazardous Materials Information Review Regulations deal with the procedure to be followed by a screening officer in reviewing a claim for exemption, the definition of the expressions "affected party" and "medical professional", and the content of the notice to be published in the Canada Gazette of each decision and order made by a screening officer.

Specifically, the screening procedure requires a screening officer to provide a claimant with a copy of any representation received from an affected party, as a result of the notice published in the Canada Gazette that a claim for exemption has been filed. Further to such representations, the amendment prohibits the screening officer from divulging the identity of the affected party if the latter is an employee of the claimant and requests, for reasons of economic or personal security, that his identity not be disclosed.

The definition of "medical professional" is amended to clearly specify that information received by the Commission may only be disclosed to a physician or a registered nurse and then only if such information is required to make a diagnosis in a medical emergency. Section 46(3) of the Act already entitles a physician to this information and this amendment thus includes a nurse who is registered or licensed under the laws of a province.

Finally, in keeping with the notion that the Commission's activities touch upon something less than the general public as a whole, the term "affected party" is defined so as to enhance the relevance and accuracy of representations which persons who are directly affected by the decision of a screening officer or an appeal tribunal may wish to put forth. "Affected party" means a person who is not a competitor of the claimant, and who uses, supplies or is otherwise involved in the use or supply of the controlled product, and includes a supplier, an employer, or employee at the workplace, a safety and health professional for the workplace, a workplace safety and health representative or committee member, or an authorized representative of a supplier or an employee.

D. <u>Diving Operations</u>

The <u>federal</u> government has adopted two regulations respecting diving operations. The first is entitled the "Canada Oil and Gas Diving Regulations" under the Oil and Gas Production and Conservation Act, and the second is entitled the "Newfoundland Offshore Area Petroleum Diving Regulations" under the Canada-Newfoundland Atlantic Accord Implementation Act.

The Oil and Gas Production and Conservation Act and the Canada-Newfoundland Atlantic Accord Implementation Act provide for the making of regulations concerning the safety and inspection of all operations conducted in connection with the exploration for, the drilling for and the production of oil and gas. These regulations are based on expertise and on sound diving practices that have been developed over the years and take into account very specific conditions that exist in the Canadian offshore. For example, very low density of offshore operations, vast distances that separate individual offshore diving operations, severe environmental conditions such as storms, sea state and fog, in addition to ice and sub-zero water temperatures, encountered in areas of the high arctic, were considered.

The regulations specify: minimum standards of training and of practical experience for personnel directly engaged in diving; provide limits for depth and duration of diving operations, based on the type of diving techniques used; specify plant and equipment as well as emergency back-ups to be used in different types of diving operations and in different environmental conditions; prescribe minimum testing and maintenance requirements for all the life dependent plant and equipment; and lay down in detail the authority and responsibility of personnel directly involved in the diving program.

Similarly, <u>Newfoundland</u> has adopted a regulation under the Canada-Newfoundland Atlantic Accord Implementation (Newfoundland) Act., which came into force on the same date as the two federal regulations. Among other things, this regulation requires that diving programs be established and that supervisors and divers obtain certificates of the appropriate class corresponding to the work they will be required to perform. It establishes the duties of operators, contractors, supervisors and divers, and sets stringent requirements for the maintenance and repair of diving equipment.

E. <u>Miscellaneous</u>

The <u>federal</u> government has recently adopted an Act to amend the Non-Smokers' Health Act. This Act makes clearer the definition of "employer", reinforces the employer's obligation to ensure that persons refrain from smoking in any workspace under his control, and provides an enforcement mechanism based on the ticketing of contraveners. The Non-Smoker's Health Act will come into force six months after the date of sanction of this Act (June 29,1989), thus affording sufficient time for the making of regulations.

In addition, the federal government has adopted an amendment to the Uranium Mines (Ontario) Occupational Health and Safety Regulations under the Atomic Energy Control Act. These Regulations enable the application of Ontario

laws respecting non-radiological health and safety in uranium mines, as they are applied in all other mines in Ontario. Each time the Ontario Occupational Health and Safety Act and Regulations are amended, the legal reference in federal Regulations must be amended to ensure conformity.

The Ontario Act was recently amended by Bill 79, establishing WHMIS in that province. This Regulation makes reference to the Act, as amended, and reflects changes made to definitions under the Act.

Ontario has adopted three regulations under the Occupational Health and Safety Act respecting roll-over protective structures.

The first regulation makes mandatory the installation of roll-over protective structures on machines such as tractors, bulldozers, front-end loaders, etc. However, a machine that was in use before this regulation came into force is not required to be equipped with a roll-over protective structure and a seat belt until 12 months after the date it came into force. The regulation also sets the standards for the design, construction, maintenance and repair of roll-over protective structures.

The second regulation repeals a provision of the Industrial Establishments Regulation (R.R.O. 1980/692) which provided that every vehicle used in logging, except for trucks, be equipped with a roll-over protective structure.

As for the third regulation, it repeals a provision of the Mines and Mining Plants Regulation (R.R.O. 1980/694) as amended by O. Reg. 596/83, which provided that every machine such as a tractor, a bulldozer, and a front-end loader used in mining operations be equipped with a roll-over protective structure.

Finally, Ontario also adopted a new regulation respecting window-cleaning.

This regulation applies to window cleaning services where a worker may fall a height of three meters or more. It establishes the requirement for every person who carries on the business of window cleaning or of supplying window cleaners to register with the Director of the Construction Health and Safety Branch of the Ministry of Labour. This regulation provides that the workers must years of age, must wear or use personal protective be at least eighteen clothing, equipment or devices, and must be instructed and trained in the care and use of such protective clothing, equipment or devices. It also prescribes, in certain circumstances, the use of fall-arrest systems, lanyards, lifelines and body harnesses. In addition, it sets standards for the strength, stiffness and stability, as well as height, for ladders, scaffolds, boatswain's chairs and related equipment. It provides measures against electrical hazards and enunciates the duties of the owner of a building, as well as of employers, supervisors and workers.

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