

THE INTERNAL RESPONSIBILITY SYSTEM

Nova Scotia is unique in Canada because we clearly and purposefully included the philosophy of the Internal Responsibility System (IRS) to our province's Occupational Health and Safety (OHS) Act. The IRS provides the foundation and the framework for our safety law, and says that all employers and workers share a direct responsibility for health and safety as an essential part of their work. Nova Scotia's safety law makes clear that this responsibility sharing is based on the level of authority and accountability that different people in the workplace have.

Here are some of the employer and worker responsibilities required by Nova Scotia occupational safety law, all of which reflect the Internal Responsibility System.

Worker Responsibilities:

- Take every precaution to ensure your own health safety and that of others;
- Follow the company's safety rules, policies, and safe-work procedures;
- Wear personal protective equipment as required by the employer or by the law;
- Use equipment and materials only as authorized by the employer and/or by manufacturer's specifications;
- Cooperate with the employer and the workplace's health and safety committee or representative, for workplace safety; and
- Report all hazardous incidents and situations!

Employer Responsibilities:

- Ensure the health and safety of anyone at or near the workplace;
- Maintain equipment safely, and ensure that it is appropriate for the job;
- Inform workers of hazards in the workplace;
- Ensure workers are using correct safety gear to work safely;
- Establish a safety policy and/or program, including safe work procedures, orientation and training programs, and hazard reporting and investigation process.
- Establish a health and safety committee and/or representative, make sure they have training to fulfill this role; and
- Follow safety law, and make sure that workers do so as well!

The IRS also includes three principles, which are known as **workers' three key safety rights**:

- **Right To Know** about workplace hazards that can affect their health and safety.
- **Right To Participate** in their own health and safety.
- **Right To Refuse** work they feel is unsafe or unhealthy to them or someone else.

The **right to know** about the hazards of a workplace should be in action the first day a worker heads off to his or her job. Having the right to know about hazards includes the workers' right to ask about hazards, and employers' responsibility to tell him or her about the hazards at that workplace. This includes how to avoid potential injury from those hazards. Every workplace, every job, has hazards. But when workers exercise their right to know, and employers fulfill their responsibility to tell and educate, the chance of being injured goes down, and the health and safety of the workplace goes up!

The **right to participate** in our own health and safety, and that of others, is a cornerstone of the Internal Responsibility System. When workers exercise their right to participate, they are working to ensure that their voices are heard. When employers put programs in place that support the right to participate in safety, they are showing that they value the health, safety and input of workers. In action, the right to participate may look like joining the health and safety committee, a process for reporting hazards, and everyone at the workplace taking part in safety training.

Workers may exercise their **right to refuse** where they have reasonable grounds to believe that an assigned task will likely hurt them or someone else at the work place. For instance, if a worker finds him or herself faced with a task for which there are few or no safety measures in place, that he or she has no training or proper equipment for, or that other workers have been injured while completing, it is likely the time to exercise the right to refuse. Nova Scotia's OHS Act clearly explains the right to refuse, including the need to always report the situation first to a supervisor and how workers who exercise their right to refuse are protected from discrimination.

EXERCISING RIGHTS & RESPONSIBILITIES: SPEAKING UP

Even though NS safety law protects workers from being discriminated against for exercising their safety rights, putting workplace safety rights and responsibilities into action may be challenging. Exercising our workplace safety rights and responsibilities by speaking up about unsafe and unhealthy situations or things can be difficult, but it needs to be done!

Speaking Up

Speaking up and being assertive doesn't always come naturally. We may be uncomfortable speaking up to a supervisor or to an employer because we can get 'speaking up' mixed up with 'talking back'. But speaking up in a professional, courteous and respectful manner is a skill that needs to be learned and practiced. Here's a few ways to practice:

- do role-plays with your teachers and friends at school,
- practice in front of the mirror in the privacy of your bedroom or bathroom,
- talk to a trusted adult about how to handle a situation, or
- ask trusted family and friends about how they've learned to successfully 'speak up'.

Setting the Tone for Speaking Up

As a worker you can show your maturity and professionalism, and 'set the tone' early for your workplace safety expectations by:

- understanding your three key safety rights and the responsibilities that go with them,
- talking to your supervisor and asking questions about workplace safety,
- taking your work seriously and treating people with respect and courtesy,
- following the safety rules at work and asking if you don't understand something,
- not 'following the crowd' when it means breaking workplace rules,
- getting involved in safety and health committees at work,
- admitting when you don't know how or haven't been trained to do something.

When Speaking Up Might be Hard to Do

Sometimes speaking up about safety may be hard to do (for workers of all ages) because of challenging and unhealthy conditions at work, such as:

- unsafe things or situations that everyone seems aware of, but never get fixed,
- lack of workplace safety rules, or safety rules that are never followed,
- supervisors that brush aside, or never follow up on hazard reports,
- disrespectful behaviour between co-workers, and co-workers and supervisors,
- workers and supervisors who don't seem to care about the work they do,
- direct or indirect expectation that safety can be ignored as long as a task is done, or
- behaviours and attitudes like racism, bullying, gender discrimination, hazing, etc.

In these situations, how to speak up, when to speak up, or even whether to speak up, will be different from worker to worker. Depending on life experiences and career paths, some workers will remain in challenging work settings and others will make the decision to leave. It is very important that workers talk to someone about difficult or dangerous work situations, and report hazardous conditions and dangerous work situations to the proper authorities, ie. the OHS Division of Labour and Workforce Development or to local police.

WORKPLACE HEALTH AND SAFETY LAW

Nova Scotia's OHS Division and Officers

In Nova Scotia the staff and officers of the Occupational Health and Safety (OHS) Division of the Department of Labour and Workforce Development, are responsible for promoting, administering and enforcing occupational health and safety law in workplaces and for the general public. A key focus of OHS Division is promoting the Internal Responsibility System.

Nova Scotia Occupational Health and Safety Act

The Occupational Health and Safety Act provides for the administration and enforcement of occupational health and safety in Nova Scotia. By adhering to the Internal Responsibility System the Act emphasizes proactive approaches to preventing injury and illness. The broad duties identified by the Act are more specifically defined by another level of legislation called regulations.

Nova Scotia Occupational Health and Safety Regulations

- *Fall Protection and Scaffolding Regulations*: defines fall protection measures for certain surfaces, settings and circumstances
- *Workplace Hazardous Materials Information System Regulations (WHMIS)*: defines the handling of controlled products in workplaces; regulations are linked to Federal WHMIS legislation as well
- *Occupational Health and Safety First Aid Regulations*: defines type and provision of emergency first aid in a variety of work settings
- *Occupational Safety General Regulations*: defines handling of safety measures for many specific work settings ie. toilet facilities in remote areas, measures for welding
- *Violence in the Workplace Regulations*: defines provision of violence prevention measures in certain work settings; includes suggested Codes of Practice for employers
- *Temporary Workplace Traffic Control Regulations*: defines safety measures for temporary work settings on and around highways and roads
- *Occupational Diving Regulations*: defines safety measures for workplaces that require underwater diving and working

- *Smoke-free Places Regulations* (listed under the “*Smoke-free Places Act*”): defines where persons may or may not smoke in certain settings, which can include many workplaces
- *Occupational Health Regulations* (listed under the “*Health Protection Act*”): covers workplace issues of exposure and over-exposure to harmful gases, dusts and physical agents such as radiation, heat and cold, and vibration and noise
- *Occupational Health and Safety Appeal Panel Regulations*: defines how an order from the OHS Division may be appealed
- *Underground Mining Regulations*: defines safety measures for all mining operations, including emergency response
- *Blasting Safety Regulations*: defines safety measures for workplaces (other than mining) where blasting is required
- *Disclosure of Information Regulations*: defines when/how the disclosure of sensitive information is allowable

Whenever learning about Nova Scotia safety law it's always important to check the OHS Division webpage, www.gov.ns.ca/lae/healthandsafety for bulletins about any updates, changes or hazard alerts.