

## **A Guide for Farm Employees regarding the Occupational Health and Safety Act**

*This document is a Certified Spanish Translation of Sections 12, 16 and 36 of the Occupational Health and Safety Act, which has only been written with the intention of helping farm employers and farm workers in Prince Edward Island, Canada, to comply with what is established by the said Act.*

### **Duties of Employers, Workers and Other Persons**

This part outlines the rights and responsibilities of employers, contractors, constructors, suppliers, workers, as well as owners, service providers, self employed persons, architects and engineers.

### **Duties of Employers - Section 12**

Employers are responsible to take every reasonable precaution to ensure the health and safety of persons at or near the workplace.

Reasonable precautions means that if the cost is very prohibitive or the cost can be shown to greatly outweigh the benefits it may not be required. Before this exemption can be considered the employer or other party must provide strong evidence to support the situation. Although the Act states that it applies to any person at or near the workplace the primary focus is to address the health and safety of workers in a workplace.

Employers must provide and maintain all safety devices on all equipment as recommended by the manufacturer or required by the regulations. The provision of safety equipment and the training on proper use is the duty of the employer.

In some cases the regulations will reference the most recent CSA standard. These may state particular requirements for personal protective equipment such as a particular type of respiratory protection.

The employer is responsible for paying all costs associated with training required to ensure worker health and safety.

Employers are responsible to ensure that all workers are aware of all hazards in the workplace and that they comply with the Act and regulations.

As well they must ensure all workers know how to use safety devices and personal protective equipment appropriately. It is very important that all personal protective equipment is fitted and in good condition. Failure to do this can greatly reduce its effectiveness. This requirement is commonly referred to as the “right to know” for workers.

In general work must be done so workers are not exposed to any health or safety hazards.

Employers must also co-operate and consult with the health and safety committee or representative where one is required.

## **Responsibilities for Workers - Section 16**

Workers share the responsibility for health and safety in the workplace. It is the duty of workers to:

- Take every reasonable precaution to prevent accidents to themselves and their co-workers.
- Use all safety equipment required and wear the correct personal protective equipment and ensure it is in good condition and well fitted .
- Comply with the Act and regulations, cooperate with safety officials, the employer, other workers, and the safety committee or representative to protect everyone=s safety.
- Report unsafe conditions or equipment to a supervisor. If the supervisor does not take action it should be reported to the committee or safety representative, if there is one. In the absence of a committee or representative, if no action is taken, it may be reported to WCB.

## **Worker Rights**

### **The Right to Know**

Every worker is entitled to information and training on hazards in the workplace. Employers are required to train workers on hazards, provide safety equipment and post information and reports pertaining to health and safety.

### **The Right to Participate**

Workers have the right to participate by sitting on the safety committee or serving as a safety representative. They also have the right and responsibility to report unsafe conditions or to question their safety or that of anyone else in the workplace.

### **The Right to Refuse**

All workers have the right to refuse unsafe work. This is outlined in Section 28 of the Act.

## **Reporting of Accidents - Section 36**

Critical workplace injuries must be reported immediately to the Workers Compensation Board in writing by the fastest means available within 24 hours.

A critical injury is defined as an injury serious enough to:

- place a life in jeopardy.
- produce unconsciousness.
- result in substantial loss of blood.
- involve the fracture or amputation of an arm, leg, hand or foot.
- cause burns to a major portion of the body or;
- cause the loss of sight in one eye.

It is an offence to disturb the scene of an accident except to attend to injured workers or to prevent further injury or damage to property until WCB has investigated the accident.

The Workers Compensation Board has an emergency 24 hour response number and an officer is always on call to respond to an accident.

**Toll free, Atlantic Canada: (800) 237-5049      24 hour Emergency: (902) 628-7513**

All critical injuries must be reported to safety committees or safety representatives if the workplace has one.