

LEGISLATIVE INTERPRETATIONS

Topic: Code of practice	Issued by: V.P., WorkSafe Services
Statute: Occupational Health and Safety Act & General Regulation 91-191	Date Issued: January 11, 2005
Section: A 50(3), G 55, 158, 171, 179 & 286	Date Revised:

Occupational Health and Safety Act

50(3) The Commission may

(a) require an employer to establish or adopt a code of practice if the employer has not been required by regulation to establish or adopt a code of practice,

General Regulation 91-191

55(1) – safe breaking up of clogs in bulk material stored in a bin, hopper or process vessel

158(2) – where, due to the nature of the ground being drilled, it is necessary to load a drill hole immediately after drilling is complete and subsequently to drill adjacent holes

171(1) – safe handling of misfired charges

179 – safe use of the explosive

286 – for work that occurs closer to an energized electrical utility line or utility line equipment than a limits of approach

Question:

"I have received an order from a health and safety officer to develop a code of practice. What should be contained in code of practice in order for me to comply with the officer's order?"

Answer:

"Code of Practice", means a written statement by the employer that sets out in detail a procedure to ensure the health and safety of an employee in certain specified circumstances. Unless specified by the Regulation or by a health and safety officer the following elements should be contained in a code of practice.

1. An introduction identifying
 - a. the hazardous substance(s) and/or situation(s) which may be encountered,
 - b. a description of the hazards, and
 - c. their possible effect(s) on health or safety,

2. Identification of the person or persons at risk from the hazardous substance(s) and/or situation(s),
3. Identification of the person or persons responsible for implementing the code of practice,
4. The time, day, or event, etc. before, during, or after which the code of practice might be applicable,
5. The location or locations where the code of practice might apply, (e.g. all ceilings throughout the building, or the tank of the delivery truck in the yard, etc.),
6. The methods and equipment to be used to ensure the health and safety of any employee at risk,
7. Emergency procedures and equipment that might be required in the event of failure of any of the regular procedures or equipment.

The Code of Practice must be posted by the employer in a prominent place at the place of employment, be modified to reflect adverse weather conditions and employees be trained in the code of practice.