

UNEDITED

The Occupational Health Act, 1972

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Chapter 86 of *The Statutes of Saskatchewan, 1972*
(assented to May 5, 1972).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 86

An Act for the Promotion and Protection of the Health and Safety of Persons Engaged in Occupations

(Assented to May 5, 1972)

Short title

- 1 This Act may be cited as *The Occupational Health Act, 1972*.
1972, c.86, s.1.

Interpretation

- 2 In this Act:

“chief occupational medical officer”

- (a) “**chief occupational medical officer**” means the person appointed as the chief occupational medical officer pursuant to section 8;

“council”

- (b) “**council**” means the Occupational Health Council appointed under section 9;

“department”

- (c) “**department**” means the Department of Labour;

“division”

- (d) “**division**” means the occupational health and safety division established pursuant to section 3;

“International Standard Classification of Occupations”

- (e) “**International Standard Classification of Occupations**” means the booklet as published and revised from time to time by the International Labour Organization and entitled “International Standard Classification of Occupations”;

“minister”

- (f) “**minister**” means the Minister of Labour;

“occupation”

- (g) “**occupation**” means employment, business, calling or pursuit but does not include an endeavour not constituting one of the classes of occupations in the International Standard Classification of Occupations;

“occupational health”

- (h) “**occupational health**” means:
- (i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers;
 - (ii) the prevention among workers of ill health caused by their working conditions;
 - (iii) the protection of workers in their employment from risks resulting from factors adverse to health;
 - (iv) the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological condition;

“occupational health officer”

- (i) “**occupational health officer**” means a person designated as an occupational health officer under section 6;

“occupational health service”

(j) **“occupational health service”** means a service organized in or near a place of employment for the purposes of:

- (i) protecting workers against any health hazard that may arise out of their work or the conditions under which it is carried on;
- (ii) ensuring the workers’ physical and mental adjustment in their employment and ensuring their assignment to jobs for which they are suited; and
- (iii) contributing to the establishment and maintenance of a high degree of physical and mental well-being of the workers;

“occupational rehabilitation”

(k) **“occupational rehabilitation”** means measures that assist workers to return to work following injury or disease however caused and that assist persons suffering from the disabling effects of injury, disease or congenital deformity in obtaining or retaining employment;

“place of employment”

(l) **“place of employment”** means any building, workshop, structure, mine or other premises in which one or more workers usually work;

“worker”

(m) **“worker”** means a person who is engaged in an occupation;

“working place”

(n) **“working place”** means a location other than a place of employment where one or more workers are engaged in work.

1972, c.86, s.2.

Establishment of division

3 For the purpose of providing for the administration of this Act, the minister shall establish a division within the department to be known as the occupational health and safety division.

1972, c.86, s.3.

Duties of division

4 The division shall:

- (a) be concerned with occupational health generally and the maintenance of reasonable standards for the protection of the health and safety of workers in Saskatchewan;
- (b) be responsible for the day to day administration of this Act and the regulations;
- (c) prepare and maintain morbidity and accident statistics relating to workers and do so either alone or in conjunction with The Workmen’s Compensation Board and the Department of Public Health; and
- (d) do such other things in connection with occupational health as the minister may direct.

1972, c.86, s.4.

Powers of division

5 The division may:

- (a) provide assistance to persons concerned with occupational health and provide services to assist persons in charge of the operation of places of employment and working places in maintaining reasonable standards for the protection of the health and safety of workers;
- (b) promote or conduct studies and research projects in connection with problems relating to the health and safety of workers; and
- (c) encourage or conduct educational programs for promoting the health and safety of workers.

1972, c.86, s.5.

Designation of occupational health officers

6 The minister may designate as occupational health officers any of the persons employed in the division.

1972, c.86, s.6.

Powers of occupational health officer

7(1) For the purpose of the administration of this Act an occupational health officer may:

- (a) enter and inspect a place of employment and a working place and every part thereof at all reasonable times both day and night without prior notification when he has reasonable grounds to believe that a worker is employed therein or thereat, and test, take such samples and make such examinations as he considers necessary or advisable;
- (b) require the production of the records, documents and reports kept pursuant to this Act, and inspect, examine and make a copy of any of them;
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are being complied with;
- (d) require any person whom he finds in or at a place of employment or working place to give such information as it is in his power to give as to who is the person in charge of the operation of the place of employment or working place;
- (e) take with him to a place of employment or working place, one or more persons to assist him, and may make arrangements with the person in charge of the operation of a place of employment or working place for an assistant to enter the place of employment or the working place and conduct tests or take samples;
- (f) do such other things as may be authorized by the minister.

(2) The person in charge of the operation of a place of employment or working place and his agents and servants shall furnish such means required by an occupational health officer as are necessary for an entry, inspection, examination, inquiry, the making of tests and the taking of samples or otherwise for the exercise of his powers under this Act in relation to that place of employment or working place.

1972, c.86, s.7.

Appointment of medical practitioner as chief occupational medical officer

8 The minister shall appoint as chief occupational medical officer for the purposes of this Act a person who is a legally qualified medical practitioner and who has training and experience in occupational health.

1972, c.86, s.8.

Appointment of Occupational Health Council

9(1) Subject to subsection (2), the Lieutenant Governor in Council may appoint a council to be known as the Occupational Health Council consisting of not less than nine or more than twelve persons whose particular knowledge and experience would be of assistance in the giving of advice concerning the protection and promotion of the health and safety of persons at work and with respect to occupational health generally.

(2) The membership of the council shall include persons who represent agriculture and management and labour respectively in the field of industry.

(3) One of the members of the council shall be designated as chairman by the Lieutenant Governor in Council.

(4) The member designated as chairman shall hold office at the pleasure of the Lieutenant Governor in Council.

(5) The members of the council other than the chairman shall be appointed for terms of office of such duration so that at any given time there will likely be some members who will have been in office for a sufficient period to have gained experience as council members.

(6) Each member of the council shall hold office until his successor is appointed and may be reappointed from time to time.

(7) The council shall meet at the call of the minister or the chairman but in any case at least once a year.

1972, c.86, s.9.

Duties and powers of council

10 The council may make recommendations to the minister:

- (a) concerning occupational health generally and the protection of the health and safety of workers in specific kinds of situations;
- (b) concerning the appointment of other committees by the minister to assist in the administration of this Act;
- (c) concerning any other matter referred to it by the minister for recommendation.

1972, c.86, s.10.

Appointment of other committees

11(1) The minister may, on the recommendation of the council, appoint such other committees and assign to them such duties as he deems advisable.

(2) The minister may pay the members of the council and other committees such remuneration as the Lieutenant Governor in Council may prescribe.

1972, c.86, s.11.

Certain powers of minister**12** The minister may:

- (a) appoint consultants and professional and technical personnel including legally qualified medical practitioners and make payment for consultative services and professional services in such amount as may be fixed by the Lieutenant Governor in Council;
- (b) conduct seminars and courses of training and take other measures for improving the qualifications of persons directly concerned with occupational health or being employed or intending to become employed in an occupational health service;
- (c) provide such facilities and services in the field of occupational rehabilitation as he deems advisable.

1972, c.86, s.12.

Power to require medical supervision**13(1)** Where it appears to the minister upon the advice of the chief occupational medical officer:

- (a) that in any place of employment or in any class of place of employment or in any occupation:
 - (i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work;
 - (ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or
 - (iii) a serious environmental hazard has been created of such a degree that an adverse effect upon the health of the persons exposed to such hazard could have resulted; or
- (b) that there may be risk of injury to the health of persons employed in a place of employment:
 - (i) from any substance or material brought to the place of employment to be used or handled therein; or
 - (ii) from any change in the conditions of work or other conditions in the place of employment;

he may by order, upon receiving the recommendation of the chief occupational medical officer to that effect, require such reasonable arrangements to be made for the medical supervision of the persons, or any class of the persons, employed at that place of employment or class of place of employment or the persons engaged in such occupation, as the case may be, as he considers advisable.

(2) The expression “**medical supervision**” in subsection (1) includes both complete and partial medical examinations and the making of such examinations at stated intervals.

1972, c.86, s.13.

Order for protective measures where risk of injury

14(1) Where the minister is of the opinion that any manufacture, machinery, plant, equipment, appliance, process or description of manual labour at a place of employment or a working place is of such a nature as to cause risk of bodily injury or ill health to the persons employed thereat or any class of those persons, he may by order require the person in charge of the operation of the place of employment or working place, as the case may be, to do such things for the protection of those persons as appear to him to be reasonably practicable and to meet the necessity of the case.

- (2) An order made by the minister under subsection (1) may, among other things:
- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process or description of manual labour;
 - (b) prohibit, limit or control the use of any material, process or equipment; or
 - (c) impose duties on employees as well as on the persons in charge of the operation of places of employment and working places.

1972, c.86, s.14.

Appeal of certain orders to judge of the district court

15(1) Any person aggrieved by an order of the minister made under section 14 may appeal against the order to a judge of the district court at any time within sixty days after the date of the order.

- (2) An appeal under subsection (1) shall be by motion, notice of which shall be served on the minister and on such other persons as the judge may direct.
- (3) Upon an appeal the judge may dispose of the matter in a summary way or direct an issue to be tried in court.

1972, c.86, s.15.

Appeal to Court of Appeal

16(1) Any person who was a party to an appeal under section 15 and who is aggrieved by a decision of the court or judge made on the appeal may, within thirty days after the date of the decision, appeal against the decision to the Court of Appeal.

- (2) The practice and procedure on an appeal under subsection (1) is, subject to such orders as the Court of Appeal may make in respect thereof, the same, as nearly as may be, as the practice and procedure in an appeal from a decision of a judge of the Court of Queen's Bench in an action at law.

1972, c.86, s.16.

Appeal does not stay order

17 The taking of an appeal under section 15 or 16 does not stay the operation of the order in respect of which the appeal is taken.

1972, c.86, s.17.

Reports to be furnished by medical practitioner, hospital, etc.

18(1) Every legally qualified medical practitioner or other qualified person attending or consulted respecting a person who became ill or injured:

- (a) while employed at a place of employment or a working place; or
- (b) while being otherwise engaged in an occupation;

shall furnish without charge to the chief occupational medical officer upon request of the officer such reports concerning the illness or injury of the person as the chief occupational medical officer may require for the purposes of this Act.

(2) Where an ill or injured person of the kind mentioned in subsection (1) 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 illness or injury of the person as the chief occupational medical officer may require for the purposes of this Act.

1972, c.86, s.18.

Medical examination required in certain cases

19 Where the minister is of the opinion that a person employed at a place of employment or working place has become or may become ill as a consequence of being exposed to any substance, process or environmental condition, he may by order upon receiving the recommendation of the chief occupational medical officer to that effect, require that person to undergo a medical examination and require the legally qualified medical practitioner conducting the examination to furnish the chief occupational medical officer with such reports respecting the examination as the chief occupational medical officer may require.

1972, c.86, s.19.

Occupational health committee in certain places of employment

20(1) In every place of employment at which ten or more persons are employed, the person in charge of the operation of the place of employment shall cause a committee to be established to be known as an occupational health committee.

(2) The committee shall consist of not less than two or more than twelve persons of whom at least half shall be persons representing employees other than employees connected with the management of the place of employment, and either elected by the employees they represent or appointed in accordance with the constitution of the labour union of which the employees are members.

(3) The committee shall have a continuing concern with respect to the health and safety of the persons employed in the place of employment.

(4) The person in charge of the operation of the place of employment shall cause the names of the committee to be posted in a conspicuous place.

(5) The duties of the committee include:

- (a) the receipt, consideration and disposition of complaints respecting the health and safety of the employees;
- (b) participation in the identification and control of health and safety hazards within the place of employment;
- (c) co-operation with the occupational health service if such a service has been established within the place of employment;

- (d) the establishment and promotion of health and safety programs for the education and information of the employees; and
- (e) the maintenance of records in connection with the receipt and disposition of complaints and the attendance to other matters relating to the duties of the committee.

1972, c.86, s.20.

Where occupational health service required

21(1) The minister may designate a place of employment or a class of a place of employment as requiring an occupational health service, having regard to the type of industry being carried on therein, the number of persons employed thereat and the degree of hazard thereof.

(2) Where a place of employment has been designated or is a member of a class of a place of employment designated under subsection (1), the person in charge of the operation of the place of employment shall cause an occupational health service to be established and maintained for the place of employment in accordance with this section.

(3) The minister may specify the services that are to be provided by the occupational health service for any place of employment or for a place of employment that is a member of a class of a place of employment designated under subsection (1).

(4) The establishment and continued operation of an occupational health service shall be subject to the approval of the minister.

1976, c.86, s.21.

Regulations and orders

22 The Lieutenant Governor in Council may make regulations and orders:

- (a) prescribing the standards to be established and maintained by the persons in charge of places of employment or working places for the protection of the health and safety of the persons employed thereat;
- (b) classifying places of employment;
- (c) defining wherever deemed advisable certain processes, substances and working places as being hazardous and prescribing measures to be taken for the protection of the health and safety of persons exposed thereto;
- (d) prescribing the measures to be taken by the person in charge of the operation of every place of employment that is a member of a class of place of employment specified in the regulations for the purpose of this clause for the protection of the health and safety of the persons employed thereat;
- (e) specifying those diseases and conditions contracted or received by a worker or concerning which the chief occupational medical officer is required to be notified and prescribing the manner of notification and the records to be maintained in connection with any specified disease or condition;

- (f) requiring plans of any new plant or extension of an existing plant, including the details of the processes and materials to be used, to be furnished to the division in connection with such classes of places of employment as may be specified in the regulations for the purpose of this clause;
- (g) prescribing conditions of employment, and requiring medical examinations at regular intervals, for those classes of workers specified in the regulations for the purpose of this clause who by reason of age, sex or pregnancy are or may be specially subject to risk of injury or ill health caused by the hazards of the working environment;
- (h) generally for carrying out the provisions of this Act according to their true intent.

1972, c.86, s.22.

Application to Crown

23 This Act applies to:

- (a) the Crown in right of Saskatchewan and every department, board, commission and other agency of the Crown and any Crown corporation; and
- (b) the Crown in right of Canada in so far as the Crown in right of Canada may submit to the operation of this Act.

1972, c.86, s.23.

Offences and penalties

24(1) A person who contravenes any of the provisions of this Act or the regulations or who fails to comply with an order made by the minister under this Act or any other order made pursuant to the regulations is guilty of an offence and liable on summary conviction to the fines provided by this section.

- (2) Where an offence is committed by an individual, the individual is liable:
 - (a) for a first offence to a fine of not less than \$10 or more than \$100 and, in the case of a continuing offence to a further fine not exceeding \$25 for each day during which the offence continues;
 - (b) for a second or subsequent offence to a fine of not less than \$100 or more than \$500 and, in the case of a continuing offence to a further fine not exceeding \$50 for each day during which the offence continues.
- (3) Where an offence is committed by a corporation, the corporation is liable:
 - (a) for a first offence to a fine of not less than \$100 or more than \$1,000 and, in the case of a continuing offence to a further fine not exceeding \$250 for each day during which the offence continues;
 - (b) for a second or subsequent offence to a fine of not less than \$1,000 or more than \$5,000 and, in the case of a continuing offence to a further fine not exceeding \$500 for each day during which the offence continues.
- (4) Where default is made in payment of any fine, costs or sum ordered to be paid no imprisonment in default of the payment shall be ordered.

(5) The convicting provincial magistrate or justice of the peace shall upon request of the minister supply the minister with two certified copies of any conviction made by him under or pursuant to this Act.

(6) The minister or his solicitor or agent may, upon payment of the prescribed fee, file a certified copy of the conviction under this section in the office of the local clerk of the district court at any judicial centre, and when so filed the copy of the conviction shall, for the purpose of recovering the fine, costs or sum ordered to be paid, be entered as a judgment of the district court and may be enforced as a judgment of that court.

1972, c.86, s.24.

Appropriation

25 Sums required for the purposes of this Act may be paid out of moneys appropriated by the Legislature for the purpose.

1972, c.86, s.25.

Coming into force

26 This Act comes into force on a day to be fixed by proclamation of the Lieutenant Governor.

1972, c.86, s.26.