

Nova Scotia – Elevated Work Platform

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Occupational Health and Safety Act

CHAPTER 7 OF THE ACTS OF 1996

amended 2000, c. 28, ss. 86, 87; 2004, c. 6, s. 24; 2007, c. 14, s. 7; 2009, c. 24; 2010, c. 37, ss. 117-126; 2010, c. 66; 2011, c. 24

An Act Respecting

Occupational Health and Safety

DUTIES AND PRECAUTIONS

Employers' precautions and duties

13 (1) Every employer shall take every precaution that is reasonable in the circumstances to

- (a) ensure the health and safety of persons at or near the workplace;
- (b) provide and maintain equipment, machines, materials or things that are properly equipped with safety devices;
- (c) provide such information, instruction, training, supervision and facilities as are necessary to the health or safety of the employees;
- (d) ensure that the employees, and particularly the supervisors and foremen, are made familiar with any health or safety hazards that may be met by them at the workplace;
- (e) ensure that the employees are made familiar with the proper use of all devices, equipment and clothing required for their protection; and
- (f) conduct the employer's undertaking so that employees are not exposed to health or safety hazards as a result of the undertaking.

(2) Every employer shall

- (a) consult and co-operate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace;
- (b) co-operate with any person performing a duty imposed or exercising a power conferred by this Act or the regulations;
- (c) provide such additional training of committee members or the representative as may be prescribed by the regulations;
- (d) comply with this Act and the regulations and ensure that employees at the workplace comply with this Act and the regulations; and
- (e) where an occupational health and safety policy or occupational health and safety program is required pursuant to this Act or the regulations, establish the policy or program.

(3) The employer at a subsea coal mine shall provide such additional resources or information for the committee as may be prescribed by the regulations. *1996, c. 7, s. 13; 2007, c. 14, s. 7; 2010, c. 66, s. 5.*

Precautions to be taken by contractors

14 Every contractor shall take every precaution that is reasonable in the circumstances to ensure

- (a) the health and safety of persons at or near a workplace;
- (b) that the activities of the employers and self-employed persons at the workplace are co-ordinated;
- (c) communication between the employers and self-employed persons at the workplace of information necessary to the health and safety of persons at the workplace;
- (d) that the measures and procedures prescribed pursuant to this Act and the regulations are carried out at the workplace; and
- (e) that every employee, self-employed person and employer performing work at the workplace complies with this Act and the regulations. *1996, c. 7, s. 14.*

Precautions to be taken by constructors

15 Every constructor shall take every precaution that is reasonable in the circumstances to ensure

- (a) the health and safety of persons at or near a project;
- (b) that the activities of the employers and self-employed persons at the project are co-ordinated;
- (c) communication between the employers and self-employed persons at the project of information necessary to the health and safety of persons at the project, and facilitate communication with any committee or representative required for the project pursuant to this Act or the regulations;
- (d) that the measures and procedures prescribed under this Act and the regulations are carried out on the project; and
- (e) that every employee, self-employed person and employer performing work in respect of the project complies with this Act and the regulations. *1996, c. 7, s. 15.*

Precautions to be taken by suppliers

16 Every supplier shall take every precaution that is reasonable in the circumstances to

- (a) ensure that any device, equipment, machine, material or thing supplied by the supplier is in safe condition, and in compliance with this Act and the regulations when it is supplied;
- (b) where it is the supplier's responsibility under a leasing agreement to maintain it, maintain any device, equipment, machine, material or thing in safe condition and in compliance with this Act and the regulations; and
- (c) ensure that any biological, chemical or physical agent supplied by the supplier is labelled in accordance with the applicable federal and Provincial regulations. *1996, c. 7, s. 16.*

Employees' precautions and duties

17 (1) Every employee, while at work, shall

- (a) take every reasonable precaution in the circumstances to protect the employee's own health and safety and that of other persons at or near the workplace;
- (b) co-operate with the employer and with the employee's fellow employees to protect the employee's own health and safety and that of other persons at or near the workplace;
- (c) take every reasonable precaution in the circumstances to ensure that protective devices, equipment or clothing required by the employer, this Act or the regulations are used or worn;
- (d) consult and co-operate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace;
- (e) co-operate with any person performing a duty or exercising a power conferred by this Act or the regulations; and
- (f) comply with this Act and the regulations.

(2) Where an employee believes that any condition, device, equipment, machine, material or thing or any aspect of the workplace is or may be dangerous to the employee's health or safety or that of any other person at the workplace, the employee shall

- (a) immediately report it to a supervisor;
- (b) where the matter is not remedied to the employee's satisfaction, report it to the committee or the representative, if any; and
- (c) where the matter is not remedied to the employee's satisfaction after the employee reports in accordance with clauses (a) and (b), report it to the Division. *1996, c. 7, s. 17.*

**Workplace Health and Safety Regulations
made under Section 82 of the
Occupational Health and Safety Act
S.N.S. 1996, c. 7**

**O.I.C. 2013-65 (March 12, 2013, effective June 12, 2013), N.S. Reg. 52/2013
as amended to O.I.C. 2014-405 (Sept. 23, 2014, effective Oct. 1, 2014), N.S. Reg.
143/2014**

Elevating work-platforms

23.13 (1) An employer must ensure that portable, self-propelled and self-propelled boom-supported elevating work-platforms are designed, constructed, erected, maintained, inspected, monitored and used in accordance with the latest version of the following applicable standards:

- (a) CSA standard CSA B354.1, "Portable Elevating Work Platforms";
- (b) CSA standard CSA B354.2, "Self-Propelled Elevating Work Platforms";

- (c) CSA standard CSA B354.4, “Self-Propelled, Boom-Supported Elevating Work Platforms”;
 - (d) CSA standard CSA C225, “Vehicle Mounted Aerial Devices”.
- (2) An employer must ensure that elevating work-platforms used for fire-fighting are designed, constructed, erected, maintained, inspected, monitored and used in accordance with the latest version of the following applicable standards:
- (a) NFPA standard NFPA 1901, “Standard for Automotive Fire Apparatus”;
 - (b) NFPA standard NFPA 1911, “Standard for the Inspection, Maintenance, Testing and Retirement of In Service Automotive Fire Apparatus”.
- (3) An employer must ensure that a record of inspections, tests, repairs, modifications and maintenance activities required by the applicable standards in subsections (1) and (2) includes the name and signature of the person or persons who performed the required activities.
- (4) Whether or not guardrails are also installed, before operating the equipment in subsection (1) or (2), an employer must ensure, in accordance with Part 21: Fall Protection, that fall-arrest equipment is worn and anchored to a suitable anchorage.

<http://novascotia.ca/lae/healthandsafety/docs/YourRightsandResp-en.pdf>