



Chiropractors'  
Association of  
Saskatchewan

# SAFE WORKPLACE RESPONSIBILITIES

## A GUIDEBOOK FOR CAS MEMBERS

*Disclaimer: This resource is developed to provide information and resources to assist CAS members in fulfilling their obligations under The Saskatchewan Employment Act and The Occupational Health and Safety Regulations, 1996. The information in this guidebook, while intended to be comprehensive, may contain omissions. It is imperative that each employer, owner, self-employed individual, and worker take the necessary steps to learn their roles and responsibilities within the legislation.*

November 2020

## DUTIES FOR WORKPLACE SAFETY

Everyone in the workplace is legally responsible for workplace safety. *The Saskatchewan Employment Act* uses the word "duty" to describe responsibilities. To carry out health and safety duties at a place of employment, everyone must:

- know what their duties are;
- have the authority, resources, and time to carry them out; and
- have required knowledge (education, training, and certification).

Whether you are self-employed, an employer, employee, contractor, or owner, you have responsibilities under [The Saskatchewan Employment Act](#) (SEA) Part III, Occupational Health and Safety and [The Occupational Health and Safety Regulations, 1996](#) (OHS Regs). Saskatchewan legislation places responsibility for the health and safety of workers on those who are directly responsible – executive and management of an organization (employers, owners, contractors and suppliers), supervisors, and workers. Workplace responsibility means that the employer has a legal and moral responsibility to provide a safe and healthy workplace.

**If you are a clinic owner, an employer, or are supervising staff, you have specific responsibilities regarding provision of a safe workplace and must ensure certain requirements are met.**

Some of your responsibilities as an employer outlined in the legislation are to:

- Provide a safe and healthy workplace;
- Establish and maintain an effective health and safety program and obtain input from the occupational health committee (OHC) (*if required*);
- Make sure that managers and supervisors are trained, supported, and held accountable for fulfilling their workplace health and safety requirements;
- Ensure that all work is sufficiently and competently supervised;
- Oversee the health and safety performance of their managers and supervisors;
- Make sure workers have the information, training, certification, supervision, and experience to do their jobs safely;
- Make sure medical/first aid facilities are provided as needed;
- Set-up effective occupational health committees (*if required*);
- Co-operate with the OHC, occupational health and safety (OHS) representative and other parties to resolve health and safety issues in a timely fashion;
- Keep OHC/OHS representative meeting minutes on file and readily available;
- Ensure workers are not exposed to harassment in the workplace; and
- Ensure that legal health and safety requirements are met.

## RESOURCES

There are a number of resources that can assist you as you work through these requirements including:

- Government of Saskatchewan's website - [Safety in the Workplace](#)
- [Understanding Occupational Health and Safety in Saskatchewan](#) - An overview of Saskatchewan's occupational health and safety legislation under *The Saskatchewan Employment Act* for employers and employees.
- [Supervision and Safety Guide from WorkSafe Saskatchewan](#) - This guide covers your rights, duties and responsibilities under *The Saskatchewan Employment Act*, Part III, Occupational Health and Safety, and *The Occupational Health and Safety Regulations, 1996*. It describes the role of a supervisor in operating a basic safety management program, and is to be used as a reference guide.
- [Small Business Health and Safety Log Book](#) from WorkSafe Saskatchewan – This guide is aimed at smaller businesses that have one to fifty employees and provides some useful checklists and forms for health and safety.

## GUIDE FOR CHIROPRACTIC CLINICS

This guide primarily focuses on the responsibilities of owners, employers, and supervisors to ensure a safe workplace. Resources for workers and others covered under the legislation can be found [here](#).

There are a number of in-depth documents that you should review related to the legislation, supervision and safety, policies and procedures, training, etc. While it is impossible to summarize these responsibilities and requirements in one document, several key items that each workplace (clinic) **needs to ensure they have in place – at a minimum**, which is the responsibility of the employer, include:

### 1. **Posting of The Act and Regulations** (Reference OHS Regulation 15)

An employer or contractor shall make readily available for reference of workers a copy of [The Saskatchewan Employment Act](#) and [The Occupational Health and Safety Regulations, 1996](#), as well as any standards adopted in the regulations that address work practices or procedures and that apply to the place of employment, for example, [The Occupational Health and Safety \(Workplace Hazardous Materials Information System\) Regulations](#). This information should be readily available to workers. The workplace must establish a bulletin board to post information on items related to health and safety in the workplace (e.g. a copy of the fire safety plan).

Combined, these documents are over 550 pages. You can print them by accessing the links above, or purchase a printed set of the Act and associated Regulations [here](#) for \$40 plus shipping.

**2. Occupational Health Committees** (Reference *The Saskatchewan Employment Act - Div. 4, S. 3-22 to 3-30*)

Occupational Health Committees (OHCs) are required in any workplace with **10 or more workers**. Their role is to monitor the workplace, give advice and make recommendations to their employer for eliminating/controlling hazards and keeping the workplace safe. There are specific requirements around committee composition, training, minutes and record-keeping, etc. which can be found [here](#).

Some workplaces with **less than 10 workers** require a Representative - one individual with a similar role as an OHC. It has been confirmed with the Ministry of Labour Relations and Workplace Safety that chiropractic clinics with less than 10 workers do not fit under this requirement within the legislation and therefore do not require a Representative.

Common Questions:

*We have several self-employed, independent contractors (e.g. chiropractors, therapists) in our office who are not under an employment arrangement with the clinic owner. Do they count as “workers” for the purpose of determining whether we require an OHC?*

- A worker is defined as “an individual, including a supervisor, who is engaged in the service of an employer”. Many chiropractic clinics have self-employed associates or other health professionals working in them where an employer-employee relationship does not exist. These individuals would likely not be considered workers or contribute to the worker count. However, each situation and each clinic are set up differently, so the Occupational Health Officer will look at the individual circumstances of your clinic when determining if 10 or more workers are present. You can contact the OH&S Duty Officer (Ministry of Labour Relations and Workplace Safety) at 1-800-567-7233 if you would like to proactively discuss your workplace scenario.

*We have one reception position, however three casual/part-time people rotate through the position (only one person on site in that role at any one time). Does that count as three workers, or one?*

- In this situation, the count would be three. The requirement is for 10 workers. There is no consideration to when they are at work or the number of hours per week they work.

### 3. **Written Fire Safety Plan** (Reference OHS Regulation 360)

The employer, contractor or owner shall take all reasonable steps to prevent the outbreak of a fire and provide effective means to protect workers from a fire, and develop and implement a **written fire safety plan**. This plan must include:

- the emergency procedures to be used in case of fire, including sounding the fire alarm, notifying the fire department; and evacuating endangered workers, with special provisions for workers with disabilities;
- the quantities, locations and storage methods of all flammable substances present at the place of employment;
- the designation of persons to carry out the fire safety plan and the duties of the designated persons;
- the training of designated persons and workers in their responsibilities for fire safety;
- the holding of fire drills (which must be conducted at least once during each 12-month period); and
- the control of fire hazards.

The fire safety plan must be posted in a conspicuous place for reference by workers. There do not appear to be templates available to assist with developing the fire plan. The recommendation from the Ministry of Labour Relations and Workplace Safety is to keep it simple and use the six steps outlined in the legislation (OHS Reg 360(2), listed above) to assist with development of the plan.

**Fire safety training** – The employer, contractor or owner shall ensure that those who have been assigned fire safety duties are adequately trained in, and implement, the fire safety plan. Remember to document the training.

**Fire extinguishers** - An employer, contractor or owner shall ensure that portable fire extinguishers are selected, located, inspected, maintained and tested so that the health and safety of workers at the place of employment is protected. If the fire safety plan includes the use of fire extinguishers, the workers (or any designated workers) need to be trained on the use of a fire extinguisher.

You can read more about fire protection from the Canadian Centre for Occupational Health and Safety [here](#).

### 4. **WHMIS (Workplace Hazardous Materials Information System)** (Reference OHS Regulations Part XXI Chemical and Biological Substances and [The Occupational Health and Safety \(Workplace Hazardous Materials Information System\) Regulations](#))

If a WHMIS controlled product is used in the workplace, the employer is required to:

- ensure that the chemicals have appropriate product labels;
- provide Safety Data Sheet (SDS) for the chemicals and have them readily available on-site; and
- ensure the workers receive both generic and site-specific (i.e. specific to the chemicals used in the workplace) WHMIS training. You can access **free, online WHMIS training** for your workers, provided through WorkSafe Saskatchewan [here](#).

Some consumer products, for example those that are purchased in a store and are intended from use in the home, may be in your workplace. These are likely excluded from WHMIS and include labelling following the *Canadian Consumer Product Safety Act*. These can include some cleaning products like toilet bowl cleaner and Windex, hardware products like WD-40, and office products like printer cartridges. If a consumer product is brought into a workplace environment, and it is deemed non-WHMIS, it should be treated no differently than any other workplace chemical. The hazards need to be understood, and employees working with this chemical should receive proper training and education for safe use. Remember to document and retain any records of training.

#### Common Questions:

*Is hand sanitizer a WHMIS controlled product?*

- Check with the supplier to determine if a specific hand sanitizer is a hazardous product which is not exempted. Consumer products are exempted, so most small quantity hand sanitizer would likely fall outside of the WHMIS regulations.

*Is the disinfectant we are using in our clinic a WHMIS controlled product?*

- Many of the products used in a smaller clinic type setting will likely be consumer products and be exempted from the WHMIS regulations. Check with the supplier. The recommendation to employers with non-WHMIS controlled products is often to obtain a Safety Data Sheet so you can provide appropriate training required under OHS Regulation 302(3).

#### WHMIS Resources:

- Government of Saskatchewan [WHMIS information](#)
- WorkSafe Saskatchewan [WHMIS information](#)
- Canadian Centre for Occupational Health and Safety [WHMIS 2015](#)
- [WHMIS.org](#) – Canada’s National WHMIS Portal

## 5. Training of Workers (Reference OHS Regulation 19)

See the Government of Saskatchewan [Training of Workers](#) information page.

*Training involves giving information and explanation to a worker with respect to a particular subject-matter and requiring a practical demonstration that the worker has acquired the knowledge and skill related to the subject matter.*

**Supervisor Training** - Supervisors or people “directing the work of others” need to have training and be knowledgeable with respect to matters within their responsibility (Reference OHS Regulation 17(1)) including:

- the Act and any regulations made pursuant to the Act that apply to the place of employment;
- any occupational health and safety program at the place of employment;
- the safe handling, use, storage, production and disposal of chemical and biological substances;
- the need for, and safe use of, personal protective equipment;
- emergency procedures required by these regulations; and
- any other matters that are necessary to ensure the health and safety of workers under their direction.

WorkSafe Saskatchewan offers a one-day [Supervision and Safety Course](#) that introduces supervisors to their legal responsibilities for occupational health and safety at the workplace. While this course is not mandatory, it is highly recommended.

**Worker Training** - If there is an incident such as an accident at a workplace, an occupational health officer will be required to investigate. One of the first questions they will ask is if the worker was trained. They will also ask for documentation showing that the employer did, in fact, supply training to the worker.

Employers need to ensure that workers are trained in all matters that are necessary to protect the health and safety of the worker. Several key times for training include when the worker begins work at a place of employment, or is moved from one work activity or worksite to another that differs with respect to hazards, facilities or procedures.

The training must include (Reference OHS Regulation 19(2)):

- procedures to be taken in the event of a fire or other emergency;
- the location of first aid facilities;
- identification of prohibited or restricted areas (*if applicable*);
- precautions to be taken for the protection of the worker from physical, chemical or biological hazards (*e.g. WHMIS or safe use of non-WHMIS products*);

- any procedures, plans, policies and programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the worker's work at the place of employment (*e.g. Harassment policy*); and
- any other matters that are necessary to ensure the health and safety of the worker while the worker is at work.

Time spent by workers engaged in this training must be credited and paid as work time. Employers need to ensure that no worker is permitted to perform work unless the worker has been trained and has sufficient experience to perform the work safely and in compliance with the Act and the regulations, and that they are under close and competent supervision.

You can find access to online and free training for workers from WorkSafe [here](#).

#### 6. **Harassment Policy** (*Reference OHS Regulation 36(1)*)

Everyone has the right to healthy and safe work environments that are free from harassment.

An employer is responsible to:

- Develop and implement a written harassment policy that meets the requirements of the regulations; and
- Ensure as much as reasonably practicable, that workers aren't exposed to harassment with respect to any situation arising out of the worker's employment.

For information about preventing harassment and creating a harassment policy see [The Harassment Prevention Guide](#). The Appendix in the Guide contains a long and short **sample policy** that you can use.

#### 7. **First Aid** (*Reference OHS Regulations – Part V*)

Chiropractic clinics are considered 'low hazard work' within *The Occupational Health and Safety Regulations, 1996* and as such are not required to have Class A or B attendants or other First Aid requirements under Part V of the Regulations. As best practice, it is recommended each workplace have a **First Aid Kit** containing standard supplies. A Saskatchewan Level 1 First Aid Kit can be purchased at a number of locations including [St. Johns Ambulance](#) in your local community or online, or in a number of other retail locations.

#### **Other Areas:**

**Violence Policy** – Chiropractic clinics are not required to have a violence policy statement and prevention plan as they do not fall under the list of workplaces requiring one (*Reference OHS Regulation 37*).



**Occupational Health and Safety Program** – Chiropractic clinics are not required to have a comprehensive Occupational Health and Safety Program as described in the *Act*, as they do not fall under the list of workplaces requiring one (*Reference OHS Regulation 22*).

**Working Alone** – Requirements for addressing the risks when a worker is required to work alone can be found in *OHS Regulation 35*.

## Safety Inspections

We have heard from several chiropractic clinics who have recently had Occupational Health Officers (OHOs) visit their clinics to conduct safety inspections. OHOs monitor compliance and are empowered to enter and inspect workplaces without prior notification at any reasonable time. In speaking with the Ministry of Labour Relations and Workplace Safety, there is not a focused blitz on chiropractic clinics, however, their inspectors are doing more work in healthcare related fields.

Please note these OHO visits are different from COVID-19 compliance inspections. While the OHO may generally review COVID-19 safety protocols, their main role is to inspect the workplace as per the requirements of *The Saskatchewan Employment Act* and *The Occupational Health and Safety Regulations, 1996*. Public Health Inspectors from the SHA are the officers who review specific COVID-19 protocols and compliance.

### **Process for OHO Inspection:**

- Typically, the OHO will meet the employer or supervisor and provide identification; the employer must cooperate. If the workplace is inspected, the OHO may ask a worker to accompany them; the employer must allow the selected worker to accompany the OHO.
- The OHO may inspect part or all of the workplace, review documentation (e.g. harassment policy, fire safety plan, WHMIS, training records of staff related to occupational health and safety), ask questions of staff (e.g. what would you do in the event of a fire), require a demonstration of equipment, etc..
- After the inspection, the OHO will meet with the employer and worker to review findings, and then will discuss any violations with the employer.
- If a compliance issue is found, the OHO will either:
  - require the person to enter into a [compliance undertaking](#), a written agreement where the workplace commits to take steps to comply with the legislation within a defined timeframe; or
  - serve the person with a [notice of contravention](#), a formal enforcement tool identifying contraventions of the legislation and requiring corrective action be taken within a specified date.

You can read more about inspections [here](#).

## Contact Information

### **If you have specific questions on the legislation and requirements, you can contact:**

- OH&S Duty Officer (Ministry of Labour Relations and Workplace Safety) at 1-800-567-7233.

### **If you have questions on developing resources or policies, you can contact:**

- Johnny Weigel, Account Manager – Prevention, Saskatchewan Workers' Compensation Board. Office: (306) 933-7076.

You can also contact Tracy Bertram, Executive Director, CAS at 306-585-1411 or [Tracy@saskchiro.ca](mailto:Tracy@saskchiro.ca). If you have a question, likely other members do as well. The CAS can work with the appropriate authorities to get the answers and share this information back to the membership.