

Ergonomics Requirements – Know the Laws of Your Province



In New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Yukon, MSI prevention requirements are implied rather than spelled out in regulations. While rarely fatal, repetitive strain injuries, repetitive motion injuries, cumulative trauma disorders and other musculoskeletal injuries (MSIs) are life-disrupting, painful and expensive. They're also increasingly common and now represent the fastest growing source of workers comp time loss injuries. That's why employers must implement ergonomic measures to head off the risk of MSIs in their own workplaces. Here are the specific measures required in each jurisdiction. Note: NB, NS, ON, PEI and YK also require employers to prevent ergonomic take basic measures to prevent injuries from manual lifting, carrying and transporting heavy or bulky objects but don't have OHS regulations expressly requiring broader ergonomic measures. spelling out the specific measures required.

FEDERAL

Section 19 of the COHS Regulations requires employers to, in consultation with the JHSC or health and safety representative, implement an ergonomic hazards prevention program obligating the employer to do 11 things:

1. Create an implementation timetable;
2. Create a methodology for identifying and assessing ergonomics hazards that takes into account: a. the physical demands of the work activities, work environment, work procedures, organization of the work and circumstances in which work activities are performed; and b. the characteristics of materials, goods, persons, animals, things and work spaces and the features of tools and equipment;
3. Take measures to eliminate the hazard via engineering controls such as mechanical aids, equipment design or redesign that take into account the physical attributes of the employee;
4. If elimination isn't reasonably practicable, reduce the hazard, including isolating it;

5. As a last resort, managing the hazard by providing PPE and implementing administrative procedures, e.g., use of recovery periods and breaks;
6. Train employees exposed to ergonomic hazards on the hazard prevention program, including the hazard identification and assessment methodology and preventive measures taken;
7. Review the employee training program, and, if necessary, revise it: (a) at least every 3 years; (b) whenever there's a change in conditions affecting the hazards; and (c) whenever new hazard information about an ergonomic hazard in the workplace becomes available to the employer.
8. Ensure each employee acknowledges in writing that they received the training;
9. Keep a paper or electronic record of the training provided for 2 years after the employee is no longer exposed to the hazard;
10. Evaluate the effectiveness of the ergonomic hazard prevention program, based on designated documents and information, including records and statistics relating to ergonomics-related first aid and injuries; and
11. Prepare a program evaluation report and keep it readily available for 6 years.

ALBERTA

Part 14 of the Alberta OHS Code requires employers to do 10 things to manage workplace ergonomic hazards and prevent MSIs:

1. Provide, where reasonably practicable, appropriate equipment for lifting, lowering, pushing, pulling, carrying, handling or transporting heavy or awkward loads, defined as including equipment, goods, supplies, persons and animals;
2. If the above equipment isn't reasonably practicable in a particular circumstance or for a particular heavy or awkward load, take all practicable means to (a) adapt the load to facilitate lifting, lowering, pushing, pulling, carrying, handling or transporting the load without injuring workers, or (b) otherwise minimize the manual handling required to move the load;
3. Ensure that appropriate patient/client/resident handling equipment is adequately incorporated into the design and construction of: (a) a new health care facility, and (b) a health care facility undergoing significant physical alterations, renovations or repairs;
4. Ensure that any new patient/client/resident handling equipment installed at an existing work site, including vehicles in which patient/client/resident handling occurs, fits adequately in the space intended for it;
5. Develop, implement and ensure workers follow a safe patient/client/resident handling program if workers are required to lift, transfer or reposition patients/clients/residents, and annually evaluate the program's effectiveness at preventing worker injuries;
6. Before a worker manually lifts, lowers, pushes, pulls, carries, handles or transports a load that could injure the worker, perform a hazard assessment that considers: (a) the weight of the load, (b) the size of the load, (c) the shape of the load, (d) the number of times the load will be moved, and (e) the manner in which the load will be moved;
7. Before a worker performs any manual patient/client/resident handling activities, perform a hazard assessment that considers the worker's

- physical and mental capabilities to do the work;
8. Ensure that 'all reasonably practicable measures' are used to eliminate or reduce the potential MSI risks identified in the hazard assessment, following the hierarchy of controls approach;
 9. If a worker reports to the employer what the worker believes to be work-related symptoms of an MSI, promptly: a. review the activities of that worker and other workers doing similar tasks to identify work-related causes of the symptoms, if any; and b. take corrective measures to avoid further injuries if the causes of the symptoms are work-related;
 10. Ensure that a worker exposed to risk of MSI is trained in specific measures to eliminate or reduce that possibility, including: a. identification of factors that could lead to an MSI; b. the early signs and symptoms of MSIs and their potential health effects; and c. preventive measures such as the use of altered work procedures, mechanical aids and PPE.

BRITISH COLUMBIA

Part 4 of the BC OHS Regulations requires employers to do 8 things to manage workplace ergonomic hazards:

1. Identify and assess workplace factors that may expose workers to a risk of MSI, considering: a. the physical demands of work activities, including force required, repetition, duration, work postures and local contact stresses; b. aspects of the layout and condition of the workplace or workstation, including working reaches, working heights, seating and floor surfaces; c. the characteristics of objects handled, including size and shape, load condition and weight distribution, and container, tool and equipment handles; d. the environmental conditions, including cold temperature; and e. work-recovery cycles, task variability and work rate;
2. Perform the above risk assessment in consultation with workers who have MSI symptoms and a representative sample of the workers required to perform the work being assessed;
3. Eliminate or, if that's not practicable, minimize the MSI risk;
4. Ensure that workers who may be exposed to MSI risk are educated in recognition of early signs and symptoms of MSIs and their potential health effects, and in mechanical aids, work procedures, PPE and other specific measures in place to control MSI risks;
5. Monitor the effectiveness of the measures taken to control MSI risks at least annually;
6. Take measures to correct any problems that are identified during monitoring 'without undue delay';
7. Consult with the JHSC or worker health and safety representative on: a. risk identification, assessment and control; b. worker education and training; and c. evaluation of the compliance measures taken; and
8. When performing a risk assessment, consult workers with signs or symptoms of MSIs, and a representative sample of the workers who are required to carry out the work being assessed.

MANITOBA

Sections 8.1 and 8.2 of the Manitoba WSH Regulations require employers to do 5

things to manage workplace ergonomic hazards:

1. When you're aware, or should reasonably be aware or have been advised that a work activity creates a risk of MSI, ensure that a competent person assesses the risk;
2. Implement control measures to eliminate or reduce, so far as 'reasonably practicable,' the MSI risks the assessment identifies, which may include one or more of the following: (a) providing, positioning and maintaining equipment that's designed and constructed to reduce or eliminate the risk of MSI; (b) developing and implementing safe work procedures to eliminate or reduce the MSI risk; (c) implementing work schedules that include rest and recovery periods, changes to workload or other arrangements for alternating work; (d) providing appropriate PPE;
3. Monitor the effectiveness of any control measure implemented to eliminate or reduce MSI risk;
4. Implement further reasonably practicable measures to correct MSI risks that monitoring identifies as not having been eliminated or reduced; and
5. Ensure that every worker who may be exposed to MSI risk: a. is informed of the risk and signs and common symptoms of any MSI associated with the worker's work; and b. receives instruction and training on any control measure in place.

NEW BRUNSWICK

New Brunswick OHS regulations don't specifically address ergonomic hazards. The duty to identify, assess and control them is implied under Section 9(1)(a) of the OHS Act, which requires employers to 'take every reasonable precaution to ensure the health and safety of his employees.' In addition, Section 52 of the OHS General Regulation addresses general lifting safety by specifying that if the health or safety of an employee handling an object or material may be endangered, the employer must ensure that: (a) adequate and appropriate equipment is provided to and used by the employee for lifting and moving the object or material, and (b) the employee is instructed as to the appropriate method of lifting and moving objects and material.

NEWFOUNDLAND

Part VI of the Newfoundland OHS Regulations requires employers to do 9 things to manage workplace ergonomic hazards:

1. Perform a risk assessment in consultation with: a. the JHSC, worker health and safety representative or workplace health and safety designate; b. workers with signs or symptoms of MSIs; and c. a representative sample of the workers required to carry out the work being assessed;
2. Eliminate, or where elimination isn't practicable, minimize the risk of MSI to a worker by implementing control measures 'without delay,' if necessary, using interim controls when permanent control measures are delayed;
3. Control measures may include: (a) providing, positioning and maintaining equipment designed and constructed to reduce or eliminate the risk of musculoskeletal injury; (b) developing and implementing safe work procedures to eliminate or reduce the risk of MSI; (c) implementing work

schedules that incorporate rest and recovery periods, changes to workload or other arrangements for alternating work; and (d) providing appropriate PPE;

4. Ensure that workers who are or may be exposed to MSI risk are: a. educated in risk identification related to work, including recognition of early signs and symptoms of MSIs and its potential health effects; and b. trained in the use of work procedures, mechanical aids, PPE and other specific control measures being used;
5. Monitor the effectiveness of control measures;
6. Implement further reasonably practicable measures to correct MSI risks that monitoring identifies as not having been eliminated or reduced;
7. Provide and maintain suitable seating, that is, a seat suitably designed, constructed, dimensioned and supported for the worker to do the work, including, where necessary, a footrest that can readily and comfortably support the feet, for workers that have a reasonable opportunity to sit without detriment to their work;
8. Provide an antifatigue mat, footrest or other suitable device to workers required to stand for long periods in the course of their work; and
9. If reasonably practicable, provide suitable equipment for the handling of heavy or awkward loads, or if such equipment isn't reasonably practicable, take all practicable means to adapt heavy or awkward loads to facilitate lifting, holding or transporting by workers, or otherwise minimize the manual handling required.

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NOVA SCOTIA

Nova Scotia OHS regulations don't specifically address ergonomic hazards. The duty to identify, assess and control them is implied under Section 13(1)(a) of the OHS Act, which requires employers to 'take every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace.' In addition, Section 26 of the OHS Safety General Regs. addresses general lifting safety by requiring that where the lifting or moving of a thing or person may be a hazard to the health or safety of a person at the workplace, the employer must ensure that: (a) adequate and appropriate equipment for the lifting and moving is provided; and (b) training and instruction as to the appropriate method of performing the lifting and moving is provided in accordance with the equipment manufacturer's instructions, or, where there are no equipment manufacturer's instructions, in accordance with adequate work methods and lifting and moving techniques.

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ONTARIO

Ontario OHS regulations don't specifically address ergonomic hazards. The duty to identify, assess and control them is implied under Section 25(2)(h) of the OHS Act, which requires employers to 'take every precaution reasonable in the circumstances for the protection of a worker.' In addition, Section 45 of the OHS Industrial Establishments Regulation addresses general lifting safety by providing that material, articles or things: (a) that must be lifted, carried or moved, must be lifted, carried or moved in such a way and with such precautions

and safeguards, including protective clothing, guards or other precautions as will ensure that the lifting, carrying or moving of the material, articles or things doesn't endanger the safety of any worker; (b) must be transported, placed or stored so that the material, articles or things, (i) won't tip, collapse or fall, and (ii) can be removed or withdrawn without endangering the safety of any worker; and (c) removed from a storage area, pile or rack be removed in a manner that won't endanger the safety of any worker.

PRINCE EDWARD ISLAND

Prince Edward Island OHS regulations don't specifically address ergonomic hazards. The duty to identify, assess and control them is implied under Section 12(1)(a) of the OHS Act, which requires employers to ensure that 'every reasonable precaution is taken to protect the occupational health and safety of persons at or near the workplace.' In addition, Section 43.8 of the OHS Act General Regulations set out general requirements to ensure that manual lifting and carrying is carried out safely.

QUÉBEC

Division XX of the Québec OHS Regulation requires employers to do 6 things to manage workplace ergonomic hazards:

1. Instruct workers assigned to handle loads or persons how to do their work safely;
2. Put mechanical devices at workers' disposal when the manual moving of loads or persons compromises the worker's safety;
3. Adapt the height of workbenches and the position of chairs to the work and the worker so as to ensure workers a correct posture and reduce their fatigue;
4. Locate tools, handles and materials in positions that facilitate work and reduce strain;
5. Put chairs or benches put at workers' disposal when the nature of their work permits; and
6. Give workers a break of at least 30 minutes to eat a meal when the duration of the work exceeds 5 hours, with the break to begin in a 2-hour period situated in the middle of the worker's work period, unless the sides agree otherwise.

SASKATCHEWAN

Part VI of the Saskatchewan OHS Regulations requires employers or contractors to do 13 things to manage workplace ergonomic hazards:

1. Ensure, if reasonably practicable, that suitable equipment is provided and used for the handling of heavy or awkward loads;
2. If use of such equipment is not reasonably practicable, take all practicable means to adapt heavy or awkward loads to facilitate lifting, holding or transporting by workers or otherwise minimize the manual handling required;

3. Ensure that no worker engages in the manual lifting, holding or transporting of a load that, by reason of its weight, size or shape, or by any combination of these or by reason of the frequency, speed or manner in which the load is lifted, held or transported, is likely to be injurious to the worker's health or safety;
4. Ensure that a worker who's to engage in the lifting, holding or transporting of loads receives appropriate training in safe methods of lifting, holding or carrying of loads;
5. Provide adequate anti-fatigue mats, footrests or other suitable devices workers that are required to stand for long periods in the course of their work;
6. Provide and maintain appropriate seating for workers who are allowed to sit during their work;
7. If a substantial portion of any work can properly be done sitting, provide and maintain: (a) a seat that's suitably designed, constructed, dimensioned and supported for the worker to do the work; and (b) if needed, a footrest that can readily and comfortably support the worker's feet;
8. Regularly review the activities at the place of employment that may cause or aggravate MSIs;
9. Where a risk of MSI is identified: a. inform each worker who may be exposed of the risk and the signs and common symptoms of any MSI associated with that worker's work; and b. provide effective protection for each worker who may be at risk, which may include: (i) equipment designed, constructed, positioned and maintained to reduce the harmful effects of an activity; (ii) appropriate work practices and procedures to reduce the harmful effects of an activity; (iii) work schedules that incorporate rest and recovery periods, changes in workload or other arrangements for alternating work to reduce the harmful effects of an activity;
10. Ensure that workers who may be at risk of developing MSIs are instructed in the safe performance of the worker's work, including the use of appropriate work practices and procedures, equipment and PPE;
11. If a worker has symptoms of MSI: a. advise the worker to consult a physician or a registered or licensed health care professional; and b. promptly review the activities of that worker and of other workers doing similar tasks to identify any cause of the symptoms and take corrective measures to avoid further injuries;
12. Where a worker works shifts or the work demands constant and uninterrupted mental effort or constant and uninterrupted physical exertion, in consultation with the JHSC: (a) assess the risks to the worker's health and safety of the worker's work; and (b) inform the worker of the nature and extent of the risks mentioned in clause (a) and the ways to eliminate or reduce those risks; and
13. Identify any tasks that involve a potentially harmful visual demand on a worker and: (a) take all practicable steps to reduce the harmful visual demand of those tasks; (b) inform the worker of the risk of performing those tasks; (c) advise the worker to consult a physician or an optometrist if any persistent vision impairment, disability or visual strain results from performing the tasks; (d) where a worker can't attend a consultation mentioned in clause (c) during the worker's time off work, permit the worker to attend the consultation during normal working hours without loss of pay or other benefits; and (e) where a worker can't recover the costs of a consultation mentioned in clause (c), reimburse the worker for the reasonable costs of the consultation.

NORTHWEST TERRITORIES AND NUNAVUT

The OHS Regulations require employers to do 13 things to manage workplace ergonomic hazards:

1. Ensure, if reasonably possible, that suitable equipment is provided and used for the handling of heavy or awkward loads;
2. If use of such equipment is not reasonably possible, make reasonable efforts to adapt heavy or awkward loads to facilitate lifting, holding or transporting by workers or otherwise minimize the manual handling required;
3. Ensure that no worker engages in the manual lifting, holding or transporting of a load that, by reason of its weight, size or shape, or by any combination of these or by reason of the frequency, speed or manner in which the load is lifted, held or transported, is likely to be injurious to the worker;
4. Ensure that a worker who's to engage in the lifting, holding or transporting of loads receives appropriate training in safe methods of lifting, holding or carrying of loads;
5. Provide adequate anti-fatigue mats, footrests or other suitable devices workers that are required to stand for long periods in the course of their work;
6. Provide and maintain appropriate seating for workers who are allowed to sit during their work;
7. If a substantial portion of any work can properly be done sitting, provide and maintain: (a) a seat that's suitably designed, constructed, dimensioned and supported for the worker to do the work; and (b) if needed, a footrest that can readily and comfortably support the worker's feet;
8. Regularly review the activities at the work site that may cause or aggravate MSIs;
9. Where a risk of MSI is identified: a. inform each worker who may be exposed of the risk and the signs and common symptoms of any MSI associated with that worker's work; and b. provide effective protection for each worker who may be at risk, which may include: (i) equipment designed, constructed, positioned and maintained to reduce the harmful effects of an activity; (ii) appropriate work practices and procedures to reduce the harmful effects of an activity; (iii) work schedules that incorporate rest and recovery periods, changes in workload or other arrangements for alternating work to reduce the harmful effects of an activity;
10. Ensure that workers who may be at risk of developing MSIs are instructed in the safe performance of the worker's work, including the use of appropriate work practices and procedures, equipment and PPE;
11. If a worker has symptoms of MSI: a. advise the worker to consult a physician or a registered or licensed health care professional; and b. promptly review the activities of that worker and of other workers doing similar tasks to identify any cause of the symptoms and take corrective measures to avoid further injuries;
12. Where a worker works shifts or the work demands constant and uninterrupted mental effort or constant and uninterrupted physical exertion, in consultation with the JHSC: (a) assess the risks to the worker's health and safety of the worker's work; and (b) inform the worker of the nature and

extent of the risks mentioned in clause (a) and the ways to eliminate or reduce those risks; and

13. Identify any tasks that involve a potentially harmful visual demand on a worker and: (a) take all practicable steps to reduce the harmful visual demand of those tasks; (b) inform the worker of the risk of performing those tasks; (c) advise the worker to consult a physician or an optometrist if any persistent vision impairment, disability or visual strain results from performing the tasks; (d) where a worker can't attend a consultation mentioned in clause (c) during the worker's time off work, permit the worker to attend the consultation during normal working hours without loss of pay or other benefits; and (e) where a worker can't recover the costs of a consultation mentioned in clause (c), reimburse the worker for the reasonable costs of the consultation.

YUKON

Yukon OHS regulations don't specifically address ergonomic hazards. The duty to identify, assess and control them is implied under Section 3(1) of the OHS Act, which requires employers to take 'reasonably practicable' measures to ensure the safety of the workplace. In addition, Section 8.03 of the WSC Regulations requires that mechanical appliances for lifting or carrying materials and objects that are too heavy or awkward for workers to lift be provided and used, and that workers required to lift or carry objects be trained to do the job safely.