

What Does Your Province Require You to Do: To Prevent Musculoskeletal Injuries



The hazards of musculoskeletal disorders (MSDs, aka MSIs) weren't generally recognized when OHS laws were first adopted. So as recognition of the problem grew, provinces had to revise their OHS laws to deal with it. In so doing, they followed one of 2 basic approaches.

1. Specific Ergonomics/MSI Prevention

The Federal, BC, Manitoba, Quebec and Saskatchewan governments adopted new OHS regulations specifically dedicated to MSI hazards and requiring that it be assessed and controlled via engineering, administrative, PPE, training and other measures the way other hazards identified in the OHS regulation are.

(Incidentally, this the same basic approach that most jurisdictions took for workplace violence.)

2. Incidental to Materials Handling

Ontario, Alberta, PEI, Nova Scotia and New Brunswick took a smaller scale and narrower approach. Instead of adopting new OHS Regulations specifically devoted to MSIs, they incorporated (or relied on currently existing) limited protections embedded as incidental parts of other OHS regulations, especially those covering materials handling and moving.

The General Duty Clause Backdoor

But given today's growing understanding of MSDs and what they do, a strong argument can and has been made that employers in the second group of provinces also have the kinds of broader duties spelled out in the first group, e.g., MSI hazard assessment, hierarchy of controls, etc. The difference: Those duties are implied as part of the OHS Act general duty clause.

Ergonomics Requirements By Jurisdiction

Jurisd.	Where in the Law It Says You Must Take Ergonomic Measures	Required Controls
Federal	<p><i>Canada Labour Code, Sec. 125(1)(t) and (u); and</i></p> <p><i>OHS Regs., Part XIX</i></p>	<p>* <u>Ergonomic Hazard Prevention Program providing for:</u></p> <ul style="list-style-type: none"> >Hazard identification & assessment >Prevention measures'hierarchy of controls (incl. engineering, work/administrative, PPE) > Employee education before exposure + at least every 3 years thereafter >Program evaluation at least every 3 years >Written Program evaluation reports
Alberta	<p><i>OHS Code, Part 14* + General Duty Clause</i></p>	<p><u>Ergonomic measures for lifting and moving loads, including:</u></p> <ul style="list-style-type: none"> * Hazard assessment for manual materials handling * Furnishing appropriate equipment for lifting, lowering, pushing, pulling, carrying, handling or transporting heavy or awkward loads *Incorporating patient handling equipment into design of health care facility <ul style="list-style-type: none"> * Patient handling program * Training workers to report MSDs * Taking action in response to such reports
BC	<p><i>OHS Reg., Secs. 4.46 to 4.53</i></p>	<ul style="list-style-type: none"> *MSI hazard identification & assessment *Prevention measures'hierarchy of controls (incl. engineering, work/administrative, PPE) <ul style="list-style-type: none"> * Employee education & training * Evaluate controls at least once a year * Consult JHSC/Health Safety Rep in implementing above measures
Manitoba	<p><i>Workplace Safety & Health Regs., Part 8</i></p>	<ul style="list-style-type: none"> *MSI hazard identification & assessment *Prevention measures'hierarchy of controls (incl. engineering, work/administrative, PPE) <ul style="list-style-type: none"> * Inform employee of MSI risks, controls and signs/symptoms * Evaluate controls at unspecified intervals
New Brunswick	<p>OHS General Reg, Sec. 52** + General Duty Clause</p>	<ul style="list-style-type: none"> * Ensuring adequate and appropriate equipment furnished for handling, lifting and moving objects and materials * Instructing employees in appropriate lifting and moving method
NL	<p><i>OHS Regs., Secs. 50 to 56</i></p>	<ul style="list-style-type: none"> *MSI hazard identification & assessment *Prevention measures'hierarchy of controls (incl. engineering, work/administrative, PPE) including: <ul style="list-style-type: none"> >Suitable seating and chairs for workers who sit >Anti-fatigue mat, footrest or other suitable device for workers who stand >Suitable equipment for moving/lifting big or awkward loads * Train employee of MSI risks, controls and signs/symptoms * Evaluate controls at unspecified intervals * Consult JHSC/Health Safety Rep in implementing above measures

Nova Scotia	<i>Occup. Safety General Regs., Sec. 26*** + General Duty Clause</i>	<ul style="list-style-type: none"> * Ensuring adequate and appropriate equipment for lifting and moving is provided * Training and instructing employees in appropriate method of lifting and moving
Ontario	<i>OHS Ind. Ests. Regs., Sec. 45(a)**** + General Duty Clause</i>	<ul style="list-style-type: none"> * Ensure that materials lifted, carried or moved in such a way and with such precautions/safeguards, including protective clothing, guards, etc., to ensure that the safety of no worker is endangered * Special lifting requirements for health care facilities
Prince Edward Island	<i>OHS General Regs., Sec. 43.8***** + General Duty Clause</i>	<ul style="list-style-type: none"> * Ensure that, where practicable, mechanical appliances are provided and used for lightening and carrying materials and articles; * Ensure that employees assigned to handle material are instructed how to lift and carry material on an individual basis, the overriding factor being the physical condition of each employee including sex and age when relevant
Qu�bec	<i>OHS Reg., Div. XX</i>	<ul style="list-style-type: none"> *Furnish mechanical devices if manual lifting would endanger worker's safety *Instruct workers in safe methods of handling load * Ensure that height of workbenches and position of chairs is adapted to the work and worker so as to ensure correct posture and reduce fatigue <ul style="list-style-type: none"> * Locate tools, handles and materials in positions that facilitate work and reduce strain * Put chairs or benches at worker's disposal if nature of work permits *Give workers a meal break of at least 30 minutes when work is longer than 5 hours in duration
Sask.	<i>OHS Regs., Part VI</i>	<ul style="list-style-type: none"> * MSI hazard assessment * Prevention measures'hierarchy of controls (incl. engineering, work/administrative, PPE) * Safety training and instruction including MSI symptoms *Consult workers with symptoms to consult MD or health care professional Ensure that: <ul style="list-style-type: none"> *Suitable equipment is provided and used for handling heavy or awkward loads *If use of equipment is not reasonably practicable, adapt loads to facilitate lifting, holding or transporting and minimize manual handling required * Workers don't do manual lifting if a danger would be posed by: i. their weight, size and/or shape; or ii. the speed or manner in which the load is lifted *Workers are trained in safe lifting methods *Anti-fatigue mat, footrest or other suitable device is provided for workers who stand *Footrests and a suitably designed chair is provided for workers who sit

NOTES

* In Alberta, there's no general regulation requiring ergonomic measures. Part 14 of the Alberta OHS Code addresses lifting and handling loads.

** In New Brunswick, there's no general regulation requiring ergonomic measures. Such measures as are required are contained in Part VIII which pertains to handling and storage of materials

*** In Nova Scotia, there's no general regulation requiring ergonomic measures. Such measures as are required are contained in Section 26 of the General Safety Regs. which pertains to general handling of objects and materials

****In Ontario, there's no general regulation requiring ergonomic measures. Such measures as are required are contained in the Industrial Establishments and Health Care Facilities Regs.

****In PEI, there's no general regulation requiring ergonomic measures. Such measures as are required are contained in Section 43.8 pertaining to materials handling