

SAFETY ACT

R-013-2021

Registered with the Registrar of Regulations

2021-02-26

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS, amendment

The Commissioner, on the recommendation of the Minister, under section 25 of the *Safety Act* and every enabling power, makes the annexed amendment to the *Occupational Health and Safety Regulations*, Nu.Reg. R-003-2016.

1. **These regulations amend the *Occupational Health and Safety Regulations*, Nu.Reg. R-003-2016.**
2. **Paragraph 35(2)(j) is amended by adding "or cannabis" after "alcoholic beverages" wherever it appears.**
3. **(1) Subsection 81(1) is repealed and replaced by:**
 81. (01) In this section, "smoke" has the same meaning as in the *Tobacco Control and Smoke-Free Places Act*.
 - (1) Subject to any other enactment, an employer shall control the exposure of workers to smoking at a work site.
 - (2) Paragraph 81(3)(a) and subsection 81(4) are amended by replacing "3 m" with "9 m" wherever it appears.**
4. **Clause 88(7)(a)(i)(A) is repealed and replaced by:**
 - (A) an environmental health officer as defined in the *Public Health Act*, or
5. **(1) Subparagraph 127(1)(a)(iii) is repealed and replaced by:**
 - (iii) is installed on the stairway at a height
 - (A) of between 760 mm and 860 mm above the stair tread, measured vertically from the nose of the tread, in the case of a stairway installed before the coming into force of this section,
 - (B) of between 800 mm and 920 mm above the front edge of the treads, in the case of a stairway installed on or after the coming into force of this section but before the coming into force of the *Building Code Act*, and
 - (C) as provided for in the Code, as defined in the *Building Code Act*, in force at the time the stairway was installed, in the case of a stairway installed on or after the coming into force of the *Building Code Act*, and
 - (2) Subsection 127(2) is repealed and replaced by:**
 - (2) If a handrail is required for a temporary stairway under subsection (1), an employer shall ensure that the handrail is supported by posts that are not more than 3 m apart and
 - (a) complies with the Code, as defined in *Building Code Act*, in cases where the *Building Code Act* applies to the handrail; or
 - (b) in any other case, is constructed of construction grade lumber not less than 38 mm by 89 mm or material of equivalent strength.
6. **The following is added after subsection 128(4):**
 - (4.1) In cases where the *Building Code Act* applies to a guardrail, the guardrail must be constructed in accordance with the requirements of the Code, as defined in that Act, rather than in accordance with any different requirements under subsection (1) to (4).

7. The following is added after paragraph 323(3)(b):

(b.1) cannabis as defined in the *Cannabis Act* (Canada);

8. Subsection 399(1) is repealed and replaced by:

399. (1) In this section, "National Fire Code" means the National Fire Code of Canada adopted in the regulations made under the *Fire Safety Act*. (*Code nationale de prévention des incendies*)

9. On the coming into force of section 55 of the *Tobacco and Smoking Act*, introduced as Bill 57 in the Second Session of the Fifth Legislative Assembly, subsection 81(01) is amended by replacing "*Tobacco Control and Smoke-Free Places Act*" with "*Tobacco and Smoking Act*".