

Chapter 19

AN ACT TO AMEND THE SAFETY ACT

(Assented to November 5, 2015)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **The *Safety Act* is amended by this Act.**
2. **Section 1 is amended by repealing the definition "Committee", and adding the following definitions in alphabetical order:**

"Committee" means a Joint Occupational Health and Safety Committee established under section 7.1; (*comité*)

"occupational health and safety representative" means a person designated by an employer under section 7.1; (*délégué à la santé et à la sécurité au travail*)

3. **Paragraph 6.1(c) is repealed and the following is substituted:**

- (c) ensure that any biological, chemical or physical agent supplied, sold or distributed by the supplier is labeled in accordance with applicable Acts and regulations of Canada and the regulations under this Act respecting hazardous products and a workplace hazardous materials information system; and

4. **Section 7 is repealed and the following is substituted:**

Safety program

7. Every employer shall implement and maintain an occupational health and safety program for a work site as required by the regulations.

Committees and representatives

- 7.1 (1) Every employer shall, at a work site, in accordance with the regulations,
- (a) establish a Joint Occupational Health and Safety Committee; or
 - (b) designate an occupational health and safety representative.

Duties of Committee

- (2) The duties of a Committee at a work site are
- (a) to participate in the identification and control of health and safety hazards;
 - (b) to investigate under subsection 13(5) the circumstances that caused a refusal to work;
 - (c) to promote the health and safety of workers; and
 - (d) to perform any other duties specified in this Act or the regulations.

Duties of representative

- (3) The duties of an occupational health and safety representative at a work site are
- (a) to participate in the identification and control of health and safety hazards;
 - (b) to promote the health and safety of workers; and
 - (c) to perform any other duties specified in this Act or the regulations.

Pay and benefits

(4) Every employer shall ensure, in respect of a worker who is required by this Act or the regulations to do any activity, including performing duties and functions as a member of a Committee or as an occupational health and safety representative, that

- (a) time the worker spends in that activity is credited as time at work; and
- (b) the worker does not lose any pay or benefits as a result of the time the worker spends in that activity.

5. Subsections 11(1) to (3) are repealed and the following is substituted

Confidential information

11. (1) Subject to subsections (2) and (2.1), any information obtained by a person under this Act is confidential and may only be disclosed

- (a) for the purposes of this Act or the regulations or for the purpose of administering other legislation that is administered by the Commission;
- (b) to agencies or departments of the Government of Nunavut, the Government of Canada or the government of a province or territory;
- (c) to regulatory bodies or agencies approved by the Commission;
- (d) in accordance with the *Access to Information and Protection of Privacy Act*; or
- (e) in accordance with the regulations.

Identity of informant

(2) A safety officer may disclose the identity of any person from whom information is obtained under this Act in confidence if, in the opinion of the safety officer, the disclosure is necessary to investigate or prosecute an alleged contravention of this Act or the regulations.

Privileged information

(2.1) Information provided to a person by an employer or supplier for the purposes of and in accordance with the regulations respecting a claim for exemption under the *Hazardous Materials Information Review Act* (Canada) is privileged, and exempt from disclosure under the *Access to Information and Protection of Privacy Act*.

Conditions of disclosure

(2.2) Except as provided in the regulations, a person who has obtained information described in subsection (2.1) shall not knowingly, without the written consent of the person who provided the information,

- (a) communicate the information, or allow it to be communicated, to any person, or

- (b) allow any person to inspect or to have access to any book, record, writing or other document containing that information.

Inconsistency or conflict

(2.3) To the extent that subsections (2) to (2.2) or the regulations respecting a workplace hazardous materials information system are inconsistent with or in conflict with provisions of the *Access to Information and Protection of Privacy Act*, subsections (2) to (2.2) or the regulations prevail despite that Act.

Disclosure of information

(3) No person shall disclose information obtained under this Act or the regulations except in accordance with subsection (1), (2) or (2.2).

6. Subsection 22(1) is amended by repealing subparagraph (c)(iii) and substituting the following:

- (iii) is a member of a Committee or is an occupational health and safety representative, or exercises the powers or performs the duties as a member of a Committee or an occupational health and safety representative, or

7. Section 25 is amended by repealing paragraphs (l) to (n) and substituting the following:

- (l) respecting occupational health and safety programs that must be implemented and maintained by employers under section 7;
- (m) respecting Committees and occupational health and safety representatives;
- (n) respecting hazardous products and a workplace hazardous materials information system;

REPEAL

An Act to Amend the Safety Act

8. Sections 6 and 15 of *An Act to Amend the Safety Act*, S.Nu. 2003, c.25, are repealed.