



Number 2, february 2010

Maritime Occupational Health and Safety Regulations (Draft Regulations)

Since 1987, the health and safety of employees working on board vessels belonging to federally-regulated employers have been protected by the *Marine Occupational Health and Safety Regulations* under Part II of the *Canada Labour Code*. To ensure consistency with related Canadian regulations, integrate current national and international standards and reflect existing marine industry practices, for the first time since 1987, Transport Canada has conducted an in-depth review of these Regulations.

The *Maritime Occupational Health and Safety Regulations*, published on August 22, 2009 in the *Canada Gazette*, Part I, are the proposed replacement for the current Regulations. In this second Regulations column, I would like to provide an overview of these draft Regulations, highlighting the changes proposed and their impacts.

Goals

The goal of the proposed Regulations is to prevent accidents and injury by promoting safe, fair, health, stable, cooperative and productive workplaces by setting standards which are very similar to those of the *Canada Occupational Health and Safety Regulations*, but take into account the particular characteristics of vessels as a workplace and those granted access to such vessels.

Proposed regulatory changes

On reading the proposed Regulations, you will notice four new elements.

1. Violence prevention in the workplace

Part 5 of the proposed Regulations introduces requirements for violence prevention in the workplace. Pursuant to the proposed provisions, an employer in the marine sector will be required to:

- Develop a workplace violence prevention program;
- Identify the factors that contribute to workplace violence;
- Assess the potential for workplace violence;
- Develop and implement systematic controls to eliminate or minimize workplace violence;
- Review the effectiveness of the prevention measures at least every three years;
- Develop emergency notification procedures;
- Provide employees with information and training on the factors that contribute to workplace violence.

2. Hazard Prevention Program

The Hazard Prevention Program is a new requirement the proposed Regulations introduce. Employers will be required to develop, implement and monitor a program for the prevention of occupational hazards in the workplace that is appropriate to the size of the workplace and the nature of the potential hazards. The program must include the following components:

- An implementation plan;
- A hazard identification and assessment methodology;
- Preventive measures;
- Employee health and safety education;
- Prevention program evaluation.

3. Consistency with certain existing CSA 2001 regulations

The proposed provisions update the references to the CSA 2001 regulations currently in force and incorporate certain provisions related to occupational health and safety that are currently found in other regulations.

4. Provisions derived from the MLC, 2006

The proposed Regulations include certain provisions derived from the *International Labour Organization's Maritime Labour Convention, 2006* (MLC, 2006) which pertain to crew accommodation, recreational facilities, sanitation and certain aspects of medical care. Their inclusion supports the eventual ratification of this Convention by Canada.

Impact

These regulatory changes will certainly have financial impacts for marine-sector employers and will also require additional employee training. Your sectorial committee will create an ad hoc working group on occupational health and safety to set up a short training program that includes the new regulatory standards.

Coming into force

You will be advised of the Regulations' coming into force in *Ship Safety Bulletins*, information brochures and publications available on Transport Canada's website.