

PART 1

DEFINITIONS AND GENERAL MATTERS

Definitions

1.1 The following definitions apply in this regulation.

"3 decibel exchange rate" means that when the sound energy doubles, the decibel level increases by three.

"abnormal audiogram" means an audiogram that indicates

(a) the threshold in either ear is more than 25 dB at 500, 1000 and 2000 Hz;

(b) the threshold in either ear is more than 60 dB at 3000, 4000 or 6000 Hz; or

(c) there is one-sided hearing loss with the difference in hearing threshold level between the better and the poorer ear exceeding the average of 30 dB at 3000, 4000 and 6000 Hz.

"abnormal shift" means a threshold shift, in either ear, of 15 dB at two consecutive test frequencies from 1000 Hz up to and including 6000 Hz when compared to the baseline test.

"ACGIH" means the American Conference of Governmental Industrial Hygienists.

"Act" means *The Workplace Safety and Health Act*.

"aerial device" means a vehicle-mounted or trailer-mounted telescoping or articulating device that is used to position a worker at an elevated worksite, and includes

(a) a work basket or bucket;

(b) an aerial ladder;

(c) an extendable and articulating boom platform;

(d) a vertical tower; and

(e) any combination of the devices listed in clauses (a) to (d).

"airborne" means carried by, or forming part of, the air.

"ANSI" means the American National Standards Institute.

"arboriculture" means the pruning, repair, maintenance or removal of trees.

"asbestos" means the fibrous form of crocidolite, amosite, chrysotile, anthophyllite, actinolite, tremolite or a mixture containing any of those minerals.

"asbestos-containing material" means

(a) a friable material containing 0.1% or greater asbestos; and

(b) a non-friable material containing 1.0% or greater asbestos.

"audiogram" means a written or printed record of the hearing level of a person expressed as a function of frequency.

"audiologist" means a person who is registered as a speech and hearing therapist under *The Manitoba Speech and Hearing Association Act*, R.S.M. 1990, c. 101.

"base plate" means a device used to distribute a vertical load over a large area of a sill.

"bearer" means a horizontal scaffold member on which the scaffold's work platform rests.

"biological substance" means a substance containing living organisms or parts of living organisms in their natural or modified forms.

"blast site" means the area that may be affected by a blast, and includes any area in which an unexploded charge is or may be located.

"blaster" means a person who holds a valid blaster's certificate issued under Part 34 (Explosives).

"boatswain's chair" means a seat designed for one worker which is supported by slings or a frame and is attached to a single point of suspension.

"boom" means the part of a structure that is attached to a crane or hoist superstructure and is used to support the upper end of the hoisting tackle.

"bootleg" means the bottom remnant or an intact portion of a hole that has been charged and blasted, and that contains no visible explosives.

"borehole" means a hole or cavity created by manual or mechanical means for the insertion of explosives charges.

"bulk shipment" means a shipment of a controlled product that is contained, without intermediate containment or intermediate packaging, in

- (a) a vessel with a water capacity of more than 454 litres;
- (b) a freight container, road vehicle, railway vehicle, or portable tank;
- (c) the hold of a ship; or
- (d) a pipeline.

"buoyant apparatus" mean an apparatus that

- (a) is capable of supporting the weight of a worker in water;
- (b) is constructed to remain stable when floating;
- (c) has no projections that prevent it from sliding easily over the side of a boat or ship; and
- (d) requires no adjustment before use.

"CAN" means a standard approved by the Standards Council of Canada.

"CGSB" means the Canadian General Standards Board.

"charge" means an explosive that has been prepared for detonation.

"chemical substance" means any natural or artificial substance, whether in the form of a solid, liquid, gas or vapour, other than a biological substance.

"close workplace" means a workplace from which, under normal travel conditions and using the means of transportation used at the workplace in an emergency, an ill or injured worker can be transported to a medical facility in 30 minutes or less.

"co-chairperson" means the co-chairperson of a committee.

"combustible liquid" means a liquid that has a flashpoint at or

above 37.8°C and below 93.3°C.

"commission" means the Hazardous Materials Information Review Commission established under the *Hazardous Materials Information Review Act* (Canada).

"competent" means possessing knowledge, experience and training to perform a specific duty.

"compressed air environment" means an environment in which air has been mechanically compressed so as to raise the air pressure higher than atmospheric pressure.

"confined space" means an enclosed or partially enclosed space that

- (a) except for the purpose of performing work, is not primarily designed or intended for human occupancy; and
- (b) has restricted means of access or egress.

"contaminated laundry" means laundry that has been contaminated by waste.

"controlled product" means any product, material or substance specified by the regulations made under clause 15(1)(a) of the *Hazardous Products Act* (Canada) to be included in any of the classes listed in Schedule II of that Act.

"Controlled Products Regulations" means the *Controlled Products Regulations* (Canada), SOR/88-66, made under the *Hazardous Products Act* (Canada).

"crane" means equipment that is designed to lift loads, lower loads, and move loads horizontally when they are lifted, and includes

- (a) a mobile, tower, bridge, barge-mounted, overhead or rail-mounted crane, overhead travelling crane and gantry crane;
- (b) a jib, wall and pillar crane, exceeding one tonne capacity; and
- (c) a boom truck.

"CSA" means the Canadian Standards Association.

"dBA" means the sound level in decibels as measured using the "A"-weighting network and slow meter response on a sound level meter

that meets the requirements for a Type 2 meter as specified by ANSI Standard ANSI S1.4-2003, *Specifications For Sound Level Meters*.

"decibel" or **"dB"** means a unit of measurement of sound pressure level that is equal to 20 times the logarithm to the base 10 of the ratio of the pressure of a sound, divided by the reference pressure of 20 micropascals.

"deep foundation" means a foundation unit that provides support for a building or structure by transferring loads either by end bearing to soil or rock at substantial depth below the building or structure, or by adhesion or friction or both, in the soil or rock in which it is placed, and includes a pile or caisson.

"deep foundation excavation" means an excavation for a deep foundation.

"demolition site" means the premises on which demolition work is carried out, and for certainty includes the building or structure being demolished.

"demolition work" means the demolition of the whole or a part of a building or structure.

"derrick" means a stationary or portable structure that is used to support the hoisting and lowering mechanism on a rig.

"designated material" means a chemical or biological substance which meets the criteria as a carcinogen, mutagen, respiratory sensitizer, reproductive toxin, fetotoxin or teratogen under the *Controlled Products Regulations* .

"detonator" means a device used to detonate a charge.

"distant workplace" means a workplace from which, under normal travel conditions and using the means of transportation used at the workplace in an emergency, an ill or injured worker can be transported to a medical facility in two hours or less.

"drilling rig" means the derrick and all equipment directly involved with drilling a well.

"electrical worker" means a person authorized to do electrical work or restricted electrical work under *The Electricians' Licence Act*.

"elevated work platform" means

- (a) a self-elevating work platform; and

(b) a suspended work platform; and includes a work platform that is mounted to an aerial device or a forklift or is suspended from a crane.

"emergency stop" means the operation of a circuit that

- (a) overrides all other controls;
- (b) removes drive power;
- (c) causes all moving parts to stop; and
- (d) removes power from other hazardous functions present in the safeguarded space.

"excavation" means a dug out area of ground and includes a deep foundation excavation, trench, tunnel, and shaft.

"explosive" means any substance that is made, manufactured or used to produce an explosion or detonation, and includes gunpowder and other propellant powders, blasting agents, slurries, water gels, dynamite, detonating cord, lead azide, detonators, ammunition and rockets.

"explosive-operated tool" means a tool that uses an explosive charge to bring about its action.

"fall arrest system" means a fall protection system that is designed to stop a worker's fall before the worker hits the surface below.

"fall protection system" means a fall protection system set out in section 14.6.

"falsework" means the structural supports and bracing required to safely support temporary loads during construction, and includes the placement of concrete.

"firefighter" means a worker who provides one or more of the following services at the site of an emergency:

- (a) fire suppression;
- (b) search and rescue;
- (c) emergency medical care;
- (d) hazardous materials response.

"firefighting vehicle" means a specialized vehicle that carries an assortment of tools and equipment for use by firefighters when responding to an emergency.

"first aid services" means the services of a first aider and the first aid equipment, facilities and supplies required under Part 5.

"first aid training provider" means a person, society or organization that provides a training course in first aid or cardiopulmonary resuscitation, or both, that is acceptable to the director.

"first aider" means a worker who

(a) has the qualifications of a first aider 1, 2 or 3, as set out in Schedule A of Part 5; or

(b) has equivalent qualifications approved by the director under subsection 5.5(3).

"flammable liquid" means a liquid that has a flashpoint below 37.8°C and has a vapour pressure not exceeding 275.8 kilopascals at 37.8°C.

"flammable substance" means

(a) a flammable or combustible solid, liquid or gas; or

(b) dust that is capable of creating an explosive atmosphere when suspended in air in concentrations within the explosive limit of the dust.

"flyform system" means a complete falsework structure, which is intended to be moved as a unit.

"forestry" means the cutting and harvesting of trees, the transportation of logs for processing and includes site preparation for tree planting and seeding.

"fugitive emission" means a gas, liquid, solid, vapour, fume, mist, fog or dust containing a controlled product.

"full body harness" means a device consisting of connected straps designed to contain the torso and pelvic area of a worker with provision for attaching a lanyard, lifeline or other component.

"harassment" means any objectionable conduct, comment or display by a

person that

(a) is directed at a worker in a workplace;

(b) is made on the basis of race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, political belief, political association or political activity, marital status, family status, source of income, disability, physical size or weight, age, nationality, ancestry or place of origin; and

(c) creates a risk to the health of the worker.

"haul road" means a temporary road used to haul forest products from the location where the products were cut or harvested.

"hazard information" means information on the proper and safe use, storage and handling of a controlled product and includes information relating to its toxicological properties.

"hazardous waste" means a controlled product that is intended solely for disposal or is sold for recycling or recovery.

"health care facility" means

(a) a hospital, a personal care home, a psychiatric facility, a medical clinic, a medical laboratory, a community health centre and CancerCare Manitoba;

(b) a physician's office;

(c) an ambulance as defined in *The Emergency Medical Response and Stretcher Transportation Act*;

(d) a dentist's office;

(e) a veterinary office or clinic;

(f) a laundry facility that is located in, or that provides services to, a facility referred to in clause (a); and

(g) any other workplace where physical or mental health treatment or care is provided to a person, other than a place where first aid services are provided to employees in accordance with Part 5 (First Aid).

"hoist" means equipment that is designed to lift and lower loads.

"hot work" means work that produces arcs, sparks, flames, heat or other sources of ignition.

"hours of darkness" means

(a) the period beginning 30 minutes after sunset and ending 30 minutes before sunrise; or

(b) any period when, because of insufficient light or unfavourable atmospheric conditions, persons or vehicles cannot be seen at a distance of 150 m.

"industrial audiometric technician" means a person who is licensed as an industrial audiometric technician under Part 12 (Hearing Conservation and Noise Control).

"infectious material" means a biohazardous infectious material or organism under the *Controlled Products Regulations*.

"isolated workplace" means a workplace

(a) that is normally accessible only by air; or

(b) from which, under normal travel conditions and using the means of transportation used at the workplace in an emergency, an ill or injured worker cannot be transported from the workplace to a medical facility within two hours or less.

"lanyard" means a flexible line of webbing, synthetic fibre or wire rope that is used to secure a full body harness to a lifeline or anchor.

"ledger" means a horizontal scaffold member that rests on a vertical support.

"Lex" means the level of a worker's total exposure to noise in dBA, averaged over the entire work day based on a 3 decibel exchange rate as measured by a noise dosimeter meeting the requirements of a Type 2 instrument, as specified by ANSI Standard S1.25-1991 (R2002), *Specification for Personal Noise Dosimeters*.

"licensed ambulance service" means an ambulance service licensed under *The Emergency Medical Response and Stretcher Transportation Act*.

"life jacket" means a life jacket that meets the requirements of CGSB Standard CAN/CGSB 65.7-M88, *Lifejackets, Inherently Buoyant Type*.

"lifeline" means a flexible synthetic line or rope made of fibre, wire or webbing, rigged from one or more anchors to which a worker's lanyard or other part of a fall protection system is attached.

"lockout" means the disconnection, blocking or bleeding of all sources of energy that may create a motion or action by any part of a machine and its auxiliary equipment.

"lodged tree" means a tree that has not fallen to the ground after being partly or wholly separated from its stump or displaced from its natural position.

"low hazard work" means work of an administrative, clerical or professional nature that does not ordinarily require substantial physical exertion or exposure to a potentially hazardous condition or substance.

"manufacturer's specifications" means

(a) the written specifications, instructions or recommendations provided by the manufacturer of equipment or supplies that describe how the equipment or supplies are to be constructed, erected, installed, assembled, examined, inspected, started, operated, used, handled, stored, stopped, calibrated, adjusted, maintained, repaired or dismantled; and

(b) an instruction, maintenance and operating manual, including any diagrams, for the equipment or supplies.

"material safety data sheet" means a document meeting the requirements of the *Controlled Products Regulations*.

"medical facility" means

(a) a hospital;

(b) a medical clinic;

(c) a physician's office; or

(d) a nursing station operated and administered by the Government of Manitoba or Canada or both, or operated by a person or entity under an agreement with one or both governments.

"misfire" means the remnant of a hole containing an explosive that has not been successfully detonated.

"musculoskeletal injury" means an injury or disorder of the muscles, tendons, ligaments, joints, nerves, blood vessels or related soft tissue, including a sprain, strain or inflammation that may occur to a worker in a workplace and that is caused or aggravated by any of the following:

- (a) a repetitive motion;
- (b) a forceful exertion;
- (c) vibration;
- (d) mechanical compression;
- (e) a sustained or awkward posture;
- (f) a limitation on motion or action;
- (g) any other factor that creates a risk of musculoskeletal injury.

"occupational exposure limit" means the limit of exposure of a worker to an airborne chemical or biological substance established under Part 36.

"open excavation" means an excavation in which the width is greater than the depth.

"patient" means a person receiving physical or mental treatment or care at a health care facility.

"personal flotation device" means a personal flotation device that meets the requirements of CGSB Standard CAN/CGSB 65.11-M88, *Personal Flotation Devices*.

"portable ladder" means a ladder that is not fixed in place, and includes a stepladder.

"portable wood ladder" means a portable ladder constructed out of wood.

"powered mobile equipment" means a self-propelled machine or combination of machines, including a prime mover or a vehicle, used to

- (a) manipulate or move material;
- (b) move workers; or
- (c) provide a powered aerial device for workers.

"precast concrete part" means a concrete element, including a tilt-up precast panel, that is cast in a location other than its final position in a structure.

"product identifier" means, with respect to a controlled product, the brand name, code name or code number specified by a supplier or the chemical name, common name, generic name or trade name.

"professional engineer" has the same meaning as in *The Engineering and Geoscientific Professions Act*.

"rated load" means the load that machinery or a piece of equipment is rated to bear in accordance with its design.

"residential construction" means construction work where the construction materials, methods and procedures used are those used for single and multiple family dwelling construction projects and the dwelling is designed with an eave elevation of not more than 6 m.

"restricted work envelope" means the portion of a work envelope to which a robot is restricted by devices that establish limits that cannot be exceeded if the robot's control fails.

"rig" includes a drilling rig and a well servicing rig.

"rigging" means any combination of rope, wire rope, cable, chain, sling, sheave, hook, container and associated fittings and accessories used in a hoisting operation.

"robot" means an automatically controlled, reprogrammable multi-purpose manipulator programmable in three or more axes, which may be either fixed in place or mobile for use in automation applications.

"robot system" includes a robot and all accessories required for the robot's operation, including end-effectors, pendants, devices, sensors, safeguards, power and control panels and communication interfaces to sequence and monitor the robot.

"SAE" means the Society of Automotive Engineers.

"scaffold" means a temporary work platform, including its supporting structure and all other components, used for supporting workers, materials and equipment, and, unless the context requires otherwise, includes the following types of scaffolds:

(a) a bracket scaffold, being a platform that is supported by two or more triangular brackets projecting out from a building or structure to which the brackets are securely fastened;

(b) a ladder-jack scaffold, being a platform that is supported by brackets attached to ladders;

(c) a mobile scaffold, being a freestanding scaffold that is equipped with castors or wheels at the base of the scaffold;

(d) an outrigger scaffold, being a platform that is supported by rigid members that are cantilevered out from the building or structure or from vertical supports;

(e) a pump jack scaffold, being a scaffold consisting of vertical poles, platform planking and movable platform brackets that travel on the vertical poles;

(f) a single-pole scaffold, being a work platform that is supported by bearers attached at the outer end to a single row of braced vertical supports and at the inner end to the building or structure;

(g) a tubular frame scaffold, being a work platform that is supported by welded tubular frames, cross-braces and accessories.

"SCBA" means self-contained breathing apparatus.

"self-elevating work platform" means a work platform that can be self-elevated, and includes a boom-type elevating work platform and one that rolls or is self-propelled.

"shaft" means a vertical or inclined opening that leads to an underground work area and is excavated below ground level.

"shoring" means an assembly of structural members designed to prevent earth or material from falling, sliding or rolling into an excavation.

"sill" means a footing used to distribute the load from a vertical support or a base plate of a scaffold to the ground.

"sound control measure" means an administrative or engineering control introduced in the workplace to eliminate, control or reduce a worker's exposure to noise, including

(a) the replacement, modification or elimination of noisy equipment;

(b) the modification of a building or structure; and

(c) the modification of any operation or work practice;

but does not include the use of any form of hearing protection worn by a worker.

"strut" means a horizontal cross-member of shoring that directly resists pressure.

"supplier label" means a label provided by a supplier that discloses the information and displays the hazard symbols referred to in clause 13(b) of the *Hazardous Products Act* (Canada).

"supplier material safety data sheet" means a material safety data sheet provided by a supplier that discloses the information referred to in subclauses 13(a)(i) to (v) of the *Hazardous Products Act* (Canada).

"support structure" means a structure or device designed to provide protection to workers in an excavation, tunnel or shaft from cave-ins, collapse, sliding or rolling materials, and includes shoring, bracing, piles, planking and trench cages.

"suspended work platform" includes a swing stage, powered platform, boatswain's chair, personnel basket or cage or similar work platform that is suspended by means of ropes or cables to reach an elevated worksite and is used for supporting workers, equipment and materials.

"tag-out" means the placement of a tag on a machine, tool or piece of equipment that states that workers are not to start or operate the machine, tool or piece of equipment.

"temporary support system" means a system designed to be used as a temporary support for all loads that will be or are likely to be imposed on it and includes falsework, flyforms, formwork, ramps, platforms, runways, scaffolds, braces, shoring and stairs.

"threshold limit value" means the threshold limit value for a chemical or biological substance established in the ACGIH publication, *Threshold Limit Value for Chemical Substances and Physical Agents and Biological Indices*.

"travel restraint system" means a fall protection system that is designed to prevent a worker from travelling to a location where there is a risk of falling.

"trench" means an excavation that is deeper than its width at the bottom.

"trench cage" means a steel support structure designed to resist the pressure from the walls of a trench and capable of being moved as a unit.

"trench jack" means a screw or hydraulic jack used as a brace for shoring.

"tunnel" means a generally horizontal excavation that is more than one metre long and located underground.

"violence" means

(a) the attempted or actual exercise of physical force against a person;
and

(b) any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.

"well" means a well as defined under *The Oil and Gas Act*.

"well servicing rig" means a derrick and all rig equipment directly involved with servicing a well.

"worker member" means a member of a committee elected by a union or the workers at the workplace.

"working alone" means the performance of any work function by a worker who

(a) is the only worker for that employer at that workplace at any time;
and

(b) is not directly supervised by the employer, or another person designated as a supervisor by the employer, at any time.

"working in isolation" means working in circumstances where assistance is not readily available in the event of injury, ill health or emergency.

Notice requirements

1.2(1) When this regulation requires a person to give notice to the division or the director, the notice must be given

(a) to the director or a safety and health officer, in the case of a notice that is to be given to the division; or

(b) to the director, in the case of notice that is to be given to the director.

1.2(2) Subject to section 2.7 (notice of serious incident), notice may be given

(a) verbally, by giving it in person or by telephone; or

(b) in writing, by delivering it personally or by sending it by fax, e-mail, courier or mail.

1.2(3) Notice is deemed to have been given only when the notice is received by the director or a safety and health officer.

Conformity to publications, codes and standards

1.3(1) When this regulation requires a tool, machine or other thing to meet the requirements of a publication, code or standard, the tool, machine or thing must satisfy the requirements of the most recent edition of the publication, code or standard in existence at the time it was manufactured.

1.3(2) When this regulation requires a person to perform work or other services in accordance with the requirements of a publication, code or standard, the person must perform the work or services in accordance with the requirements of the most recent edition of the publication, code or standard.

1.3(3) When this regulation requires a person to comply with a publication, code or standard, the person may, as an alternative, comply with another equivalent publication, code or standard that the director has approved in writing.

Inconsistency

1.4 If there is an inconsistency between a requirement under this regulation and a requirement contained in a publication, code or standard referenced in this regulation, the provisions of this regulation prevail.

Certification by professional engineer

1.5 Unless otherwise specified in this regulation, when this regulation requires that specifications or procedures be certified by a professional engineer,

(a) the certification must be in writing and must be signed and sealed by the professional engineer; and

(b) an employer who is responsible for obtaining the certification must ensure that a copy of it is readily available at the workplace.

Regulation applies to self-employed persons

1.6 A provision of this regulation that applies to an employer or a worker also applies, with necessary changes, to a self-employed person.

Employer's obligations extended

1.7 A provision of this regulation that applies to a worker also applies, with necessary changes, to an employer who performs work or other services.