

[On Board Trains Occupational Safety and Health Regulations \(L-2 -- SOR/87-184 \)](#)

Disclaimer: These electronic documents are not the official versions of the Statutes and Regulations of Canada.

Source: <http://laws.justice.gc.ca/en/L-2/SOR-87-184/text.html>

(Updated to December 31, 2000)

On Board Trains Occupational Safety and Health Regulations

SOR/87-184

CANADA LABOUR CODE

On Board Trains Occupational Safety and Health Regulations

REGULATIONS RESPECTING OCCUPATIONAL SAFETY AND
HEALTH OF EMPLOYEES ON TRAINS WHILE IN OPERATION
MADE UNDER PART II OF THE CANADA LABOUR CODE

[SOR/95-105, s. 1]

SHORT TITLE

1. These Regulations may be cited as the *On Board Trains Occupational Safety and Health Regulations*. SOR/95-105, s. 2(F).

PART I GENERAL

Interpretation

1.1 In these Regulations,

"Act" means Part II of the *Canada Labour Code*; (*Loi*)

"CSA" means the Canadian Standards Association; (*CSA*)

"Commission" [Repealed, SOR/95-105, s. 3]

"dangerous substance" [Repealed, SOR/88-200, s. 1]

"electrical equipment" means equipment for the generation, distribution or use of electricity; (*outillage électrique*)

"first aid" means emergency or other treatment or care that conforms to the recommended practices of the St. John Ambulance, the Canadian Red Cross Society, the Emergency Care Instruction Services or the Workers' Compensation Board of British Columbia; (*premiers soins*)

"maintenance of way equipment" means track motor cars and other rolling stock used for maintaining rails and tracks; (*véhicule d'entretien*)

"medical practitioner" [Repealed, SOR/88-200, s. 1]

"on-board accommodation" means living, eating or sleeping quarters provided on rolling stock by an employer for the accommodation of employees; (*logement à bord*)

"qualified person" means, in respect of a specified duty, a person who, because of his knowledge, training and experience, is qualified to perform that duty safely and properly; (*personne qualifiée*)

"regional safety officer" means, within the meaning of section 122 of the Act, the person designated as regional safety officer in the Railway Safety Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5; (*agent régional de sécurité*)

"rolling stock" means a locomotive, caboose, self-propelled car, box car, tank car, maintenance of way equipment, snow-plow, flanger and other mobile equipment designed to move on wheels on rails or tracks; (*matériel roulant*)

"toilet room" means a room that contains a toilet. (*cabinet de toilette*) SOR/88-200, s. 1;

Prescription

1.2 These Regulations are prescribed for the purposes of sections 125, 125.1, 125.2 and 126 of the Act. SOR/88-200, s. 2; SOR/95-105, s. 4.

Application

1.3 These Regulations apply in respect of employees on trains while in operation and in respect of all persons granted access to such trains by the employer. SOR/95-105, s. 4.

Records and Reports

1.4 Where an employer is required to keep and maintain a record, report or other document referred to in section 125 or 125.1 of the Act, the employer shall keep and maintain the record, report or other document in such a manner that it is readily available for examination by a safety officer and by the safety and health committee or the safety and health representative, if either exists, for the work place to which it applies. SOR/88-200, s. 3; SOR/95-105, s. 4.

Inconsistent Provisions

1.5 In the event of an inconsistency between any standard incorporated by reference in these Regulations and any other provision of these Regulations, that other provision of these Regulations shall prevail to the extent of the inconsistency.

1.6 Notwithstanding any provision in any standard incorporated by reference in these Regulations, a reference to another publication in that standard is a reference to the other publication as it read on April 2, 1987.

PART II ELEVATING DEVICES

Interpretation

2.1 In this Part, "elevating device" means an escalator, elevator or other device for moving

passengers or freight and that is installed on rolling stock. (*appareil de levage*) SOR/95-105, s. 5(E).

Use and Operation

2.2 No elevating device shall be used or operated with a load in excess of the load that it was designed and installed to move safely.

2.3 (1) Subject to subsection (3), no elevating device shall be used or placed in service while any safety device attached thereto is inoperative.

(2) Subject to subsection (3), no safety device attached to an elevating device shall be altered, interfered with or rendered inoperative.

(3) Subsections (1) and (2) do not apply to an elevating device or a safety device that is being inspected, tested, repaired or maintained by a qualified person.

Inspection and Testing

2.4 Every elevating device and every safety device attached thereto shall be inspected and tested by a qualified person to determine that it is in a safe operating condition and is capable of carrying any load that is likely to be imposed on it

(a) before the elevating device and the safety device attached thereto are placed in service;

(b) after an alteration to the elevating device or a safety device attached thereto; and

(c) once every 12 months.

2.5 (1) A record of each inspection and test made in accordance with section 2.4 shall

(a) be signed by the qualified person who made the inspection and test;

(b) include the date of the inspection and test and the identification and location of the elevating device and safety device that were inspected and tested; and

(c) set out the observations of the qualified person inspecting and testing the elevating device and safety device on the safety of the devices.

(2) Every record referred to in subsection (1) shall be kept by the employer for a period of two

years after the date on which it is signed in accordance with paragraph (1)(a).

Repair and Maintenance

2.6 Repair and maintenance of elevating devices and safety devices attached thereto shall be performed by a qualified person appointed by the employer.

PART III LEVELS OF LIGHTING

General

3.1 (1) The levels of lighting prescribed in this Part shall, where reasonably practicable, be provided by a lighting system installed by the employer.

(2) Where it is not reasonably practicable to comply with subsection (1), the employer shall provide portable lanterns that give the prescribed levels of lighting. SOR/95-105, s. 6(F).

Measurement of Levels of Lighting

3.2 For the purposes of this Part, the level of lighting in an area shall be measured

(a) where work is performed at a level higher than the floor, at the level at which the work is performed;

(b) where the source of lighting is at floor level, at the floor level; and

(c) in any other case, 1 m above the floor.

Minimum Levels of Lighting

3.3 The level of lighting in an area referred to in Column I of an item of Schedule I to this Part shall be not less than the level set out in Column II of that item.

3.4 The level of lighting in an area referred to in Column I of an item of Schedule II to this Part shall be not less than the level set out in Column II of that item.

Emergency Lighting

3.5 (1) Where there is a failure in the lighting system in an area through which an employee passes in carrying out procedures referred to in paragraph 13.7(2)(a), emergency lighting shall be available in the area for immediate use.

(2) The emergency lighting referred to in subsection (1) shall

(a) where reasonably practicable, operate automatically in the event of a failure of the lighting system; and

(b) provide a level of lighting of 3 dalx.

SCHEDULE I

(s. 3.3)

LEVELS OF LIGHTING IN CABOOSES, LOCOMOTIVES AND MAINTENANCE OF WAY EQUIPMENT

=====

Column I Column II

Item Area Level in dalx

1. Work surfaces while being used to read or write operating orders, timetables or other operating documents	22
2. Work surfaces of equipment while being repaired or maintained	22
3. Corridors, passageways, toilet rooms and on-board accommodations while being used by employees	3
4. Areas where meters and gauges are located, other than those that are self-illuminated	3

SCHEDULE II
(s. 3.4)
LEVELS OF LIGHTING OFF ROLLING STOCK

=====

Column I Column II

Item Area Level in dalx

1. Areas where employees are engaged in the flagging, switching and marshalling of rolling stock 5
-

PART IV
LEVELS OF SOUND

Interpretation

4.1 In this Part, "sound level meter" means an instrument for measuring levels of sound and impulse sound that meets the standards set out in American National Standards Institute Standard ANSI S1.4-1983, *Specification for Sound Level Meters*, dated February 17, 1983 and is referred to in that Standard as type 0, 1 or 2. (*sonomètre*)

Levels of Sound

4.2 (1) Subject to subsections (2) and (3) and section 4.3, the level of sound in a work place shall be less than 87 dB.

(2) Subject to subsection (3), where it is not reasonably practicable for an employer to maintain the level of sound in the work place at less than 87 dB, no employee shall be exposed in any 24 hour period

(a) to a level of sound referred to in Column I of an item of the schedule to this Part for a number of hours exceeding the number set out in Column II of that item; or

(b) to a number of different levels of sound referred to in Column I of an item of the schedule to this Part, where the sum of the following quotients exceeds 1:

(i) the number of hours of exposure to each level of sound

divided by

(ii) the maximum number of hours of exposure per 24 hour period set out in Column II of that item.

(3) Where it is not reasonably practicable for an employer to maintain the exposure of an employee to a level of sound at or below the levels referred to in subsection (1) or (2), the employer shall

(a) make a report in writing to the regional safety officer setting out the reasons why the exposure cannot be so maintained; and

(b) provide every employee entering the work place with a hearing protector that

(i) meets the standards set out in CSA Standard Z94.2-M1984, *Hearing Protectors*, the English version of which is dated June, 1984 and the French version of which is dated February, 1985, and

(ii) reduces the level of sound reaching the employee's ears to less than 87 dB.
SOR/95-105, s. 7.

4.3 Where the level of impulse sound in a work place exceeds 140 dB, the employer shall provide every employee entering the work place with a hearing protector that

(a) meets the standards set out in CSA Standard Z94.2-M1984, *Hearing Protectors*, the English version of which is dated June, 1984 and the French version of which is dated February, 1985; and

(b) reduces the peak level of impulse sound reaching the employee's ears to 140 dB or less. SOR/95-105, s. 61(F).

Sound Level Measurement

4.4 The levels of sound referred to in section 4.2 shall be measured by using the slow exponential-time-averaging characteristic and the A-weighting characteristic of a sound level meter.

4.5 The level of impulse sound referred to in section 4.3 shall be measured by using the impulse exponential-time-averaging characteristic of a sound level meter.

Warning Signs

4.6 Where in rolling stock that is a work place the level of sound is 87 dB or more or where the peak level of impulse sound exceeds 140 dB, the employer shall post signs in the rolling stock warning persons entering it

- (a) that there is a hazardous level of sound or impulse sound in the rolling stock;
- (b) if applicable, of the maximum number of hours of exposure determined under subsection 4.2(2); and
- (c) if applicable, of the requirement to wear a hearing protector.

SCHEDULE
(ss. 4.2(2))

MAXIMUM EXPOSURE TO LEVELS OF SOUND AT WORK PLACE

=====

Column I

Column II

Maximum Number of Hours
of Exposure
per Employee

Item Levels of Sound in dB per 24 hour period

1. 87 or more but less than 90 8
 2. 90 or more but less than 92 6
 3. 92 or more but less than 95 4
 4. 95 or more but less than 97 3
 5. 97 or more but less than 100 2
 6. 100 or more but less than 102 1.5
 7. 102 or more but less than 105 1
 8. 105 or more but less than 110 0.5
 9. 110 or more but less than 115 0.25
 10. 115 or more 0
-

PART V ELECTRICAL SAFETY

Interpretation

5.1 In this Part,

"control device" means a device that will safely disconnect electrical equipment from its source of energy; (*dispositif de commande*)

"guarded" means, in respect of electrical equipment, equipment that is

(a) covered, shielded, enclosed or otherwise protected in a manner that prevents injury to an employee who touches or goes near the equipment, or

(b) in a place inaccessible to employees. (*protégé*)

Safety Procedures

5.2 (1) Where work, other than the work referred to in subsection (2), is performed on electrical equipment, the employer shall adopt and implement Part VIII of the *Canada Occupational Safety and Health Regulations*.

(2) Where an employee is required to throw switches, change light bulbs or fuses or perform other work that requires no electrical training, the following procedures apply:

(a) where electrical equipment is live or may become live, no employee shall work on the equipment unless the employer has instructed the employee in procedures that are safe for work on live conductors;

(b) subject to paragraph (c), where an employee is working on or near electrical equipment that is live or may become live, the electrical equipment shall be guarded; and

(c) where it is not practicable for electrical equipment referred to in paragraph (b) to be guarded, the employer shall take measures to protect the employee from injury by insulating the equipment from the employee or the employee from ground. SOR/95-105, s. 8(F).

Switches and Control Devices

5.3 (1) Every control device shall be so designed and located as to permit quick and safe operation at all times.

(2) The path of access to every electrical switch, control device or meter shall be free from obstruction.

(3) Where an electrical switch or other control device controlling the supply of electrical energy to electrical equipment is operated only by a person authorized to do so by the employer, the switch or control device shall be fitted with a locking device that only the authorized person can activate.

PART VI SANITATION

Interpretation

6.1 In this Part,

"ARI" means the Air-Conditioning and Refrigeration Institute of the United States; (*ARI*)

"food preparation area" includes an area used for the storage of food. (*aire de préparation des aliments*)

General

6.2 (1) Every employer shall maintain each on-board accommodation and food preparation area used by employees in a clean and sanitary condition.

(2) On-board accommodation and food preparation areas shall be so used by employees that the accommodation or areas remain as clean and in as sanitary a condition as is possible. SOR/95-105, s. 9(E).

6.3 All janitorial work that may cause dusty or unsanitary conditions shall be carried out in a manner that will prevent the contamination of the air by dust or other substances injurious to health.

6.4 All on-board accommodation and toilet rooms shall be constructed and maintained in a manner that prevents adverse health and safety conditions. SOR/95-105, s. 10(F).

6.5 (1) In rolling stock on which there is on-board accommodation, the food preparation area shall be separated from the sleeping quarters.

(2) In every on-board accommodation,

(a) garbage disposal facilities shall be provided to prevent the accumulation of garbage; and

(b) potable water, vermin control, heating, ventilation and sanitary sewage systems shall be provided. SOR/95-105, s. 11(E).

6.6 (1) Each garbage container that is used for solid or liquid waste in a work place shall

(a) be equipped with a tight-fitting cover;

(b) be so constructed that it can easily be cleaned and maintained in a sanitary condition;

and

(c) be leak-proof.

(2) Each garbage container referred to in subsection (1) shall be emptied at least once every day that it is used.

6.7 Where vermin have entered any enclosed part of a work place, on-board accommodation, toilet room or food preparation area, the employer shall immediately take all steps necessary to eliminate the vermin and prevent the re-entry of the vermin.

6.8 No person shall use on-board accommodation, a toilet room or a food preparation area for the purpose of storing equipment unless

(a) a storage closet fitted with a door is provided in the on-board accommodation, toilet room or food preparation area; or

(b) the equipment is secured in a manner that protects employees from injury.

6.9 In each on-board accommodation, toilet room and food preparation area, the temperature, measured 1 m above the floor in the centre of the room or area, shall, where reasonably practicable, be maintained at a level of not less than 18°C and not more than 29°C. SOR/95-105, s. 12(F).

6.10 (1) In each on-board accommodation, toilet room and food preparation area, the floors, partitions and walls shall be so constructed that they can be easily washed and maintained in a sanitary condition.

(2) The floor and lower 150 mm of any walls and partitions that are in contact with the floor in any food preparation area or toilet room shall be water-tight and impervious to moisture. SOR/95-105, s. 13(F).

Toilet Rooms

6.11 (1) Where reasonably practicable, every employer shall provide a toilet room on rolling stock, other than rolling stock designed for transporting freight and maintenance of way equipment.

(2) Where it is not reasonably practicable to provide a toilet room pursuant to subsection (1), the employer shall provide a toilet room that is readily accessible to employees and is

(a) off the rolling stock; or

(b) coupled to the rolling stock. SOR/95-105, s. 14(F).

6.12 Every toilet room shall be fitted on the inside with a locking device that can be opened from the outside in an emergency.

6.13 (1) Subject to subsection (2), where a toilet room is provided pursuant to section 6.11 and employees of both sexes are employed at the same work place, an employer shall provide a separate toilet room for employees of each sex.

(2) An employer may provide only one toilet room for employees of both sexes if the toilet room is completely enclosed with solid material that is non-transparent from the outside.

(3) Where separate toilet rooms are provided for employees of each sex, each toilet room shall be equipped with a door that is clearly marked to indicate the sex of the employees for whom the room is provided.

6.14 (1) Subject to subsection (2), the toilet provided in a toilet room shall

(a) in the case of a locomotive, be of the self-contained chemical flush type; and

(b) in the case of a caboose, be of such a type and construction that waste is not deposited on the track bed or on any part of the caboose.

(2) Outside flush or dryhopper type toilets that are suitable for year-round use may be used in a locomotive or caboose if they were installed in that locomotive or caboose prior to May 1, 1969.

6.15 (1) Subject to subsection (2), every toilet room shall be provided with

(a) toilet paper on a holder or in a dispenser; and

(b) hand cleaning and drying supplies.

(2) An employer may provide toilet paper and hand cleaning and drying supplies to each individual employee.

(3) In or adjacent to every toilet room, a non-combustible container shall be provided for the disposal of hand cleaning and drying supplies.

(4) A covered container or a bag that is impervious to moisture shall be provided for the disposal of sanitary napkins in each toilet room for the use of female employees. SOR/95-105, s. 15.

6.16 Every employer shall, where reasonably practicable, provide at each washbasin in a toilet room hot and cold running water. SOR/95-105, s. 16(F).

6.17 Where hot water is provided for personal washing, it shall not

(a) exceed a temperature of 43°C at the discharge spout; and

(b) be heated by mixing water with steam.

6.18 In every toilet room that contains a washbasin, the employer shall provide soap or another cleaning agent in a dispenser at the washbasin.

Potable Water

6.19 (1) Subject to subsection (2), every employer shall provide employees with potable water for drinking, personal washing and food preparation that meets the standards set out in the publication entitled *Guidelines for Canadian Drinking Water Quality, 1978*, as amended in March 1990, published under the authority of the Minister of National Health and Welfare.

(2) An employer is not required to provide potable water for personal washing if waterless hand cleaning supplies are provided. SOR/95-105, s. 17.

6.20 Where it is necessary to transport water for drinking, personal washing or food preparation, only sanitary portable water containers shall be used.

6.21 Where a portable storage container for drinking water is used,

(a) the container shall be securely covered and closed;

(b) the container shall be used only for the purpose of storing potable water;

(c) the container shall not be stored in a toilet room; and

(d) where the container is not a single-use storage container, water shall be drawn from it by

(i) a tap,

(ii) a ladle used only for the purpose of drawing water from the container, or

(iii) any other means that precludes the contamination of the water.

6.22 Except where drinking water is supplied by a drinking fountain or a single-use portable storage container, sanitary single-use drinking cups shall be provided.

6.23 Any ice that is added to drinking water or used for the contact refrigeration of foodstuffs shall be

(a) made from potable water; and

(b) stored and handled in a manner that prevents contamination.

6.24 Where drinking water is supplied by a drinking fountain, the fountain shall meet the standards set out in ARI Standard 1010-82, *Standard for Drinking-Fountains and Self-Contained, Mechanically-Refrigerated Drinking-Water Coolers*, dated 1982.

Preparation, Handling, Storage and Serving of Food

6.25 (1) Each food handler shall be instructed and trained in food handling practices that prevent the contamination of food.

(2) No person who is suffering from a communicable disease shall work as a food handler.

6.26 Where food is served in a work place, the employer shall adopt and implement Section G of the *Sanitation Code for Canada's Foodservice Industry*, published by the Canadian Restaurant and Foodservices Association, dated September, 1984, other than items 2 and 11 thereof.

6.27 (1) Foods that require refrigeration to prevent them from becoming hazardous to health shall be maintained at a temperature of 4°C or lower.

(2) Where foods stored by the employer for consumption by employees require freezing to prevent them from becoming hazardous to health, the foods shall be maintained at a temperature of -11°C or lower.

6.28 All equipment and utensils that come into contact with food shall be

(a) designed to be easily cleaned;

(b) smooth, free from cracks, crevices, pitting or unnecessary indentations; and

(c) cleaned to maintain their surfaces in a sanitary condition.

6.29 No person shall eat, prepare or store food

(a) in a place where a hazardous substance may contaminate food, dishes or utensils;

(b) in a toilet room; or

(c) in any other place where food is likely to be contaminated. SOR/88-200, s. 14.

Food Waste and Garbage

6.30 (1) No food waste or garbage shall be stored in a food preparation area.

(2) Food waste and garbage shall be held in leak-proof, non-absorptive, easily-cleaned containers with tight-fitting covers in a separate enclosed area or container until removed for disposal.

Ventilation

6.31 (1) Subject to subsection (2), where reasonably practicable, the exhaust system for on-board accommodation, a toilet room or a food preparation area

(a) shall be of a mechanical type; and

(b) shall not be connected with any other exhaust or air supply system.

(2) The exhaust system for on-board accommodation, a toilet room or a food preparation area may be connected to the exhaust duct of another room at the exhaust fan inlet if it is connected in such a manner that an exchange of air between those rooms or areas cannot occur. SOR/95-105, s. 18(F).

Clothing Storage

6.32 Clothing storage facilities shall be provided by the employer for the storage of overcoats and other clothes not worn by employees while they are working.

Sleeping Quarters

6.33 In any on-board accommodation provided as sleeping quarters, each employee shall be provided with

(a) a separate bed or bunk that is not part of a unit that is more than double-tiered and is so constructed that it can be easily cleaned and disinfected;

(b) a mattress, pillow, blanket and bed cover that are kept in a clean and sanitary condition; and

(c) at least once a week, clean laundered sheets and a pillow case.

PART VII HAZARDOUS SUBSTANCES

[SOR/88-200, s. 14]

Interpretation

7.1 In this Part,

"hazard information" means, in respect of a hazardous substance, information on the proper and safe storage, handling and use of the hazardous substance, including information relating to its toxicological properties; (*renseignements sur les dangers*)

"lower explosive limit" means the lower limit of flammability of a chemical agent or a combination of chemical agents at ambient temperature and pressure, expressed

(a) for a gas or vapour, as a percentage in air by volume, and

(b) for dust, as the weight of dust per volume of air; (*limite explosive inférieure*)

"product identifier" means, in respect of a hazardous substance, the brand name, code name or code number specified by the supplier or employer or the chemical name, common name, generic name or trade name; (*identificateur du produit*)

"readily available" means present in an appropriate place in a physical copy form that can be handled; (*facilement accessible*)

"supplier" means a person who is a manufacturer, processor or Packager of a hazardous substance or a person who, in the course of business, imports or sells a hazardous substance. (*fournisseur*) SOR/88-200, s. 4; SOR/95-105, s. 19(F).

Application

7.2 Sections 7.3 to 7.5, 7.24, 7.25, 7.28 to 7.32 and 7.34 to 7.38 do not apply to the transportation or handling of dangerous goods to which the *Transportation of Dangerous Goods Act* and regulations made thereunder apply. SOR/88-200, s. 5.

DIVISION I GENERAL

[SOR/88-200, s. 6]

Hazard Investigation

7.3 (1) Where there is a likelihood that the safety or health of an employee in a work place is or may be endangered by exposure to a hazardous substance, the employer shall, without delay,

(a) appoint a qualified person to carry out an investigation; and

(b) notify the safety and health committee or the safety and health representative, if either exists, of the proposed investigation and of the name of the qualified person appointed to carry out that investigation.

(2) In the investigation referred to in subsection (1), the following criteria shall be taken into consideration:

(a) the chemical, biological and physical properties of the hazardous substance;

(b) the routes of exposure to the hazardous substance;

(c) the effects on safety and health of exposure to the hazardous substance;

(d) the state, concentration and quantity of the hazardous substance handled;

(e) the manner in which the hazardous substance is handled;

(f) the control methods used to eliminate or reduce exposure to the hazardous substance;

(g) the value, level or percentage of the hazardous substance to which an employee is likely to be exposed; and

(h) whether the value, level or percentage referred to in paragraph (g) is likely to

(i) exceed that prescribed in section 7.20 or 7.21 or Part IV, or

(ii) be less than that prescribed in Part III. SOR/88-200, s. 14; SOR/95-105, s. 20.

7.4 On completion of the investigation referred to in subsection 7.3(1) and after consultation with the safety and health committee or the safety and health representative, if either exists, the qualified person shall set out in a written report signed by the person

(a) the person's observations respecting the criteria considered in accordance with subsection 7.3(2); and

(b) the person's recommendations respecting the manner of compliance with sections 7.6 to 7.23. SOR/95-105, s. 21.

7.5 The report referred to in section 7.4 shall be kept by the employer for a period of two years after the date on which the qualified person signed the report.

Substitution of Substances

7.6 (1) No person shall use a hazardous substance for any purpose in a work place where it is reasonably practicable to substitute for it a substance that is not a hazardous substance.

(2) Where a hazardous substance is to be used for any purpose in a work place and an equivalent substance that is less hazardous is available to be used for that purpose, the equivalent substance shall be substituted for the hazardous substance where reasonably practicable. SOR/88-200, s. 14; SOR/95-105, s. 22.

Ventilation

7.7 Every ventilation system used to control the concentration of an airborne hazardous substance shall be so designed, constructed and installed that

(a) where the airborne hazardous substance is a chemical agent, the concentration of the airborne hazardous substance does not exceed the values and percentages referred to in sections 7.20 and 7.21; and

(b) where the airborne hazardous substance is not a chemical agent, the concentration of the airborne hazardous substance is not hazardous to the safety or health of employees.

Storage, Handling and Use

7.8 Every hazardous substance stored, handled or used in a work place shall be stored, handled or used in a manner whereby the hazard related to that substance is reduced to a minimum. SOR/88-200, s. 14.

7.9 Subject to subsection 7.11, where a hazardous substance is stored, handled or used in a work place, any hazard resulting from that storage, handling or use shall be confined to as small an area as practicable. SOR/88-200, s. 14.

7.10 The quantity of a hazardous substance used or processed in a work place shall, to the extent that is practicable, be limited to the quantity required for use or processing in the work place in one work day. SOR/88-200, s. 14.

7.11 Where a hazardous substance is capable of combining with another substance to form an ignitable combination and a hazard of ignition of the combination by static electricity exists in a work place, the employer shall adopt and implement the standards set out in the United States National Fire Prevention Association Inc. publication NFPA 77-1983, *Recommended Practice on Static Electricity*, dated 1983. SOR/88-200, s. 14.

7.12 to 7.14 [Repealed, SOR/88-200, s. 7]

Assembly of Pipes

7.15 Every assembly of pipes, pipe fittings, valves, safety devices, pumps, compressors and other fixed equipment that is used for transferring a hazardous substance from one location to another shall be

(a) labelled to identify the hazardous substance transferred therein;

(b) fitted with valves and other control and safety devices to ensure its safe operation; and

(c) adequate for its intended purpose having regard to the corrosiveness, pressure, temperature and other properties of the hazardous substance transferred therein. SOR/88-200, ss. 8, 14.

Employee Education

7.16 (1) Every employer shall, in consultation with the safety and health committee or the safety and health representative, if either exists, develop and implement an employee education program with respect to hazard prevention and control at the work place.

(2) The employee education program referred to in subsection (1) shall include

(a) the instruction of each employee who handles or is exposed to or is likely to handle or be exposed to a hazardous substance with respect to

(i) the product identifier of the hazardous substance,

(ii) all hazard information disclosed by the supplier of the hazardous substance or by the employer on a material safety data sheet or label,

(iii) all hazard information of which the employer is aware or ought reasonably to be aware,

(iv) the observations referred to in paragraph 7.4(a),

(v) the information disclosed on the material safety data sheet referred to in section 7.25 and the purpose and significance of that information, and

(vi) in respect of controlled products in the work place, the information required to be disclosed on a material safety data sheet and on a label by Division III and the purposes and significance of that information;

(b) the instruction and training of each employee who operates, maintains or repairs an assembly of pipes referred to in section 7.15 with respect to

(i) every valve and other control and safety device connected to the assembly of pipes, and

(ii) the procedures to follow for the proper and safe use of the assembly of pipes; and

(c) the instruction and training of each employee referred to in paragraphs (a) and (b) with respect to

(i) the procedures to follow to implement the provisions of sections 7.8, 7.9 and 7.11, and

(ii) the procedures to follow for the safe storage, handling, use and disposal of hazardous substances, including procedures to be followed in an emergency involving a hazardous substance.

(3) Every employer shall, in consultation with the safety and health committee or the safety and health representative, if either exists, review the employee education program referred to in subsection (1) and, if necessary, revise it

(a) at least once a year;

(b) whenever there is a change in conditions in respect of the hazardous substances in the work place; and

(c) whenever new hazard information in respect of a hazardous substance in the work place becomes available to the employer. SOR/88-200, s. 9; SOR/95-105, s. 24.

7.17 [Repealed, SOR/88-200, s. 9]

7.18 (1) A written record of the employee education program referred to in subsection 7.16(1) shall be kept by the employer

(a) readily available for examination by the employee; and

(b) for two years after the employee ceases

(i) to handle or be exposed to the hazardous substance or to be likely to handle or be exposed to the hazardous substance,

(ii) to operate, maintain or repair the assembly of pipes.

(2) The record referred to in subsection (1) shall include the name of the employee who was instructed and trained and the date of the instruction and training. SOR/88-200, s. 10; SOR/95-105, s. 25(F).

Medical Examinations

7.19 (1) Where the report referred to in section 7.4 contains a recommendation for a medical examination, the employer may consult a physician regarding that recommendation.

(2) Where the employer

(a) consults a physician pursuant to subsection (1) and the physician confirms the recommendation for a medical examination, or

(b) does not consult a physician pursuant to subsection (1),

the employer shall not permit an employee to work with the hazardous substance in the work place until a physician, acceptable to the employee, has examined the employee and declared the employee fit for work with the hazardous substance.

(3) Where an employer consults a physician pursuant to subsection (1), the employer shall keep a copy of the decision of the physician with the report referred to in section 7.4.

(4) The cost of a medical examination referred to in subsection (2) shall be borne by the employer. SOR/88-200, s. 11(E), 14.

Control of Hazards

7.20 (1) No employee shall be exposed to a concentration of

(a) an airborne chemical agent in excess of the value for that chemical agent adopted by the American Conference of Governmental Industrial Hygienists in its publication entitled *Threshold Limit Values and Biological Exposure Indices for 1986-1987*; or

(b) an airborne hazardous substance, other than a chemical agent, that is hazardous to the safety or health of the employee.

(2) Where there is a possibility that an employee may be exposed to a concentration of an airborne chemical agent in excess of the value referred to in paragraph (1)(a), the air shall be sampled by a qualified person and the concentration of the chemical agent determined by a test in accordance with

(a) the standards set out by the American Conference of Governmental Industrial Hygienists in its publication entitled *Manual of Analytical Methods Recommended for Sampling and Analysis of Atmospheric Contaminants*, dated 1958;

(b) the standards set out by the United States National Institute for Occupational Safety and Health in the *NIOSH Manual of Analytical Methods*, third edition, volumes 1 and 2, dated February, 1984; or

(c) a method set out in the United States *Federal Register*, volume 40, number 33, dated February 18, 1975, as amended by volume 41, number 53, dated March 17, 1976.

(3) A record of each test made pursuant to subsection (2) shall be kept by the employer for three years after the date of the test.

(4) A record referred to in subsection (3) shall include

(a) the date, time and location of the test;

(b) the chemical agent for which the test was made;

(c) the sampling and testing method used;

(d) the result obtained; and

(e) the name and occupation of the qualified person who made the test. SOR/88-200, s. 14; SOR/95-105, s. 26(F).

7.21 (1) Subject to subsection (2), the concentration of an airborne chemical agent or combination of airborne chemical agents in a work place shall be less than 50 per cent of the lower explosive limit of the chemical agent or combination of chemical agents.

(2) Where a source of ignition may ignite the concentration of an airborne chemical agent or combination of airborne chemical agents in a work place, that concentration shall not exceed 10 per cent of the lower explosive limit of the chemical agent or combination of chemical agents.

Explosive Signalling Devices

7.22 No person, other than a qualified person, shall handle or use an explosive signalling device.

Radiation Emitting Devices

7.23 (1) Where a radar device or a telecommunications transmitter capable of producing and emitting energy in excess of 5 W is used in a work place, the employer shall make a report in writing to the Radiation Protection Bureau of the Department of National Health and Welfare, setting out a description of the device or the transmitter.

(2) Where a radiofrequency device or a microwave device in the frequency range 10 MHz-300 GHz is used in a work place, the employer shall adopt and implement *Safety Code-6, recommended safety procedures for the installation and use of radiofrequency and microwave devices in the frequency range 10 MHz-300 GHz*, dated February, 1979, of the Radiation Protection Bureau of the Department of National Health and Welfare.

HAZARDOUS SUBSTANCES OTHER THAN CONTROLLED PRODUCTS

Identification

7.24 Every container of a hazardous substance, other than a controlled product, that is stored, handled or used in the work place shall be labelled in a manner that discloses clearly

(a) the name of the substance; and

(b) the hazardous properties of the substance. SOR/88-200, s. 12.

7.25 Where a material safety data sheet pertaining to a hazardous substance, other than a controlled product, that is stored, handled or used in a work place may be obtained from the supplier of the hazardous substance, the employer shall

(a) obtain a copy of the material safety data sheet; and

(b) keep a copy of the material safety data sheet readily available in the work place for examination by employees. SOR/88-200, s. 12.

DIVISION III CONTROLLED PRODUCTS

Interpretation

7.26 In this Division,

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

(a) a tank with a water capacity of more than 454 L,

(b) a freight container or a portable tank, or

(c) a road vehicle or a railway vehicle; (*expédition en vrac*)

"hazardous waste" means a controlled product that is intended solely for disposal or is sold for recycling or recovery; (*résidu dangereux*)

"manufactured article" means any article that is formed to a specific shape or design during manufacture, the intended use of which when in that form is dependent in whole or in part on its shape or design, and that, under normal conditions of use, will not release or otherwise cause a person to be exposed to a controlled product; (*article manufacturé*)

"supplier label" means, in respect of a controlled product, a label prepared by a supplier pursuant to the *Hazardous Products Act*; (*étiquette du fournisseur*)

"supplier material safety data sheet" means, in respect of a controlled product, a material safety data sheet prepared by a supplier pursuant to the *Hazardous Products Act*; (*fiche signalétique du fournisseur*)

"work place label" means, in respect of a controlled product, a label prepared by an employer pursuant to this Division; (*étiquette du lieu de travail*)

"work place material safety data sheet" means, in respect of a controlled product, a material safety data sheet prepared by an employer pursuant to subsection 7.30(1). (*fiche signalétique du lieu de travail*) SOR/88-200, s. 12.

Application

7.27 (1) This Division does not apply in respect of any

(a) wood or product made of wood;

(b) tobacco or product made of tobacco; or

(c) manufactured article.

(2) This Division, other than section 7.38, does not apply in respect of hazardous waste. SOR/88-200, s. 12.

Material Safety Data Sheets and Labels in respect of certain Controlled Products

7.28 (1) Subject to subsection (2) and section 7.37, every employer shall adopt and implement the provisions of sections 7.24 and 7.25 in respect of a controlled product and may, in so doing, replace the name of the substance with the product identifier, where the controlled product is a controlled product that

(a) is present in the work place;

(b) was received from a supplier; and

(c) is one of the following:

(i) an explosive within the meaning of the *Explosives Act*,

(ii) a cosmetic, device, drug or food within the meaning of the *Food and Drugs Act*,

(iii) a control product within the meaning of the *Pest Control Products Act*,

(iv) a prescribed substance within the meaning of the *Atomic Energy Control Act*, and

(v) a product, material or substance included in Part II of Schedule I to the *Hazardous Products Act* that is packaged as a consumer product.

(2) All radioactive materials used in a work place shall be packaged, when not in use, in accordance with the requirements of the *Transport Packaging of Radioactive Materials Regulations*. SOR/88-200, s. 12.

Supplier Material Safety Data Sheets

7.29 (1) Where a controlled product, other than a controlled product referred to in paragraph 7.28(1)(c), is received by an employer, the employer shall, at the time the controlled product is received in the work place, obtain from the supplier of the controlled product a supplier material safety data sheet, unless the employer has in his possession a supplier material safety data sheet that

(a) is for a controlled product that has the same product identifier;

(b) discloses information that is current at the time that the controlled product is received; and

(c) was prepared and dated not more than three years before the date that the controlled product is received.

(2) Where there is a controlled product in a work place and the supplier material safety data sheet pertaining to the controlled product is three years old, the employer shall, where possible, obtain from the supplier an up-to-date supplier material safety data sheet.

(3) Where it is not possible for an employer to obtain an up-to-date supplier material safety data sheet referred to in subsection (2), the employer shall update the hazard information on the most recent supplier material safety data sheet that he has received on the basis of the

ingredients disclosed in that supplier material safety data sheet. SOR/88-200, s. 12.

Work Place Material Safety Data Sheet

7.30 (1) Subject to section 7.37, where an employer receives a supplier material safety data sheet, the employer may prepare a work place material safety data sheet to be used in the work place in place of the supplier material safety data sheet if

(a) the work place material safety data sheet discloses at least the information disclosed on the supplier material safety data sheet;

(b) the information disclosed on the work place material safety data sheet does not disclaim or contradict the information disclosed on the supplier material safety data sheet;

(c) the supplier material safety data sheet is available for examination by employees in the work place; and

(d) the work place material safety data sheet discloses that the supplier material safety data sheet is available in the work place.

(2) The employer shall update the work place material safety data sheet referred to in subsection (1)

(a) as soon as is practicable in the circumstances but not later than 90 days after new hazard information becomes available to the employer; and

(b) at least once every three years.

(3) Where the information required to be disclosed by this section is not available to the employer or not applicable to the controlled product, the employer shall replace the information by the words "not available" or "not applicable", as the case may be, in the English version and the words "pas disponible" or "sans objet", as the case may be, in the French version of the material safety data sheet. SOR/88-200, s. 12.

Availability of Material Safety Data Sheet

7.31 Every employer shall keep readily available for examination in any work place in which an employee may handle or be exposed to a controlled product a copy in English and in French of

(a) in the case of an employer who is an employer referred to in subsection 7.30(1), the work place material safety data sheet; and

(b) in any other case, the supplier material safety data sheet. SOR/88-200, s. 12; SOR/95-105, s. 27(F).

Labels

7.32 (1) Subject to sections 7.33 and 7.34, each controlled product, other than a controlled product referred to in paragraph 7.28(1)(c), in a work place that is intended for use in the work place and each container in which such a controlled product is contained in a work place shall, if the controlled product or the container was received from a supplier, have applied to it a supplier label.

(2) Subject to sections 7.33, 7.34 and 7.37, where a controlled product, other than a controlled product referred to in paragraph 7.28(1)(c), is received from a supplier and an employer places the controlled product in the work place in a container, other than the container in which it was received from the supplier, the employer shall apply to the container a supplier label or a work place label that discloses the following information:

(a) the product identifier;

(b) hazard information in respect of the controlled product; and

(c) a statement indicating that a material safety data sheet for the controlled product is available in the work place.

(3) Subject to sections 7.36 and 7.37, no person shall remove, deface, modify or alter the supplier label applied to

(a) a controlled product that is in the work place; or

(b) a container of a controlled product that is in the work place. SOR/88-200, s. 12; SOR/95-105, s. 28.

Portable Containers

7.33 Where an employer stores a controlled product in the work place in a container that has applied to it a supplier label or a work place label, a portable container filled from that container does not have to be labelled in accordance with section 7.32 if

(a) the controlled product is required for immediate use; or

(b) the following conditions apply in respect of the controlled product:

- (i) it is under the control of and used exclusively by the employee who filled the portable container,
- (ii) it is used only during the work shift in which the portable container was filled, and
- (iii) it is clearly identified by a work place label applied to the portable container that discloses the product identifier. SOR/88-200, s. 12.

Special Cases

7.34 An employer shall, in a conspicuous place near a controlled product, post a sign in respect of the controlled product that discloses the product identifier if the controlled product is

- (a) in a bulk shipment that is not placed in a container at the work place; or
- (b) not in a container and stored in bulk. SOR/88-200, s. 12.

Signs

7.35 The information disclosed on a sign referred to in section 7.34 or paragraph 7.38(b) shall be of such a size that it is clearly legible to the employees in the work place. SOR/88-200, s. 12.

Replacing Labels

7.36 Where, in a work place, a label applied to a controlled product or a container of a controlled product becomes illegible or is removed from the controlled product or the container, the employer shall replace the label with a work place label that discloses the following information:

- (a) the product identifier;
- (b) hazard information in respect of the controlled product; and
- (c) a statement indicating that a material safety data sheet for the controlled product is available in the work place. SOR/88-200, s. 12; SOR/95-105, s. 29(F).

Exemptions from Disclosure

7.37 (1) Subject to subsection (2), where an employer has filed a claim for exemption from the requirement to disclose information on a material safety data sheet or on a label pursuant to subsection 11(2) of the *Hazardous Materials Information Review Act*, the employer shall disclose, in place of the information that the employer is exempt from disclosing,

(a) where there is no final disposition of the proceedings in relation to the claim, the date that the claim for exemption was filed and the registry number assigned to the claim under the *Hazardous Materials Information Review Act*; and

(b) where the final disposition of the proceedings in relation to the claim is that the claim is valid, a statement that an exemption has been granted and the date on which the exemption was granted.

(2) Where a claim for exemption referred to in subsection (1) is in respect of the chemical name, common name, generic name, trade name or brand name of a controlled product, the employer shall, on the material safety data sheet or label of the controlled product, replace that information with a code name or code number specified by the employer as the product identifier for that controlled product. SOR/88-200, s. 12; SOR/95-105, s. 30(F).

Hazardous Waste

7.38 Where a controlled product in the work place is hazardous waste, the employer shall clearly identify it as hazardous waste by

(a) applying a label to the hazardous waste or its container; or

(b) posting a sign in a conspicuous place near the hazardous waste or its container.
SOR/88-200, s. 12.

Information Required in a Medical Emergency

7.39 For the purposes of subsection 125.2(1) of the Act, a medical professional is a registered nurse registered or licensed under the laws of a province. SOR/88-200, s. 12; SOR/95-105, s. 31.

DIVISION IV

PART VIII SAFETY MATERIALS, EQUIPMENT, DEVICES AND CLOTHING

Interpretation

8.1 In this Part,

"oxygen deficient atmosphere" means an atmosphere in which there is less than 18 per cent by volume of oxygen at a pressure of one atmosphere or in which the partial pressure of oxygen is less than 135 mm Hg; (*air à faible teneur en oxygène*)

"protection equipment" means safety materials, equipment, devices and clothing. (*équipement de protection*)

General

8.2 Where

(a) it is not reasonably practicable to eliminate a safety or health hazard in a work place or to control it within safe limits, and

(b) the use of protection equipment may prevent or reduce injury from that hazard,

every person granted access to the work place who is exposed to that hazard shall use the protection equipment prescribed by this Part. SOR/95-105, s. 33(F).

8.3 All protection equipment

(a) shall be designed to protect the person from the hazard for which it is provided; and

(b) shall not in itself create a hazard.

8.4 All protection equipment provided by the employer shall

(a) be maintained, inspected and tested by a qualified person; and

(b) where necessary to prevent a health hazard, be maintained in a clean and sanitary

condition by a qualified person.

Protective Headwear

8.5 Where there is a hazard of head injury in a work place, the employer shall provide protective headwear that meets the standards set out in CSA Standard Z94.1-M1977, *Industrial Protective Headwear*, the English version of which is dated April, 1977, as amended to September, 1982 and the French version of which is dated April, 1980 as amended to September, 1982. SOR/95-105, s. 61(F).

Protective Footwear

8.6 (1) Where there is a hazard of a foot injury or electric shock through footwear in a work place, protective footwear that meets the standard set out in CSA Standard Z195-M1984, *Protective Footwear*, the English version of which is dated March, 1984 and the French version of which is dated December, 1984, shall be used.

(2) Where there is a hazard of slipping in a work place, non-slip footwear shall be used. SOR/95-105, s. 61(F).

Eye and Face Protection

8.7 Where there is a hazard of injury to the eyes, face, ears or front of the neck of an employee in a work place, the employer shall provide the employee with an eye or face protector that meets the standards set out in the CSA Standard CAN/CSA Z94.3-M88, *Industrial Eye and Face Protectors*, the English version of which is dated July 1988 and the French version of which is dated April 1990. SOR/95-105, s. 34.

Respiratory Protection

8.8 (1) Where there is a hazard of an airborne hazardous substance or an oxygen deficient atmosphere in a work place, the employer shall provide a respiratory protective device that is listed in the *NIOSH Certified Equipment List as of October 1, 1984*, dated February, 1985, published by the United States National Institute for Occupational Safety and Health.

(2) A respiratory protective device referred to in subsection (1) shall be selected, fitted, cared for, used and maintained in accordance with the standards set out in CSA Standard Z94.4-M1982, *Selection, Care and Use of Respirators*, the English version of which is dated May, 1982, as amended to September, 1984 and the French version of which is dated March, 1983,

as amended to September, 1984, excluding clauses 6.1.5, 10.3.3.1.2 and 10.3.3.4.2(c).

(3) Where air is provided for the purpose of a respiratory protective device referred to in subsection (1),

(a) the air shall meet the standards set out in clauses 5.5.2 to 5.5.11 of CSA Standard CAN3-Z180.1-M85, *Compressed Breathing Air and Systems*, the English version of which is dated December 1985 and the French version of which is dated November 1987; and

(b) the system that supplies air shall be constructed, tested, operated and maintained in accordance with the CSA Standard referred to in paragraph (a). SOR/88-200, s. 14. SOR/95-105, ss. 35, 61(F).

8.9 Where a steel or aluminum self-contained breathing apparatus cylinder has a dent deeper than 1.5 mm and less than 50 mm in major diameter or shows evidence of deep isolated pitting, cracks or splits, the cylinder shall be removed from service until it has been shown to be safe for use by means of a hydrostatic test at a pressure equal to one and one-half times the maximum allowable working pressure. SOR/95-105, s. 36.

Skin Protection

8.10 Where there is a hazard of injury or disease to or through the skin of a person in a work place, the employer shall provide every person granted access to the work place with

(a) a shield or screen;

(b) a cream to protect the skin; or

(c) an appropriate body covering. SOR/95-105, s. 37.

Loose Clothing

8.11 Loose-fitting clothing, long hair, dangling accessories, jewellery or other similar items that are likely to be hazardous to the safety or health of an employee in a work place shall not be worn unless they are so tied, covered or otherwise secured as to prevent the hazard.

Records

8.12 (1) A record of all protection equipment provided by the employer shall be kept by him for a period of two years after the equipment ceases to be used.

(2) The record referred to in subsection (1) shall contain

(a) a description of the equipment and the date of its acquisition by the employer;

(b) the date and result of each inspection and test of the equipment;

(c) the date and nature of any maintenance work performed on the equipment since its acquisition by the employer; and

(d) the name of the person who performed the inspection, test or maintenance of the equipment.

Instructions and Training

8.13 (1) Every person granted access to the work place who uses protection equipment shall be instructed by the employer in the use of the equipment.

(2) Every employee who uses protection equipment shall be instructed and trained in the use, operation and maintenance of the equipment.

(3) The instructions referred to in subsection (2) shall be

(a) set out in writing; and

(b) kept by the employer readily available for examination by every person granted access to the work place. SOR/95-105, s. 38(F).

Defective Protection Equipment

8.14 Where an employee finds any defect in protection equipment that may render it unsafe for use, he shall report the defect to his employer as soon as possible.

8.15 An employer shall mark or tag as unsafe and remove from service any protection equipment used by his employees that has a defect that may render it unsafe for use.

PART IX HAND TOOLS AND MATERIALS HANDLING

Interpretation

9.1 In this Part, "hand tool" means a tool designed to be held in the hand and operated by manual power. (*outil à main*)

Hand Tools

9.2 Where an employee finds any defect in a hand tool that may render it unsafe for use, he shall report the defect to his employer as soon as possible.

9.3 An employer shall mark or tag as unsafe and remove from service any hand tool used by his employees that has a defect that may render it unsafe for use.

Manual Handling of Materials

9.4 Where, because of the weight, size, shape, toxicity or other characteristic of materials, goods or things, the manual handling of the materials, goods or things may be hazardous to the safety or health of an employee, the employer shall issue instructions that the materials, goods or things shall, where reasonably practicable, not be handled manually. SOR/95-105, s. 39(F).

9.5 Where an employee is required to manually lift or carry loads in excess of 10 kg, the employee shall be instructed and trained by the employer

(a) in a safe method of lifting and carrying the loads; and

(b) in a work procedure appropriate to the conditions of the work place and the employee's physical condition.

9.6 Where an employee is required to manually lift or carry loads in excess of 45 kg, the instructions given to the employee in accordance with section 9.5 shall be

(a) set out in writing;

(b) readily available to the employee to whom they apply; and

(c) kept by the employer for two years after the instructions cease to apply.

9.7 Where a hand cart is provided for use in a work place, it shall be

(a) capable of carrying the intended load without tipping; and

(b) where the hand cart is used for serving food or beverages, fitted with a braking mechanism to prevent uncontrolled movement of the hand cart.

PART X ROLLING STOCK

DIVISION I DESIGN AND CONSTRUCTION

General

10.1 Rolling stock shall, to the extent that is reasonably practicable, be so designed and constructed that a failure of any part of the rolling stock will not result in loss of control of the rolling stock or create a hazardous condition. SOR/95-105, s. 40(F).

Fuel Tanks

10.2 Where a fuel tank, compressed gas cylinder or similar container contains a hazardous substance and is mounted on rolling stock, it shall be

(a) so located or protected that under all conditions it is not hazardous to the safety or health of an employee who is required to operate or ride on the rolling stock; and

(b) connected to fuel overflow and vent pipes that are so located that fuel spills and vapours cannot

(i) be ignited by hot exhaust pipes or other hot or sparking parts, or

(ii) be hazardous to the safety or health of an employee who is required to operate or ride on the rolling stock. SOR/88-200, s. 14; SOR/95-105, s. 41(F).

Protection from Elements

10.3 (1) All rolling stock shall be fitted with a roof or other structure that protects the operator from exposure to any weather condition that is likely to be hazardous to his safety or health.

(2) Where heat produced by self-propelled rolling stock is capable of raising the temperature in

the operator's compartment or position to 29°C or higher, the compartment or position shall be protected from the heat by an insulated barrier.

Vibration

10.4 All self-propelled rolling stock shall be so designed and constructed that the operator will not be injured or his control of the rolling stock impaired by any vibration, jolting or uneven movement of the rolling stock.

Controls

10.5 The arrangement and design of dial displays and the controls and general layout and design of the operator's compartment or position on all self-propelled rolling stock shall not hinder or prevent the operator from operating the rolling stock.

Control Systems

10.6 All self-propelled rolling stock shall be fitted with braking and other control systems that

(a) are capable of safely controlling and stopping the movement of the rolling stock or any accessory equipment that is on or part of the rolling stock; and

(b) respond reliably and quickly to moderate effort on the part of the operator.

Electric Rolling Stock

10.7 Self-propelled rolling stock that is electrically powered shall be so designed and constructed that the operator and all other employees are protected from electrical shock or injury by means of protective guards, screens or panels secured by bolts, screws or other equally reliable fasteners.

Automatic Rolling Stock

10.8 Where rolling stock that is controlled or operated by a remote or automatic system may make physical contact with an employee, it shall be prevented from doing so by the provision of an emergency stop system.

Warnings

10.9 Where self-propelled rolling stock is used for transporting passengers or a locomotive is operated in an area occupied by employees, the rolling stock or locomotive shall be fitted with a horn or other audible warning device that emits a distinctive sound that can be heard clearly above the noise of that rolling stock or locomotive and any ambient noise. SOR/95-105, s. 42(E).

DIVISION II MAINTENANCE, OPERATION AND USE

Inspection, Testing and Maintenance

10.10 (1) Before a class of rolling stock is operated for the first time in a work place, the employer shall set out in writing instructions for the inspection, testing and maintenance of that class of rolling stock.

(2) The instructions referred to in subsection (1) shall specify the nature and frequency of inspections, tests and maintenance.

10.11 (1) Every inspection, test and maintenance of rolling stock shall be performed by a qualified person.

(2) The qualified person referred to in subsection (1) shall

(a) comply with the instructions referred to in subsection 10.10 (1); and

(b) make and sign a report of each inspection, test or maintenance work performed by him.

(3) The report referred to in paragraph (2)(b) shall

(a) include the date of the inspection, test or maintenance work performed by the qualified person;

(b) identify the rolling stock that was inspected, tested or maintained; and

(c) set out the safety observations of the qualified person inspecting, testing or maintaining the rolling stock.

(4) The employer shall keep a copy of the instructions referred to in subsection 10.10(1) for as long as the rolling stock is in use.

(5) The employer shall keep a copy of the report referred to in paragraph (2)(b) for one year after the report is signed. SOR/95-105, s. 43.

Operator Instruction and Training

10.12 (1) Every operator of self-propelled rolling stock shall be instructed and trained by the employer in the procedures to be followed for

(a) the safe and proper use of the rolling stock; and

(b) the fuelling of the rolling stock, where applicable.

(2) Every employer shall keep a record of any instruction and training referred to in subsection (1) for as long as the operator remains in his employ.

Operation

10.13 No employer shall require an employee to operate self-propelled rolling stock unless the employee is capable of operating the rolling stock safely.

Repairs

10.14 Any repair, modification or replacement of a part of any rolling stock shall not decrease the safety of the rolling stock or part.

Transporting and Positioning of Employees

10.15 Rolling stock shall not be used for transporting or positioning an employee unless the rolling stock is designed for that purpose.

Employee Seating

10.16 Where seating is provided for employees on rolling stock, it shall be securely installed and, where reasonably practicable, upholstered with a material that breathes. SOR/95-105, s. 44(F).

Housekeeping

10.17 The floor and the cab and other occupied parts of rolling stock shall, in so far as is reasonably practicable, be kept free of any grease, oil, ice, materials, tools or equipment that may cause an employee to slip or trip. SOR/95-105, s. 45.

Fuelling

10.18 Where rolling stock is fuelled in a work place, the fuelling shall be done in accordance with the instructions given by the employer pursuant to paragraph 10.12(1)(b) in a place where the vapours from the fuel are readily dissipated.

Tools

10.19 Where tools, tool boxes or spare parts are carried on rolling stock, they shall be securely stored.

DIVISION III STORAGE OF MATERIALS

10.20 (1) All materials, goods and things shall be stored and placed in rolling stock in such a manner that the maximum safe load-carrying capacity of the floor of the rolling stock or other supporting structures is not exceeded.

(2) No materials, goods or things shall be stored or placed in rolling stock in a manner that may

- (a) reduce the distribution of light;
- (b) obstruct or encroach on corridors or exits;
- (c) impede the safe operation of the rolling stock;
- (d) obstruct the ready access to or the use and operation of fire protection equipment;
- (e) interfere with the operation of fixed fire protection equipment; or
- (f) be hazardous to the safety or health of any employee.

DIVISION IV

GENERAL REQUIREMENTS FOR MACHINE GUARDS

10.21 (1) Every machine on rolling stock that has exposed moving, rotating, electrically charged or hot parts or that processes, transports or handles material that constitutes a hazard to an employee shall be equipped with a machine guard that

(a) prevents the employee or any part of his body from coming into contact with the parts or material;

(b) prevents access by the employee to the area of exposure to the hazard during the operation of the machine; or

(c) makes the machine inoperative if the employee or any part of his clothing is in or near a part of the machine that is likely to cause injury.

(2) To the extent that is reasonably practicable, a machine guard referred to in subsection (1) shall not be removable.

(3) A machine guard shall be so constructed, installed and maintained that it meets the requirements of subsection (1). SOR/95-105, s. 46(F).

10.22 (1) Subject to subsection (2), where a machine guard is installed on a machine on rolling stock, no person shall use or operate the machine unless the machine guard is in its proper position.

(2) A machine may be operated when the machine guard is not in its proper position in order to permit the repair of the machine or the removal of an injured person from the machine.

PART XI HAZARDOUS OCCURRENCE INVESTIGATION, RECORDING AND REPORTING

[SOR/95-105, s. 54(F)]

Interpretation

11.1 In this Part,

"disabling injury" means an employment injury or an occupational disease that

(a) prevents an employee from reporting for work or from effectively performing all the duties connected with the employee's regular work on any day subsequent to the day on which the injury or disease occurred, whether or not that subsequent day is a working day for that employee,

(b) results in the loss by an employee of a body member or part of one or in the complete loss of the usefulness of a body member or part of one, or

(c) results in the permanent impairment of a body function of an employee; (*blessure invalidante*)

"minor injury" means an employment injury or an occupational disease for which medical treatment is provided and excludes a disabling injury. (*blessure légère*) SOR/95-105, s. 47.

Report by Employee

11.2 Where an employee becomes aware of an accident or other occurrence arising in the course of or in connection with his work that causes injury to him or to any other person, he shall without delay report the accident or other occurrence to his employer, orally or in writing.

Investigation

11.3 Where an employer is aware of an accident, occupational disease or other hazardous occurrence affecting any of the employees in the course of employment, the employer shall without delay

(a) take necessary measures to prevent a recurrence of the hazardous occurrence;

(b) appoint a qualified person to carry out an investigation of the hazardous occurrence; and

(c) notify the safety and health committee or the safety and health representative, if either exists, of the occurrence and of the name of the qualified person appointed to investigate it. SOR/95-105, s. 48.

Emergency Report

11.4 The employer shall report the date, time, location and nature of any accident, occupational disease or other hazardous occurrence referred to in section 11.3 by telephone or telex to the regional safety officer as soon as possible but not later than 24 hours after becoming aware of

the occurrence, where the hazardous occurrence results in

- (a) the death of an employee;
- (b) a disabling injury to two or more employees;
- (c) an explosion; or
- (d) damage to a boiler or pressure vessel that results in fire or the rupture of the boiler or pressure vessel. SOR/95-105, s. 49.

Records

11.5 The employer shall, within 72 hours after a hazardous occurrence referred to in paragraph 11.4(d), record in writing

- (a) a description of the hazardous occurrence and the date, time and location of the occurrence;
- (b) the causes of the hazardous occurrence; and
- (c) the corrective action that was taken, if any. SOR/95-105, s. 54(F).

Minor Injury Record

11.6 (1) Every employer shall keep a record of each minor injury of which he is aware that affects his employees in the course of employment.

(2) A record made pursuant to subsection (1) shall contain

- (a) the date, time and location of the occurrence that resulted in the minor injury;
- (b) the name of the employee affected;
- (c) a brief description of the minor injury; and
- (d) the causes of the minor injury.

Written Report

11.7 (1) The employer shall, without delay, send a report in writing to the safety and health committee or the safety and health representative, if either exists, where an investigation referred to in paragraph 11.3(b) discloses that the hazardous occurrence resulted in

(a) the death of an employee;

(b) a disabling injury to an employee;

(c) the loss of consciousness of an employee;

(d) the implementation of rescue, revival or other similar emergency procedures; or

(e) a fire or an explosion.

(2) A copy of the report made in accordance with subsection (1) shall, within 14 days after the hazardous occurrence, be submitted by the employer to the regional safety officer.

(3) The report referred to in subsection (1) shall be in the form set out in Schedule I to this Part and contain the information required by the form.

(4) Where there is a hazardous occurrence that results in injury to an employee, other than a hazardous occurrence referred to in subsection (1), a written report made in the form set out in Schedule II to this Part and containing the information required by that form shall, within 14 days after the hazardous occurrence, be submitted by the employer to the regional safety officer. SOR/95-105, s. 50.

Annual Report

11.8 (1) Every employer shall, not later than March 1 in each year, submit to the regional safety officer a written report setting out the number of accidents, occupational diseases and other hazardous occurrences of which the employer is aware affecting any of the employer's employees in the course of employment during the 12-month period ending December 31 in the preceding year.

(2) The report referred to in subsection (1) shall be in the form set out in Schedule III to this Part and contain the information required by the form. SOR/95-105, s. 51.

Retention of Reports and Records

11.9 (1) Subject to subsection (2), every employer shall keep a copy of

(a) the reports referred to in sections 11.7 and 11.8 for two years after the date on which they were submitted to the regional safety officer; and

(b) the record referred to in section 11.6 for two years after the hazardous occurrence to which it refers.

(2) Every record referred to in section 11.5 shall be kept by the employer for 10 years after the occurrence. SOR/95-105, s. 52.

SCHEDULE I (*Subsection 11.7(3)*)

FORM: HAZARDOUS OCCURRENCE INVESTIGATION REPORT

GRAPHIC IS NOT DISPLAYED, SEE SOR/95-105, S. 53

SOR/95-105, s. 53.

SCHEDULE II (*Subsection 11.7(4)*)

FORM: HAZARDOUS OCCURRENCE REPORT

GRAPHIC IS NOT DISPLAYED, SEE SOR/95-105, S. 53

SOR/95-105, s. 53

SCHEDULE III (*Section 11.8*)

FORM: EMPLOYER'S ANNUAL HAZARDOUS OCCURRENCE INVESTIGATION REPORT

GRAPHIC IS NOT DISPLAYED, SEE SOR/95-105, S. 53

SOR/95-105, s. 53.

PART XII

FIRST AID

Interpretation

12.1 In this Part,

"isolated work place" means a work place that is more than two hours' travel time from a hospital or medical facility under normal travel conditions using the fastest available means of transportation; (*lieu de travail isolé*)

"medical facility" means a medical clinic or the office of a physician. (*installation médicale*)
SOR/88-200, s. 13(E).

General

12.2 (1) Every employer shall establish written instructions that provide for the prompt rendering of first aid to an employee for an injury, an occupational disease or an illness.

(2) A copy of the instructions referred to in subsection (1) shall be kept by the employer readily available for examination by employees. SOR/95-105, s. 55(F).

12.3 For every work place at which two or more employees are working, at least one of the employees shall be

(a) instructed and trained in providing artificial respiration, controlling a hemorrhage and rendering such other life-saving first aid as may be required by the nature of the work done at the work place; and

(b) readily available and accessible to provide first aid to employees during working hours.
SOR/95-105, s. 56(F).

First Aid Supplies and Equipment

12.4 (1) For every work place, the employer shall provide and maintain the first aid supplies and equipment set out in the schedule to this Part.

(2) First aid supplies and equipment shall be

(a) located at or near the work place;

- (b) available and accessible during all working hours;
- (c) inspected regularly and maintained in a clean, dry and serviceable condition; and
- (d) clearly identified by a conspicuous sign.

Emergency Transportation

12.5 (1) Where, as a result of an injury or occupational disease occurring in the course of his employment, an employee requires emergency transportation to a hospital, medical facility or the employee's residence, the employer shall provide the employee with a suitable means of transportation thereto and first aid during the transportation.

(2) Where an employee is employed at an isolated work place, effective communication shall be maintained by the employer between the isolated work place and a location at which emergency transportation is available. SOR/95-105, s. 57.

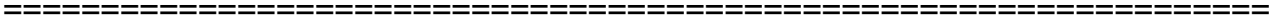
Records

12.6 (1) Where first aid is rendered in accordance with this Part, the employee who rendered the first aid shall

- (a) enter in a first aid record the following information:
 - (i) the date and time of the reporting of the injury, occupational disease or illness,
 - (ii) the full name of the injured or ill employee,
 - (iii) the date, time and location of the occurrence of the injury, occupational disease or illness,
 - (iv) a brief description of the injury, occupational disease or illness,
 - (v) a brief description of the first aid rendered, and
 - (vi) a brief description of arrangements made for the treatment or transportation of the injured or ill employee; and
- (b) sign the first aid record beneath the information entered in accordance with paragraph (a).

(2) The employer shall keep a first aid record containing information entered in accordance with subsection (1) for two years after the date of that entry.

SCHEDULE
(ss. 12.4(1))
FIRST AID SUPPLIES AND EQUIPMENT



Column I

Column II

Item Supplies and Equipment Quantity



- 1. Antiseptic--wound solution, 60 ml or antiseptic swabs (10 pack) 1
- 2. Applicator--disposable (10 pack) (not needed if antiseptic swabs used) 1
- 3. Bag--disposable, emesis 1
- 4. Bandage--adhesive strips (12 pack) 1
- 5. Bandage--gauze 2.5 cm x 4.5 m (not needed if ties attached to dressing) 2
- 6. Bandage--triangular--100 cm folded and 2 pins 2
- 7. Blanket--emergency pocket size or conventional type 1
- 8. Record--First Aid (section 12.6) 1
- 9. Container--first aid supplies 1
- 10. Dressing--compress, sterile 7.5 cm x 7.5 cm approx. 4

11. Dressing--compress, sterile 7.5 cm x 12 cm approx. 2
12. Manual--First Aid, English--current edition 1
13. Manual--First Aid, French--current edition 1
14. Pad with shield or tape for eye 1
15. Pencil 1
16. Pins--safety, 1 card 1
17. Scissors 1
18. Stretcher 1
19. Tape--adhesive, surgical 2.5 cm x 4.6 m (not needed if ties attached to dressing) 1
20. Tweezers 1

PART XIII
SAFE OCCUPANCY OF THE WORK PLACE

[SOR/95-105, s. 58(F)]

Interpretation

13.1 In this Part, "ULC List" means the Underwriters' Laboratories of Canada publication *List of Equipment and Materials*, volume 1, dated July, 1985 and the supplement thereto dated July, 1986. (*liste ULC*)

Fire Extinguishers

13.2 (1) Every employer shall equip his rolling stock, other than rolling stock that is used for transporting freight, with at least one portable fire extinguisher.

(2) A portable fire extinguisher referred to in subsection (1) shall be

(a) in the case of a locomotive, a multi-purpose dry chemical portable fire extinguisher that has a capacity of not less than 5 kg or a portable fire extinguisher that has an equivalent classification as listed in the ULC List;

(b) in the case of a caboose, a multi-purpose dry chemical portable fire extinguisher that has a capacity of not less than 1 kg or a portable fire extinguisher that has an equivalent classification as listed in the ULC List;

(c) in the case of rolling stock used to transport employees, a portable fire extinguisher with a classification of not less than 1-B, C or 1-A rating as listed in the ULC List; and

(d) in the case of maintenance of way equipment used to transport or handle combustible or flammable substances, a portable fire extinguisher that has a classification of not less than 5-B rating as listed in the ULC List. SOR/95-105, s. 59(F).

13.3 A portable fire extinguisher referred to in section 13.2 shall

(a) be installed, inspected, used, maintained and tested in accordance with the standards set out in the National Fire Protection Association Standard, *Standard for Portable Fire Extinguishers*, NFPA 10-1984, dated 1984;

(b) be of a type that has been examined, tested and classified by the Underwriters' Laboratories of Canada;

(c) bear the label of the Underwriters' Laboratories of Canada; and

(d) be placed in a convenient and accessible location, readily available for use.

13.4 Instructions for the operation of a portable fire extinguisher referred to in section 13.2 shall be posted in a conspicuous place in close proximity to the fire extinguisher.

13.5 Fire extinguishers shall be maintained and repaired by a qualified person.

13.6 A record of each inspection carried out in accordance with paragraph 13.3(a) shall be

(a) dated and signed by the person who made the inspection; and

(b) kept by the employer for two years after the inspection is made.

Emergency Procedures

13.7 (1) Every employer shall, after consultation with the safety and health committee or the safety and health representative, if either exists, prepare emergency procedures to be implemented

(a) if any person commits or threatens to commit an act that is likely to be hazardous to the safety and health of the employer or any of his employees;

(b) where there is a possibility of an accumulation, spill or leak of a hazardous substance in a work place controlled by the employer, in the event of such an accumulation, spill or leak;

(c) in the event of an accident involving a train; and

(d) in the event of the failure of the lighting system of a train.

(2) The emergency procedures referred to in subsection (1) shall contain

(a) a full description of the procedures to be followed, including the duties of his employees; and

(b) the location of the emergency equipment provided by the employer. SOR/88-200, s. 14; SOR/95-105, s. 60.

Moving and Coupling

13.8 Where there is an accumulation, spill or leak of a hazardous substance from rolling stock, no person other than a qualified person shall move the rolling stock or couple any other rolling stock to it. SOR/88-200, s. 14.

Instructions and Training

13.9 Every employee shall be instructed and trained in

(a) the procedures to be followed by him in the event of an emergency; and

(b) the location, use and operation of fire extinguishers and emergency equipment provided by the employer.

