

OCCUPATIONAL HEALTH AND SAFETY ACT

R-021-2018

Registered with the Registrar of Regulations

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OCCUPATIONAL HEALTH AND SAFETY REGULATIONS, amendment

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

1. The *Occupational Health and Safety Regulations*, Nu. Reg. R-003-2016, are amended by these regulations.

2. The following is added after section 35:

35.1. (1) In this section, "impaired" means having a deteriorated or weakened state of judgment, physical abilities, or both, as a result of fatigue, illness, alcohol or other drugs, that causes a departure from the normal abilities required to safely complete a worker's duties.

(2) No worker shall enter or remain in a work site if the worker is impaired.

(3) No employer shall permit a worker to enter or remain in a work site if the worker is impaired.

(4) All workers must inform the employer if they are impaired.

(5) An employer shall, in consultation with the Committee or representative, or, if no Committee or representative is available, the workers, develop, maintain and make readily available to workers, a written policy regarding impairment that includes

- (a) the duties of workers with respect to identification and reporting of impairment;
- (b) the duties of employers with respect to identification of impairment, worker protection and corrective action respecting workers in breach of the policy;
- (c) a policy implementation plan;
- (d) a hazard identification and assessment methodology;
- (e) preventive measures to be undertaken by employers and workers;
- (f) worker education programs; and
- (g) a policy evaluation mechanism.