

1. POLICY / RIGHTS & RESPONSIBILITIES

**This information does not take precedence over The Saskatchewan Employment Act and related regulations, or any other governing legislation. All worker should be familiar with the legislation applying to them in their workplace.*

Definitions

competent: *"possessing knowledge, experience and training to perform a specific duty"* [Act 3-1(1)(e)].

contractor *"a person who, or a partnership or group of persons that, pursuant to one or more contracts: (i) directs the activities of one or more employers or self-employed persons involved in work at a place of employment; or (ii) subject to subsection (3), retains an employer or self-employed person to perform work at a place of employment "* [Act 3-1(1)(g)].

discriminatory action: *"any action or threat of action by an employer that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion, and includes, termination, layoff, suspension, demotion or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty, but does not include:*

- (i) the temporary assignment of a worker to alternative work, pursuant to section 3-44, without loss of pay to the worker; or*
- (ii) the temporary assignment of a worker to alternative work, without loss of pay to the worker while:*
 - (A) steps are being taken for the purposes of clause 3-31(a) to satisfy the worker that any particular act or series of acts that the worker refused to perform pursuant to that clause is not unusually dangerous to the health or safety of the worker or any other person at the place of employment;*
 - (B) the occupational health committee is conducting an investigation pursuant to clause 3-31(b) in relation to the worker's refusal to perform any particular act or series of acts; or*
 - (C) an occupational health officer is conducting an investigation requested by a worker or an employer pursuant to clause 3-32(a)"* [Act 3-1(1)(i)].

employer: *"a person, firm, association or body that has, in connection with the operation of a place of employment, one or more workers in the service of the person, firm association or body"* [Act 3-1(1)(j)].

fit for work: *in a state (physical, mental and emotional) in which a worker is able to perform the assigned tasks competently and in a manner that does not threaten or endanger the safety or health of him / herself or of others.*

harassment *"any inappropriate conduct, comment, display, action or gesture by a person:*

- (i) that either:*
 - (A) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or*
 - (B) adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and*
- (ii) that constitutes a threat to the health or safety of the worker."* [Act 3-1(1)(l)].

legislation or **OH&S legislation**: The Saskatchewan Employment Act and related regulations.

occupational health committee: *"an occupational health committee established pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part"* [Act 3-1(1)(r)]

OH&S: Saskatchewan Labour Relations & Workplace Safety, Occupational Health and Safety Division.

owner *"includes (i) a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of any lands or premises used or to be used as a place of employment; and (ii) any person who acts for or on behalf of a person mentioned in subclause (i) as that person's agent or delegate"* [Act 3-1(1)(t)]. If you own any plant, you become an owner.

plant *"includes any premises, site, land, mine, water, structure, fixture or equipment employed or used in the carrying on of an occupation"* [Act 3-1(1)(w)].

practicable: *"possible given current knowledge, technology and invention"* [Act 3-1(1)(x)].

prime contractor: *"the person who is the prime contractor in accordance with section 3-13"* [Act 3-1(1)(y)].

reasonably practicable: *"practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost in time, trouble and money, of the measures to secure the duty"* [Act 3-1(1)(z)].

self-employed person: *"a person who is engaged in an occupation but is not in the service of an employer"* [Act 3-1(1)(bb)]. This includes self-employed tradespeople and consultants under contract.

subcontractor: employer or self-employed person hired to work under contract.

supervisor: *"an individual who is authorized by an employer to oversee or direct the work of the employer's workers" [Act 3-1(1)(dd)]. Supervisors have a general duty to protect workers: "A supervisor shall ensure that the workers under the supervisor's direction comply with the Act and any regulations made pursuant to the Act that apply to the place of employment" [Reg 17(2)].*

supplier: *"unless otherwise stated, a person who supplies, sells, offers or exposes for sale, leases, distributes or installs any biological substance or chemical substance or any plant to be used at a place of employment" [Act 3-1(1)(ee)].*

worker: *"(i) an individual, including a supervisor, who is engaged in an occupation in the service of an employer; or (ii) a member of a prescribed category of individuals..." [Act 3-1(1)(gg)].*

workplace violence: an act of aggression, physical assault, or threatening behavior that occurs in a work setting and causes physical or emotional harm to workers.

worksite: *"an area at a place of employment where a worker works or is permitted to be present" [Act 3-1(1)(hh)].*



Health, Safety & Environment Policy

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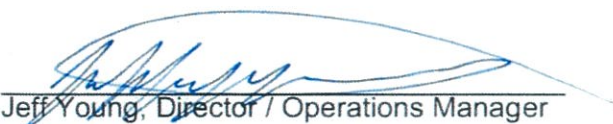
NexGen Mechanical Inc. recognizes the right of each worker to work in a safe and healthy environment. We are committed to working in consultation and cooperation with workers to provide a strong safety program which will serve to protect our staff, our property and the public from accidents.

Workers at every level are responsible and accountable for the company's overall safety initiatives. Complete and active participation by everyone, every day, in every job is necessary for the safety excellence the company expects.

Management supports participation in the program by all workers and provides proper equipment, training and procedures. Workers are responsible for following all procedures, working safely, and, wherever possible, improving safety measures.

NexGen Mechanical Inc. is committed to the protection of the environment, and strives to minimize environmental impact in the delivery of all of its services. The company works in partnership with its customers and material suppliers to ensure that work performed either on company- or customer-owned property meets environmental and customer-specific guidelines. All waste products are disposed of in accordance with regulatory requirements and established industry standards.

Our goal is to deliver all of our products and services in a manner which protects the health and safety of both our workers and our environment. Through continuous safety and loss control efforts, we can accomplish this.


Jeff Young, Director / Operations Manager



SUBSTANCE ABUSE POLICY

OBJECTIVE

The purpose of this policy is to promote NexGen Mechanical's commitment to providing a safe and healthy workplace for its employees and management whose health and safety may be affected by the conduct of co-workers and contractors.

Due to the safety sensitive positions held by the technicians of NexGen Mechanical, random drug and alcohol testing may be required and requested of any of NexGen Mechanical employees. Testing may be required as a condition of work and can be requested at any time by any of NexGen Mechanical's management team.

In the Canadian construction and maintenance industries, a strong commitment exists to ensure all employees are provided with a safe, healthy and respectful workplace. This commitment extends to the safety of contractors and the general public.

POLICY

The following applies to all employees who are engaged in company business, working on company premises or assigned jobsites, and when driving company vehicles:

- All employees are required to report fit for work and remain that way throughout their work day and when on scheduled call.
- Fit for duty is defined by the Occupational Safety and Health Administration as an individual that is in a physical, mental, and emotional state which enables the employee to perform the essential tasks of his or her work assignment in a manner which does not threaten the safety or health of oneself, co-workers, property, or the public at large
- All employees must follow associated legislation in regards to alcohol and both legal and illegal drugs.
- NexGen Mechanical employees or subcontracted personnel may not use, possess or offer for sale alcohol, prescription, and non-prescription drugs and all associated paraphernalia while working on company premises or assigned jobsites, and/or when driving company vehicles.
- Employees may not report to work with an alcohol level that exceeds forty milligrams of alcohol in one hundred milliliters of blood, breath, urine and saliva.
- Employees may not report to work with a drug level in excess of the concentrations set out below (in nanograms/milliliter)

Urine drug concentration limits

Drugs or classes of drugs	Screening concentration equal to or in excess of ng/mL	Confirmation concentration equal to or in excess of ng/mL
Marijuana metabolite	50	15
Cocaine metabolite	150	100



This policy may be enhanced or modified by any facility, site, or associated company based on specific projects and/or contracts in accordance with applicable laws. In the instance a customer's substance abuse policy is more stringent than NexGen Mechanical's policy, workers will be informed before beginning work on the customer's site and the more stringent policy will be enforced.

ADMINISTRATION

The Human Resource Manager and Safety Officer are responsible for the implementation, clarification, modifications, and interpretation of this policy.



Jeff Young, Director

Aug 23/19
Implementation Date

Workers' Rights

**This information does not take precedence over The Saskatchewan Employment Act and related regulations, or any other governing legislation. All workers should be familiar with the legislation applying to them in their workplace.*

The Saskatchewan Employment Act provides every worker, including managers and supervisors, with three basic rights. These rights are:

1. **The right to know.** Every worker has the right to:
 - be informed about the hazards at work,
 - be trained to recognize those hazards, and
 - be trained to protect himself or herself.
2. **The right to participate.** Workers have a right to be involved in making health and safety decisions within the internal responsibility system. Employers and workers are required to work together to keep the workplace healthy and safe through:
 - the establishment of joint employer-worker occupational health committees (OHCs), and
 - consultations between the company and the committee.

The right to participate applies to every worker and not just to the committee members. For example, workers have the right to:

- ask management for information about health and safety issues,
- report health and safety concerns to management,
- report concerns to the committee,
- discuss concerns at meetings, and
- appeal decisions of occupational health officers.

Likewise, workers have a duty to participate in activities that improve health and safety. For example, workers have a responsibility to help make the OHC effective. They must follow the health and safety policies, plans, procedures that are lawfully established by the employer.

3. **The right to refuse.** Workers have the right to refuse work they have reasonable grounds to believe is **unusually dangerous** to themselves or others.

The right to refuse must only be used for legitimate health and safety reasons (i.e. when the worker has **reasonable grounds to believe** the work is unusually dangerous). Whether or not there are reasonable grounds can be determined by asking, "Would an average worker, with the same level of training and experience,

using normal and honest judgement, agree that the work presented an unacceptable hazard?"

An **unusual danger** may include:

- danger that is not normal for the job
- danger that would normally stop work
- a situation for which the worker is not properly trained, equipped or experienced

If the refusal is for legitimate health and safety reasons, a worker is legally protected from discriminatory action for refusing to do unusually dangerous work.

A worker may continue refusing the work until the necessary steps are taken to satisfy him or her that the job is not unusually dangerous, or until an occupational health officer has investigated the refusal and found that the job is not unusually dangerous.

During the refusal, the worker must **remain at the workplace**, unless senior management advises otherwise.

Most work refusals are resolved without the intervention of an occupational health officer. The proper steps in a work refusal are:

- (a) The refusing worker should inform the job lead or manager that (s)he is refusing the work because of a health or safety concern.
- (b) The refusing worker should try to resolve the problem with the job lead or manager. It is important that the refusing worker not leave the job site without the employer's permission. **Most refusals are resolved at this stage.**
- (c) The manager has the right to assign the refusing worker to other work (at no loss of pay or benefits) until the matter is resolved.
- (d) If the manager wants to assign another worker to the job that is being refused, s/he must advise that worker about the refusal in writing, providing reasons why s/he believes the job is not unusually dangerous and advising the worker that s/he also has the right to refuse.
- (e) If the problem cannot be resolved at the initial stage, the occupational health committee co-chairs should be asked to help. The role of the co-chairs is to help work out a solution; they do not have the authority to make a ruling on whether or not the work is unusually dangerous.

- (f) If the problem is still not solved, the occupational health committee co-chairs should call an emergency meeting of the committee to investigate the refusal. If necessary, the committee will rule on whether or not the job is unusually dangerous.
- (g) If there is no occupational health committee, if the committee cannot resolve the problem or if either the worker or the company is not satisfied with the committee's decision, call the Occupational Health and Safety Division. An occupational health officer will then investigate the refusal and provide a written decision to the parties.

With these rights come responsibilities. Workers are expected to:

- protect themselves and others,
- help those with duties under the legislation to establish and maintain a safe and healthy working environment,
- help those with duties under the legislation to comply,
- conduct themselves in a safe and responsible manner, and
- comply with the Act and related regulations.

Internal Responsibility for Health & Safety

The internal responsibility system for occupational health and safety means everyone from the newest hire to the chief executive officer must integrate good occupational health and safety practices into daily activities. Our responsibility for maintaining workplace health and safety comes with our right to a healthy and safe workplace. Everyone is accountable (as an individual) for carrying out their responsibilities. The greater the authority, the greater the accountability.

Internal Responsibility for Health & Safety				
	Workers	Supervisors	Managers	Employer
for work	perform job	assign tasks and schedule work	determine objectives	establish goals and objectives
for people	direct helpers / new hires	orientate and train new hires	select and develop supervisors	establish hiring policies; select and develop managers
for work performance	use training, knowledge and skills to perform work	specify who does what and assign authority	assign jobs to supervisors and delegate authority	determine who does what and delegate authority
for direction of work	follow safe work practices and cooperate with supervisor	follow safety policies and programs	implement safety policies and programs	establish safety policies, programs and procedures
for relations with people	follow policies, programs and procedures	coordinate implementation of programs, policies and procedures on the worksite	implement policies; conduct daily business in compliance with the employer's policies and legislation	determine policies, procedures and programs and ensure compliance
for facilities and equipment	safely use tools, equipment and machinery	provide adequate tools, equipment and machinery	provide supervisors with adequate resources	authorize expenditures and assign adequate resources to managers
for conditions of work	implement and maintain standards; cooperate with the committee (where applicable)	implement standards and train workers; cooperate with the committee (where applicable)	help employer develop standards; train supervisors to implement standards, help committee to be effective (where applicable)	determine health and safety philosophy and policies; maintain effectiveness of committee
for accountability	inspect tools and equipment; report hazards to supervisor	inspect work areas, tools, equipment and machinery; report problems to managers and recommend solutions	develop effective solutions to problems; accountable to employer for operations	account to directors and society for safe operation of work

Due Diligence

(adapted from a Sask OH&S publication)

Division 3 of the Act (*Duties*) and Part III of the regulations (*General Duties*) set out general due diligence responsibilities. Due diligence means that everyone with responsibility for health and safety must take every precaution reasonable in the circumstances to avoid both doing harm and committing an offence against the law. Due diligence describes a very high standard to take reasonable care. In the context of the Act and related regulations, it is reflected in the following principles:

1. **General duties:** The Act imposes a duty on everyone in the workplace to take reasonable care of their health and safety and that of others, to the degree that they have the knowledge, authority and ability to do so. This general duty is in addition to, and goes far beyond, merely complying with the law.
2. **Regulatory compliance:** If you are charged with contravening the legislation, you cannot successfully defend yourself by saying that you *did not intend to break the law* or *did not mean to fail to comply*. To defend yourself adequately you must be able to show that you took every reasonably practicable action to comply.
3. **Reasonably practicable:** You must show that you took every possible precaution, unless you can show that the benefits of taking the precaution are greatly exceeded by the cost in time, trouble and money. The greater the risk, the greater the health and safety measures required.
4. **Proactive:** Due diligence requires you to take a proactive and systematic approach to health and safety. This standard can best be met within a workplace by establishing and implementing a health and safety program that:
 - identifies hazards,
 - assesses the risks associated with those hazards,
 - implements measures to eliminate or minimize those risks, and
 - monitors each part of the program to ensure that it is adequate and effective.

Employers must develop and implement this plan in consultation with their workers. Workers must comply with the program to the extent that they have the knowledge, authority and ability to do so.

Under section 3-1(1)(x) of the Act, "practicable" is defined as "possible given current knowledge, technology and invention". Under section 3-1(1)(z) of the Act, "reasonably practicable" is defined as "practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost in time, trouble and money, of the measures to secure the duty".

Responsibility & Accountability for Safety

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Every individual in our workplace is responsible and accountable for safety, insofar as it is within that individual's authority and control. These responsibilities include:

Owner / Manager:

- understand and ensure compliance with workplace health and safety requirements
- cooperate with the Occupational Health Committee (OHC) , helping it to do its job properly, and ensure all employees support the OHC in its health and safety activities
- make sure hazards are identified and proper steps taken to control the risks
- inspect work areas and correct unsafe acts and conditions
- instruct and coach workers to follow safe work practices and job procedures
- ensure only authorized, competent workers operate equipment
- ensure equipment is properly maintained
- ensure the necessary personal protective equipment (PPE) is provided to workers and used properly
- know how to safely handle, store, produce and dispose of chemical and biological substances at the workplace
- understand and implement emergency procedures
- report and investigate accidents, incidents and near misses
- promote health and safety awareness
- cooperate with other parties in dealing with health and safety issues
- Make OH&S legislation, information and a posting area available to workers

Job Lead:

- understand and ensure compliance with workplace health and safety requirements
- make sure hazards are identified and proper steps are taken to eliminate the hazards or control the risks
- inspect work areas and correct unsafe acts and conditions
- instruct and coach workers to follow safe work procedures
- ensure only authorized, competent workers operate equipment

- ensure equipment is properly maintained
- ensure the necessary personal protective equipment is provided to workers and used properly
- know how to safely handle, store, produce, and dispose of chemical and biological substances at the workplace
- understand and implement emergency procedures
- report incidents
- promote health and safety awareness
- co-operate with other parties in dealing with health and safety issues
- ensure that workers under their direct supervision are sufficiently supervised
- ensure that workers under their direct supervision are not exposed to harassment at their workplace.

Worker:

- understand and follow legislation and workplace health and safety requirements
- follow safe work practices and job procedures
- use safeguards, safety equipment, machine guards, safety devices and PPE provided by the company
- report unsafe acts and conditions and workplace hazards
- work and act safely and help others to work and act safely
- cooperate with the OHC and others on health and safety issues.

In determining who is responsible for specific compliance issues among contractors and subcontractors, or in any instance where a duty or requirement is imposed on more than one person under the legislation, the duty to comply is imposed primarily on the person with the greatest degree of control over the issue in question. However, if the person with the greatest degree of control fails to comply, others for whom it is possible to comply are not relieved of the obligation to do so. [Reg 5(5)-5(8)].

13 Harassment Policy

1. Definition section 3-1(1)(l) of The Saskatchewan Employment Act

“Harassment” means any inappropriate conduct, comment, display, action or gesture by a person:

(i) that either:

A) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or

(B) subject to subsections (4) and (5), adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and

(ii) that constitutes a threat to the health or safety of the worker;

2. Worker right

Every worker is entitled to a working environment that is free of harassment.

3. Employer obligation

This employer will ensure that every reasonably practicable effort is made to ensure that no worker is subjected to harassment at this place of employment.

4. Worker obligation

No worker shall cause or participate in the harassment of another worker.

5. Procedure

All complaints will be taken seriously. The rights of all concerned will be respected.

- Workers are encouraged to use these steps to address incidents of alleged harassment internally.
- A worker who believes that he or she has been subjected to harassment is encouraged to first clearly and firmly make known to the alleged harasser that the harassment is objectionable and must stop.
- Where this cannot be done, or is unsuccessful, the worker should report the alleged harassment to the employer or to one of the following persons designated by the employer to receive complaints of harassment

X 
Employer Designated Harassment Persons

X 
Employer Designated Harassment Persons

- Once a person designated by the employer to receive complaints of harassment receives a complaint, that person shall immediately bring the complaint to the attention of the employer.
- The employer will: notify the alleged harasser of the complaint; provide the alleged harasser with information concerning the circumstances of the complaint; and undertake a confidential

investigation.

- Following the conclusion of the investigation, the employer will inform the complainant and the alleged harasser of the results of the investigation.

6. Resolution and corrective action

Where harassment has been substantiated, the employer will take appropriate corrective action to resolve the complaint. Where harassment has not been substantiated, no action will be taken against a worker who has made a complaint in good faith.

7. Confidentiality

This employer will not disclose the identity of the worker or the circumstances of the complaint, except where disclosure is necessary for the purposes of investigating or taking disciplinary action in relation to the complaint, or where such disclosure is required by law.

8. External complaints

Nothing in this policy prevents or discourages a worker from referring a harassment complaint to the Occupational Health and Safety Division under: The Occupational Health and Safety Act, particularly sections 4 and 5; and The Occupational Health and Safety Regulations, 1996; particularly section 36(1).

A worker may also file a complaint with the Saskatchewan Human Rights Commission under The Saskatchewan Human Rights Code, particularly sections 16, 17, 18 and 27. A worker retains the right to exercise any other legal avenues available.

SIGNATURE: 
SIGNATURE: Kelly
SIGNATURE: _____

DATE: July 25/19
DATE: July 25/19.
DATE: _____

This policy must be posted in a conspicuous place that is readily available for reference by workers as stated in 36(2)(b) of the Saskatchewan Occupational Health and Safety Regulations.

Subcontractor Safety Management Program

This Subcontractor Safety Plan does not take precedence over The Saskatchewan Employment Act and related regulations, Human Rights, or any other relevant legislation. All workers should be familiar with the legislation applying to them in their workplace.

The objective of the NexGen Mechanical Inc. Subcontractor Safety Management Program is to achieve and maintain the highest possible level of safety performance for all subcontractor personnel working on NexGen Mechanical Inc. projects. The success of this objective requires the commitment and dedication of every individual on site to his or her own personal safety and the safety of fellow workers. Each subcontractor is provided with an information / orientation package outlining the company's safety expectations and reporting requirements. The package includes compliance and acknowledgment documents which must be completed and returned to NexGen Mechanical Inc..