

Disclaimer

The contents of this document are intended to serve as a guide to Federal and Provincial Acts and Regulations affecting the Equipment Distributors Industry and are by no means to be interpreted as professional legal advice. Although every attempt is made to ensure the accuracy of this guide, the CAED claims no responsibility for any potentially false information presented in this document. If doubt arises, please refer to the official documents published by the appropriate governing agency.

Introduction

Workplace injuries, hazardous products and environmental degradation are but a few of the many recurring forces affecting the bottom line of industries across Canada, including the Equipment Distribution Industry. Both the Federal and Provincial governments have responded over the past several years with a significant amount of environmental health and safety (EHS) legislation in an effort to sustain human and environmental health without compromising economic growth. For many, these laws, statutes, acts and regulations can be very difficult to find and even more cumbersome to read and understand. As such, the Canadian Association of Equipment Distributors (CAED) has produced the **“Guide to Environment, Health & Safety Legislation”**. While created with EHS managers in mind, all levels of employees can benefit from this user-friendly guide. Whether you are a CEO looking for an update on the passing of new legislation, or a mechanic looking for safer ways to do your job, this guide has the tools to find the answers to your EHS questions.

Using the Guide

**Please note that this Guide is formatted for use in Microsoft Word. A printable version is also available on the CAED’s website in Adobe Acrobat Reader (PDF).*

Essentially, the purpose of this guide is to provide industry workers with the proper tools to easily access and understand EHS legislation. Although this guide may be downloaded and printed in hardcopy, its true value is in the Internet links (hyperlinks) provided and thus, it is highly recommended that users take advantage of these features by using the electronic format. Since both federal and provincial legislation affect the equipment distribution industry, a separate guide has been created for federal legislation as well as for each individual Province. To keep things simple, the format for each guide is as follows:

Table of Contents

1. The title of each Act affecting the industry has been identified and is listed in the Table of Contents; which is built-in as a separate frame for each **main document**. Clicking on a particular Act will bring you to that Act in the main document. To access the **Table of Contents** simply click on **Format** in the tool bar above. Then click on **Frames** and then **Table of Contents in Frame**.

Example:

Format → Frames → Table of Contents in Frame

Main Document

Acts and Regulations

2. The title of each **Act** and **Regulation** in the main document is **hyperlinked**. Clicking on this link will bring you directly to its full text version on the CANLII website.
3. Whenever possible, a brief **summary** accompanies the Act or Regulation.
4. As listed in the Table of Contents, following each Act, a list of **Associated Regulations** are identified and also contain hyperlinks to the full text versions as well as summaries whenever possible.
5. For each Act, the **Responsible Government Department(s)** are listed and hyperlinked to their respective Department's home page.
6. For further information pertaining to an Act or associated Regulations, **Other Resources** are then listed and are also hyperlinked.
7. The final tool available for gathering information on a particular Act or Regulation is the **Contact** information (such as telephone number or email address) provided by the responsible government Department.

Guides and Guidelines

8. Links to existing guides and guidelines are listed for a variety of EHS activities. However, this is not the focus of this guide and it is anticipated that this section will eventually become an entirely separate guide for the industry.

Key References

9. Key references including those used as hyperlinks to full text acts and regulations in the main document are identified, listed and hyperlinked.

Please note that this guide is by no means complete, but is rather intended to be dynamic - constantly growing and evolving to best suit the needs of the industry.

As such, comments and feedback regarding the contents of this guide are both encouraged and welcome. To do so, please contact the CAED at info@caed.org.

New Brunswick EHS Legislation



I. [APPRENTICESHIP AND OCCUPATIONAL CERTIFICATION](#)

[R.S.N.B. 1973, c. A-9.1]

This Act creates an “Apprenticeship and Occupational Certification Board” whose two main roles are to advise the Minister on policy issues and to enforce the Act and associated regulations. The Act sets forth minimum certification requirements for several occupations, including many affecting the equipment distribution industry such as: Automotive Service Technicians, Commercial Trailer Technicians, Parts Persons and Heavy Equipment Services Technicians, to name a few.

Associated Regulations

[General Regulation - Apprenticeship and Occupational Certification Act](#)

[N.B. Reg. 97-125]

Responsible Government Department(s)

[Department of Training and Employment Development –
Apprenticeship and Occupational Certification](#)

Other Resources

[Canadian Apprenticeship Forum](#)
[Canadian Association of Equipment Distributors](#)
[Canadian Equipment Industry Training Committee](#)
[HRSDC - Canada](#)
[Red Seal – Inter-provincial Standards](#)
[Skills Canada](#)
[Trade Secrets](#)

Contact

Department of Training and Employment Development -
Apprenticeship and Occupational Certification
P.O. Box 6000
Chestnut Complex
Fredericton, N.B. CANADA E3B 5H1
Phone: (506) 453-2260
Fax: (506) 453-5317
E-mail: aoc-acp@gnb.ca

II. [CLEAN AIR ACT](#)

[S.N.B. 1997, c. C-5.2]

New Brunswick's *Clean Air Act* aims to protect and improve the quality of the air we breathe, and to encourage the wise use of resources across the province. One of the main tasks of the *Clean Air Act* is to control the type and amount of contaminants that are released into the atmosphere, through a system of Air Quality Approvals. This legislation places responsibility for air pollution's harmful effects onto the person who releases contaminants. It creates new opportunities for the public to take part when air quality decisions are made. And it enables the Minister to act swiftly against polluters where human health or the environment may be at risk. The *Clean Air Act* applies to all businesses, industries, and individuals in New Brunswick, to federal and provincial governments, and to Crown corporations.

(Source: <http://www.gnb.ca/0009/0355/0005/0010-e.html>)

Associated Regulations

[Administrative Penalties Regulation - Clean Air Act](#) [N.B. Reg. 98-41]

[Air Quality Regulation - Clean Air Act](#) [N.B. Reg. 97-133]

[Appeal Regulation - Clean Air Act](#) [N.B. Reg. 97-131]

[Ozone Depleting Substances Regulation - Clean Air Act](#)
[N.B. Reg. 97-132]

[Public Participation Regulation - Clean Air Act](#) [N.B. Reg. 2001-98]

Responsible Government Department(s)

[Environment and Local Government - NB](#)

Other Resources

[Conservation Council of New Brunswick](#)

[How to Get Involved in the Process for Renewing Class 1 Air
Quality Approvals](#)

[Public Information Access Site – Clean Air Act - NB](#)

This is a great site dedicated to informing the public about all aspects concerning the Clean Air Act.

Contact

[Environment and Local Government – NB – Contact Us](#)

III. [CLEAN ENVIRONMENT ACT](#)

[R.S.N.B. 1973, c. C-6]

This Act gives power to the Ministry of Environment and Local Government to control and regulate the discharge of all waste deemed to be contaminated throughout the province. Based on a “polluter pays” principle, this is achieved by making industries responsible for their waste by imposing control measures such as permits, registrations and clean-up procedures.

Associated Regulations

[Appeal Regulation - Clean Environment Act](#) [N.B. Reg. 84-179]

[Environmental Impact Assessment Regulation - Clean Environment Act](#)
[N.B. Reg. 87-83]

[This Regulation] requires that certain undertakings (listed in a schedule to the Regulation) be registered with the Minister of the Environment and Local Government. Its application at the conceptual stage of a project supports the integration of environmental objectives with economic objectives at the early design stages of a project, before final decisions are made. The Minister may determine that an environmental impact

assessment (EIA) is necessary to assess the nature and significance of the potential impacts through further study. An EIA provides a means of conducting a multi-disciplinary review of major undertakings, and includes a significant public review component. The outcome of the EIA process is a report and recommendation to the Lieutenant-Governor in Council, who is responsible for making a decision on whether to allow an undertaking to proceed.

(Source: <http://www.gnb.ca/0009/0355/0005/0029-e.html>)

[New Brunswick Tire Stewardship Regulation - Clean Environment Act](#)

[N.B. Reg. 96-82]

[This Regulation] provides a framework for the recycling of used tires and allows for the establishment of the New Brunswick Tire Stewardship Board. The Board essentially runs the New Brunswick tire stewardship program according to a management plan approved by the Minister of the Environment and Local Government. The Board is responsible for the collection of advance disposal levies from all tire suppliers and contracts for the reprocessing of used tires.

(Source: <http://www.gnb.ca/0009/0355/0005/0029-e.html>)

[Petroleum Product Storage and Handling Regulation - Clean Environment Act](#) [N.B. Reg. 87-97]

[This Regulation] establishes standards for the design and construction of petroleum storage tanks, and requires registration and licensing of storage systems with a total capacity of two thousand litres or more. Licensing fees are between \$10 and \$500 per year depending on the type of licence. The Regulation also details requirements for licensing petroleum system installers.

(Source: <http://www.gnb.ca/0009/0355/0005/0029-e.html>)

[Regional Solid Waste Commissions Regulation - Clean Environment Act](#)

[N.B. Reg. 96-11]

[This Regulation] establishes voting procedures and conflict of interest parameters for solid waste commissions, and addresses financial management, auditing, and financial reporting requirements of these commissions. This Regulation also outlines conditions under which commissions may accept solid waste and provide services related to solid waste management. The regulation complements the framework for solid waste commissions provided for in the *Clean Environment Act*.

(Source: <http://www.gnb.ca/0009/0355/0005/0029-e.html>)

[Used Oil Regulation - Clean Environment Act](#) [N.B. Reg. 2002-19]

Responsible Government Department(s)

[Environment and Local Government - NB](#)

Other Resources

[Canadian Centre for Pollution Prevention](#)
[Canadian Council of Ministers of the Environment](#)
[Environment Canada](#)
[Environment Canada - Environmental Emergencies](#)

Contact

[Environment and Local Government – NB – Contact Us](#)

IV. EMPLOYMENT STANDARDS ACT

[S.N.B. 1982, c. E-7.2]

This Act establishes the Employment Standards Branch whose mandate is to enforce the minimum employment standards for workers under provincial jurisdiction (this includes the equipment distribution industry). Minimum employment standards in this Act include wages, overtime, vacation pay, etc.

Associated Regulations

[General Regulation - Employment Standards Act](#) [N.B. Reg. 85-179]

[Minimum Wage Regulation - Employment Standards Act](#)
[N.B. Reg. 2003-82]

Responsible Government Department(s)

[Department of Training and Employment](#)
[Employment Standards Branch](#) – DTED
[HRSDC – Labour Program](#)

Other Resources

[Industrial Relations](#) - DTED

Contact

[Employment Standards Branch – DTED – Contact Us](#)

V. MOTOR VEHICLE ACT

[R.S.N.B. 1973, c. M-17]

This Act regulates both vehicles and drivers within the province. This includes licensing, safety and equipment standards, liabilities, offences, and suspensions.

Associated Regulations

[Commercial Vehicle Drivers Hours of Service Regulation - Motor Vehicle Act](#) [N.B. Reg. 89-147]

[Commercial Vehicle Massing Regulation - Motor Vehicle Act](#) [N.B. Reg. 83-199]

[General Regulation - Motor Vehicle Act](#) [N.B. Reg. 83-42]

[Inspection Order - Motor Vehicle Act](#) [N.B. Reg. 84-145]

[Seat Belt Regulation - Motor Vehicle Act](#) [N.B. Reg. 83-163]

[Slow Moving Vehicle Sign Regulation - Motor Vehicle Act](#) [N.B. Reg. 84-98]

[Special Permit Fees Regulation - Motor Vehicle Act](#) [N.B. Reg. 89-65]

[Trip Inspection Report and Records Regulation - Motor Vehicle Act](#) [N.B. Reg. 94-77]

[Vehicle Dimensions and Mass Regulation - Motor Vehicle Act](#) [N.B. Reg. 2001-67]

[Vehicle Inspections Regulation - Motor Vehicle Act](#) [N.B. Reg. 83-185]

Responsible Government Department(s)

[Department of Public Safety](#)

[Motor Vehicles](#) - Department of Public Safety

Other Resources

[Motor Vehicles](#) - Department of Public Safety

[Official Vehicle Inspection Station Manual](#) (.pdf)

Contact

[Department of Public Safety](#) – [Contact Us](#)

VI. OCCUPATIONAL HEALTH AND SAFETY ACT

[S.N.B. 1983, c. O-0.2]

The New Brunswick *Occupational Health and Safety Act (OHS Act)* is the foundation for occupational health and safety in the province. The *OHS Act* explains the legal obligations of employers, owners, contractors, sub-contractors, employees and suppliers. It also outlines requirements for the establishment of Joint Health and Safety Committees or the appointment of a health and safety representative, and the powers of occupational health and safety officers. The *Act* places primary responsibility for health and safety issues in the hands of the people in the workplace and gives them three basic rights: the right to know about workplace hazards, the right to participate in solving health and safety problems, and the right to refuse dangerous work. If workers are discriminated against for exercising any of these rights, the *Act* provides for an arbitration process as an impartial dispute-resolution tool.

(Source: http://www.whscc.nb.ca/leg1_e.asp)

Associated Regulations

[Code of Practice for Working Alone Regulation - Occupational Health and Safety Act](#) [N.B. Reg. 92-133]

[Code of Practice for Working with Material Containing Asbestos Regulation - Occupational Health and Safety Act](#) [N.B. Reg. 92-106]

[General Regulation - Occupational Health and Safety Act](#) [N.B. Reg. 91-191]

[Workplace Hazardous Materials Information System Regulation - Occupational Health and Safety Act](#) [N.B. Reg. 88-221]

Responsible Government Department(s)

[Workplace Health, Safety and Compensation Commission \(WHSCC\)](#)

Other Resources

[Canadian Centre for Occupational Health and Safety \(CCOHS\)](#)

[CCSE – Canadian Society of Safety Engineering](#)

[CFIB – OHS in New Brunswick](#)

[Canada's National Occupational Health and Safety Website \(Canosh\)](#)

[Hand-Arm Vibration Syndrome \(.pdf\)](#)

[Health & Safety in the Workplace: Know the Facts \(.pdf\)](#)

[Industrial Accident Prevention Association](#)

[Industrial Health and Safety Solutions](#)

[National Institute for Occupational Safety and Health \(NIOSH\)](#)

[OSH for Everyone](#)

[Public Safety Canada](#)
[Workers' Compensation: A Guide for New Brunswick Workers \(.pdf\)](#)
[Workplace Hazardous Materials Information Systems \(WHMIS\) –
Healthy Environments and Consumer Safety, Health Canada](#)

Contact

[Workplace Health, Safety and Compensation Commission
\(WHSCC\) – Contact Us](#)

VII. [TRANSPORTATION OF DANGEROUS GOODS ACT](#)

[S.N.B. 1988, c. T-11.01]

An Act prescribing the safety requirements for transporting goods classified as dangerous as listed in Schedule A of this Act. Many materials used in the equipment industry are included in this Schedule. The Act also establishes inspectors who are responsible for ensuring compliance with safety standards and documentation.

Associated Regulations

[General Regulation - Transportation of Dangerous Goods Act](#)
[N.B. Reg. 89-67]

Responsible Government Department(s)

[Department of Public Safety](#)

Other Resources

[The Compliance Centre](#)
[Schedule](#) – Federal TDG classifies dangerous goods
[Transport Canada](#)
[Transportation of Dangerous Goods – A Primer](#)

Contact

Transportation of Dangerous Goods – Public Safety – [Contact Us](#)

VIII. [WORKERS' COMPENSATION ACT](#)

[R.S.N.B. 1973, c. W-13]

Under the New Brunswick *Workers' Compensation Act (WC Act)* workers are provided with protection against loss of earnings if they're injured while doing their jobs. In turn, employers are provided with a no-fault liability insurance program and protection from legal action by injured workers. The WHSCC is responsible for administering compensation and rehabilitation processes on behalf of injured workers and their dependents, and ensuring the effective operation of the no-fault insurance program on behalf of the province's employers.

(Source: http://www.whscc.nb.ca/leg1_e.asp)

Associated Regulations

[Exclusion of Workers Regulation - Workers' Compensation Act](#)

[N.B. Reg. 82-79]

[Forms Regulation - Workers' Compensation Act](#) [N.B. Reg. 82-13]

[Funding of Safety Associations Regulation - Workers' Compensation Act](#)

[N.B. Reg. 2000-63]

[General Regulation - Workers' Compensation Act](#) [N.B. Reg. 84-66]

[Pension Fund Regulation - Workers' Compensation Act](#) [N.B. Reg. 82-210]

[Permanent Physical Impairment Rating Schedule Regulation - Workers' Compensation Act](#) [N.B. Reg. 82-165]

Responsible Government Department(s)

[Workplace Health, Safety and Compensation Commission \(WHSCC\)](#)

Other Resources

[Individual return-to-work plans](#) (.pdf)

[Workers' Compensation: A Guide for New Brunswick Workers](#) (.pdf)

Contact

[Workplace Health, Safety and Compensation Commission \(WHSCC\) – Contact Us](#)

Guides and Guidelines

[Guide to Petroleum Storage](#)

[Guide to the Wellfield Protected Area Designation Order](#)

[Hand-Arm Vibration Syndrome \(.pdf\)](#)

[Health & Safety in the Workplace: Know the Facts \(.pdf\)](#)

[How to Get Involved in the Process for Renewing Class 1 Air Quality Approvals](#)

[Individual return-to-work plans \(.pdf\)](#)

[Indoor use of Propane-Powered Forklifts \(.pdf\)](#)

[Lock-out \(.pdf\)](#)

[Official Vehicle Inspection Station Manual \(.pdf\)](#)

[Oil Tank Safety](#)

[The Role and Responsibilities of Industry During the Renewal of a Class 1 Air Quality Approval](#)

[Watercourse Alterations Technical Guidelines](#)

[Workers' Compensation: A Guide for New Brunswick Workers \(.pdf\)](#)

Key References

[Canadian Legal Information Institute \(CanLII\)](#)

[Government of New Brunswick](#)