

INFORMATION

Safety Measures in Late Night Retail Premises

On January 8, 2013, a new regulation will come into force that, in addition to the requirements of Sections 35 and 37 in *The Occupational Health and Safety Regulations, 1996*, requires employers of late night retail premises to put additional measures in place to improve worker health and safety.

What is a “late night retail premises”?

This new regulation, 37.1, defines late night retail premises as “a place of employment that is open to the public between the hours of 11:00 p.m. and 6:00 a.m. for the purposes of making retail sales to consumers”. Retail sales include such businesses as convenience stores and gas stations but does not include hotels, food or alcohol services.

As an employer, what will I be required to do?

Workplace Hazard Assessment: Employers meeting this definition are required to conduct a workplace hazard assessment in accordance with an approved¹ industry standard as soon as is reasonably practicable after the regulation comes into force. For those places of employment that do not meet the definition on January 8, 2013, but come to meet the definition at a later date, the assessment must be completed as soon as reasonably practicable after that date.

A workplace hazard assessment is necessary so that once the hazards have been identified, the risks of harm can be assessed and any appropriate controls or preventative measures beyond those specified below can be put in place. To keep up with changing circumstances that may affect the health and safety of workers, the hazard assessment must be reviewed and if necessary, revised every three years and whenever there is a change in circumstances.

Security Measures: Employers of workers at late night retail premises are required to implement the following security measures:

- Develop written safe cash handling procedures that minimize the amount of money that is readily accessible to the worker in the establishment;
- The use of video cameras that capture key areas in the workplace, including the cash desk and the outdoor gas pumps, if applicable;
- The establishment of measures to ensure good visibility into and out of the premises; and
- The placement of signs to indicate (1) the worker’s limited accessibility to cash and valuables and (2) the use of video cameras on the premises.

¹ Approved means an agency acceptable to the director of occupational health and safety for use under the conditions prescribed by the agency or approved by the director.

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In addition, employers that have one employee working alone must:

- Implement a check-in system and a written check-in procedure for that worker; and
- Provide, at no cost to the worker, a personal emergency transmitter to be worn by the worker that signals for emergency response when activated.

Remember, this may not be an all inclusive list of the security measures that a late night retail employer needs to have in place. The regulation represents a minimum requirement for specific measures that are considered mandatory in all of these workplaces. A hazard assessment may identify that other measures are necessary to minimize or eliminate the risk of violence as required in Regulation 37 described below.

Working Alone or at Isolated Places of Employment

Some late night retail premises may fall under Regulation 35 (*Working alone or at isolated place of employment*) such as those that are not within urban centres or that are in low traffic rural areas, because emergency assistance may not be readily available.

The necessary measures in Section 35 follow the employer's assessment of the risk and must include an effective communication system, or any other means that provides effective communication in view of the risks involved. These steps may also include other requirements.

Violence Policy and Prevention Plan

Section 14 of the Act (*Duty re statement on violence*) and Section 37 of the Regulations (*Violence*) have been in force for several years, and like Section 37.1, also require employers of late night retail establishments to protect workers from violence.

These sections require retail establishment employers open between the hours of 11:00 p.m. and 6:00 a.m. **to develop and implement a written violence policy and prevention plan** in consultation with the occupational health committee, OHS representative, or where there is no committee or representative, the workers.

The policy must address: Statement of Employer Commitment; Identification of Worksites at Risk; Identification of Positions at Risk; Informing Workers; Actions to Minimize or Eliminate Risk; Reporting Procedures Following a Violent Incident; Investigating a Violent Incident; Recommendation to Consult a Physician and Training of Workers.

Definition of Violence: "the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury".

More Information

<http://www.lrws.gov.sk.ca/late-night-retail-regulation>

The Occupational Health and Safety Act, 1993 and Regulations (combined)
www.qp.gov.sk.ca/documents/English/Regulations/Regulations/O1-1R1.pdf

Interpretative Guide: Bill 23 Amendments to The Occupational Health and Safety Act, 1993
www.lrws.gov.sk.ca/ohs-interpretative-guide-bill-23-amendments