OHS Legislation in Canada – Basic Responsibilities Fact Sheet



ARE THERE ANY SIMILARITIES IN OH&S LEGISLATION ACROSS CANADA?

Many basic elements (e.g., rights and responsibilities of workers, responsibilities of employers, supervisors, etc.) are similar in all the jurisdictions across Canada. However, the details of the occupational health and safety (OH&S) legislation and how the laws are enforced vary from one jurisdiction to another. In addition, provisions in the regulations may be “mandatory”, “discretionary” or “as directed by the Minister”.

What are general responsibilities of governments?

General responsibilities of governments for occupational health and safety include:

- Enforcement of occupational health and safety legislation.
- Workplace inspections.
- Incident investigations (e.g., those incidents involving serious injuries or deaths).
- Dissemination of information.
- Promotion of training, education and research.
- Resolution of OH&S disputes.

What are the employees’ rights and responsibilities?

Employees responsibilities include the following:

- Work in compliance with OH&S acts and regulations.
- Use personal protective equipment and clothing as directed by the employer.
- Report workplace hazards and dangers to the supervisor or employer.
- Work in a safe manner as required by the employer and use the prescribed safety equipment.
- Tell the supervisor or employer about any missing or defective equipment or protective device that may be dangerous.

Employees have the following three basic rights:

- Right to refuse unsafe work.
- Right to participate in the workplace health and safety activities through the Health and Safety Committee (HSC) or as a worker health and safety representative.
- Right to know, or the right to be informed about, actual and potential dangers in the workplace.

What are the manager or supervisor's responsibilities?

The manager or supervisor must:

- Make sure workers work in compliance with OH&S acts and regulations.
- Make sure that workers use prescribed protective equipment and/or devices.
- Advise workers of potential and actual hazards.
- Provide workers with written instructions as to the measures and procedures to be taken for protection of the worker.
- Take every reasonable precaution in the circumstances for the protection of workers.

Managers and supervisors act on behalf of the employer, and hence have the responsibility to meet the duties of the employer as specified in the Act for the work they (the managers and supervisors) direct.

What are the employer's responsibilities?

An employer must:

- Establish and maintain a health and safety committee, or cause workers to select at least one health and safety representative.
- Take every reasonable precaution to ensure the workplace is safe.
- Train employees about any potential hazards and in how to safely use, handle, store and dispose of hazardous substances and how to handle emergencies.
- Make sure workers know how to use and handle the equipment safely and properly.
- Make sure workers use any necessary personal protective equipment.
- Immediately report all critical injuries to the government department responsible for OH&S.
- Appoint a competent supervisor who sets the standards for performance, and who ensures safe working conditions are always observed.

What does legislation say about forming health and safety committees?

Generally, legislation in different jurisdictions across Canada state that health and safety committees must:

- Be composed of one-half management and at least one-half labour representatives
- Meet regularly – some jurisdictions require committee meetings at least once every three months while others require monthly meetings
- Be co-chaired by one management chairperson and worker chairperson
- Make sure employee representatives are elected or selected by the workers or their union.

More details about these committees are in the Health & Safety Committees Section on this site.

What is the role of health and safety committee?

The role of health and safety committees can include to:

- Act as an advisory body.
- Identify hazards and obtain information about them.
- Recommend corrective actions.
- Assist in resolving work refusal cases.
- Participate in incident investigations and workplace inspections.
- Make recommendations to the management regarding actions required to resolve health and safety concerns.

What happens when there is a refusal for unsafe work?

An employee can refuse work if he/she believes that the situation is unsafe to either

himself/herself or his/her co-workers. When a worker believes that a work refusal should be initiated, then

- The employee must report to his/her supervisor that he/she is refusing to work and state why he/she believes the situation is unsafe.
- The employee, supervisor, and a HSC member or employee representative will investigate.
- The employee returns to work if the problem is resolved with mutual agreement.
- If the problem is not resolved, a government health and safety inspector is called.
- The inspector investigates and gives decision in writing.

How is legislation enforced?

The legislation holds employers responsible to protect employee health and safety. Enforcement is carried out by inspectors from the government department responsible for health and safety in each jurisdiction. In some serious cases, charges may also be laid by police or crown attorneys under Section 217.1 of the Canada Criminal Code (also known as the “Westray Bill” or “Bill C-45”). This section imposes a legal duty on employers and those who direct work to take reasonable measures to protect employees and public safety. If this duty is “wantonly” or recklessly disregarded and bodily harm or death results, an organization or individual could be charged with criminal negligence.

Where can I get more information about responsibilities?

If you have specific concerns about what regulations require employers and workers to do, you should consult local authorities in your jurisdiction. This is especially true if your questions deal with the content, interpretation, compliance and enforcement of the legislation, and how it applies in your own workplace situation.

We have provided referrals in the OSH Answers document “Canadian Government Departments Responsible for OH&S“.

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