

# OHS Legislation in Canada – Introduction

## Fact Sheets



### **WHAT OCCUPATIONAL HEALTH AND SAFETY AGENCY COVERS MY WORKPLACE?**

There are fourteen jurisdictions in Canada – one federal, ten provincial and three territorial each having its own occupational health and safety legislation. For most people in Canada, the agency that you would contact is the provincial or territorial agency in the area where you work. There are some exceptions to this. Federal legislation covers employees of the federal government including Crown agencies and corporations across Canada.

### **Where can I find out about my duties in Canadian legislation?**

Regulators outlines the general rights and responsibilities of the employer, the supervisor and the worker through an Act or statute and related regulations. Regulations made under an Act define the application and enforcement of an Act. Each of the ten provinces, three territories and the federal government has its own OH&S legislation.

There is special “right-to-know” legislation that applies to hazardous products. It actually comprises a series of complimentary federal, provincial and territorial laws and regulations collectively called WHMIS – the Workplace Hazardous Materials Information System. It is a comprehensive plan for providing information on hazardous products intended for use in workplaces. WHMIS applies in all Canadian workplaces which are covered by occupational health and safety legislation and where WHMIS regulated hazardous products are used.

### **Who is covered under the jurisdiction of the federal government in Canada?**

The federal health and safety legislation is commonly referred to as Canada Labour Code Part II and regulations under the Code. The Canada Labour Code also applies to employees of companies or sectors that operate across provincial or international borders. These businesses include:

- airports and airlines
- banks
- canals
- exploration and development of petroleum on lands subject to federal jurisdiction
- ferries, port services, tunnels and bridges
- grain elevators licensed by the Canadian Grain Commission, and certain feed mills and feed warehouses, flour mills and grain seed cleaning plants;
- highway transport

- many First Nations activities
- pipelines
- radio and television broadcasting and cable systems
- railways
- shipping and shipping services
- telephone and telegraph systems
- uranium mining and processing

Approximately 6% of the Canadian workforce falls under the OH&S jurisdiction of the federal government. The remaining 94% of Canadian workers fall under the legislation of the province or territory where they work.

### **Who is covered by provincial and territorial jurisdictions?**

In each province or territory, there is an act (typically called the Occupational Health and Safety Act or something similar) which applies to most workplaces in that region. The Act usually applies to all workplaces except private homes where work is done by the owner, occupant, or servants. Generally, it does not apply to farming operations unless made to do so by a specific regulation. The jurisdiction and its' legislation should be consulted to find out who is or is not covered.

At the provincial and territorial level, the name of the government department responsible for OH&S varies with each jurisdiction. Usually it is called a ministry or department of labour. In some jurisdictions, it is a workers' compensation board or commission that has the responsibility for occupational health and safety. Each provincial or territorial department is responsible for the administration and enforcement of its occupational health and safety act and regulations.

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