VirtuOHS

FRONT

FEDERALLY REGULATED WORKPLACES · CANADA LABOUR CODE, PART II

Employer

YOUR ROLE

You set the direction. You provide the people, training, equipment and systems that let everyone work safely, and you make sure the program is followed.

What you are responsible for

CLC Part II s. 124, 125

- Make sure the health and safety of every person you employ is protected while they are working
- Provide the information, instruction, training and supervision each employee needs to work safely
- Make employees aware of every known or foreseeable hazard in their work area
- Make sure supervisors and managers are adequately trained and know their duties under the Code
- Develop, implement and monitor a hazard prevention program with your committee or representative (COHS Regulations, Part XIX)
- Consult the committee or representative when planning and making changes that could affect health and safety
- Give employees access to Part II, the regulations that apply, and your health and safety policy statement, in print and electronic form
- Post the names, work phone numbers and work locations of committee members or the representative
- Set up and support a Workplace Health and Safety Committee (20 or more employees), a Health and Safety Representative (fewer than 20) and a Policy Committee (300 or more)
- Respond in writing within 30 days to recommendations from the committee or representative, saying what you will do and when

Westray Act

Criminal Code s. 217.1

Anyone who directs how work is done has a legal duty to take reasonable steps to prevent bodily harm to workers and others. Where a failure to meet that duty is linked to a serious injury or death, organizations and their leaders can face **criminal charges** in addition to Canada Labour Code charges. Whether liability follows depends on the offence and the evidence. Named for the 1992 Westray Mine explosion in Nova Scotia, where 26 miners died.

Employer

Harassment and violence prevention

s. 125(1)(z.16) to (z.163)

Done jointly with your committee or representative (Work Place Harassment and Violence Prevention Regulations).

- Workplace assessment of risk factors, with preventive measures within six months
- A written prevention policy that names a designated recipient for notices of occurrences
- Training for all employees within three months of starting, and for the employer and designated recipient
- Review the assessment, policy and training at least every three years
- Information about support services available to employees
- Meet with the principal party within 45 days of notice and complete the resolution process within one year, subject to exceptions in the regulations

Reporting

COHS Regulations, Part XV

- **Within 24 hours:** notify the Labour Program as soon as possible of a death, a disabling injury to two or more employees, or another occurrence on the official list
- **Disabling injury:** written Hazardous Occurrence Investigation Report within 14 days
- **Annual reports by March 1,** even if nothing happened: hazardous occurrence (EAHOR), harassment and violence occurrence (EAHVOR) and Work Place Committee (WPCR) reports. Who completes each one varies
- Workers' compensation board reports do not replace Labour Program reports

You must not penalize, discipline or threaten any employee for following the Code, using the complaint process, or refusing dangerous work (s. 147).

Company details

Complete for your workplace

Company name

Health and safety contact

Phone / email

Where our policy statement and the Code are available

Committee or Representative contact

Designated recipient (harassment and violence)

Last reviewed

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FEDERALLY REGULATED WORKPLACES · CANADA LABOUR CODE, PART II

Supervisor

YOUR ROLE

You are the link between the plan and the work. You know the hazards in your area, you make sure your team has what they need, and you are the first person an employee comes to.

What you are responsible for

CLC s. 124, 125, 126

- When you act on behalf of the employer, the employer's duties under the Code are your duties
- Make sure employees work in the way required by the Code, regulations and company procedures
- Make sure employees use the materials, equipment, devices and clothing the employer requires
- Tell employees about every known or foreseeable hazard in their work area
- Respond to health and safety complaints brought to you and try to resolve them with the employee as soon as possible (s. 127.1)
- Follow the Code and your own employee duties, including reporting hazards and incidents

Your training

s. 125(1)(z), (z.161)

- Your employer must make sure you are adequately trained in health and safety and informed of your responsibilities under the Code
- This includes training on preventing harassment and violence, and your rights and obligations under the Code

Westray Act

Criminal Code s. 217.1

Because you direct how work is done, you have a personal legal duty to take reasonable steps to prevent bodily harm to workers and others. Where a failure to meet that duty is linked to a serious injury or death, you can be charged as an individual under the Criminal Code, not only the organization. Whether liability follows depends on the offence and the evidence.

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FEDERALLY REGULATED WORKPLACES · CANADA LABOUR CODE, PART II

Supervisor

In practice

- Respond to hazard reports and complaints, and follow up with the employee
- Take part in work refusal investigations
- Investigate incidents and near-misses in your area, and share what was learned
- Support employees through return to work and accommodations
- Lead by example. How you work is what your team learns

When a complaint comes to you

s. 127.1

1. Work with the employee to resolve it as soon as possible
2. If it is not resolved, either of you can refer it to the committee or representative for a joint investigation
3. Harassment and violence concerns follow the resolution process in your employer's prevention policy

You must not penalize, discipline or threaten any employee for raising a concern, following the Code, or refusing dangerous work (s. 147).

Company details

Complete for your workplace

Company name

My manager / escalation contact

Health and safety contact

How hazards and incidents are reported here

Committee or Representative contact

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Employee

YOUR ROLE

You know your work better than anyone. You protect yourself and the people around you, and your voice helps make the workplace better.

What you are responsible for

CLC s. 126

- Use the safety materials, equipment, devices and clothing your employer provides
- Follow the health and safety procedures and instructions your employer gives you
- Take every reasonable and necessary precaution to protect yourself and others
- Cooperate with your committee or representative, and with anyone carrying out a duty under the Code
- Report any hazard to your employer
- Report every incident or occurrence at work that caused an injury
- Report anything you believe goes against the Code
- Follow directions from a Labour Program official

Your three rights

RIGHT TO

Know

about known or foreseeable hazards and how to protect yourself

RIGHT TO

Participate

through the committee or representative, and by raising concerns

RIGHT TO

Refuse

work you have reasonable cause to believe is dangerous (s. 128)

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FEDERALLY REGULATED WORKPLACES · CANADA LABOUR CODE, PART II

Employee

How a work refusal works

s. 128, 129

1. Tell your employer right away why you believe the work is dangerous
2. Your employer investigates with you present and gives you the results in writing
3. If you still believe there is a danger, tell your employer and the committee or representative. One employee and one employer member investigate with you
4. Your employer makes a written decision. If they find no danger and you continue to refuse, they must notify the Labour Program, who will investigate
5. Your employer may ask you to stay in a safe place nearby or give you other reasonable work while this happens

You cannot refuse if it would put another person directly in danger, or if the danger is a normal condition of your job.

You are protected. Your employer cannot penalize, discipline or threaten you for following the Code or using your rights (s. 147). For a concern that is not a refusal, go to your supervisor first, then the committee or representative (s. 127.1).

Company details

Complete for your workplace

Company name

My supervisor

Health and safety contact

How to report a hazard or incident

Designated recipient (harassment and violence)

Committee or Representative contact

First aid / emergency contact

Labour Program
1-800-641-4049

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FEDERALLY REGULATED WORKPLACES · CANADA LABOUR CODE, PART II

Health and Safety Committees

Workplace, Policy Committee and Health and Safety Representative

YOUR ROLE

You bring employee and management perspectives together to find and fix hazards. You advise, recommend and keep the conversation going.

Which one applies

CLC s. 134.1, 135, 136

1–19
employees normally employed

Health and Safety Representative
selected by non-managerial employees

20+
employees normally employed

Workplace Health and Safety Committee
at least 2 members, at least half selected by non-managerial employees or their union

300+
employees across the organization

Policy Committee
deals with issues that affect the whole organization

What you do

- Identify hazards and potential hazards
- Make recommendations to the employer. The employer responds in writing within 30 days
- Take part in developing and monitoring the hazard prevention program
- Investigate complaints referred through the internal complaint process (s. 127.1)
- Take part in work refusal investigations
- Get information from the employer about hazards, testing and monitoring (medical records only with consent)

Inspections

s. 135(7)(k)

- Inspect all or part of the workplace each month, so that every part is inspected at least once a year

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FEDERALLY REGULATED WORKPLACES · CANADA LABOUR CODE, PART II

Health and Safety Committees

Workplace, Policy Committee and Health and Safety Representative

How the committee runs

- Workplace committees meet at least nine times a year, at regular intervals, during working hours. Policy committees meet at least quarterly
- Two co-chairs: one chosen by employee members and one by employer members
- Members receive the training the regulations require and are informed of their responsibilities
- Time spent on meetings and committee duties is considered work time
- Names, work phone numbers and work locations of members are posted where employees can see them
- The Work Place Committee Report goes to the Labour Program by March 1 each year

Harassment and violence

s. 135(7.1)

The committee does not investigate individual harassment and violence occurrences, which protects the privacy of the people involved. It works with the employer on the workplace assessment, prevention policy and training, and it takes part in work refusals.

Company details

Complete for your workplace

Company name

Employee co-chair

Employer co-chair

Representative or policy committee contact (if applicable)

Meeting schedule

Where minutes are posted

How to bring a concern to the committee

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