



# Labour

## Information on OCCUPATIONAL HEALTH AND SAFETY

### 2A EMPLOYER AND EMPLOYEE DUTIES

#### 1. As an employer, what are my duties under Part II of the *Canada Labour Code*?

Employers have a general obligation or duty to ensure that the health and safety of every person employed by the employer is protected while they are working. This can be achieved by complying with the *Canada Labour Code*, Part II (the Code) and the standards set out in the *Canada Occupational Health and Safety Regulations*. Also, employers have specific duties in regards to each work place they control and every work activity under their authority that occurs in a work place that is beyond the employer's control.

The Code requires employers to ensure that the design, installation, operation, use or maintenance of the following meet the prescribed standards set out in the *Canada Occupational Health and Safety Regulations*:

- buildings and structures (permanent or temporary), guards, guard rails, barricades and fences;
- protective devices, machinery, equipment, tools, vehicles, and mobile equipment;
- boilers, pressure vessels, escalators, elevators, electrical generation equipment, electrical distribution systems;
- heat generating equipment and heating, ventilating and air conditioning systems.

Federal jurisdiction employers have a further obligation to ensure that levels of:

- temperature, humidity, ventilation, lighting, sound and vibration meet with prescribed standards, and that employees are not exposed to levels exceeding prescribed exposure limits of hazardous substances including controlled products and any other chemical, biological or physical agents that may be harmful resulting from their storage, handling or use in the work place.

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The employer must also ensure that all hazardous substances including controlled products are labeled appropriately. Material safety data sheets are to be made available to employees for the hazardous substances and/or controlled products to which the employee may be exposed.

In accordance with the Code, employers are required to provide:

- safe entry to, exit from and occupancy of the work place;
- first-aid facilities and health services, sanitary and personal facilities, and safe drinking water;
- employees with the information, instruction, training and supervision necessary to ensure their health and safety at work;
- employees with access to a copy of the *Canada Occupational Health and Safety Regulations*, and where necessary, the training on how to access them;
- for the training of supervisors and managers in occupational health and safety and their responsibilities under the Code;
- for the training of members of the policy and work place committees and health and safety representatives in occupational health and safety and their responsibilities under the Code;
- a response to employees who have reported to the employer any thing or circumstance likely to be hazardous to the health and safety of employees or other persons granted access to the work place;
- written responses to recommendations made by policy and work place committees and health and safety representatives within 30 days after receiving them;
- the resources necessary for the operation of the policy and work place committees;
- to the policy and work place committees and health and safety representative a copy of any report relating to hazards, including ergonomic related hazards, in the work place;
- within 30 days, the information requested by a policy committee, a work place committee or a health and safety representative;
- every person granted access to the work place, with the prescribed safety materials, equipment, devices and clothing and ensure that every person is familiar with, and uses them.

The Code requires that each employee, and each person granted access to the work place, be made aware of every known or foreseeable hazard in the area where the employee works or where the person is likely to be exposed.

Further obligations for employers under the Code include:

- posting the Code, the employer's general policy on the health and safety of employees, information on the work place health and safety committee and any other printed material as directed by a health and safety officer. Additionally where an appeals officer or health and safety officer issues a direction, employers are required to post a notice of the direction, as may be specified by the appeals officer or by a health and safety officer;
- investigating, recording and reporting all accidents, occupational diseases and other hazardous occurrences, including ergonomic related hazards, and keeping and maintaining accurate health and safety records;

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- adopting and implementing prescribed safety codes, safety standards and standards relating to fire safety and emergency measures and taking the necessary steps to prevent and protect against violence in the work place;
  - ensuring that the activities of every person granted access to the work place do not endanger the health and safety of employees;
  - ensuring that the work place committee or health and safety representative conducts monthly inspections of all or part of the work place so that the entire work place is inspected at least once each year;
  - complying with every oral or written direction given to the employer by a health and safety officer or an appeals officer;
  - responding in writing, to a health and safety officer's direction or report when requested to do so by the health and safety officer.

## **2. What is the Internal Responsibility System?**

Internal responsibility system is a phrase often used when referring to the work place health and safety committee or the health and safety representative. In reality it goes further, and is actually a collaborative approach taken by an employer **and** the employees to resolve health and safety concerns in the work place or when performing work activities.

A well functioning internal responsibility system is a valued asset for any organization or company. That is why there is a requirement to establish, for all federal work places, a work place committee or health and safety representative to assist in protecting the health and safety of employees.

For large employers (more than 300 employees) there is an additional requirement to establish a policy health and safety committee to deal with global issues through a more strategic approach.

It is the responsibility of the employer to ensure the proper selection of policy and work place committee members and the selection of a health and safety representative, in accordance with Code requirements. Where such selections have not taken place, it is the employer's responsibility to perform those duties and functions that would otherwise be performed by the policy committee, the work place committee or the health and safety representative, as the case may be.

## **3. What are the employer's obligations in regards to the internal responsibility system?**

The employer must consult the policy committee on the development, implementation and monitoring of a program for the prevention of work place hazards. This program must also provide for the education of employees in health and safety matters.

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Consultation must also occur between the employer and the policy committee in the development, implementation and monitoring of a program for the provision of personal protective equipment, clothing and devices.

The employer is to consult the policy committee to plan the implementation of changes in the work place that may have an affect on the health and safety of employees. Similar consultation is to take place at the policy committee level in the development of other health and safety policies and programs.

Where a policy committee is not required, the consultations identified above must take place at the work place or health and safety representative level.

Work place committees or health and safety representatives will be consulted in the development, implementation and monitoring of a program for the prevention of unique work place hazards that also provides for the education of employees in health and safety matters.

Work place committees or health and safety representatives will be consulted in the implementation of the work place changes planned at the policy committee level and the implementation and monitoring of any programs developed through consultation with the policy committee.

Employers are required to cooperate with policy committees, work place committees and health and safety representatives.

#### **4. As an employee, what are my duties under Part II of the *Canada Labour Code*?**

In order for the internal responsibility system to function properly, it requires the involvement and participation of the employees in the work place. That is why the *Canada Labour Code*, Part II places several obligations on employees, all of which have the goal of preventing occupational related injuries and diseases.

Employees have a responsibility to take all reasonable and necessary precautions to ensure their health and safety and that of anyone else who may be affected by their work or activities. Specifically, the Code requires employees to:

- use all safety materials, equipment, devices and clothing that are provided by the employer and are intended to protect the employees;
- follow procedures that relate to the health and safety of employees;
- follow all instructions provided by the employer concerning the health and safety of employees;
- cooperate with any person carrying out a duty or function required by the Code;
- cooperate with policy and work place committees and health and safety representatives;
- report to the employer any thing or circumstance that is likely to be hazardous to the employees or any other person in the work place;
- report to the employer, all work related accidents, occupational diseases or other hazardous occurrences that have caused injury to the employee or any other person;

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- report to the employer, any situation the employee believes to be a contravention of Part II of the Code, by the employer, another employee or any other person;
  - comply with every oral direction or written direction given by a health and safety officer or an appeals officer;
  - respond in writing to a health and safety officer's direction or report when requested to do so by the health and safety officer.

Nobody knows a work place better than the people who work in it. Part II of the *Canada Labour Code* gives the work place parties a strong role in the identification and resolution of health and safety concerns.

The provisions of the *Canada Labour Code* are designed to strengthen employers' and employees' self-reliance to effectively deal with occupational health and safety issues and, in so doing, make work places safer.

## **5. How can I get more information?**

Contact Human Resources and Skills Development Canada – Labour Program office closest to you.

*The number, 1-800-641-4049, offers 24-hour bilingual information on the Directorate's programs and services and provides a single point of contact for our clients and Canadians*

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