

Module 2 – Employer Responsibilities (25 minutes in groups)

Part II, Canada Labour Code: Duties of Employers

The law says ...	In plain language, it means ...	This is important to me/us because ...
124. Every employer shall ensure that the health and safety at work of every person employed by the employer is protected.		

The law says ...	In plain language, it means ...	This is important to me/us because ...
<p>125. (1) Without restricting the generality of section 124, every employer shall, in respect of every work place controlled by the employer and, in respect of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer controls the activity,</p>		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(a) ensure that all permanent and temporary buildings and structures meet the prescribed standards;		
(b) install guards, guard-rails, barricades and fences in accordance with prescribed standards;		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(c) except as provided for in the regulations, investigate, record and report, in accordance with the regulations, all accidents, occurrences of harassment and violence, occupational illnesses and other hazardous occurrences known to the employer;		
(d) make readily available to employees, in printed and electronic form,		
(i) a copy of this Part and a copy of the regulations made under this Part that apply to the work place, (ii) a statement of the employer's general policy concerning the health and safety at work of employees, and (iii) any other information related to health and safety that is prescribed or that may be specified by the Head;		
(e) repealed 2018		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(f) if the information referred to in any of subparagraphs (d)(i) to (iii) is made available in electronic form, ensure that employees receive appropriate training to enable them to have access to the information and, on the request of an employee, make a printed copy of the information available;		
(g) keep and maintain in prescribed form and manner prescribed health and safety records;		
(h) provide prescribed first-aid facilities and health services;		
(i) provide prescribed sanitary and personal facilities;		
(j) provide, in accordance with prescribed standards, potable water;		
(k) ensure that the vehicles and mobile equipment used by the employees in the course of their employment meet prescribed standards;		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(l) provide every person granted access to the work place by the employer with prescribed safety materials, equipment, devices and clothing;		
(m) ensure that the use, operation and maintenance of the following are in accordance with prescribed standards:		
<ul style="list-style-type: none"> (i) boilers and pressure vessels, (ii) escalators, elevators and other devices for moving passengers or freight, (iii) all equipment for the generation, distribution or use of electricity, (iv) gas or oil burning equipment or other heat generating equipment, and; (v) heating, ventilation and air-conditioning systems. 		
(n) ensure that the levels of ventilation, lighting, temperature, humidity, sound and vibration are in accordance with prescribed standards;		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(o) comply with prescribed standards relating to fire safety and emergency measures;		
(p) ensure, in the prescribed manner, that employees have safe entry to, exit from and occupancy of the work place;		
(q) provide, in the prescribed manner, each employee with the information, instruction, training and supervision necessary to ensure their health and safety at work;		
(r) maintain all installed guards, guard-rails, barricades and fences in accordance with prescribed standards;		
(s) ensure that each employee is made aware of every known or foreseeable health or safety hazard in the area where the employee works;		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(t) ensure that the machinery, equipment and tools used by the employees in the course of their employment meet prescribed health, safety and ergonomic standards and are safe under all conditions of their intended use;		
(u) ensure that the work place, work spaces and procedures meet prescribed ergonomic standards;		
(v) adopt and implement prescribed safety codes and safety standards;		
(w) ensure that every person granted access to the work place by the employer is familiar with and uses in the prescribed circumstances and manner all prescribed safety materials, equipment, devices and clothing;		
(x) comply with every oral or written direction given to the employer by the Head or the Board concerning the health and safety of employees;		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(y) ensure that the activities of every person granted access to the work place do not endanger the health and safety of employees;		
(z) ensure that employees who have supervisory or managerial responsibilities are adequately trained in health and safety and are informed of the responsibilities they have under this Part where they act on behalf of their employer;		
(z.01) ensure that members of policy and work place committees and health and safety representatives receive the prescribed training in health and safety and are informed of their responsibilities under this Part;		
(z.02) respond as soon as possible to reports made by employees under paragraph 126(1)(g);		

The law says ...	In plain language, it means ...	This is important to me/us because ...
<p>(z.03) develop, implement and monitor, in consultation with the policy committee or, if there is no policy committee, with the work place committee or the health and safety representative, a prescribed program for the prevention of hazards in the work place appropriate to its size and the nature of the hazards in it that also provides for the education of employees in health and safety matters;</p>		
<p>(z.04) where the program referred to in subparagraph (z.03) does not cover certain hazards unique to a work place, develop, implement and monitor, in consultation with the work place committee or the health and safety representative, a prescribed program for the prevention of those hazards that also provides for the education of employees in health and safety matters related to those hazards;</p>		

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(z.05) consult the policy committee or, if there is no policy committee, the work place committee or the health and safety representative to plan the implementation of changes that may affect occupational health and safety, including work processes and procedures;		
(z.06) consult the work place committee or the health and safety representative in the implementation of changes that may affect occupational health and safety, including work processes and procedures;		
(z.07) ensure the availability in the work place of premises, equipment and personnel necessary for the operation of the policy and work place committees;		
(z.08) cooperate with the policy and work place committees or the health and safety representative in the execution of their duties under this Part;		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(z.09) develop health and safety policies and programs in consultation with the policy committee or, if there is no policy committee, with the work place committee or the health and safety representative;		
(z.10) respond in writing to recommendations made by policy and work place committees or the health and safety representative within thirty days after receiving them, indicating what, if any, action will be taken and when it will be taken;		
(z.11) provide to the policy committee, if any, and to the work place committee or the health and safety representative, a copy of any report on hazards in the work place, including an assessment of those hazards;		

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(z.12) ensure that the work place committee or the health and safety representative inspects each month all or part of the work place, so that every part of the work place is inspected at least once each year;		
(z.13) when necessary, develop, implement and monitor a program for the provision of personal protective equipment, clothing, devices or materials, in consultation, except in emergencies, with the policy committee or, if there is no policy committee, with the work place committee or the health and safety representative;		
(z.14) take all reasonable care to ensure that all persons granted access to the work place, other than the employer's employees, are informed of every known or foreseeable health and safety hazard to which they are likely to be exposed in the work place;		

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(z.15) meet with the health and safety representative as necessary to address health and safety matters;		
(z.16) take the prescribed measures to prevent and protect against harassment and violence in the work place, respond to occurrences of harassment and violence in the work place and offer support to employees affected by harassment and violence in the work place;		
(z.161) ensure that employees, including those who have supervisory or managerial responsibilities, receive training in the prevention of harassment and violence in the work place and are informed of their rights and obligations under this Part in relation to harassment and violence;		
(z.162) undergo training in the prevention of harassment and violence in the work place;		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(z.163) ensure that the person designated by the employer to receive complaints relating to occurrences of harassment and violence has knowledge, training and experience in issues relating to harassment and violence and has knowledge of relevant legislation;		
(z.17) post and keep posted, in a conspicuous place or places where they are likely to come to the attention of employees, the names, work place telephone numbers and work locations of all of the members of work place committees or of the health and safety representative;		

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<p>(z.18) provide, within thirty days after receiving a request or as soon as possible after that, the information requested from the employer by a policy committee under paragraph 134.1(5) or (6), by a work place committee under paragraph 135(8) or (9) or by a health and safety representative under paragraph 136(6) or (7); and</p>		
<p>(z.19) consult with the work place committee or the health and safety representative on the implementation and monitoring of programs developed in consultation with the policy committee.</p>		

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<p>(2) Paragraph (1)(z.17) does not apply to an employer who controls</p> <p>(a) a single work place at which fewer than twenty employees are normally employed, if all those employees and the health and safety representative normally work at the same time and in the same location; or</p> <p>(b) a single work place at which only one employee is normally employed.</p>		
<p>125.1 Without restricting the generality of section 124 or limiting the duties of an employer under section 125 but subject to any exceptions that may be prescribed, every employer shall, in respect of every work place controlled by the employer and, in respect of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer controls the activity,</p>		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(a) ensure that concentrations of hazardous substances in the work place are controlled in accordance with prescribed standards;		
(b) ensure that all hazardous substances in the work place are stored and handled in the manner prescribed;		
(c) ensure that all hazardous substances in the work place, other than controlled products, are identified in the manner prescribed;		
(d) subject to the Hazardous Materials Information Review Act, ensure that each hazardous product in the work place or each container in the work place in which a hazardous product is contained has affixed to it, printed on it, attached to it or otherwise applied to it a label that meets the prescribed requirements;		

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<p>(e) subject to the Hazardous Materials Information Review Act, make available to every employee, in the prescribed manner, a safety data sheet for each hazardous product to which the employee may be exposed that meets the requirements set out in the regulations made under subsection 15(1) of the Hazardous Products Act,</p>		
<p>(f) where employees may be exposed to hazardous substances, investigate and assess the exposure in the manner prescribed, with the assistance of the work place committee or the health and safety representative; and</p>		
<p>(g) ensure that all records of exposure to hazardous substances are kept and maintained in the prescribed manner and that personal records of exposure are made available to the affected employees.</p>		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(f) where employees may be exposed to hazardous substances, investigate and assess the exposure in the manner prescribed, with the assistance of the work place committee or the health and safety representative; and		
(g) ensure that all records of exposure to hazardous substances are kept and maintained in the prescribed manner and that personal records of exposure are made available to the affected employees.		

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<p>125.2 (1) An employer shall, in respect of every work place controlled by the employer, and in respect of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer controls that activity, provide, in respect of any controlled product to which an employee may be exposed, as soon as is practicable in the circumstances, any information that is included in the safety data sheet that is in the employer's possession for the hazardous product to any physician or other prescribed medical professional who requests that information for the purpose of making a medical diagnosis of, or rendering medical treatment to, an employee in an emergency..</p>		

The law says ...	In plain language, it means ...	This is important to me/us because ...
<p>(2) Any physician or other prescribed medical professional to whom information is provided by an employer pursuant to subsection (1) shall keep confidential any information specified by the employer as being confidential, except for the purpose for which it is provided.</p>		

Module 2 – Employee Responsibilities

Part II, Canada Labour Code: Workers' Duties Or Responsibilities

Section 126. (1) While at work, every employee shall:*

The law says ...	In plain language, it means ...	This is important to me/us because ...
(a) use any safety materials, equipment, devices and clothing that are intended for the employee's protection and furnished to the employee by the employer or that are prescribed;		
(b) follow prescribed procedures with respect to the health and safety of employees;		
(c) take all reasonable and necessary precautions to ensure the health and safety of the employee, the other employees and any person likely to be affected by the employee's acts or omissions;		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(d) comply with all instructions from the employer concerning the health and safety of employees;		
(e) cooperate with any person carrying out a duty imposed under this Part;		
(f) cooperate with the policy and work place committees or the health and safety representative;		
(g) report to the employer any thing or circumstance in a work place that is likely to be hazardous to the health or safety of the employee, or that of the other employees or other persons granted access to the work place by the employer;		
(h) report in the prescribed manner every accident or other occurrence arising in the course of or in connection with the employee's work that has caused injury to the employee or to any other person;		

The law says ...	In plain language, it means ...	This is important to me/us because ...
(i) comply with every oral or written direction of the Head or the Board concerning the health and safety of employees; and		
(j) report to the employer any situation that the employee believes to be a contravention of this Part by the employer, another employee or any other person.		
No relief of employer's duties		
*(2) Nothing in subsection (1) relieves an employer from any duty imposed on the employer under this Part.		
Limitation of Liability		

The law says ...	In plain language, it means ...	This is important to me/us because ...
<p>3) No employee is personally liable for anything done or omitted to be done in good faith by the employee when the employee is assisting the employer, as requested by the employer, in providing first-aid or in carrying out any other emergency measures.</p>		

*** Workers have a related right that is important to note here.**

147 No employer shall dismiss, suspend, lay off or demote an employee, impose a financial or other penalty on an employee, or refuse to pay an employee remuneration in respect of any period that the employee would, but for the exercise of the employee’s rights under this Part, have worked, or take any disciplinary action against or threaten to take any such action against an employee because the employee

(a) has testified or is about to testify in a proceeding taken or an inquiry held under this Part;

(b) has provided information to a person engaged in the performance of duties under this Part regarding the conditions of work affecting the health or safety of the employee or of any other employee of the employer; or

(c) has acted in accordance with this Part or has sought the enforcement of any of the provisions of this Part.