

# Health and Safety Legislation in Canada

## Health and Safety Legislation in Canada - Basic Responsibilities

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## Are there any similarities in occupational health and safety (OH&S) legislation across Canada?

Many basic elements (e.g., rights and responsibilities of workers, responsibilities of employers, supervisors, etc.) are similar in all 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 legislation may be "mandatory," "discretionary," or "as directed by the Minister."

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## What are the general responsibilities of governments?

The general responsibilities of governments for occupational health and safety include:

- Enforcement of occupational health and safety legislation.
- Workplace inspections.

- Investigations (e.g., incidents involving serious injuries or deaths, work refusals, or complaints).
  - Dissemination of information.
  - Promotion of training, education, and research.
  - Resolution of occupational health and safety disputes.
  - Issuing orders or pursuing prosecution when there is a contravention of the legislation
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## What are the workers' rights and responsibilities?

Worker responsibilities include the following:

- Work in compliance with applicable legislation.
- Use personal protective equipment, clothing, and devices as directed by the employer.
- Report workplace hazards, incidents, and occupational diseases 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.

Workers have the following [three basic rights](#):

- Right to refuse unsafe work.
  - Right to participate in workplace health and safety activities (e.g., through hazard reporting, being a member of the health and safety committee or as a worker health and safety representative).
  - Right to know, or the right to be informed about, actual and potential hazards in the workplace and how to work safely.
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## What are the manager or supervisor's responsibilities?

The manager or supervisor must:

- Make sure workers work in compliance with legislation.
- Make sure that workers use prescribed protective equipment, clothing, and devices.
- Inform workers of potential and actual hazards.

- Provide workers with written instructions on the measures and procedures to be followed for protection of the worker.
- Take every reasonable precaution in the circumstances for the protection of workers.
- Investigate reports of hazards, including work refusals.

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. Some jurisdictions have specific duties for supervisors.

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## 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 workers about any potential and actual hazards and how to work safely (e.g., how to 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, clothing, and devices.
  - Report all critical injuries to the government department responsible for occupational health and safety..
  - Appoint a competent supervisor who sets the standards for performance, understands their health and safety responsibilities, and who ensures safe working conditions are always observed.
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## What does the legislation say about forming health and safety committees?

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

- Be composed of one-half management and at least one-half worker 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 one worker chairperson.
- Make sure worker representatives are elected or selected by the workers or their union.

Workplaces with less than 20 regularly employed workers may not need a committee but may be required to have a health and safety representative instead. Refer to the relevant occupational health and safety legislation to learn about when a committee or representative is required.

Refer to the OSH Answers on [Health and Safety Committees](#) for more information.

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## What is the role of the health and safety committee?

The role of health and safety committees can include to:

- Act as an advisory body.
  - Identify potential and actual hazards and obtain information about them.
  - Recommend corrective actions.
  - Assist in resolving work refusal cases.
  - Participate in investigations (e.g., incidents, work refusals) and workplace inspections.
  - Be present for health and safety-related testing.
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## What happens when there is a refusal to work?

A worker can refuse work if they believe that the situation is unsafe to either themselves or their co-workers. When a worker believes that a work refusal should be initiated, then

- The worker must report to their supervisor that they are refusing to work and state why they believe the situation is unsafe.
- The worker, supervisor, and a committee member or worker representative will investigate.
- The worker 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 a decision in writing.

See the OSH Answers document "[Health and Safety Legislation in Canada - Right to Refuse](#)" for more information.

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## How is legislation enforced?

The legislation holds employers responsible for protecting worker 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 workers and public safety. If this duty is "wanton" or recklessly disregarded and bodily harm or death results, an organization or individual could be charged with criminal negligence.

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## Where can I get more information about responsibilities?

If you have specific concerns about what legislation requires employers and workers to do, you should consult local authorities in your jurisdiction. Contacting the jurisdictional authority is very important if your questions deal with the content, interpretation, compliance, enforcement of the legislation and how the legislation applies in your own workplace situation.

We have provided a list of these jurisdictions in the OSH Answers document "[Canadian Government Departments Responsible for Health and Safety](#)".

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Fact sheet last revised: 2024-06-10

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