

Duties of Suppliers under the OHS Laws



When you think of the stakeholders who have duties under the OHS laws, you usually think of employers, supervisors, workers and contractors. But there's another group that may have specific OHS duties—suppliers of tools, equipment and other items to workplaces. Prosecutions of suppliers for OHS violations aren't common but they do happen. For example, a supplier in Saskatchewan is currently facing charges that the grain extractor it supplied failed to comply with the guarding requirements under the OHS law [*R. v. Flaman Sales Ltd.*, [2012] SKPC 120 (CanLII), Oct. 29, 2012].

So if you're considered a supplier under the OHS laws of your jurisdiction, it's critical that you know exactly what these duties are so that you can comply with them. This chart shows the definition of supplier and their general duties under the OHS laws of each jurisdiction. (But it *doesn't* include the duties of suppliers of controlled products under WHMIS.)

SUPPLIER DUTIES UNDER THE OHS LAW

FED The OHS laws don't include specific duties for suppliers in general.

AB *OHS Act*:

“Supplier” is defined as a person who rents, leases, erects, installs or provides any tools, appliances or equipment or who sells or otherwise provides any designated substance or hazardous material to be used by a worker in respect of any occupation, project or work site [Sec. 1(aa)]. Suppliers must ensure:

1) as far as it's reasonably practicable for it to do so, that any tool, appliance or equipment that it supplies is in safe operating condition [Sec. 2(3)]; and

2) that any tool, appliance, equipment, designated substance or hazardous material that it supplies complies with the Act, the regulations and the adopted code [Sec. 2(4)].

BC *Workers' Compensation Act:*

Supplier is defined as a person who manufactures, supplies, sells, leases, distributes, erects or installs: a) any tool, equipment, machine, device; or b) any biological, chemical or physical agent to be used by a worker [Sec. 106].

Every supplier must:

- a) ensure that any tool, equipment, machine or device, or any biological, chemical or physical agent, supplied by it is safe when used in accordance with the directions provided by the supplier and complies with this Part and the regulations;
- b) provide directions respecting the safe use of any tool, equipment, machine or device, or any biological, chemical or physical agent, that is obtained from it to be used at a workplace by workers;
- c) ensure that any biological, chemical or physical agent supplied by it is labelled in accordance with the applicable federal and provincial enactments;
- d) if the supplier has responsibility under a leasing agreement to maintain any tool, equipment, machine, device or other thing, maintain it in safe condition and in compliance with this Part, the regulations and any applicable orders; and
- e) comply with this Part, the regulations and any applicable orders [Sec. 120].

MB *Workplace Safety & Health Act:*

Supplier is defined as a person who supplies, sells, leases, installs or provides: a) any tool, equipment, machine or device; or b) any biological substance or chemical substance to be used in a workplace [Sec. 1].

Every supplier must:

- a) ensure, so far as is reasonably practicable, that any tool, equipment, machine, device or chemical or biological substance provided by it for use at a workplace:
 - i) is safe when used in accordance with the instructions provided by it; and
 - ii) conforms with the requirements of the Act and the regulations;
- (b) when prescribed by regulation, provide written instructions and information prescribed by regulation to every employer, self-employed person, contractor or prime contractor to whom it supplies any tool, equipment, machine, device or chemical or biological substance; and
- (c) comply with the Act and the regulations [Sec. 7.3].

NB *OHS Act.:*

Supplier is defined as any person who manufactures, supplies, sells, leases, distributes or installs any tool, equipment, machine, device or any biological, chemical or physical agent to be used by a worker [Sec. 1]. Every supplier must: a) take every reasonable precaution to ensure that any tool, equipment, machine or device or any biological, chemical or physical agent supplied by it:

- i) is reasonably safe when used as directed by it or in accordance with the directions supplied by it; and
- ii) complies with the Act and regulations;
- b) provide directions respecting the safe use of any tool, equipment, machine or device or any biological, chemical or physical agent obtained by an employer to be used at a place of employment by workers; and
- c) ensure that any biological, chemical or physical agent supplied by it is labelled in accordance with the applicable federal and provincial regulations [Sec. 13].

NL *OHS Act:*

□Supplier□ is defined as a person who rents or leases tools, appliances or equipment to be used by a worker [Sec. 2(1)]. A supplier must ensure, where it□s reasonably practicable for it to do so, that tools, appliances or equipment that it supplies: a) are in safe operating condition; and b) comply with the standards prescribed by the regulations [Sec. 11].

NT/ *Safety Act:*

NU □Supplier□ is defined as a person who supplies, sells, leases, distributes, erects or installs any tool, equipment, machine, device, or any biological, chemical or physical agent to be used by a worker or at an establishment [Sec. 1].

Every supplier must:

- a) ensure that any tool, equipment, machine, device, or any biological, chemical or physical agent supplied, sold, leased, distributed, erected or installed by it is safe when used in accordance with the directions provided by it and complies with the Act and the regulations;
- b) provide directions respecting the safe use of any tool, equipment, machine, device, or any biological, chemical or physical agent supplied, sold, leased, distributed, erected or installed by it for use at an establishment;
- c) ensure that any biological, chemical or physical agent supplied, sold or distributed by it is labeled in accordance with applicable federal and territorial enactments; and
- d) if the supplier has responsibility under a leasing agreement to maintain any tool, equipment, machine, device or other thing, maintain it in a safe condition and in compliance with the Act and the regulations [Sec. 6.1].

NS *OHS Act:*

□Supplier□ is defined as a person who manufactures, supplies, sells, leases, distributes or installs any tool, equipment, machine or device or any biological, chemical or physical agent to be used at or near a workplace [Sec. 3(af)].

Every supplier must take every precaution that□s reasonable in the circumstances to:

- a) ensure that any device, equipment, machine, material or thing supplied by the supplier is in safe condition, and in compliance with the Act and the regulations when it□s supplied;
- b) where it□s the supplier□s responsibility under a leasing agreement to maintain it, maintain any device, equipment, machine, material or thing in safe condition and in compliance with the Act and the regulations; and
- c) ensure that any biological, chemical or physical agent supplied by it is labelled in accordance with the applicable federal and provincial regulations [Sec. 16].

- ON** *OHS Act:*
Doesn't define "supplier."
Every person who supplies any machine, device, tool or equipment under any rental, leasing or similar arrangement for use in or about a workplace must ensure:
a) that the machine, device, tool or equipment is in good condition;
b) that the machine, device, tool or equipment complies with the Act and the regulations; and
c) if it's the person's responsibility under the rental, leasing or similar arrangement to do so, that the machine, device, tool or equipment is maintained in good condition [Sec. 31(1)].
- PE** *OHS Act:*
"Supplier" is defined as a person who manufactures, supplies, sells, leases, distributes or installs any item, device, material, equipment or machinery or a biological, physical or chemical agent to be used by a worker [Sec. 1(v)].
A supplier must ensure that:
a) any item, device, material, equipment or machinery supplied by the supplier to a workplace is, when it's supplied, properly equipped with the safety features or devices required by the regulations;
b) the item, device, material, equipment or machinery is maintained in safe working condition and in compliance with the Act and the regulations, where it's the supplier's responsibility under an agreement to maintain it; and
c) a biological, chemical or physical agent supplied by it is labelled in accordance with the applicable federal and provincial regulations [Sec. 15].
- QC** *An Act respecting occupational health and safety:*
Doesn't define "supplier."
No person may manufacture, supply, sell, lease, distribute or install any product, process, equipment, material, contaminant or dangerous substance unless it's safe and in conformity with the standards prescribed by regulation [Sec. 63].

SK *OHS Act:*

□Supplier□ is defined as, unless otherwise stated, a person who supplies, sells, offers or exposes for sale, leases, distributes or installs any biological substance or chemical substance or any plant to be used at a place of employment [Sec. 2(1)(ee)].

Every supplier must:

a) ensure, insofar as is reasonably practicable, that any substance or any plant supplied by it to any owner, contractor, employer, worker or self-employed person for use in or at a place of

employment:

i) is safe when used in accordance with the instructions provided by it; and

ii) complies with the requirements of the Act and the regulations;

b) in the prescribed circumstances:

i) provide written instruction respecting the safe use of equipment that□s supplied by the supplier to be used in or at a place of employment by workers; and

ii) provide notice when equipment supplied doesn□t or won□t likely comply with a prescribed standard when used at a place of employment by workers;

c) if the supplier has responsibility under a leasing agreement to maintain equipment, maintain that equipment in a safe condition and in compliance with the regulations and any applicable orders issued pursuant to the regulations; and

d) comply with the Act and the regulations [Sec. 8].

In addition, Subject to Part VI (WHMIS), every supplier must provide prescribed written instructions and any other prescribed information to every employer to whom it supplies any prescribed biological substance, chemical substance or plant [Sec. 9(5)].

YT *OHS Act:*

□Supplier□ is defined to include any person, other than a seller who doesn□t have title, who provides, erects, or installs any tools, appliances, or equipment, whether owned by them or not, to be used by a worker in respect of any occupation, project or work site [Sec. 1].

A supplier who supplies any machine, device, tool, controlled product or equipment for use in or about a workplace must ensure that the machine, device, tool, controlled product or equipment complies with the Act and the regulations, that it□s in good condition and, if it□s the supplier□s contractual responsibility to do so, that the machine, device, tool, controlled product or equipment is maintained in good condition [Sec. 8].