

Workers' General Reporting Requirements



We often talk about *an employer's* duty to report serious injuries and incidents to the government agency that regulates the OHS laws. But in keeping with the theory behind the Internal Responsibility System, *workers* may also have reporting duties—that is, the duty to report things such as hazardous conditions, safety incidents and OHS violations to their supervisor and/or employer. Here's a look at workers' general reporting duties under the OHS laws in each jurisdiction. (The chart doesn't include any specific worker reporting duties that may be scattered throughout the OHS regulations, such as the duty to report the exercise of the right to refuse unsafe work.)

WORKERS' GENERAL REPORTING DUTIES

Under the OHS laws, workers have a general duty to report:

FED	<u>Canada Labour Code</u>: 1. To the employer any thing or circumstance in a workplace that's 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 workplace by the employer [Sec. 126(1)(g)]; 2. 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 [Sec. 126(1)(h)]; and 3. 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 [Sec. 126(1)(j)].
AB	<u>OHS Regulation</u>: 1. To the employer equipment that: a. is in a condition that will compromise the health or safety of workers using or transporting it; b. won't perform the function for which it's intended or was designed; c. is not strong enough for its purpose; or d. has an obvious defect [Sec. 14(2)]; and 2. An unsafe or harmful work site condition or act the worker believes exists or has occurred [Sec. 14(2.1)].
BC	<u>Workers Compensation Act</u>: 1. To the supervisor or employer: a. any contravention of this Part, the regulations or an applicable order of which the worker is aware; and b. the absence of or defect in any protective equipment, device or clothing, or the existence of any other hazard, that the worker considers is likely to endanger the worker or any other person [Sec. 116(2)(e)].
MB	The OHS laws don't impose a general reporting duty on workers.

NB	<u>OHS Act:</u> 1. To the employer the existence of any hazard of which he's aware [Sec. 12(c)].
NL	<u>OHS Regs. 2012:</u> 1. To the employer or supervisor a hazardous work condition that may come to his or her attention [Sec. 17(3)].
NT/NU	The OHS laws don't impose a general reporting duty on workers.
NS	<u>OHS Act:</u> 1. Any condition, device, equipment, machine, material or thing or any aspect of the workplace the worker believes is or may be dangerous to the worker's health or safety or that of any other person at the workplace [Sec. 17(2)].
ON	<u>OHS Act:</u> 1. To his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker's aware and which may endanger himself, herself or another worker [Sec. 28(1)(c)]; and 2. To his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows [Sec. 28(1)(d)].
PE	<u>OHS Act:</u> 1. Any item, device, material, equipment or machinery, condition or aspect of the workplace the worker believes is or may be dangerous to the worker's occupational health or safety or that of other persons at or near the workplace [Sec. 16(2)].
QC	The OHS laws don't impose a general reporting duty on workers.

SK	The OHS laws don't impose a general reporting duty on workers.
YT	<u>OHS Act</u>: 1. Immediately to their immediate supervisor any situation which they have reason to believe would present a hazard and which they can't correct [Sec. 9(d)]; and 2. Any accident or injury that arises in the course of or in connection with their work [Sec. 9(e)].