Bilingual Safety Training – Know the Laws of Your Province



OHS laws require employers to ensure that workers receive appropriate and adequate safety training, information and instruction. But they don't say anything about what language training, information and instruction must be in. The duty to translate is, however, implied, to the extent that training in English or French wouldn't be effective for workers who don't speak those languages.

While the general duty to provide **adequate** training applies in all parts of Canada, only 7 jurisdictions address languages issues in their OHS laws: FED, BC, MB, ON, QC, SK, YK. The broadest rule pertains to federally regulated workers covered by the Canada Labour Code, which specifies that employers must alter training to a worker's 'special need,' which can be interpreted broadly as covering not only visual impairment, deafness and other physical and mental/cognitive disabilities but also the ability to speak and comprehend a particular language.

OHS provisions from other jurisdictions that impose language requirements only in very limited circumstances, including with regard to:

- The language WHMIS labels and SDSs must be in: FED, MB, ON, QC;

- The language capabilities that individuals in certain operations, mostly in mining, must possess: ON, SK, YK;
- The language of materials for training workers on exposure control programs for hazardous biological agents: BC.

The OHS laws of Alberta, New Brunswick, Newfoundland, Northwest Territories, Nova Scotia and Nunavut don't say anything about language requirements. Here's a rundown of the rules in each part of Canada.

Language-Related Workplace Safety Requirements in OHS Laws

FEDERAL

1. **General:** Employer must provide each employee with the information, instruction, training and supervision necessary to ensure their health and safety at work (*Canada Labour Code*, Sec. 125(1)(q));
2. **Employees with Special Needs:** An employee with a special need must be given any direction, notice, information, instruction or training required to be given to employees under this Part **by any method of communication that readily permits the employee to receive it,** including braille, large print, audio tape, computer disk, sign language and verbal communication (emphasis added)'for purposes of this section, an employee has a special need if the employee is affected by a condition that impairs their ability to receive any direction, notice, information, instruction or training given by a method that would otherwise be sufficient under this Part. (*Canada Labour Code*, Sec. 122.3); and
3. **WHMIS:** In any work place where an employee is likely to handle or be exposed to a hazardous product, employer must keep readily available a copy of the work place

safety data sheet or the supplier safety data sheet, in English and French, for examination by employees and by any policy committee, work place committee or health and safety representative (*CCOHS Regs*., Sec. 10.34)

ALBERTA

Every employer must ensure that workers engaged in the work of that employer are adequately trained in all matters necessary to perform their work in a healthy and safe manner (*OHS Act*, Sec. 3); OHS laws don't include specific language requirements.

BRITISH COLUMBIA

1. **General:** Employer must provide workers information, instruction, training and supervision necessary to ensure their health and safety of workers in carrying out their work and ensure the health and safety of other workers at the workplace (*Workers Comp Act*, Sec. 21(2)); and
2. **Toxic Biological Agents:** Education and training material on required exposure control plan for biological agents must be appropriate to the educational level, literacy, **and language** of workers (emphasis added) (*Guidelines to OHS Regs*., Part 5)

MANITOBA

1. **General:** Every employer must provide to all its workers such information, instruction, training, supervision and facilities to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all its workers (*WSH Act*, Sec. 4(2)(b)); and
2. **WHMIS:** Employer who receives at a workplace a laboratory sample that's subject to a labelling exemption under the

Hazardous Products Regulations must ensure that a label provided by the supplier is affixed to, printed on or attached to the sample's container. . . and that it contains the following statement, in both English and French: "Hazardous Laboratory Sample. For hazard information or in an emergency, call," followed by an emergency telephone number to be used to obtain the information that must be provided on the safety data sheet of the hazardous product (*WSH Regs*., Sec. 35.12)

NEW BRUNSWICK

Employer must provide the information, instruction and training necessary to ensure an employee's health and safety (*OHS Act,* Sec. 9(2)(c)); OHS laws don't include specific language requirements.

NEWFOUNDLAND

Employer must, if it's reasonably practicable, provide the information, instruction, training, supervision and facilities necessary to ensure the health, safety and welfare of its workers (*OHS Act,* Sec. 5(b)); OHS laws don't include specific language requirements.

NOVA SCOTIA

Employer must take every precaution reasonable in the circumstances to provide such information, instruction, training, supervision and facilities necessary to ensure the employees' health and safety (*OHS Act,* Sec. 13(1)(c)); OHS laws don't include specific language requirements.

ONTARIO

1. **General:** Employer must provide information, instruction and supervision to a worker to protect the health or

safety of the worker (*OHS Act*, Sec. 25(2)(a));

2. **Workplace Postings:** Employer must post a copy of the Act and any explanatory material prepared by the MOL explaining workers' rights, responsibilities and duties in English and the 'majority language' of the workplace (*OHS Act*, Sec. 25(2)(i));
3. **WHMIS:** Hazardous material identifications, SDSs and notices identifying and warning of the presence of hazardous physical agents must be in English and such other language(s) as may be prescribed (*OHS Act*, Secs. 37(1)(c) and 41.(4));
4. **Construction Projects:** Employers must give workers who set up or remove certain measures on or by roadways, or who direct vehicular traffic or serve as signalers adequate written and oral instructions and/or training in a language that they understand (OHS *Const. Project Regs.,* Secs. 67(6)(c), 69(4)(d) and 106(1.5)); and
5. **Mining:** Supervisors, deck attendants, shaft conveyance attendants and mine hoist operators must be capable of communicating effectively in English (OHS *Mines and Mining Plants Regs*., Sec. 10)

PRINCE EDWARD ISLAND

Employer must ensure that such information, instruction, training, supervision and facilities are provided as necessary to ensure the workers' occupational health and safety (*OHS Act,* Sec. 12(1)(c)); OHS laws don't include specific language requirements.

QU□BEC

1. **General:** Employer must Act give workers adequate information as to the risks connected with their work and provide them with the appropriate training, assistance or supervision to ensure that they possess

the skill and knowledge required to safely perform the work assigned to them (*OHS Act,* Sec. 51(9)); and

2. **WHMIS/SIMDUT:** Hazardous product used, stored or handled in the workplace must have an SDS and WHMIS label in French'employer may but isn't required to translate the SDS or label into other languages (*OHS Act*, Sec. 62.4)

SASKATCHEWAN

1. **General:** Employer must ensure that its workers are trained in all matters necessary to protect their health, safety and welfare and (*Sask. Employment Act*, Sec. 3-8(f));
2. **Mines:** (a) Employer or contractor must ensure that all work performed underground or in an open pit mine is supervised by a direct supervisor who, among other things, has adequate knowledge of the language normally used at the mine (*Mines Regs*., *2018,* Sec. 4-2(c)); (b) No person may act as a hoist operator, and no employer or contractor may require or permit a person to act as a hoist operator, unless, among other things, the person has adequate knowledge of the language normally used at the mine (*Mines Regs*., *2018,* Sec. 10-76(d)); and (c) No person may conduct a blasting operation, and no employer or contractor may require or permit a person to conduct a blasting operation, unless, among other things, the person has adequate knowledge of the language normally used at the mine (*Mines Regs*., *2018,* Sec. 11-32(d))

NORTHWEST TERRITORIES & NUNAVUT

Employer must, in respect of a work site, provide information, instruction, training and supervision necessary to protect the health and safety of workers (*OHS Regs*., Sec. 12(c)); OHS laws don't include specific language requirements.

YUKON

1. **General:** Employer must, as far as is reasonably practicable, provide its workers the information, instruction, training, supervision and facilities necessary to ensure that work is performed in a safe manner (*WSC Act*, Sec. 27(1)(c)); and
2. **Mines/Construction:** Every person employed as a supervisor and every person supervising the work of other workers must be able to communicate effectively in the language commonly used in the mine or project (*WSC Regs*., Sec. 15.10(2))