

# Fatigue – Know The Laws of Your Province



Fatigue in the workplace is a serious occupational health and safety concern that can significantly impair a worker's alertness, decision-making, and physical coordination. Occupational Health and Safety (OHS) regulations across Canada recognize the importance of managing fatigue by requiring employers to assess and mitigate factors such as excessive working hours, inadequate rest breaks, shift scheduling, and high physical or mental workloads. Although general principles of fatigue management are consistent nationwide, specific OHS regulations and guidelines may vary by province and territory to address local industry needs and operational realities. Effective fatigue management is critical to maintaining worker safety, reducing preventable incidents, and fostering a healthy, productive workplace.

## FEDERAL

In federally regulated workplaces, **fatigue** management is addressed through the [Canada Labour Code, Part II, Section 124](#), which requires employers to ensure the health and safety of employees, including managing human factors like fatigue. Additionally, under the [Canada Occupational Health and Safety Regulations – Part XIX, Sections 19.4 and 19.5](#), employers must identify and control workplace hazards—including those related to work schedules and workload—as part of a hazard prevention program.

## General Duty of Employer

Every employer shall ensure that the health and safety at work of every person employed by the employer is protected. **Section 124.**

## Hazard Identification and Assessment

The employer shall identify and assess the hazards in the workplace, including ergonomics-related hazards, in accordance with the methodology developed under section 19.3 taking into account:

- (a)** the nature of the hazard;
  - (a.1)** in the case of ergonomics-related hazards, all ergonomics-related factors such as
    - (i)** the physical demands of the work activities, the work environment, the work procedures, the organization of the work and the circumstances in which the work activities are performed, and
    - (ii)** the characteristics of materials, goods, persons, animals, things, and workspaces, and the features of tools and equipment;
- (b)** the employees' level of exposure to the hazard;
- (c)** the frequency and duration of employees' exposure to the hazard;
- (d)** the effects, real or apprehended, of the exposure on the health and safety of employees;
- (e)** the preventive measures in place to address the hazard;
- (f)** any employee reports made under paragraph 126(1)(g) or
- (h)** of the Act or under section 15.3; and

**(g)** any other relevant information. **Section 19.4**

## **Preventive Measures**

**(1)** The employer shall, in order to address identified and assessed hazards, including ergonomics-related hazards, take preventive measures to address the assessed hazard in the following order of priority:

**(a)** the elimination of the hazard, including by way of engineering controls which may involve mechanical aids, equipment design or redesign that take into account the physical attributes of the employee;

**(b)** the reduction of the hazard, including isolating it;

**(c)** the provision of personal protective equipment, clothing, devices or materials; and

**(d)** administrative procedures, such as the management of hazard exposure and recovery periods and the management of work patterns and methods.

**(2)** As part of the preventive measures, the employer shall develop and implement a preventive maintenance program in order to avoid failures that could result in a hazard to employees.

**(3)** The employer shall ensure that any preventive measure shall not in itself create a hazard and shall take into account the effects on the workplace.

**(4)** The preventive measures shall include steps to address:

**(a)** newly identified hazards in an expeditious manner; and

**(b)** ergonomics-related hazards that are identified when planning implementation of change to the work environment or to work duties, equipment, practices, or processes.

**(5)** The employer shall ensure that any person assigned to

implement ergonomics-related prevention measures has the necessary instruction and training. **Section 19.5 (1) to (5).**

**Further details on the Canada Labour Code and Canada Occupational Health and Safety Regulations can be found at [Justice.gc.ca](http://Justice.gc.ca) and [laws-lois.justice](http://laws-lois.justice).**

## **ALBERTA**

In Alberta, **fatigue** as a workplace hazard is addressed under the **Occupational Health and Safety Code – Part 2: Hazard Assessment, Elimination, and Control, Sections 7 to 9**. These sections require employers to identify and assess all existing and potential hazards, including human factors such as fatigue, and to implement effective controls to eliminate or reduce associated risks.

### **Hazard Assessment**

(1) An employer must assess a work site and identify existing and potential hazards before work begins at the work site or prior to the construction of a new work site.

(2) An employer must prepare a report of the results of a hazard assessment and the methods used to control or eliminate the hazards identified.

(3) An employer must ensure that the date on which the hazard assessment is prepared or revised is recorded on it.

(4) An employer must ensure that the hazard assessment is repeated:

(a) at reasonably practicable intervals to prevent the development of unsafe and unhealthy working conditions,

(b) when a new work process is introduced,

(c) when a work process or operation changes, or

(d) before the construction of significant additions or alterations to a work site. **Section (1) to (4).**

### **Worker Participation**

(1) An employer must involve affected workers in the hazard assessment and in the control or elimination of the hazards identified. **Section 8(1).**

### **Hazard Elimination and Control**

(1) If an existing or potential hazard to workers is identified during a hazard assessment, an employer must take measures in accordance with this section to:

(a) eliminate the hazard, or

(b) if elimination is not reasonably practicable, control the hazard.

(2) If reasonably practicable, an employer must eliminate or control a hazard through the use of engineering controls.

(3) If a hazard cannot be eliminated or controlled under subsection (2), the employer must use administrative controls that control the hazard to a level as low as reasonably achievable.

(4) If the hazard cannot be eliminated or controlled under subsection (2) or (3), the employer must ensure that the appropriate personal protective equipment is used by workers affected by the hazard.

(5) If the hazard cannot be eliminated or controlled under subsection (2), (3) or (4), the employer may use a combination of engineering controls, administrative controls or personal protective equipment if there is a greater level of worker safety because a combination is used. **Section 9 (1) to (5).**

**Further details on the Occupational Health And Safety Code can**

be found at [Alberta.ca](http://Alberta.ca).

## **BRITISH COLUMBIA**

In British Columbia, **fatigue** management is addressed under the **Occupational Health and Safety Regulation – Part 4: General Conditions, Sections 4.19 and 4.20**. These sections require employers to ensure that workers are not assigned tasks where their physical or mental impairment—such as from fatigue—could pose a risk to themselves or others.

### **Physical or Mental Impairment**

(1) A worker with a physical or mental impairment which may affect the worker's ability to safely perform assigned work must inform the worker's supervisor or employer of the impairment and must not knowingly do work where the impairment may create an undue risk to the worker or anyone else.

(2) A worker must not be assigned to activities where a reported or observed impairment may create an undue risk to the worker or anyone else. **Section 4.19.**

### **Impairment by Alcohol, Drug, or Other Substance**

(1) A person must not enter or remain at any workplace while the person's ability to work is affected by alcohol, a drug or other substance so as to endanger the person or anyone else.

(2) The employer must not knowingly permit a person to remain at any workplace while the person's ability to work is affected by alcohol, a drug or other substance so as to endanger the person or anyone else.

(3) A person must not remain at a workplace if the person's behaviour is affected by alcohol, a drug or other substance so as to create an undue risk to workers, except where such a workplace has as one of its purposes the treatment or confinement of such persons. **Section 4.20 (1) to (3).**

**Note:** In the application of sections 4.19 and 4.20, workers and employers need to consider the effects of prescription and non-prescription drugs, and fatigue, as potential sources of impairment. There is a need for disclosure of potential impairment from any source, and for adequate supervision of work to ensure reported or observed impairment is effectively managed.

**Further details on the Occupational Health and Safety Regulation can be found at [WorkSafeBC.com](https://www.worksafebc.com).**

## **MANITOBA**

In Manitoba, **fatigue as a workplace hazard** is addressed under the **Workplace Safety and Health Act and Regulation, Sections 4(1), and 36** of the regulations mandates that employers identify and assess workplace hazards—including physical and psychological demands—and implement appropriate control measures. This includes considering how extended hours, shift work, or high workloads may contribute to worker fatigue and increase the risk of incidents.

### **General Duties of Employers**

(1) Every employer shall in accordance with the objects and purposes of this Act:

(a) ensure, so far as is reasonably practicable, the safety, health, and welfare at work of all his workers; and

(b) comply with this Act and regulations.

### **Stop Work Orders**

(1) Where a safety and health officer is of the opinion that activities that involve, or are likely to involve, an imminent risk of serious physical or health injury are being carried on, or are about to be carried on, in a workplace, or where a

contravention specified in an improvement order was not remedied and a warning was given in accordance with subsection 26(2), the officer may make a stop work order providing for any one or more of the following matters:

- (a) the cessation of those activities;
- (b) that all or part of the workplace be vacated;
- (c) that no resumption of those activities be permitted by the employer.

### **Stop Work Order – Multiple Workplaces**

(1.1) Where a safety and health officer is of the opinion that activities that involve, or are likely to involve, an imminent risk of serious physical or health injury are being carried on, or are about to be carried on, by workers of the same employer at more than one workplace, the officer may make a stop work order providing for any one or more of the following matters:

- (a) the cessation of those activities;
- (b) that all or part of any of the employer's workplaces be vacated;
- (c) that no resumption of those activities be permitted by the employer at any of the employer's workplaces.

### **Improvement Work not Affected**

(2) A stop work order does not prevent the doing of any work or thing that may be necessary in order to remove the risk of injury referred to in subsection (1) or (1.1).

### **Duration of Stop Work Order**

- (4) A stop work order remains in effect until it is:
  - (a) withdrawn or discontinued by the safety and health



officer who issued it; or

(b) set aside or varied by the director or the Board under subsection 37(4) or 39(5).

### **Duration of Varied Order**

(5) When the director or the Board varies a stop work order, the varied order remains in effect until a safety and health officer withdraws or discontinues it.

### **Workers Must be Paid**

(6) While a stop work order is in effect,

(a) any worker who is directly affected by the order is entitled to the same wages and benefits that he or she would have received had the stop work order not been issued; and

(b) the employer may re-assign the worker to alternate work.

### **If Alternate Work not Available**

(7) If the employer provides satisfactory evidence to the director that alternate work is not available, the director may order that clause 6(a) does not apply for any period that the director specifies in the order, but until the director makes an order the employer is required to provide a worker with all wages and benefits under that clause.

### **Appeal**

(8) A person affected by an order of the director under subsection (7) may appeal it to the Board. In that case, section 39 applies with necessary changes. **Section 36 (1) to (8).**

**Further details on Workplace Safety and Health Act and Regulation can be found at [Gov.MB.ca](http://Gov.MB.ca).**

## NEW BRUNSWICK

In New Brunswick, **employers** are **required** to address workplace fatigue under the **Occupational Health and Safety Act Sections 9(1) and 12**. **Employers must** take every reasonable precaution to ensure the health and safety of employees and comply with all relevant laws and regulations. They are also responsible for ensuring workers follow safety requirements. Employees, in turn, **must** act in ways that protect their own health and safety and that of others, report hazards, and use **required** protective equipment.

### **Duties of Employer**

(1) Every **employer shall**:

- (a) take every reasonable precaution to ensure the health and safety of its employees;
- (b) comply with this Act, the regulations and any order made in accordance with this Act or the regulations; and
- (c) ensure that its employees comply with this Act, the regulations and any order made in accordance with this Act or the regulations. **Section 9.**

### **Duties of Employee**

Every employee **shall**:

- (a) comply with this Act, the regulations and any order made in accordance with this Act or the regulations;
- (b) conduct themselves to ensure their own health and safety and that of other persons at, in or near the employee's place of employment;
- (c) report to the **employer** or supervisor the existence of any hazard of which the employee is aware;
- (d) wear or use such protective equipment as is **required** by

regulation;

(e) consult and co-operate with the committee where one has been established or with the health and safety representative where one has been elected or designated; and

(f) co-operate with any person responsible for the enforcement of this Act and the regulations. **Section 12.**

**Further details on the Occupational Health and Safety Act can be found at [laws.gnb.ca](http://laws.gnb.ca).**

## **NEWFOUNDLAND & LABRADOR**

In the Canada–Newfoundland and Labrador Offshore Area, **employers must** address fatigue under **Part 7, Sections 36–39** of the **OHS Regulations**. **Employers are required** to implement rest periods, monitor work hours, train employees on fatigue, and prevent impaired work. Fatigue **must** also be considered during incident investigations.

### **PART 7 – Employee Wellbeing**

#### **Occupational Health and Safety Program**

Every occupational health and safety program **must** set out measures for promoting mental health and healthy lifestyles and **must** address substance abuse, the effects on mental health of working in a remote location and the management of mental illness. **Section 36.**

#### **Impairment**

(1) Impairment, including as a result of fatigue, stress, injury, illness, another physical or psychological condition, alcohol or drugs, is a prescribed risk for the purpose of paragraph 205.02(2)(a) of the Act and every occupational health and safety program **must:**

- (a) set out the roles and duties of all workplace parties in identifying and preventing the consequences of impairment on the health and safety of employees;
- (b) identify factors that may contribute to impairment or its causes, such as work and workplace conditions, work scheduling and task type and length;
- (c) require that the factors referred to in paragraph (b) be regularly monitored at the workplace and taken into account, in conjunction with incident reports, employee complaints, workplace committee reports and records of excess work hours kept under paragraph (e) or subsection 39(3), to identify any potential impairment;
- (d) require the development, maintenance and implementation of an appropriate work shift design that allows adequate rest periods;
- (e) require records to be kept of hours worked by an employee beyond their usual shift or rotation; and
- (f) require that the risk of fatigue be taken into account in developing all workplace procedures.

### **Working While Impaired**

(2) Every **employer must** ensure that no employee at a workplace under its control is permitted to work if their ability to do so is impaired in a manner that is likely to be hazardous to their health or safety or that of any other person at the workplace.

### **Investigation of Incidents**

(3) Impairment **must** be considered as a potential causal factor in the investigation of all incidents at the workplace.  
**Section 37 (1) to (3).**

### **Fatigue Training**

The instruction and training that every **employer must** provide to its employees includes instruction and training on the factors that contribute to fatigue, procedures for identifying and reporting fatigue and the role and duties of employees in managing fatigue. **Section 38.**

### **Rest Periods**

(1) Every **employer must** ensure that no employee works at a workplace under its control unless they have been provided with a period of at least 11 consecutive hours of rest in the previous 24 hours.

### **Exception**

(2) An **employer** may, in extenuating circumstances, allow an employee to work without having had that rest period if the **employer** has assessed the risk associated with the employee working the extra hours and determined, in consultation with the employee, that the work can be carried out without increased risk to their health or safety.

### **Documentation**

(3) If an **employer** allows an employee to work without having had that rest period, the **employer must** ensure that a description of the work, the name of the employee, the hours worked, the reason for the exception and the result of the risk assessment referred to in subsection (2) are recorded.

### **Non-Application in Emergency**

(4) Subsection (1) does not apply in the event of an emergency at the workplace that may be hazardous to the health or safety of employees.

### **Alternative**

(5) Despite subsections (1) and (2), the **employer** with control over a workplace for which an authorization has been issued

for a period of less than six months may alternatively comply, in respect of the marine crew, with the daily hours of work and minimum rest requirements outlined in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978. **Section 39 (1) to (5).**

**Further details on the Canada–Newfoundland and Labrador Offshore Area Occupational Health and Safety Regulations can be found at [justice.gc.ca](https://www.justice.gc.ca).**

## **NOVA SCOTIA**

In the Canada–Nova Scotia Offshore Area, **employers** are **required** to address fatigue under **Part 7, Sections 36–39** of the **Occupational Health and Safety Regulations**. **Employers must** implement programs that promote mental health and manage risks of impairment—including fatigue—by setting rest schedules, monitoring hours, and training workers on fatigue-related hazards. Employees **must** receive at least 11 consecutive hours of rest in every 24-hour period unless extenuating circumstances apply and are documented.

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health and safety program **must:**

- (a) set out the roles and duties of all workplace parties in identifying and preventing the consequences of impairment on the health and safety of employees;
- (b) identify factors that may contribute to impairment or its causes, such as work and workplace conditions, work scheduling and task type and length;
- (c) require that the factors referred to in paragraph (b) be regularly monitored at the workplace and taken into account, in conjunction with incident reports, employee complaints, workplace committee reports and records of excess work hours kept under paragraph (e) or subsection 39(3), to identify any potential impairment;
- (d) require the development, maintenance and implementation of an appropriate work shift design that allows adequate rest periods;
- (e) require records to be kept of hours worked by an employee beyond their usual shift or rotation; and
- (f) require that the risk of fatigue be taken into account in developing all workplace procedures.

### **Working while Impaired**

(2) Every **employer must** ensure that no employee at a workplace under its control is permitted to work if their ability to do so is impaired in a manner that is likely to be hazardous to their health or safety or that of any other person at the workplace.

### **Investigation of Incidents**

(3) Impairment **must** be considered as a potential causal factor in the investigation of all incidents at the workplace.

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(3) If an **employer** allows an employee to work without having had that rest period, the **employer must** ensure that a description of the work, the name of the employee, the hours worked, the reason for the exception and the result of the risk assessment referred to in subsection (2) are recorded.

## Non-Application in Emergency

(4) Subsection (1) does not apply in the event of an emergency at the workplace that may be hazardous to the health or safety of employees.

## Alternative



(5) Despite subsections (1) and (2), the **employer** with control over a workplace for which an authorization has been issued for a period of less than six months may alternatively comply, in respect of the marine crew, with the daily hours of work and minimum rest requirements outlined in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978. **Section 39 (1) to (5).**

**Further details on the Canada–Nova Scotia Offshore Area Occupational Health and Safety Regulations can be found at [justice.gc.ca](http://justice.gc.ca).**

## **NORTHWEST TERRITORIES**

In the Northwest Territories, **employers** are **required** to address fatigue and impairment under **Part 3, Sections 12 and 35.1** of the **Occupational Health and Safety Regulations**. **Employers must** provide safe work systems, environments, and training, and are prohibited from allowing impaired workers to be on site. A written impairment policy **must** be developed in consultation with the workplace committee or workers, outlining responsibilities, prevention measures, training, and procedures for identifying and managing impairment.

### **PART 3 – GENERAL DUTIES**

#### **General Duties of Employers**

An **employer shall**, in respect of a work site,

- (a) provide and maintain systems of work and working environments that ensure, as far as is reasonably possible, the health and safety of workers;
- (b) arrange for the use, handling, storage and transport of articles and substances in a manner that protects the health and safety of workers;

(c) provide information, instruction, training and supervision that is necessary to protect the health and safety of workers; and

(d) provide and maintain a safe means of entrance to and exit from the work site. **Section 12.**

(1) In this section, "impaired" means having a deteriorated or weakened state of judgment, physical abilities, or both, as a result of fatigue, illness, alcohol or other drugs, that causes a departure from the normal abilities **required** to safely complete a worker's duties.

(2) No worker **shall** enter or remain in a work site if the worker is impaired.

(3) No **employer shall** permit a worker to enter or remain in a work site if the worker is impaired.

(4) All workers **shall** inform the **employer** if they are impaired.

(5) An **employer shall**, in consultation with the Committee or representative, or, if no Committee or representative is available, the workers, develop, maintain, and make readily available to workers, a written policy regarding impairment that includes

(a) the duties of workers with respect to identification and reporting of impairment;

(b) the duties of **employers** with respect to identification of impairment, worker protection and corrective action respecting workers in breach of the policy;

(c) a policy implementation plan;

(d) a hazard identification and assessment methodology;

(e) preventive measures to be undertaken by **employers** and

workers;

(f) worker education programs; and

(g) a policy evaluation mechanism. **Section 35.1. (1) to (5).**

**Further details on the Occupational Health and Safety Regulations can be found at [canlii.org](http://canlii.org).**

## **NUNAVUT**

In Nunavut, **employers** are **required** to address fatigue and impairment under **Part 3, Sections 12 and 35.1** of the **Occupational Health and Safety Regulations**. **Employers must** provide safe work systems, environments, and training, and are prohibited from allowing impaired workers to be on site. A written impairment policy **must** be developed in consultation with the workplace committee or workers, outlining responsibilities, prevention measures, training, and procedures for identifying and managing impairment.

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(a) the duties of workers with respect to identification and reporting of impairment;

(b) the duties of **employers** with respect to identification of impairment, worker protection and corrective action respecting workers in breach of the policy;

(c) a policy implementation plan;

(d) a hazard identification and assessment methodology;

(e) preventive measures to be undertaken by **employers** and workers;

(f) worker education programs; and

(g) a policy evaluation mechanism. **Section 35.1. (1) to**

(5).

Further details on the Occupational Health and Safety Regulations can be found at [canlii.org](http://canlii.org).

## **ONTARIO**

In Ontario, **employers** are **required** to address fatigue and impairment under the **Occupational Health and Safety Act**, **Sections 25(2)(h), 28(1), and 52(2)(3)**. **Employers must** take every reasonable precaution to protect workers, which includes managing risks related to fatigue and other impairments. If an occupational illness—potentially linked to fatigue or related conditions—is reported or claimed, the **employer must** notify a Director, the health and safety committee or representative, and the union (if applicable) within four days.

### **PART III – DUTIES OF EMPLOYERS AND OTHER PERSONS**

#### **Duties of employers**

(2) Without limiting the strict duty imposed by subsection (1), an **employer shall**,

(h) take every precaution reasonable in the circumstances for the protection of a worker; **Section 25(2)**.

#### **Duties of workers**

(1) A worker **shall**,

(a) work in compliance with the provisions of this Act and the regulations;

(b) use or wear the equipment, protective devices or clothing that the worker's **employer** requires to be used or worn;

(c) report to his or her **employer** or supervisor the absence of or defect in any equipment or protective device of which

the worker is aware and which may endanger himself, herself or another worker; and

(d) report 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. **Section 28(1).**

## **PART VII – NOTICES**

### **Notice of Accident, Explosion, Fire, or Violence Causing Injury**

(2) If an **employer** is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker, the **employer shall** give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as are prescribed.

(3) Subsection (2) applies with all necessary modifications if an **employer** is advised by or on behalf of a former worker that the worker has or had an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker. **Section 52 (2)(3).**

**Further details on the Occupational Health and Safety Act can be found at [ontario.ca](http://ontario.ca).**

## **PRINCE EDWARD ISLAND**

In Prince Edward Island, **employers** are **required** to address workplace health and safety under the **Occupational Health and Safety Act, Sections 2 and 12**. **Employers must** take every reasonable precaution to protect workers' safety and well-

being, ensure proper maintenance of equipment, provide necessary training and supervision, familiarize workers with hazards and safety devices, and ensure that the workplace does not expose them to health risks. They **must** also establish a workplace harassment prevention policy. These responsibilities are critical in minimizing risks such as fatigue and psychological stress.

## **Purpose of Act**

The purpose of this Act is to secure workers and self-employed persons from risks to their safety, health and physical or psychological well-being arising out of, or in connection with, activities in their workplaces. **Section 2.**

## **Duties of Employers**

(1) An **employer shall** ensure:

(a) that every reasonable precaution is taken to protect the occupational health and safety of persons at or near the workplace;

(b) that any item, device, material, equipment or machinery provided for the use of workers at a workplace is properly maintained, and is properly equipped with the safety features or devices, as recommended by the manufacturer or **required** by the regulations;

(c) that such information, instruction, training, supervision and facilities are provided as are necessary to ensure the occupational health and safety of the workers;

(d) that workers and supervisors are familiar with occupational health or safety hazards at the workplace;

(e) that workers are made familiar with the proper use of all safety features or devices, equipment and clothing **required** for their protection; and

(f) that the **employer**'s undertaking is conducted so that workers are not exposed to occupational health or safety hazards as a result of the undertaking.

(2) An **employer shall**:

(a) consult and cooperate with the joint occupational health and safety committee or the representative, as applicable;

(b) cooperate with any person performing a duty or exercising a power conferred by this Act or the regulations;

(c) provide such additional training of committee members as may be prescribed by the regulations;

(d) comply with this Act and the regulations and ensure that workers at the workplace comply with this Act and the regulations; and

(e) where an occupational health and safety policy or occupational health and safety program is **required** under this Act, establish the policy or program.

(3) An **employer shall** establish and implement as a policy, in accordance with the regulations, measures to prevent and investigate occurrences of harassment in the workplace.  
**Section 12 (1) to (3).**

**Further details on the Occupational Health and Safety Act can be found at [princeedwardisland.ca](http://princeedwardisland.ca).**

## **QUÉBEC**

In Québec, **employers** and workers are **required** to address workplace health and safety under the **Act Respecting Occupational Health and Safety, Sections 49 and 51**. **Employers must** take all necessary measures to protect the health and



ensure the physical and mental well-being of workers, including identifying and eliminating hazards, supervising safe work procedures, supplying protective equipment, and protecting workers from impairment and violence. Workers, in turn, **must** ensure their own safety and that of others, report risks, and avoid working while impaired. These responsibilities are critical in preventing accidents and promoting a safe and healthy workplace.

A worker **must**:

- (1) become familiar with the prevention program applicable to him;
- (2) take the necessary measures to ensure his health, safety or physical or mental wellbeing;
- (3) see that he does not endanger the health, safety or physical or mental well-being of other persons at or near his workplace;
- (4) undergo the medical examinations **required** by this Act and the regulations;
- (5) participate in the identification and elimination of risks of work accidents or occupational diseases at his workplace;
- (6) cooperate with the health and safety committee and, where such is the case, with the job-site committee and with any person responsible for the application of this Act and the regulations. **Section 49.**

A worker **must** not perform his work if his condition represents a risk to his health, safety or physical or mental well-being or that of other persons at or near the workplace by reason, in particular, of his being impaired by alcohol, drugs, including cannabis, or any similar substance.

On a construction site, the condition of a worker who is impaired by alcohol, drugs, including cannabis, or any similar

substance, represents a risk for the purposes of the first paragraph. **Section 49.1.**

Every **employer must** take the necessary measures to protect the health and ensure the safety and physical and mental well-being of his worker. He **must**, in particular,

(1) see that the establishments under his authority are so equipped and laid out as to ensure the protection of the worker;

(2) designate members of his personnel to be responsible for health and safety matters and post their names in a conspicuous place easily accessible to the worker;

(3) ensure that the organization of the work and the working procedures and techniques do not adversely affect the safety or health of the worker;

(4) supervise the maintenance of the workplace, provide sanitary installations, drinking water, adequate lighting, ventilation and heating and see that meals are eaten in sanitary quarters at the workplace;

(5) use methods and techniques intended for the identification, control and elimination of risks to the safety or health of the worker;

(6) take the fire prevention measures prescribed by regulation;

(7) supply safety equipment and see that it is kept in good condition;

(8) see that no contaminant emitted or dangerous substance used adversely affects the health or safety of any person at a workplace;

(9) give the worker adequate information as to the risks connected with his work and provide him with the appropriate

training, assistance or supervision to ensure that he possesses the skill and knowledge **required** to safely perform the work assigned to him;

(10) post up in a conspicuous place easily accessible to the worker all information transmitted by the Commission, the agency and the physician in charge, and put that information at the disposal of the workers, the health and safety committee and of the certified association;

(11) provide the worker, free of charge, with all the individual protective means and equipment selected by the health and safety committee in accordance with paragraph 4 of section 78 or, as the case may be, the individual or collective protective means and equipment determined by regulation, and require that the worker use these devices and equipment in the course of work;

(12) allow workers to undergo the medical examinations during employment **required** under this Act and the regulations;

(13) give, to the workers, the health and safety committee, the certified association, the public health director and the Commission, the list of the dangerous substances used in the establishment and of the contaminants that may be emitted;

(14) cooperate with the health and safety committee, or as the case may be, the job-site committee and with any person responsible for the application of this Act and the regulations and provide them with all necessary information;

(15) put at the disposal of the health and safety committee the equipment, premises and clerical personnel necessary for the carrying out of its functions;

(16) take the measures to ensure the protection of a worker exposed to physical or psychological violence, including spousal, family or sexual violence, in the workplace and take any other measure that may be determined by regulation to

prevent or put a stop to sexual violence.

For the purposes of subparagraph 16 of the first paragraph, in a situation of spousal or family violence, the **employer** is **required** to take the measures if he knows or ought reasonably to know that the worker is exposed to such violence. **Section 51 (1) to (16).**

**Further details on the Act respecting occupational health and safety (LSST) can be found at [gouv.qc.ca](http://gouv.qc.ca).**

## **SASKATCHEWAN**

In Saskatchewan, employers are required to address workplace fatigue under the **Occupational Health and Safety Regulations Part 3, Sections 3-1(a) and 3-8**. Employers must provide and maintain safe systems of work and ensure workers are trained in procedures that protect their health and safety, including emergency response, hazard awareness, and safe work practices. Workers must not perform tasks unless properly trained or supervised. This is essential to prevent fatigue-related incidents and maintain a safe workplace.

### **PART 3 – General Duties**

#### **General Duties of Employers**

The duties of an employer at a place of employment include:

- (a) the provision and maintenance of plant, systems of work and working environments that ensure, as far as is reasonably practicable, the health, safety and welfare at work of the employer's workers; **Section 3-1.**

#### **Training of Workers**

(1) An employer shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of the worker when the worker:

(a) begins work at a place of employment; or

(b) is moved from 1 work activity or worksite to another that differs with respect to hazards, facilities, or procedures.

(2) The training required by subsection (1) must include:

(a) procedures to be taken in the event of a fire or other emergency;

(b) the location of first aid facilities;

(c) identification of prohibited or restricted areas;

(d) precautions to be taken for the protection of the worker from physical, chemical, or biological hazards;

(e) any procedures, plans, policies and programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the worker's work at the place of employment; and

(f) any other matters that are necessary to ensure the health and safety of the worker while the worker is at work.

(3) An employer shall ensure that:

(a) the time spent by a worker in the training required by subsection (1) is credited to the worker as time at work; and

(b) the worker does not lose pay or other benefits with respect to that time.

(4) An employer shall ensure that no worker is permitted to perform work unless the worker:

(a) has been trained, and has sufficient experience, to perform the work safely and in compliance with the Act and

the regulations; or

(b) is under close and competent supervision. **Section 3-8 (1) to (4).**

**Further details on the Occupational Health and Safety Regulations can be found at [saskatchewan.ca](http://saskatchewan.ca).**

## **YUKON**

In Yukon, employers are required to address workplace fatigue under the **Workplace Health and Safety Regulations Part 1, Sections 1.03.01 and 1.04**. Employers must assess workplace hazards, including fatigue, and implement reasonable measures to eliminate or control them. This includes using engineering or administrative controls, developing safe work procedures, and providing training and protective equipment. These steps are essential to reduce fatigue-related risks and ensure worker safety.

### **Part 1 – General**

#### **GENERAL**

##### **Hazard Assessment**

(1) Every employer must conduct hazard assessments in accordance with this section and in relation to each of the employer's workplaces, in order to identify existing and potential hazards in the workplace and to determine the extent of the risk of injury arising from those hazards. **Section 1.03.01.**

##### **Eliminate or Control Hazards**

All reasonable precautions shall be taken, and measures implemented, to prevent injuries to workers by:

(a) eliminating hazards where possible,

(b) controlling hazards through engineering and administrative procedures,

(c) developing safe work procedures, and

(d) providing the information, training and personal protective equipment where it is not possible to eliminate or control the hazards. **Section 1.04 (a) to (d).**

**Further details on the Workplace Health and Safety Regulations can be found at [wcb.yk.ca](http://wcb.yk.ca).**