

Fitness for Duty – Know The Laws of Your Province



Fitness for Duty regulations are essential for maintaining a safe and productive workplace. These regulations require employers to ensure that workers are physically and mentally capable of performing their duties without posing a risk to themselves or others. Employers must implement policies to prevent impairment from factors such as fatigue, illness, alcohol, or drugs and provide necessary training and supervision to uphold safety standards. Workers are responsible for reporting any condition that may affect their ability to work safely and must comply with established safety protocols. While general principles remain consistent across Canada, specific requirements vary by province and territory to address local workplace conditions and risks. Adhering to these regulations helps prevent workplace incidents, supports worker well-being, and fosters a culture of accountability and safety.

FEDERAL

In Canada, **employers** are responsible for ensuring Fitness for Duty under the [Canada Labour Code, Part II](#), particularly **Sections 124, 125(a)-(z), and 128**, and [Canada Occupational Health and Safety Regulations – Section 19.5](#). **Employers must** provide a safe workplace by maintaining proper working conditions, implementing hazard prevention programs, and addressing physical and mental fitness requirements. This

includes ensuring that workers are fit to perform their duties safely, providing appropriate training and supervision, and allowing employees to refuse unsafe work if they believe their health or safety is at risk. **Employers** are also **required** to conduct assessments, implement preventive measures, and monitor potential workplace hazards that may affect a worker's ability to perform safely.

Part II – Occupational Health and Safety

Duties of Employers

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.**

Refusal to Work if Danger

(1) Subject to this section, an employee may refuse to use or operate a machine or thing, to work in a place or to perform an activity, if the employee while at work has reasonable cause to believe that:

(a) the use or operation of the machine or thing constitutes a danger to the employee or to another employee;

(b) a condition exists in the place that constitutes a danger to the employee; or

(c) the performance of the activity constitutes a danger to the employee or to another employee.

No Refusal Permitted in Certain Dangerous Circumstances

(2) An employee may not, under this section, refuse to use or operate a machine or thing, to work in a place or to perform an activity if:

(a) the refusal puts the life, health, or safety of another person directly in danger; or

(b) the danger referred to in subsection (1) is a normal condition of employment.

Employees on Ships and Aircraft

(3) If an employee on a ship or an aircraft that is in operation has reasonable cause to believe that:

(a) the use or operation of a machine or thing on the ship or aircraft constitutes a danger to the employee or to another employee,

(b) a condition exists in a place on the ship or aircraft that constitutes a danger to the employee, or

(c) the performance of an activity on the ship or aircraft by the employee constitutes a danger to the employee or to another employee, the employee **shall** immediately notify the person in charge of the ship or aircraft of the circumstances of the danger and the person in charge **shall**, as soon as is practicable after having been so notified, having regard to the safe operation of the ship or aircraft, decide whether the employee may discontinue the use or operation of the machine or thing or cease working in that place or performing that activity and **shall** inform the employee accordingly.

No Refusal Permitted in Certain Cases

(4) An employee who, under subsection (3), is informed that the employee may not discontinue the use or operation of a machine or thing or cease to work in a place or perform an activity **shall** not, while the ship or aircraft on which the employee is employed is in operation, refuse under this section to use or operate the machine or thing, work in that place or perform that activity.

When Ship or Aircraft in Operation

(5) For the purposes of subsections (3) and (4),

(a) a ship is in operation from the time it casts off from a wharf in a Canadian or foreign port until it is next secured alongside a wharf in Canada; and

(b) an aircraft is in operation from the time it first moves under its own power for the purpose of taking off from a Canadian or foreign place of departure until it comes to rest at the end of its flight to its first destination in Canada.

Report to Employer

(6) An employee who refuses to use or operate a machine or thing, work in a place or perform an activity under subsection (1), or who is prevented from acting in accordance with that subsection by subsection (4), **shall** report the circumstances of the matter to the **employer** without delay.

Select a Remedy

(7) Where an employee makes a report under subsection (6), the employee, if there is a collective agreement in place that provides for a redress mechanism in circumstances described in this section, **shall** inform the **employer**, in the prescribed manner and time if any is prescribed, whether the employee intends to exercise recourse under the agreement or this section. The selection of recourse is irrevocable unless the **employer** and employee agree otherwise.

Investigation by Employer

(7.1) The **employer shall**, immediately after being informed of a refusal under subsection (6), investigate the matter in the presence of the employee who reported it. Immediately after concluding the investigation, the **employer shall** prepare a written report setting out the results of the investigation.

Section 128(1) to (7.1).

For more information:

- Specific duties of employer. **Sections 125(1) to (z.19).**
- Employer to take immediate action, **Section 128(8)** to information to have **Section 128(10).**
- Part XIX – Hazard Prevention Program. **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 and justice.gc.ca.

ALBERTA

In Alberta, **employers** are **required** to ensure Fitness for Duty under the **Occupational Health and Safety Act** (Sections 3(1), 4, 5, and 17) and **OHS Code** (Sections 9, 12 to 15.1, and 228). **Employers must** take all reasonable steps to protect workers' health, safety, and welfare, provide competent supervision, and prevent hazards that could compromise a worker's ability to perform their job safely. Workers have the right to refuse unsafe work if an undue hazard is present, and **employers must** promptly investigate and resolve such concerns. **Employers must** assess and control workplace hazards, ensuring that engineering and administrative controls, along with personal protective equipment, are used where necessary.

Obligations of Employers

(1) Every **employer shall** ensure, as far as it is reasonably practicable for the **employer** to do so,

(a) the health, safety and welfare of

(i) workers engaged in the work of that **employer**,

(ii) those workers not engaged in the work of that

employer but present at the work site at which that work is being carried out, and

(iii) other persons at or in the vicinity of the work site whose health and safety may be materially affected by identifiable and controllable hazards originating from the work site,

(b) that the workers engaged in the work of that **employer** are aware of their rights and duties under this Act, the regulations and the OHS Code,

(c) that none of the **employer's** workers are subjected to or participate in harassment or violence at the work site,

(d) that the **employer's** workers are supervised by a person who

(i) is competent, and

(ii) is familiar with this Act, the regulations and the OHS Code that apply to the work performed at the work site,

(e) that the joint health and safety committee, if there is one, or the health and safety representative, if there is one, complies with all requirements imposed on the joint health and safety committee or the health and safety representative under this Act, the regulations or the OHS Code, and

(f) that health and safety concerns raised by workers, supervisors and the joint health and safety committee, if there is one, or the health and safety representative, if there is one, are resolved in a timely manner. **Section 3(1).**

Obligations of Supervisors

Every supervisor **shall:**

(a) as far as it is reasonably practicable for the supervisor to do so,

(i) take all precautions necessary to protect the health and safety of every worker under the supervisor's supervision,

(ii) ensure that a worker under the supervisor's supervision works in the manner and in accordance with the requirements of this Act, the regulations and the OHS Code, and

(iii) ensure that none of the workers under the supervisor's supervision are subjected to or participate in harassment or violence at the work site,

(b) advise every worker under the supervisor's supervision of all known or reasonably foreseeable hazards to health and safety in the area where the worker is performing work,

(c) report to the **employer** a concern about an unsafe or harmful work site act that occurs or has occurred or an unsafe or harmful work site condition that exists or has existed, and

(d) cooperate with any person exercising a duty imposed by this Act, the regulations and the OHS Code. **Section 4.**

Obligations of Workers

(1) Every worker **shall**, while engaged in an occupation,

(a) take reasonable care to protect the health and safety of the worker and of other persons at or in the vicinity of the work site while the worker is working,

(b) cooperate with the worker's supervisor or **employer** or any other person for the purposes of protecting the health

and safety of

(i) the worker,

(ii) other workers engaged in the work of the **employer**,
and

(iii) other workers not engaged in the work of that **employer** but present at the work site at which that work is being carried out,

(c) at all times, when the nature of the work requires, use all devices and wear all personal protective equipment designated and provided for the worker's protection by the worker's **employer** or **required** to be used or worn by the worker by this Act, the regulations and the OHS Code,

(d) refrain from causing or participating in harassment or violence,

(e) report to the **employer** or supervisor a concern about an unsafe or harmful work site act that occurs or has occurred or an unsafe or harmful work site condition that exists or has existed,

(f) participate in any training provided by the **employer**,
and

(g) cooperate with any person exercising a duty imposed by this Act, the regulations and the OHS Code.

(2) A worker who is not competent to perform work that may endanger the worker or others **shall** not perform the work except under the direct supervision of a worker who is competent to perform the work. **Section 5(1)(2).**

For more information:

- Right to refuse dangerous work. **Section 17(1).**
- Part 2 – Hazard Assessment, Elimination, and Control

Section. **9(1) to (5).**

- Part 3 – Specifications and Certifications. **Sections 12, 13, 14, and 15.1.**
- Part 18 – Personal Protective Equipment. **Section 228.**

Further details on the Occupational Health and Safety Act and Occupational Health and Safety Code can be found at alberta.ca and alberta.ca.

BRITISH COLUMBIA

In British Columbia, **employers** are **required** to ensure Fitness for Duty under the **Workers Compensation Act** (Sections 21, 22, 23) and **Occupational Health and Safety Regulation** (Sections 3.3, 3.12, 3.23, 4.19, 4.20, and 8.2). **Employers must** ensure that workers are fit to perform their duties safely and are not impaired by physical, mental, or substance-related conditions that could pose risks to themselves or others. Workers **must** disclose any impairment that could affect their ability to work safely, and **employers must** not knowingly permit impaired workers to remain at the workplace.

Division 4 – General Duties of Employers, Workers, and Others

General Duties of Employers

(1) Every **employer must:**

(a) ensure the health and safety of

(i) all workers working for that **employer**, and

(ii) any other workers present at a workplace at which that **employer's** work is being carried out, and

(b) comply with the OHS provisions, the regulations and any applicable orders.

(2) Without limiting subsection (1), an **employer must:**

- (a) remedy any workplace conditions that are hazardous to the health or safety of the **employer's** workers,
- (b) ensure that the **employer's** workers
 - (i) are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work,
 - (ii) comply with the OHS provisions, the regulations and any applicable orders, and
 - (iii) are made aware of their rights and duties under the OHS provisions and the regulations,
- (c) establish occupational health and safety policies and programs in accordance with the regulations,
- (d) provide and maintain in good condition protective equipment, devices, and clothing as **required** by regulation and ensure that these are used by the **employer's** workers,
- (e) provide to the **employer's** workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace,
- (f) make a copy of this Act and the regulations readily available for review by the **employer's** workers and, at each workplace where workers of the **employer** are regularly employed, post and keep posted a notice advising where the copy is available for review,
- (g) consult and cooperate with the joint committees and worker health and safety representatives for workplaces of the **employer**, and
- (h) cooperate with the Board, officers of the Board and any other person carrying out a duty under the OHS provisions

or the regulations. **Section 21.**

General Duties of Workers

(1) Every worker **must:**

(a) take reasonable care to protect the worker's health and safety and the health and safety of other persons who may be affected by the worker's acts or omissions at work, and

(b) comply with the OHS provisions, the regulations and any applicable orders.

(2) Without limiting subsection (1), a worker **must:**

(a) carry out the worker's work in accordance with established safe work procedures as **required** by the OHS provisions and the regulations,

(b) use or wear protective equipment, devices, and clothing as **required** by the regulations,

(c) not engage in horseplay or similar conduct that may endanger the worker or any other person,

(d) ensure that the worker's ability to work without risk to that worker's health or safety, or to the health or safety of any other person, is not impaired by alcohol, drugs or other causes,

(e) report to the supervisor or **employer**

(i) any contravention of the OHS provisions, the regulations or an applicable order of which the worker is aware, and

(ii) 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,

(f) cooperate with the joint committee or worker health and safety representative for the workplace, and

(g) cooperate with the Board, officers of the Board and any other person carrying out a duty under the OHS provisions or the regulations. **Section 22.**

General Duties of Supervisors

(1) Every supervisor **must:**

(a) ensure the health and safety of all workers under the direct supervision of the supervisor,

(b) be knowledgeable about the OHS provisions and those regulations applicable to the work being supervised, and

(c) comply with the OHS provisions, the regulations and any applicable orders.

(2) Without limiting subsection (1), a supervisor **must:**

(a) ensure that the workers under the supervisor's direct supervision

(i) are made aware of all known or reasonably foreseeable health or safety hazards in the area where they work, and

(ii) comply with the OHS provisions, the regulations and any applicable orders,

(b) consult and cooperate with the joint committee or worker health and safety representative for the workplace, and

(c) cooperate with the Board, officers of the Board and any other person carrying out a duty under the OHS provisions or the regulations. **Section 23.**

For more information:

- Part 3: Rights and Responsibilities. **Sections 3.3, 3.12, and 3.23.**
- Part 4: General Conditions. **Sections 4.19 and 4.20.**
- Part 8: Personal Protective Clothing and Equipment. **Section 8.2.**

Further details on the Workers Compensation Act and Occupational Health and Safety Regulation can be found at gov.bc.ca and worksafebc.com.

MANITOBA

In Manitoba, **employers** are **required** to ensure Fitness for Duty under the **Workplace Safety and Health Act** (Sections 4(1), 4(2)(a),(b),(c), 4.1, 5, 43) and **Workplace Safety and Health Regulation** (Sections 2.1. to 2.2, 2.2.1(3), 2.19, and 6.1). **Employers must** take all reasonable steps to ensure that workers are not under the influence of alcohol or drugs that could impair their ability to perform work safely. Workers also have a duty not to work while impaired and **must** report unsafe conditions, including impairment risks. **Employers must** implement safe work procedures, provide training, and consult with workplace safety committees or representatives to ensure health and safety.

Duties of Employers

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.

Further Duties of Employer

(2) Without limiting the generality of an **employer's** duty under subsection (1), every **employer shall:**

(a) provide and maintain a workplace, necessary equipment, systems and tools that are safe and without risks to health, so far as is reasonably practicable;

(b) provide to all his 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 his workers;

(c) ensure that all his workers, and particularly his supervisors, foremen, chargehands or similar persons, are acquainted with any safety or health hazards which may be encountered by the workers in the course of their service, and that workers are familiar with the use of all devices or equipment provided for their protection;

Duties of Supervisors

Every supervisor **shall:**

(a) so far as is reasonably practicable,

(i) take all precautions necessary to protect the safety and health of a worker under his or her supervision,

(ii) ensure that a worker under his or her supervision works in the manner and in accordance with the procedures and measures **required** by this Act and the regulations, and

(iii) ensure that a worker under his or her supervision uses all devices and wears all clothing and personal protective equipment designated or provided by the **employer** or **required** to be used or worn by this Act or the regulations; **Section 4(1) to 4.1.**

Duties Of Workers

General Duties of Workers

Every worker while at work **shall**, in accordance with the objects and purposes of this Act,

(a) take reasonable care to protect his safety and health and the safety and health of other persons who may be affected by his acts or omissions at work;

(b) at all times, when the nature of his work requires, use all devices and wear all articles of clothing and personal protective equipment designated and provided for his protection by his **employer**, or **required** to be used and worn by him by the regulations;

(c) consult and co-operate with the workplace safety and health committee, where such a committee exists, regarding the duties and matters with which that committee is charged under this Act;

(d) consult and co-operate with the worker safety and health representative, where such a representative has been designated, regarding the duties and matters with which that representative is charged under this Act;

(e) comply with this Act and the regulations; and

(f) co-operate with any other person exercising a duty imposed by this Act or the regulations. **Section 5.**

Right to Refuse Dangerous Work

(1) Subject to this section, a worker may refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that the work constitutes a danger to his or her safety or health or to the safety or health of another worker or another person.

Reporting the Refusal

(2) A worker who refuses to work or do particular work under subsection (1) **shall** promptly report the refusal and the reasons for it to his or her **employer** or immediate supervisor, or to any other person in charge at the workplace.

Inspecting Dangerous Conditions

(3) If the **employer** does not remedy the dangerous condition immediately, the person who receives the report of refusal to work, or a person designated by that person, **shall** immediately inspect the dangerous condition in the presence of the worker and one of the following persons:

(a) if there is a committee under section 40, the worker co-chairperson of the committee or, if that person is unavailable, a committee member who represents workers;

(b) if there is a representative designated under section 41, that representative or, if he or she is unavailable, another worker selected by the worker refusing to do the work;

(c) if there is no committee or representative, another worker selected by the worker who is refusing to work.

Remedial Action

(4) The person **required** to inspect the dangerous condition **shall** take any action necessary to remedy any dangerous condition or ensure that such action is taken.

Worker may Continue to Refuse

(5) Until the dangerous condition is remedied, the worker who reported it may continue to refuse to work or do particular work. **Section 43(1) to (5).**

For more information:

- Other workers not to be assigned. **Sections 43(6).**
- Employer not to make worker work in unsafe conditions. **Section 43.3(2).**
- Part 2 – General Duties/General Safety Duties. **Section 2.1(1).**
- Alcohol and drug consumption. **Section 2.19.**
- Part 6 – Personal Protective Equipment. **Section 6.1.**

Further details on the Workplace Safety and Health Act and Workplace Safety and Health Regulation can be found at gov.mb.ca and canlii.org.

NEW BRUNSWICK

In New Brunswick, **employers** are **required** to ensure Fitness for Duty under the **Occupational Health and Safety Act (Sections 9(1)(a), 9(2)(a)(a.1)(c) (c.1,2,3), 12, 19)** and **General Regulation – Occupational Health and Safety Act – Sections 14, 38(1).** **Employers must** take every reasonable precaution to protect employees' health and safety, including providing necessary information, instruction, training, and supervision. Employees have the right to refuse work if they believe it poses a danger to their health and safety. Occupational health services **must** be managed by a competent person and include health assessments, supervision, and emergency response plans.

Duties of Employer

(1) Every employer shall:

- (a) take every reasonable precaution to ensure the health and safety of his employees;

(2) Without limiting the generality of the duties under subsection (1), every employer shall:

- (a) ensure that the necessary systems of work, tools, equipment, machines, devices and materials are maintained

in good condition and are of minimum risk to health and safety when used as directed by the supplier or in accordance with the directions supplied by the supplier;

(a.1) ensure that the place of employment is inspected at least once a month to identify any risks to the health and safety of his employees;

(c) provide the information that is necessary to ensure an employee's health and safety;

(c.1) provide the instruction that is necessary to ensure an employee's health and safety;

(c.2) provide the training that is necessary to ensure an employee's health and safety;

(c.3) provide the supervision that is necessary to ensure an employee's health and safety; **Section 9(1)(2).**

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 himself to ensure his own health and safety and that of other persons at, in or near his place of employment;

(c) report to the **employer** the existence of any hazard of which he 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.**

Right to Refuse

Employee's Right to Refuse to do Any Act

An employee may refuse to do any act where he has reasonable grounds for believing that the act is likely to endanger his health or safety or the health or safety of any other employee. **Section 19.**

Occupational Health Service

(1) Where an occupational health service is **required** under section 45 of the Act, the occupational health service **shall** be established and maintained so as to:

(a) provide leadership, support and medical and technical services in all areas relating to health in the place of employment,

(b) provide ongoing health assessments and health supervision of each employee,

(c) establish appropriate records, standards, procedures, policies and reporting systems to identify and prevent health and safety hazards in the place of employment,

(d) promote prevention of occupational disease and injury through health education, health counselling, and environmental assessment programs,

(e) be able to provide an emergency response to injuries and potential disasters in the place of employment, and

(f) enhance or maintain the health of employees through appropriate follow-up care, rehabilitation services or referrals to community-based services.

(2) An **employer shall** ensure that an occupational health service is managed by a competent person. **Section 14(1)(2).**

For more information:

- **VII – Protective Equipment**

General – Duty to supply, train and use **Section 38(1).**

Further details on the Occupational Health and Safety Act and General Regulation - Occupational Health and Safety Act can be found at gnb.ca and gnb.ca.

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, **employers** are **required** to address Fitness for Duty under the **Occupational Health and Safety Act (Sections 5(a)(b)(c)(e), 5.1, 5.2 , 7, 45)** and **Occupational Health and Safety Regulations (Sections 5, 22.1, 26, 71, 72)**. **Employers must** ensure a safe workplace by providing necessary training, instruction, and supervision while ensuring workers are not impaired by intoxicating substances or medical conditions that could endanger themselves or others. Workers have the right to refuse work they believe is unsafe, and **employers must** conduct risk assessments considering workplace conditions and demographics. **Employers** are also responsible for ensuring that personal protective equipment is selected, used, and maintained properly, and that workers receive adequate instruction on its use.

Specific Duties of Employers

Without limiting the generality of section 4, an **employer:**

- (a) **shall**, where it is reasonably practicable, provide and maintain a workplace and the necessary equipment, systems and tools that are safe and without risk to the health of the **employer's** workers;

(b) **shall**, where it is reasonably practicable, provide the information, instruction, training, and supervision and facilities that are necessary to ensure the health, safety, and welfare of the **employer's** workers;

(c) **shall** ensure that the **employer's** workers and supervisors are made familiar with health or safety hazards that may be met by them in the workplace;

(e) **shall** ensure that the **employer's** workers are given operating instruction in the use of devices and equipment provided for their protection; **Section 5.**

Supervisors' General Duty

A supervisor **shall** ensure, where it is reasonably practicable, the health, safety and welfare of all workers under the supervisor's direction and control. **Section 5.1.**

Specific Duties of Supervisors

A supervisor **shall**:

(a) advise workers under the supervisor's direction and control of the health and safety hazards that may be met by them in the workplace;

(b) provide proper written or oral instructions regarding precautions to be taken for the protection of all workers under the supervisor's direction and control; and

(c) ensure that a worker under the supervisor's direction and control uses or wears protective equipment, devices or other apparel that this Act, the regulations or the worker's **employer** requires to be used or worn. **Section 5.2.**

Specific Duties of Workers

A worker:

(a) **shall** co-operate with the worker's **employer** and with other workers in the workplace to protect

(i) the worker's own health and safety,

(ii) the health and safety of other workers engaged in the work of the **employer**,

(iii) the health and safety of other workers or persons not engaged in the work of the **employer** but present at or near the workplace;

(a.1) **shall** use devices and equipment provided for the worker's protection in accordance with the instructions for use and training provided with respect to the devices and equipment;

(b) **shall** consult and co-operate with the occupational health and safety committee, the worker health and safety representative or the workplace health and safety designate at the workplace; and

(c) **shall** co-operate with a person exercising a duty imposed by this Act or regulations. **Section 7.**

Part I – General

Right to Refuse Work

(1) Where an **employer** cannot resolve an issue in the workplace regarding occupational health and safety and there is a refusal to work, the issue **shall** be referred to the occupational health and safety committee, the worker health and safety representative or the workplace health and safety designate, as appropriate, and the **employer shall** notify the division.

(2) Where a notification under subsection (1) is made orally, the **employer shall** provide the division with a written confirmation of the notification within 5 days of the oral

notification.

(3) Where action has been taken by a worker to exercise the right to refuse to work under the Act, the **employer shall** not assign a substitute worker to perform those duties unless the substitute worker has been informed of the prior refusal and the reason for that refusal. **Section 5(1)(2)(3).**

For more information:

- Right to refuse to work. **Section 45(1) to (5).**
- Part III – General Duties. **Section 22.1.**
- Part V – General Health and Safety Requirements. **Section 26(1) to (4).**
- Part VII – Personal Protective Equipment. **Section 71 and 72.**

Further details on the Occupational Health and Safety Act and Occupational Health and Safety Regulations can be found at assembly.nl.ca and assembly.nl.ca.

NOVA SCOTIA

In Nova Scotia, **employers** are **required** to address Fitness for Duty under the **Occupational Health and Safety Act (Sections 13(1), 17(1), 43)** and **Occupational Safety General Regulations (Section 9)**. **Employers must** ensure a safe workplace by providing proper equipment, training, and supervision while preventing employees from being exposed to hazards. Employees have the right to refuse work they believe is unsafe until remedial actions are taken, and **employers must** not assign work that endangers health and safety. **Employers** are also responsible for ensuring that personal protective equipment is used correctly, maintained, and inspected before each use.

Duties and Precautions

Employers' Precautions and Duties

(1) Every **employer shall** take every precaution that is reasonable in the circumstances to:

(a) ensure the health and safety of persons at or near the workplace;

(b) provide and maintain equipment, machines, materials or things that are properly equipped with safety devices;

(c) provide such information, instruction, training, supervision and facilities as are necessary to the health or safety of the employees;

(d) ensure that the employees, and particularly the supervisors and foremen, are made familiar with any health or safety hazards that may be met by them at the workplace;

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

(f) conduct the **employer's** undertaking so that employees are not exposed to health or safety hazards as a result of the undertaking. **Section 13(1).**

Right to Refuse Work

Right to Refuse Work and Consequences of Refusal

(1) Any employee may refuse to do any act at the employee's place of employment where the employee has reasonable grounds for believing that the act is likely to endanger the employee's health or safety or the health or safety of any other person until:

(a) the **employer** has taken remedial action to the satisfaction of the employee;

(b) the committee, if any, has investigated the matter and

unanimously advised the employee to return to work; or

(c) an officer has investigated the matter and has advised the employee to return to work.

(2) Where an employee exercises the employee's right to refuse to work pursuant to subsection (1), the employee **shall**:

(a) immediately report it to a supervisor;

(b) where the matter is not remedied to the employee's satisfaction, report it to the committee or the representative, if any; and

(c) where the matter is not remedied to the employee's satisfaction after the employee has reported pursuant to clauses (a) and (b), report it to the Division.

(3) At the option of the employee, the employee who refuses to do any act pursuant to subsection (1) may accompany an officer or the committee or representative, if any, on a physical inspection of the workplace, or part thereof, being carried out for the purpose of ensuring others understand the reasons for the refusal.

(4) Notwithstanding subsection 50(8), an employee who accompanies an officer, the committee or a representative, as provided in subsection (3), **shall** be compensated in accordance with subsection (7), but the compensation **shall** not exceed that which would otherwise have been payable for the employee's regular or scheduled working hours.

(5) Subject to any applicable collective agreement, and subsection (3), where an employee refuses to do work pursuant to subsection (1), the **employer** may reassign the employee to other work and the employee **shall** accept the reassignment until the employee is able to return to work pursuant to subsection (1).

(6) Where an employee is reassigned to other work pursuant to

subsection (5), the **employer shall** pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued in the employee's normal work.

(7) Where an employee has refused to work pursuant to subsection (1) and has not been reassigned to other work pursuant to subsection (5), the **employer shall**, until clause (1)(a), (b) or (c) is met, pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued to work.

(8) A reassignment of work pursuant to subsection (5) is not a reprisal pursuant to Section 45.

(9) An employee may not, pursuant to this Section, refuse to use or operate a machine or thing or to work in a place where:

(a) the refusal puts the life, health or safety of another person directly in danger; or

(b) the danger referred to in subsection (1) is inherent in the work of the employee. **Section 43(1) to (9).**

For more information:

- Employees' precautions and duties. **Section 17.**
- Part 3 – Personal Protective Equipment. **Section 9(1) to (4).**

Further details on the Occupational Health and Safety Act and Occupational Safety General Regulations can be found at nslegislature.ca and novascotia.ca.

NORTHWEST TERRITORIES

In the Northwest Territories, **employer** responsibilities regarding power tools are mentioned **Occupational Health and**

Safety (OHS) Regulations. While there are no specific sections solely dedicated to power tools, **Part 10, Sections 140, 147, and 265** outline key obligations. **Employers must** ensure power tools are maintained safely by isolating energy sources before maintenance, repair, or testing.

Part 10 – Machine Safety – Interpretation

In this Part, “power tool” means a handheld machine that is powered by energy other than the energy of a worker. **Section 140.**

Locking Out

(1) Subject to section 148, an **employer shall**, before a worker undertakes the maintenance, testing, repair or adjustment of a machine other than a power tool, ensure that the machine is locked out and remains locked out during that activity unless doing so puts a worker at risk.

(2) An **employer shall**, before a worker undertakes the maintenance, testing, repair or adjustment of a power tool, ensure that the energy source has been isolated from the power tool, any residual energy in the power tool has been dissipated and the energy source remains isolated during that activity. **Section 147(1)(2).**

Locating Underground Pipelines

(1) An **employer shall** accurately establish the location of all underground pipelines, cables and conduits in an area where work is to be done and **shall** ensure that those locations are conspicuously marked:

(a) before commencing work using power tools or powered mobile equipment on an excavation, trench, tunnel, excavated shaft or borehole; **Section 265(1)(a).**

Further details on the Occupational Health and Safety Regulations can be found at canlii.org.

NUNAVUT

In Nunavut, **employers** are **required** to address Fitness for Duty under the **Safety Act (Sections 4(1), 5, 7, 13(2) to (4))** and **Occupational Health and Safety Regulations (Sections 7, 21(2), 24, 35.1)**. **Employers must** maintain a safe work environment, provide training and supervision, and ensure that workers are not impaired while at the worksite. Workers **must** also take reasonable precautions for their safety and the safety of others. **Employers must** develop and implement policies regarding impairment, including hazard identification, preventive measures, and corrective actions.

Health and Safety

Duty of Employer

(1) Every **employer shall**:

- (a) maintain his or her establishment in such a manner that the health and safety of persons in the establishment are not likely to be endangered;
- (b) take all reasonable precautions and adopt and carry out all reasonable techniques and procedures to ensure the health and safety of every person in his or her establishment; and
- (c) provide the first aid service requirements set out in the regulations pertaining to his or her class of establishment. **Section 4(1).**

Duty of Worker

Every worker employed on or in connection with an establishment **shall**, in the course of his or her employment,

- (a) take all reasonable precautions to ensure his or her own safety and the safety of other persons in the establishment; and

(b) as the circumstances require, use devices and articles of clothing or equipment that are intended for his or her protection and provided to the worker by his or her **employer**, or **required** pursuant to the regulations to be used or worn by the worker. **Section 5.**

Safety Program

Every **employer shall** implement and maintain an occupational health and safety program for a work site as **required** by the regulations.

Committees and Representatives

(1) Every **employer shall**, at a work site, in accordance with the regulations,

(a) establish a Joint Occupational Health and Safety Committee; or

(b) designate an occupational health and safety representative.

Duties of Committee

(2) The duties of a Committee at a work site are:

(a) to participate in the identification and control of health and safety hazards;

(b) to investigate under subsection 13(5) the circumstances that caused a refusal to work;

(c) to promote the health and safety of workers; and

(d) to perform any other duties specified in this Act or the regulations.

Duties of Representative

(3) The duties of an occupational health and safety

representative at a work site are:

- (a) to participate in the identification and control of health and safety hazards;
- (b) to promote the health and safety of workers; and
- (c) to perform any other duties specified in this Act or the regulations.

Pay and Benefits

(4) Every **employer shall** ensure, in respect of a worker who is **required** by this Act or the regulations to do any activity, including performing duties and functions as a member of a Committee or as an occupational health and safety representative, that:

- (a) time the worker spends in that activity is credited as time at work; and
- (b) the worker does not lose any pay or benefits as a result of the time the worker spends in that activity.

Sections 7, 7.1(1) to (4).

Right to Refuse Work

(2) A worker may refuse to do any work where the worker has reason to believe that:

- (a) there exists an unusual danger to the health or safety of the worker;
- (b) the carrying out of the work is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person; or
- (c) the operation of any tool, appliance, machine, device or thing is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person.

Reporting Refusal to Work

(3) On refusing to work, the worker **shall** promptly report the circumstances of his or her refusal to the **employer** or supervisor who **shall** without delay investigate the report and take steps to eliminate the unusual danger in the presence of the worker and a representative of the worker's union, if there is such, or another worker selected by the worker who **shall** be made available and who **shall** attend without delay.

Refusal to Work Following Investigation

(4) Following the investigation and any steps taken to eliminate the unusual danger, the **employer** or supervisor, as the case may be, **shall** notify the worker of the investigation and the steps taken, and where the worker has reasonable grounds to believe that:

(a) there exists an unusual danger to the health or safety of the worker,

(b) the carrying out of the work is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person, or

(c) the operation of any tool, appliance, machine, device or thing is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person, the worker may refuse to work and the **employer**, supervisor or worker **shall** without delay notify the Committee or, where there is no Committee, a delegate of the Chief Safety Officer of the refusal to work. **Section 13(2) to (4).**

For more information:

- Part 2 – Reporting, New Operations. **Section 7(1) to 7.1(1).**
- Part 3 – General Duties, Occupational Health and Safety Program. **Sections 21(2), 24, 35.1(1).**

Further details on the Safety Act and Occupational Health and Safety Regulations can be found at canlii.org and canlii.org.

ONTARIO

In Ontario, **employers** are **required** to address Fitness for Duty under the Occupational Health and Safety Act (Sections 25(1) and(2)(a)(h), 27, 28, 43, 52) and O. Reg. 213/91: Construction Projects (Sections 14 and 21). **Employers must** provide and maintain protective equipment, ensure safe work practices, and take every reasonable precaution to protect workers' health and safety. Supervisors **must** ensure compliance with safety regulations, and workers have the right to refuse unsafe work. **Employers must** also ensure workers are fit for duty, including being free from impairment, and provide appropriate protective equipment and training.

Duties of Employers

- (1) An **employer shall** ensure that,
 - (a) the equipment, materials and protective devices as prescribed are provided;
 - (b) the equipment, materials and protective devices provided by the **employer** are maintained in good condition;
 - (b.1) any personal protective clothing and equipment that is provided, worn or used is a proper fit and is appropriate in the circumstances, having regard to all relevant factors, including such factors as may be prescribed;
 - (c) the measures and procedures prescribed are carried out in the workplace;
 - (d) the equipment, materials and protective devices provided by the **employer** are used as prescribed; and

(e) a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting any loads that may be applied to it,

(i) as determined by the applicable design requirements established under the version of the Building Code that was in force at the time of its construction,

(ii) in accordance with such other requirements as may be prescribed, or

(iii) in accordance with good engineering practice, if subclauses (i) and (ii) do not apply.

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

(a) provide information, instruction and supervision to a worker to protect the health or safety of the worker;

(h) take every precaution reasonable in the circumstances for the protection of a worker;

Duties of Supervisor

(1) A supervisor **shall** ensure that a worker,

(a) works in the manner and with the protective devices, measures and procedures **required** by this Act and the regulations; and

(b) uses or wears the equipment, protective devices or clothing that the worker's **employer** requires to be used or worn. **Section 25(1).**

Additional Duties of Supervisor

(2) Without limiting the duty imposed by subsection (1), a supervisor **shall**,

(a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;

(b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and

(c) take every precaution reasonable in the circumstances for the protection of a worker. **Section 27(1)(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).**

For more information:

- Part V – Right to Refuse or to Stop Work Where Health or Safety in Danger. **Section 43(1) to (13).**
- Part VII – Notices Section. **52(1) to (3).**
- Part I – General. **Section 14(1) to 5).**
- Part II – General Construction. **Section 21(1) to (4).**

Further details on the Occupational Health and Safety Act and O. Reg. 213/91: CONSTRUCTION PROJECTS can be found at ontario.ca and ontario.ca.

PRINCE EDWARD ISLAND

In Prince Edward Island, **employers** are **required** to address Fitness for Duty under the **Occupational Health and Safety Act (Sections 12, 16, 23(3), 28)** and **Occupational Health and Safety Act General Regulations (Sections 45.2 to 45.4)**. **Employers must** take all reasonable precautions to ensure workers' health and safety, maintain equipment in good condition, and provide adequate training and supervision. Workers **must** take reasonable precautions to protect their own safety and that of others, report hazards, and properly use protective equipment. **Employers must** also ensure personal protective equipment is well-maintained, provide pre-job instruction on its use, and require workers to test equipment before each use.

Duties of Employers, Workers, and Other Persons

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.

Duty Respecting Workplace Harassment

(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).

Duties of Worker

(1) A worker, while at work, **shall**:

(a) take every reasonable precaution to protect the worker's own occupational health and safety and that of other persons at or near the workplace;

(b) cooperate with the **employer** and with the other workers to protect the worker's own occupational health and safety and that of other persons at or near the workplace;

(c) wear or use such individual protective equipment as is **required** by this Act and the regulations;

(d) consult and cooperate with the committee or representative, if any;

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

(f) comply with this Act and the regulations and any policy or program established by an **employer** pursuant to this Act or the regulations.

(2) Where a worker believes that any item, device, material, equipment or machinery, condition or aspect of the workplace is or may be dangerous to the worker's occupational health or safety or that of other persons at or near the workplace, the worker:

(a) **shall** immediately report it to a supervisor;

(b) **shall**, where the matter is not remedied to the worker's satisfaction, report it to the committee or the representative, if any; and

(c) may, where the matter is not remedied to the worker's satisfaction after the worker reports it in accordance with clauses (a) and (b), report it to an officer.

Application of Clause (2)(b)

(3) Clause (2)(b) does not apply in respect of a complaint of harassment in the workplace. **Section 16(1)(2).**

For more information:

- Content of occupational health and safety program. **Section 16(3).**
- Part 45 – Personal Protective Equipment. **Sections 45.2 to 45.4.**

Further details on the Occupational Health and Safety Act and Occupational Health and Safety Act General Regulations can be found at canlii.org and princeedwardisland.ca.

QUÉBEC

In Québec, **employers must** address fitness for duty under the **Act Respecting Occupational Health and Safety**, **Sections 51, 12 to 20, 58, 59, 49.1**, and **Regulation Respecting Occupational Health and Safety Sections 338 and 339**. They are required to prevent risks from impairment, implement prevention programs, provide protective equipment, and ensure workers are trained and informed. Workers **must** not work while impaired and have the right to refuse unsafe work, supporting a safe and healthy workplace for all.

Division II- The Employer

General Obligations

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).**

Division XXX – Means and Equipment for Individual and Group Protection

Employer's obligations: The **employer shall** provide the worker free-of-charge with the individual or collective means and

equipment **required** under this Regulation and ensure that the workers have received the information necessary for using those means and equipment. **Section 338.**

Worker's obligations: The worker **shall** wear or use, as the case may be, the individual or collective protective means and equipment **required** under this Regulation. **Section 339.**

For more information:

- Right of refusal. **Sections 12 to 49.1.**
- Prevention program. **Section 58, 59(1) to (6).**

Further details on the Act Respecting Occupational Health and Safety and Regulation Respecting Occupational Health and Safety can be found at gouv.qc.ca and gouv.qc.ca.

SASKATCHEWAN

In Saskatchewan, **employers** are **required** to address Fitness for Duty under the **Saskatchewan Employment Act (Sections 3-8, 3-9, 3-10, 3-31, 3-20)** and **Occupational Health and Safety Regulations (Sections 1-2(2), 3-1, 3-2, 3-6, 3-8, 7-1, 7-2).** **Employers must** ensure workers' health, safety, and welfare, provide necessary training and supervision, and take reasonable precautions to prevent exposure to hazards, harassment, and violence. Workers **must** take reasonable care to protect themselves and others, use personal protective equipment, and report safety concerns.

Division 3 – Duties

General Duties of Employer

Every **employer shall:**

- (a) ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the **employer's** workers;

(b) consult and cooperate in a timely manner with any occupational health committee or the occupational health and safety representative at the place of employment for the purpose of resolving concerns on matters of health, safety and welfare at work;

(c) make a reasonable attempt to resolve, in a timely manner, concerns raised by an occupational health committee or occupational health and safety representative pursuant to clause (b);

(d) ensure, insofar as is reasonably practicable, that the **employer's** workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment;

(d.1) ensure, insofar as is reasonably practicable, that the **employer's** workers are not exposed to violence with respect to any matter or circumstance arising out of the workers' employment;

(e) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part;

(f) ensure that:

(i) the **employer's** workers are trained in all matters that are necessary to protect their health, safety and welfare; and

(ii) all work at the place of employment is sufficiently and competently supervised;

(g) if the **employer** is **required** to designate an occupational health and safety representative for a place of employment, ensure that written records of meetings with the occupational health and safety representative are kept and are readily available at the place of employment;

(h) ensure, insofar as is reasonably practicable, that the activities of the **employer's** workers at a place of employment do not negatively affect the health, safety or welfare at work of the **employer**, other workers or any self-employed person at the place of employment; and

(i) comply with this Part and the regulations made pursuant to this Part. **Section 3-8 (a) to (j).**

General Duties of Supervisors

Every supervisor **shall**:

(a) ensure, insofar as is reasonably practicable, the health and safety at work of all workers who work under the supervisor's direct supervision and direction;

(b) ensure that workers under the supervisor's direct supervision and direction comply with this Part and the regulations made pursuant to this Part;

(c) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to harassment at the place of employment;

(c.1) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to violence at the place of employment;

(d) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(e) comply with this Part and the regulations made pursuant to this Part. **Section 3-9.**

Division 5 – Right to Refuse Dangerous Work; Discriminatory Action

Right to Refuse Dangerous Work

A worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at the place of employment until:

(a) sufficient steps have been taken to satisfy the worker otherwise; or

(b) the occupational health committee has investigated the matter and advised the worker otherwise. **Section 3-31.**

For more information:

- General duties of workers. **Section 3-10.**
- Duty to provide occupational health and safety programs. **Section 3-20(1) to (8).**
- Preliminary Matters. **Section 1-2(2)(3)(4).**
- Part 3 General duties of worker and employers. **Sections 3-1, 3-2, 3-6, and 3-8.**
- Part 7 – Personal Protective Equipment. **Section 7-1(1), 7-2(1).**

Further details on the Saskatchewan Employment Act and Occupational Health and Safety Regulations can be found at saskatchewan.ca and saskatchewan.ca.

YUKON

In Yukon, **employers** are **required** to address Fitness for Duty under the **Workers' Safety and Compensation Act (Sections 27, 28, 29, 47, 138)** and **Occupational Health and Safety Regulations (Sections 1.04 to 1.11)**. **Employers must** ensure a safe workplace, provide training, supervision, and protective equipment, and establish policies to prevent workplace hazards.

Division 2 – Duties Of Employers, Workers, and Others

Duties of Employers

- (1) Every **employer must**, as far as is reasonably practicable,
 - (a) ensure that the workplace, equipment, work techniques, procedures and systems under the **employer's** control ensure the health and safety of its workers;
 - (b) ensure that the **employer's** workers:
 - (i) are made aware of all known or reasonably foreseeable hazards or potential hazards to which they are likely to be exposed by their work,
 - (ii) are informed of their rights, responsibilities and duties under this Part,
 - (iii) comply with this Part and the regulations;
 - (c) provide to the **employer's** workers the information, instruction, training, supervision and facilities necessary to ensure that work is performed in a safe manner;
 - (d) consult and co-operate with the committee or worker health and safety representative, as applicable, regarding the duties and matters of the committee or worker health and safety representative under this Part;
 - (e) ensure that the supervisors employed by the **employer**
 - (i) are competent, because of knowledge, training or experience, to ensure that work is performed in a safe manner, and
 - (ii) are familiar with this Part and the regulations that are applicable to the work being supervised;
 - (f) make efforts to check the health and safety of the **employer's** workers in situations when workers might not be

able to secure assistance in the event of injury or other misfortune;

(g) ensure that the **employer's** workers use the protective equipment and wear the protective clothing **required** to be used or worn under this Part; and

(h) take all precautions and adopt and carry out all work techniques, procedures and systems under the **employer's** control that will prevent or reduce the risk of injury or death to other **employers'** workers and other persons at or near the workplace.

(2) Every **employer must:**

(a) establish health and safety management systems, as **required**, in accordance with this Part and the regulations;

(b) maintain records of the information, instruction and training provided under this Part and make those records available to the following on request:

(i) the committee,

(ii) the worker health and safety representative, if any,

(iii) the prime contractor, if any,

(iv) an officer;

(c) cooperate with any person who is performing a duty that is imposed under this Part; and

(d) comply with this Part and the regulations. **Section 27(1)(2).**

Duties of Supervisors

Every supervisor **must:**

(a) ensure, as far as is reasonably practicable, the health and safety of every worker who is performing work under their supervision;

(b) be competent, because of knowledge, training or experience, to ensure that work is performed in a safe manner;

(c) be familiar with this Part and the regulations that are applicable to the work being supervised;

(d) ensure that every worker under their supervision

(i) is made aware of all known or reasonably foreseeable hazards or potential hazards to which they are likely to be exposed by their work,

(ii) uses all protective equipment and wears all protective clothing that is **required** under this Part to be used or worn and all protective equipment and all protective clothing that is provided to them by the **employer**, and

(iii) complies with this Part and the regulations;

(e) cooperate with the committee or worker health and safety representative, as applicable;

(f) cooperate with any person who is performing a duty that is imposed under this Part; and

(g) comply with this Part and the regulations. **Section 28.**

Division 5 – Right to Refuse Unsafe Work

Right to Refuse Unsafe Work

(1) Subject to subsections (2) and (3), a worker may refuse to perform work if they believe on reasonable grounds that the work is unsafe.

(2) For the purposes of this Division, work is unsafe if one or both of the following is likely to endanger the health and safety of the worker or another person:

- (a) the work activities;
- (b) the conditions of the work.

(3) The right under subsection (1) to refuse to perform work does not apply in the following circumstances:

- (a) the refusal would directly endanger the health and safety of another person and appropriate control measures are in place;
- (b) the conditions under which the work is to be performed are ordinary conditions in that kind of work and appropriate control measures are in place. **Section 47.**

Prevention, Experience, Merit Rating, and Surcharge Programs

(1) The board of directors may establish prevention, experience, merit rating or surcharge programs or other incentive programs to encourage injured workers' return to work and the prevention of injuries.

(2) Programs established under subsection (1) may provide for abatement, credit, rebates or deferral of assessments. **Section 138.**

For more information:

- Duties of workers. **Section 29.**
- Part 1 – General, Eliminate or control hazards. **Section 1.04 to 1.07.**
- Protective Equipment and Clothing – General. **Section 1.08 to 1.10.**

Further details on the Workers' Safety and Compensation Act and Occupational Health and Safety Regulations can be found at

laws.yukon.ca and wcb.yk.ca.