

Glossary: The Sources of Workplace Safety Law



'Best practices': A set of procedures informally accepted as being effective in ensuring health and safety and which may be used by judges, prosecutors, inspectors and others to determine whether an employer or company did everything reasonably necessary to ensure workplace health and safety in compliance with OHS laws

'Collective agreements': Contracts that employers negotiate with labour unions representing the company's workers that may be used to clarify or enhance the OHS standards pertaining to the workplace and workers covered by the agreement

'Court cases': Rulings by a judge, arbitrator or government tribunal deciding disputes on the basis of the facts of the particular situation and interpretation of the laws involved which then create precedent for use in deciding future cases

'Due diligence': A legal defence that enables a defendant to avoid liability for OHS violations committed by showing that he/she/it took all reasonable steps to comply with the law and ensure health and safety

'Government guidance': Explanation and interpretation of existing statutory or regulatory requirements issued by the agency that implements the law which, despite lacking the legal force of regulation, is often used by judges, inspectors, arbitrators, prosecutors and others to enforce the law

'Industry standards': A set of criteria followed by an industry, whether via written code or informal practice, to perform functions and operations safely and which may be used by judges, prosecutors, inspectors and others to determine whether an employer or company in the industry took reasonable steps to ensure health and safety

'Legislation': Written laws adopted by a federal, provincial or municipal legislature made up of elected officials that must get enough votes to pass

'Regulations': Written rules created by the government agency responsible for overseeing the Act that flesh out the specific details implementing the Act

'Statutes' (aka 'Acts'): Pieces of legislation enacted by a federal, provincial or municipal legislature in the context of workplace safety typically referred to as Occupational Health and Safety, or OHS Acts

'Voluntary Standards': Nonbinding codes issued by nongovernment organizations like the CSA, ANSI and NFPA, industry codes and best practices that list specific technical details needed to achieve health and safety goals, e.g., for fall protection or machine guarding, and which can become legally binding via incorporation by reference into OHS regulations