How to Protect Workers Who Work Off-Site



What’s At Stake

Workers who do their jobs off-site, including drivers, home care nurses, sales reps and delivery personnel, pose significant challenges for OHS directors. How do you protect workers’ health and safety that work in off-site locations beyond your control’ Do OHS laws apply to mobile workers while they’re “in the field”‘ And, if so, what do they require you to do’

Field Workers Are Vulnerable

Working off-site makes workers more vulnerable to injury and attack, especially if they work alone or in isolation. And because they’re cut off from “base,” it’s usually much harder to provide them assistance if they do get into trouble. Real-life examples include:

- A 50-year-old Ontario salesman who was found dead in his New York City hotel room. He apparently died of a heart attack four days earlier. His widow sued the company for not maintaining regular contact with him;
- Two female executives were raped in their hotel rooms during a business trip to Johannesburg, South Africa;
- A home care nurse was brutally attacked by a patient during a visit to his home;
- A lab courier smashed his van into a tree, was knocked unconscious and bled to death before anybody found him.

Are Off-Site Workers Covered by OHS Laws'

OHS laws require employers to ensure their workers a safe and healthy place to work. What you may not realize is that this obligation isn't confined to the 4 corners of the physical worksite but extends to outside locations where they do their jobs.

Explanation: The OHS laws require employers to deal with health and safety hazards at the "workplace" and "worksite," which is defined broadly to include any location where workers are likely to do their jobs, including away from the plant or facility and even inside a vehicle. The BC definition is typical: Workplace is "any place where a worker is or is likely to be engaged in any work and includes any vessel, vehicle or mobile equipment used by a worker in work" [BC *Workers' Compensation Act*, Section 106]. Click here to see the definition of "workplace" in your jurisdiction.

What the OHS Laws Require

The duty to protect field workers off-site is limited to locations over which you have a degree of control to the extent you can carry out your OHS duties to inspect, assess and control hazards. This would include a company vehicle or piece of mobile equipment operated off-site but not the facility of another company where a worker may suffer an injury. And in a recent case, the Supreme Court of Canada ruled that an employer's zone of responsibility may extend to public postal routes and points of call used by letter carriers [*Canada Post Corp. v. Canadian Union of Postal Workers*, SCC File No. 37787, August 30, 2018].

In addition to controlling controllable off-site hazards, you must take special measures to protect field workers that work alone or in isolation. This is expressly spelled out in the OHS requirements of 10 jurisdictions (AB, BC, MB, NB, NL, NT, NU, PEI, QC and SK) and implied as part of an employer's

“general duty” to control foreseeable risks in the other 4 (ON, NS, Fed and YK).

The 5 Required Measures

Working alone or in isolation essentially means a person who can’t be readily helped in an emergency or in the event of an illness or injury. And while requirements vary slightly by jurisdiction, they all essentially impose a duty on the employer to create a safety plan for workers who work alone or in isolation that includes 6 elements:

1. Risk Assessment

The first step is to conduct a risk assessment based on the job involved. For example, a risk assessment for a home care nurse needs to identify the risks of going into patients’ homes alone, collection agencies need to consider the risk that temper tantrums pose to their agents, etc. Risk assessments also need to be redone periodically and in response to changes and indications that the previous assessment no longer reflects current hazards.

Example: Three oil workers were camped out in a remote part of an Alberta oil field when an alarm sounded from a nearby compressor building. The worker who went to the building to check things out loosened a pipe, allowing toxic hydrogen sulfide vapours to escape. He was found a few hours later on the floor dead of asphyxiation. The victim hadn’t brought his gas detection equipment with him as he had been trained to do. The oil company was fined $105,000 after pleading guilty to not updating its working alone hazard assessment in violation of the Alberta OHS Code [*R. v. Burlington Resources Canada Ltd.,* No. 030532956P101001-007 (Prov. Ct.), Dec. 12, 2003].

2. Safety Information &Training

You must provide workers information about the hazards of working alone or in isolation and train them how to maintain

communication and summon help if they need it.

3. Monitoring

You must implement a system and set of procedures for regularly checking on workers working alone. How and how often you do that depends on the degree of danger involved. So, for instance, social workers dealing with emotionally disturbed and potentially violent clients need to be checked at more frequent intervals than salespeople driving to an office building to meet with business clients. Most of the provinces leave it to the employer to work out the details, in consultation with the workplace JHSC. BC specifically requires the employer to designate a person to maintain contact with the worker during the shift and immediately after it, and to keep a log of the contacts.

4. Communication from Worker to Base

You must provide workers who are alone or in isolation a way to call or signal for help. Some provinces specify the kind of equipment employers should use. For example, AB and SK require the use of radio, telephone or other forms of electronic communication. BC does the same but goes even further. According to the regulation: “The preferred method for checking is visual or two-way voice contact, but where such a system is not practicable, a one-way system which allows the worker to call or signal for help and which will send a call for help if the worker does not reset the device after a predetermined interval is acceptable” [BC, *OHS Regulation*, Sec. 4.21(6)].

5. Safe Work Practices

You must establish safe work practices for workers to follow when they’re working alone and/or off-site. That could involve, for example, banning employees from going to a client’s home alone after dark, using a “buddy system,” carrying appropriate supplies and equipment and planning an

escape route.

6. First Aid & Rescue

Last but not least, you must make provisions to provide first aid and rescue workers who suffer injuries while they’re working alone or in isolation. That would include ensuring that vehicles are equipped with first aid kits and rescue equipment.