

When an OHS Program Is Required – Know the Laws of Your Province



KNOW THE LAWS: When an OHS Program Is Required Here's a look at when the OHS laws in each jurisdiction require an employer to have an OHS program	
FED	<p><u>Canada Labour Code:</u></p> <p>Employers are required to develop, implement and monitor, in consultation with the policy committee or, if there's no policy committee, with the workplace committee or the health and safety representative, a prescribed program for the prevention of hazards in the workplace appropriate to its size and the nature of the hazards in it that also provides for the education of employees in health and safety matters [Sec. 125(1)(z.03)].</p>
AB	<p><u>OHS Code 2009:</u></p> <p>If ordered to do so by a Director, an employer must prepare and implement a health and safety plan that includes the policies, procedures and plans to prevent work site incidents and occupational diseases at the work site [Sec. 11].</p>
BC	<p><u>Workers Compensation Act:</u></p> <p>Employers must establish OHS policies and programs in accordance with the regulations [Sec. 115(2)(c)].</p> <p><u>OHS Reg.:</u></p> <ol style="list-style-type: none"> 1. An OHS program as outlined in Sec. 3.3 must be initiated and maintained: <ol style="list-style-type: none"> a. by each employer that has: <ol style="list-style-type: none"> i. a workforce of 20 or more workers, and ii. at least one workplace that's determined under Sec. 3.16(2)(b) to create a moderate or high risk of injury; or b. by each employer that has a workforce of 50 or more workers [Sec. 3.1(1)]. 2. If Sec. 3.1(1)(a) or (b) applies to the employer, the OHS program applies to the whole of the employer's operations [Sec. 3.1(1.1)]. 3. Despite Sec. 3.1(1), an OHS program may be required in any workplace when, in the opinion of an officer, such a program is necessary [Sec. 3.1(2)].
MB	<p><u>Workplace Safety and Health Act:</u></p> <ol style="list-style-type: none"> 1. An employer must establish a written workplace safety and health program for each workplace where 20 or more workers of that employer are regularly employed [Sec. 7.4(1)]. 2. For the purposes of the above, the number of workers employed at a workplace must be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each working day [Sec. 7.4(2)]. 3. Notwithstanding the above, the director may issue a written order permitting an employer to establish a workplace safety and health program for more than one workplace or parts of more than one workplace [Sec. 7.4(3)].
NB	<p><u>OHS Act:</u></p> <p>Every employer with 20 or more employees regularly employed in the province must establish a written health and safety program, in consultation with the JHSC or the health and safety representative [Sec. 8.1(1)].</p>

NL	<p><u>OHS Act:</u></p> <p>Where 10 or more workers are employed at a workplace, the employer must establish and maintain an OHS program in accordance with the regulations [Sec. 36.1(1)].</p>
NS	<p><u>OHS Act:</u></p> <ol style="list-style-type: none"> 1. An employer must, where an OHS policy or OHS program is required pursuant to this Act or the regulations, establish the policy or program [Sec. 13(2)(e)]. 2. Where: <ol style="list-style-type: none"> a. 20 or more employees are regularly employed by an employer other than a constructor or contractor; b. 20 or more employees are regularly employed directly by a constructor or contractor, not including employees for whose services the constructor or contractor has contracted; or c. the regulations require an OHS program, <p>the employer must establish and maintain a written OHS program, in consultation with the JHSC or representative, if any, that's adapted to the circumstances of the organization for the purpose of implementing the employer's policy, this Act and the regulations [Sec. 28(1)].</p>
NT	<p><u>OHS Regs.:</u></p> <ol style="list-style-type: none"> 1. An employer must provide an OHS program under this section if: <ol style="list-style-type: none"> a. there are 20 or more workers who work at the work site; or b. the employer is so directed by the Chief Safety Officer [Sec. 21(1)]. 2. If a worker is exposed at a work site to noise that exceeds 85 dBA Lex, an employer must establish and maintain an OHS program under Sec. 21 [Sec. 116(1)].
NU	<p><u>OHS Regs.:</u></p> <ol style="list-style-type: none"> 1. An employer must provide an OHS program under this section if: <ol style="list-style-type: none"> a. there are 20 or more workers who work at the work site; or b. the employer is so directed by the Chief Safety Officer [Sec. 21(1)]. 2. If a worker is exposed at a work site to noise that exceeds 85 dBA Lex, an employer must establish and maintain an OHS program under Sec. 21 [Sec. 116(1)].
ON	<p><u>OHS Act:</u></p> <p>Without limiting the strict duty imposed by Sec. 25(1), an employer must prepare and review at least annually a written OHS policy and develop and maintain a program to implement that policy [Sec. 25(2)(j)].</p>
PE	<p><u>OHS Act:</u></p> <ol style="list-style-type: none"> 1. An employer must where an OHS policy or OHS program is required under this Act, establish the policy or program [Sec. 12(2)(e)]. 2. Where 20 or more workers are regularly employed: <ol style="list-style-type: none"> a. by an employer other than a constructor or contractor; or b. directly by a constructor or contractor, <p>the employer, constructor or contractor must establish, and review at least annually, a written OHS program, in consultation with the JHSC or representative, if any [Sec. 23(1)].</p> <ol style="list-style-type: none"> 3. For the purposes of the above, a worker isn't regularly employed directly by a constructor or contractor if the worker works with the constructor or contractor as an independent contractor [Sec. 23(2)].
QC	<p><u>An act respecting occupational health and safety:</u></p> <ol style="list-style-type: none"> 1. Every employer who has an establishment of a category identified for that purpose by regulation must see that a prevention program for each establishment under his authority is implemented, taking into account the responsibilities of the JHSC, if any [Sec. 58]. 2. Where it's foreseen that activities on a construction site will occupy at least 10 construction workers simultaneously at a particular stage of the work, the principal contractor must, before work begins, see that a prevention program is prepared [Sec. 198]. <p><u>Regulation respecting prevention programs:</u> Schedule 1 specifies the establishments and constructions sites that are required to have a prevention program</p>

SK	<p style="text-align: center;"><u>Saskatchewan Employment Act:</u></p> <ol style="list-style-type: none"> 1. An employer at a prescribed place of employment must establish and maintain an OHS program or a prescribed part of an OHS program in accordance with the regulations made pursuant to this Part [Sec. 3-20(1)]. 2. The director of OHS may order an employer to develop an OHS program for a place of employment if the director considers it to be in the interests of the health, safety and welfare of the employer's workers based on the criteria set out in Sec. 3-20(8) [Sec. 3-20(6)]. <p style="text-align: center;"><u>OHS Regs.:</u></p> <p>On and after Jan. 1, 1998, the places of employment set out in Table 7 of the Appendix with 10 or more workers are prescribed for the purposes of Sec. 13 of the Act [Sec. 22(2)].</p>
YT	<p style="text-align: center;"><u>OHS Act:</u></p> <ol style="list-style-type: none"> 1. When 20 or more workers are regularly employed at a workplace that's classified under the regulations as an 'A' or 'B' hazard, the employer must initiate and maintain an OHS program [Sec. 12(1)]. 2. Despite the above, the chief industrial safety officer or the chief mines safety officer may, in writing, require a constructor or an employer to initiate and maintain an OHS program [Sec. 12(2)].