# OHS Competent Person Requirements




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OHS laws generally require all workers to be properly trained, instructed, equipped and supervised to recognize and protect against the hazards they encounter while doing their jobs. But generalized health and safety preparation may not be enough. There are also specific higher-risk, higher-skill jobs, functions, tasks and duties (which, for simplicity's sake, we'll refer to collectively as "jobs") that the law says must be done by a "competent person" (known as a "qualified person" in BC, Yukon and under federal OHS law). As safety coordinator, it's crucial to understand the "competent person" requirements to ensure that the right people are assigned to the right jobs, i.e., the jobs they're competent to carry out safely.

There's a lot at stake. Allowing persons who aren't "competent" to perform safety-sensitive jobs is a recipe for fatalities, serious injuries and safety incidents, not to mention stop work and other OHS orders and high fines. **Example:** A worker using an overhead crane to stack components of a press suffered fatal injuries after being struck by a moving 56,000 lb. metal plate. The crane had only been in the workplace for a few weeks at the time of the incident. The company was considering a training proposal from the crane's supplier, but had yet to train its workers on safe use of the crane. The company ended up getting fined $130,000 after

pleading guilty to failing to ensure that a competent person operated the crane [*R. v. Macrodyne Technologies Inc.,* [2003] O.J. No. 3582].

Here's a 6-step Game Plan to help you prevent such disasters and ensure compliance with OHS competent person rules regardless of where in Canada you operate.

## Step 1. Recognize What "Competent" Means

While OHS law "competent person" definitions vary, "competent" generally means that the person has the knowledge, education, training and/or experience necessary to carry out the job in a safe and healthy manner. But there are also some important differences. Ontario has the strictest standards. To be considered "competent" in Ontario, a person must:

- Have specific knowledge of the OHS requirements that apply to the work and the hazards it poses (similar requirements apply in the Maritime Provinces); and
- Be able not simply to **perform** the job safely but **organize**

Similarly, Alberta requires that a "competent" person not only be able to perform a job safely but do so with no or minimal supervision.

## Step 2. Recognize the Difference between "Competent" & "Qualified"

There are 3 jurisdictions (Federal, BC and Yukon) that use the term "qualified" rather than "competent." But while the terminology is different, the substance of "qualified" and "competent" are pretty much the same. In other words, the terms are basically interchangeable. However, in the other provinces and territories, "competent" may constitute just a baseline below being "qualified" to do a certain job. Even under Federal, BC and Yukon law, there are gradations of

“qualified persons.”

Several jurisdictions, including Saskatchewan, Northwest Territories and Nunavut have separate definitions for “competent person” and “qualified person” with the latter requiring more stringent credentials, including professional certification or standing or specialized training to achieve. For example, in just about every jurisdiction, work on or near highly energized electrical equipment, installations and circuits may be performed only by “qualified” workers who’ve completed specialized electrical training or certification. Or, in some cases, the OHS regulations specify that a competent person must be competent in a specialized area or skill, such as designation from a professional engineer to inspect fall protection systems or other equipment on a construction site.

## Step 3. Be Aware of Which Jobs Must Be Performed by a “Competent Person”

While rules vary, there’s an average of approximately 100 to 200 different jobs that must be performed by a “competent person.” Common examples:

- Conducting noise exposure and confined space risk assessments;
- Operating worker transportation vehicles, emergency equipment, cranes, powered mobile equipment and lift trucks;
- Operating a powder actuated tool;
- Performing welding, cutting, burning and other hot work;
- Inspecting and maintaining cranes, lifts, hoisting devices, scaffolds and elevated platforms;
- Maintaining and inspecting HVAC systems;
- Acting as a faller in a forestry operation;
- Installing and inspecting fall protection systems and equipment, formwork and shoring, guardrails, door

openings and suspended work platforms;
- Performing airborne tests for asbestos operations, confined space entry and other jobs involving potential exposure to harmful atmospheric conditions;
- Handling and storing hazardous substances; and
- Handling explosives.

**Compliance Pointer:** If you're in Alberta, BC, Ontario or subject to federal OHS laws, go to the OHS Insider website for a Checklist of all the jobs requiring a "competent/qualified" person at your own workplace.

## Step 4. Ensure Workers Are Properly Trained for the "Competent Person" Jobs They Do

One of the first things any OHS inspector who shows up at your site will check is whether workers have been properly trained to do the job you assign them. In addition to asking workers about the training they've received, they'll likely request written records documenting the training you provided to workers performing competent person jobs listing:

- When the training was provided;
- Who provided it (the trainer must be competent to provide the training);
- What the training covered; and
- When, if ever, the training was refreshed or updated.

**Compliance Strategy:** Be sure you have documentation of the steps you took to verify that workers understood and demonstrated capability to apply their training on the job. You should also have records demonstrating that you reviewed the training you provided to competent person jobs to determine its effectiveness and identify the need for retraining or refresher training.

## Step 5. Ensure Workers Have the Knowledge Necessary to Do Their "Competent Person" Jobs

OHS inspectors will also ask workers specific questions to probe whether they have the knowledge necessary to be deemed "competent," including their knowledge of:

- Potential or actual hazards posed by the job;
- The tools and equipment required to perform the job safely;
- The workplace's safe work procedures for the job; and
- The relevant sections of the OHS law that apply to the job (if you're in Ontario or a Maritime Province).

## Step 6. Ensure Workers Have the Necessary Experience to Do "Competent Person" Jobs

Experience teaches you things you can't necessarily learn through training or reading written materials. That's why experience is a key component of competency. For example, a worker who has 10 years' experience operating a lift platform or evaluating confined space hazards is more likely to be "competent" than a worker who just finished his training. Thus, new or young workers, even with proper training and knowledge, are unlikely to be considered competent persons for OHS purposes.