

# Supervisor Duties – Know The Laws of Your Province



The OHS law definition and duties of ‘supervisors’ in each part of Canada.

Once a relatively rare phenomenon, OHS prosecution of supervisors has become fairly common, not just in Ontario but all parts of the country. That makes it increasingly important for OHS coordinators to account for the OHS liability risks faced by the company’s supervisors. But managing supervisor liability is much trickier than it may sound. That’s because individuals at risk of being liable as supervisors include not just foremen, lead hands and such, but also regular workers you wouldn’t think of as being supervisors. **Key point:** Supervisor liability under OHS laws is based on whether individuals perform supervisory functions even if they don’t have supervisory titles.

Here’s the definition of supervisor and list of specific supervisor responsibility in each jurisdiction where the OHS laws actually include such a definition and such a list.

## OHS ‘Supervisor’ Definitions and Duties Across Canada

### FEDERAL

**Definition of ‘supervisor’:** Not provided

**Supervisor duties:** Not specified

### ALBERTA

**Definition of ‘supervisor’:** A person who has charge of a work site or authority over a worker (*OHS Act*, Sec. 1(tt))

**Supervisor duties:** Every supervisor must:

- As far as it’s reasonably practicable to do so: (i) ensure that the supervisor is competent to supervise every worker under the supervisor’s supervision; (ii) take all precautions necessary to protect every worker under the supervisor’s supervision; (iii) ensure that a worker under the supervisor’s supervision works in accordance with OHS requirements; (iv)

ensure that every worker under the supervisor's supervision uses all hazard controls, and properly uses or wears PPE the employer designates or provides or that OHS laws require; and (v) ensure that no workers under the supervisor's supervision are subjected to or participate in harassment or violence at the work site (*Act*, Sec. 4(a))

- Advise every worker under the supervisor's supervision of all known or reasonably foreseeable hazards in the area where the worker is working (*OHS Act*, Sec. 4(b))
- Report to the employer a concern about an unsafe or harmful work site act or an unsafe or harmful work site condition (*Act*, Sec. 4(c))
- Cooperate with any person exercising a duty imposed by the OHS laws (*OHS Act*, Sec. 4(d))
- Comply with the OHS laws (*Act*, Sec. 4(e))

## BRITISH COLUMBIA

**Definition of 'supervisor':** A person who instructs, directs and controls workers in the performance of their duties (*OHS Reg*, Sec. 1(1))

**Supervisor duties:** Every supervisor must:

- Ensure the health and safety of all workers under his/her direct supervision (*Workers Comp Act*, Sec. 23(1)(a))
- Be knowledgeable about the OHS rules, including those that apply to the work being supervised (*Act*, Sec. 23(1)(b))
- Comply with the OHS laws (*Act*, Sec. 23(1)(c))
- 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 they work, and (ii) comply with OHS laws (*Act*, Sec. 23(2)(a))
- Consult and cooperate with the workplace joint committee or worker health and safety representative (*Act*, Sec. 23(2)(b))
- Cooperate with WorkSafeBC officers and any other person carrying out a duty under the OHS laws (*Act*, Sec. 23(2)(c))

## MANITOBA

**Definition of 'supervisor':** A person who has charge of a workplace or authority over a worker (*WSH Act*, Sec. 1)

**Supervisor duties:** Every supervisor must:

- So far as is reasonably practicable: (i) take all precautions necessary to protect a worker under his/her supervision; (ii) ensure that a worker under his/her supervision works in the manner and in accordance with the WSH requirements; and (iii) ensure that a worker under his/her supervision uses all devices and wears all clothing and PPE designated or provided by the employer or required by the WSH laws (*Act*, Sec. 4.1(a))
- Advise a worker under his/her supervision of all known or reasonably foreseeable risks in the area where the worker is working (*Act*, Sec. 4.1(b))
- Co-operate with any other person exercising a duty imposed by the WSH laws (*Act*, Sec. 4.1(c))
- Comply with the WSH laws (*Act*, Sec. 4.1(d))

## NEW BRUNSWICK

**Definition of 'supervisor':** A person who's authorized by an employer to supervise or direct the work of the employer's employees (*OHS Act*, Sec. 1)

**Supervisor duties:** Every supervisor must:

- Take every reasonable precaution to ensure the health and safety of the employees who work under the supervisor's supervision and direction (*Act*, Sec. 9.1(1)(a))
- Comply with the OHS laws (*Act*, Sec. 9.1(1)(b))
- Ensure that the employees under the supervisor's supervision and direction comply with the OHS laws (*Act*, Sec. 9.1(1)(c))
- Co-operate with: (i) any workplace safety committee; (ii) any workplace health and safety representative; and (iii) any person responsible for enforcing the OHS laws (*Act*, Sec. 9.1(1)(d))
- Acquaint the employees under the supervisor's supervision and direction with any hazard in connection with the use, handling, storage, disposal and transport of any tool, equipment, machine, device, or biological, chemical or physical agent (*Act*, Sec. 9.1(2)(a))
- Provide the information necessary to ensure the health and safety of the employees under the supervisor's supervision and direction (*Act*, Sec. 9.1(2)(b))
- Provide the instruction necessary to ensure the health and safety of the employees under the supervisor's supervision and direction (*Act*, Sec. 9.1(2)(c))

## NEWFOUNDLAND

**Definition of 'supervisor':** A person authorized or designated by an employer to exercise direction and control over workers of the employer (*OHS Act*, Sec. 2(k.1))

**Supervisor duties:** Every supervisor must:

- Ensure, where it's reasonably practicable, the health, safety and welfare of all workers under his/her supervision (*Act*, 5.1)
- Advise workers under his/her supervision of the health or safety hazards that may be met by them in the workplace (*Act*, 5.2(a))
- Provide proper written or oral instructions on precautions to be taken for protection of all workers under his /her supervision (*Act*, 5.2(b))
- Ensure that a worker under his/her supervision uses or wears required protective equipment, devices or other apparel (*Act*, 5.2(c))

## NOVA SCOTIA

**Definition of 'supervisor':** Not provided

**Supervisor duties:** Not specified

## ONTARIO

**Definition of 'supervisor':** A person who has charge of a workplace or authority

over a worker (*OHS Act*, Sec. 1(1))

**Supervisor duties:** A supervisor must:

- Ensure that a worker works in the manner and with the protective devices, measures and procedures required by the OHS laws (*Act*, Sec. 27(1)(a))
- Ensure that a worker uses or wears the equipment, protective devices or clothing that the worker's employer requires (*Act*, Sec. 27(1)(b))
- Advise a worker of any potential or actual danger to the health or safety of the worker of which the supervisor is aware (*Act*, Sec. 27(2)(a))
- Where the regulations require, provide a worker with written instructions on the measures and procedures to be taken for the worker's protection (*Act*, Sec. 27(2)(b))
- Take every precaution reasonable in the circumstances for the protection of a worker (*Act*, Sec. 27(2)(c))

## PRINCE EDWARD ISLAND

**Definition of 'supervisor':** Not provided

**Supervisor duties:** Not specified

## QUÉBEC

**Definition of 'supervisor':** Not provided

**Supervisor duties:** Not specified

## SASKATCHEWAN

**Definition of 'supervisor':** An individual who's authorized by an employer to oversee or direct the work of the employer's worker (*Sask. Emp. Act*, Sec. 3-1(1)(dd))

**Supervisor duties:** A supervisor must:

- Ensure, insofar as reasonably practicable, the health and safety at work of all workers who work under the supervisor's direct supervision and direction (*Act*, 3-9(a))
- Ensure that workers under the supervisor's direct supervision and direction comply with OHS laws (*Act*, 3-9(b))
- Ensure, insofar as reasonably practicable, that all workers under the supervisor's direct supervision and direction aren't exposed to harassment at the place of employment (*Act*, 3-9(c))
- Cooperate with any other person exercising a duty imposed by OHS laws (*Act*, 3-9(d))
- Comply with OHS laws (*Act*, 3-9(e))

## NORTHWEST TERRITORIES & NUNAVUT

**Definition of 'supervisor':** An individual who's authorized by an employer to oversee or direct workers (*OHS Regs*, Sec. 1)

**Supervisor duties:** A supervisor must:

- Comply and ensure that workers comply with OHS requirements as they apply to the work site (*OHS Regs*, 16(2))

## YUKON

**Definition of 'supervisor':** A competent person who has charge of a workplace or authority over a worker (*OHS Act*, Sec. 1)

**Supervisor duties:** A supervisor is responsible for:

- The proper instruction of workers under his direction and control and for ensuring that their work is performed without undue risk (*Act*, 7(a))
- Ensuring that a worker uses or wears the equipment, protective devices, or clothing required under the OHS laws or the nature of the work (*Act*, 7(b))
- Advising 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 (*Act*, 7(c))
- If required by regulation, providing a worker written instructions on the measures and procedures to be taken for the worker's protection (*Act*, 7(d))