

Who's a 'Competent' Person Under OHS Law – Know the Laws of Your Province



OHS laws require employers to ensure that certain kinds of work task, operations, functions and duties that may endanger workplace health and safety be performed only by “competent,” or in some cases, “qualified” workers. While definitions vary, “competent” generally means that the worker or person has the knowledge, education, training and/or experience necessary to carry out the function in a safe and healthy manner. Key differences:

- In Ontario and the Maritime Provinces, a person must have specific knowledge of the OHS requirements that apply to the work to be deemed competent;
- While most jurisdictions use “competent” to describe the qualifications necessary to **perform** a task, Ontario imposes a higher standard by requiring that the worker be competent to **organize** the task;
- Alberta also imposes a slightly higher standard, requiring not only that a person be able to perform a task safely but do so with no or minimal supervision;
- Saskatchewan, Northwest Territories and Nunavut have separate definitions for “competent person” and “qualified person” with the latter involving more stringent credentials, including professional certification or standing; and
- Rather than providing a general definition of “competent,” Québec deals with the issue on a task-by-task basis by specifying the qualifications required to perform particular tasks.

In addition to meeting general definitions of “competent” and “qualified,” in most jurisdictions, workers need additional training, professional certification or designation to perform certain kinds of work, such as successfully complete electrical safety training to be deemed a “qualified electrical worker” who can work on or near highly energized equipment, installations and circuits.

Here's a look at the general OHS definitions of “competent” in each part of Canada. [\[hyperLink to CompetentPersonGamePlan\]](#). Go to the OHS Insider site for a Checklist of all tasks that must be performed by a competent or qualified

person in Alberta, BC, Ontario and under federal OHS laws. [\[hyperlink to respective Checklists\]](#).

OHS Definition of “Competent” Person

FEDERAL

Uses the term “qualified” rather than “competent” person, which is generally defined as one “who, because of his knowledge, training and experience, is qualified to perform” the particular duty that must be done by a qualified person “safely and properly” (*COHS Regs.*, Sec. 1.2)

ALBERTA

“Competent” person defined as one who’s “adequately qualified, suitably trained and with sufficient experience to safely perform work without supervision or with only a minimal degree of supervision” (*OHS Act*, Sec. 1(d))

BRITISH COLUMBIA

Uses the term “qualified” rather than “competent,” which is defined as “being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof” (*OHS Regs.*, Sec. 1.1(1))

MANITOBA

“Competent” defined as “possessing knowledge, experience and training to perform a specific duty” (*WSH Regs.*, Sec. 1.1)

NEW BRUNSWICK

“Competent” defined as: a) qualified, because of such factors as knowledge, training and experience, to do assigned work in a manner that will ensure the health and safety of persons; b) knowledgeable about the provisions of the Act and the regulations that apply to the assigned work; and c) knowledgeable about potential or actual danger to health or safety connected with the assigned work (*OHS General Reg.*, Sec. 2)

NEWFOUNDLAND

“Competent person” defined as who is: (i) qualified because of that person’s knowledge, training and experience to do the assigned work in a manner that ensures the health and safety of every person in the workplace, and (ii) knowledgeable about the provisions of the Act and these regulations that apply

to the assigned work, and about potential or actual danger to health or safety associated with the assigned work (*OHS Regs.*, Sec. 2(h))

NOVA SCOTIA

“Competent person” defined as one who is: a) qualified because of that person’s knowledge, training and experience to do the assigned work in a manner that ensures the health and safety of every person in the workplace; and b) knowledgeable about the provisions of the Act and regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work (*Occupational Safety General Regs.*, Sec. 2(g))

ONTARIO

“Competent person” defined as one who: a) is qualified because of knowledge, training and experience to organize the work and its performance; b) is familiar with this Act and the regulations that apply to the work; and c) has knowledge of any potential or actual danger to health or safety in the workplace (*OHS Act*, Sec. 1(1))

PRINCE EDWARD ISLAND

“Competent person” defined as one who: a) is qualified because of that person’s knowledge, training and experience to do the assigned work in a manner that will ensure the health and safety of persons in the workplace; and b) is knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work (*OHS Act General Regs.*, Sec. 1.4(f))

QUÉBEC

Instead of providing a general definition of “competent” or “qualified person,” the OHS regulations specify the qualifications that workers must have to perform certain tasks that must be done by a competent or qualified person.

SASKATCHEWAN

1. “Competent” defined as “possessing knowledge, experience and training to perform a specific duty” (*Sask. Employment Act*, Sec. 3-1(1)(e));
2. “Competent worker” defined as including a worker being trained to perform the particular task or carry out the duty that must be done by a competent worker and who is also under close and competent supervision during that training; and
3. “Qualified” defined as “possessing a recognized degree, a recognized certificate or a recognized professional standing and demonstrating, by knowledge, training and experience, the ability to deal with problems related to the subject-matter, the work or the project (*OHS Regs.*, Sec.

NORTHWEST TERRITORIES & NUNAVUT

1. "Competent" defined as possessing the knowledge, experience and training to perform the particular function, task or duty for which a person must be competent; and
2. "Qualified individual" defined as one who: (a) possesses a recognized degree, certificate or professional standing, and (b) has demonstrated, by knowledge, training and experience, an ability to deal with problems related to a particular subject matter or work (*OHS Regs.*, Sec. 1)

YUKON

"Qualified person" defined as one who has education, experience and training in the recognition, evaluation and control of hazards associated with the work (*WSC Regs.*, Sec. 1.02)