

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



[OHS laws require](#) employers to ensure that certain kinds of work tasks, 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.

- 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 with qualifications ranging (from least to most stringent) from “experienced” to “competent” to “qualified.”

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 completing 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. 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.

## **FEDERAL**

1. Uses term “qualified,” rather than competent.
2. “Qualified person” means, in respect of a specified duty, a person who, because of his knowledge, training and experience, is qualified to perform that duty safely and properly (*COHS Regs*, 1.2).

## **ALBERTA**

“Competent” in relation to a person means 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**

1. Uses term “qualified,” rather than competent.
2. “Qualified” means 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 (*COHS Regs*, 1.1).

## **MANITOBA**

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

## **NEW BRUNSWICK**

“Competent” means:

- 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 WSH 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 Regs*, Sec. 2).

## **NEWFOUNDLAND & LABRADOR**

1. Uses both “competent” and “qualified” with the latter representing a higher standard.
2. “Competent” means a person 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 OHS Act and 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(1)(h)).
- 3. “Qualified” means being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience, or a combination of them (*OHS Regs*, Sec. 2(1)(w)).

## **NOVA SCOTIA**

“Competent person” means a person who is:

- a. qualified because of their 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 OHS Act and regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work.

(*Occ Safety Gen Regs*, Sec. 2(g)).

## **ONTARIO**

- 1. OHS Act uses “competent person” and Construction regulations use “competent worker”.
- 2. “Competent person” means a person who:
  - a. is qualified because of knowledge, training, and experience to organize the work and its performance,
  - b. is familiar with the OHS 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)

3. “Competent worker”, in relation to specific work, means a worker who:
- a. is qualified because of knowledge, training, and experience to perform the work,
  - b. is familiar with the OHS Act and with the provisions of the regulations that apply to the work, and
  - c. has knowledge of all potential or actual danger to health or safety in the work (*OHS Const Proj Regs*, Sec. 1(1)).

## PRINCE EDWARD ISLAND

“Competent person” means a person 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 OHS 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 General Regs*, Sec. 1(4)(f)).

## QUÉBEC

- 1. Uses terms “qualified,” “competent”, and “experienced,” with “qualified” being the most and “experienced” the least stringent standard selectively with regard to different operations.
- 2. Certain confined space functions require a “qualified person,” defined as a person who, by reason of knowledge, training, or experience, is able to identify, assess, and control the dangers relating to an enclosed area/confined space (*OHS Regs*, Sec. 297).

3. Certain construction operations and functions require an experienced, competent, or qualified person, with the former being the lowest standard and the latter the highest—definitions:

- a. “Experienced person” means a person who has acquired knowledge of things through practice and experience.
- b. “Competent person” means a qualified and experienced person who has the required skills to properly judge a thing or perform a duty.
- c. “Qualified person” means a person who has acquired knowledge of things through recognized instruction that has been attested by a diploma.

(*Safety Code for Const Ind*, Sec. 2.15.0.1.).

## **SASKATCHEWAN**

- 1. Use terms “competent,” “competent worker”, and “qualified,” the latter being the most stringent standard.
- 2. “Competent” means possessing knowledge, experience, and training to perform a specific duty (*Sask Employment Act*, Sec. 3-1(1)(e)).
- 3. “Competent worker”, with respect to a particular task or duty, includes a worker being trained to perform that task or carry out that duty and is under close and competent supervision during that training (*OHS Regs*, Sec. 1(2)).
- 4. “Qualified” means 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. 1(2)).

## NORTHWEST TERRITORIES

1. Uses both “competent” and “qualified” with the latter representing a higher standard.
2. “Competent” means, in respect of a function, task or duty, possessing the knowledge, experience and training to perform the function, task, or duty.
3. “Qualified individual” means an individual 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” means a person who has education, experience, and training in the recognition, evaluation, and control of hazards associated with the work (*WSC Regs*, Sec. 1.02).

## NUNAVUT

1. Uses both “competent” and “qualified” with the latter representing a higher standard.
2. “Competent” means, in respect of a function, task or duty, possessing the knowledge, experience, and training to perform the function, task, or duty.
3. “Qualified individual” means an individual 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).