

# Workplace OHS Programs & OHS Policies – Know The Laws Of Your Province



**The difference between an OHS program and an OHS policy and the requirements across Canada**

OHS laws require employers to implement a workplace OHS policy and an OHS program. While the terms sound interchangeable, there are important differences:

- **An OHS policy** is a written statement by senior management expressing the company's commitment to protecting the health and safety of its workers and listing the OHS responsibilities of management, supervisors and workers; and
- **An OHS program** is the substance that delivers on the OHS policy statement's commitment by providing for carrying out hazard assessment, prevention measures, safe work procedures, inspection, incident reporting, safety training and education and other crucial workplace safety functions.

Here's a look at the OHS policy and program requirements in each part of Canada.

## OHS Program & Policy Requirements

# Across Canada

## FEDERAL

Employer must: (a) In consultation with JHSC or safety representative, implement a hazard prevention program for workplace that includes: (i) an implementation plan, (ii) a hazard identification and assessment method, (iii) hazard identification and assessment, (iv) preventive measures, (v) employee training, (vi) employee education and training, and (vii) program evaluation at least every 3 years, unless incidents, changes or other occurrences call for more immediate review; and (b) Keep a copy of the program evaluation report for 6 years (*Canada Labour Code*, Sec. 125(f)(z.04); *COHS Regs.*, Secs. 19.1 to 19.8)

## ALBERTA

Employer who regularly employs 20 or more workers (or whose ordered by an OHS Director) must implement a health and safety program, defined as 'a coordinated system of procedures, processes and other measures designed to be implemented by organizations to promote continuous improvement in occupational health and safety' (*OHS Act*, Secs. 1(s) and 16)

## BRITISH COLUMBIA

**When OHS Program Required:** (a) OHS program to prevent injuries and illnesses must be initiated and maintained by: (i) each employer with workforce of 20 or more workers if at least one of its workplaces is determined, in accordance with the first aid regulations, to create a moderate or high risk of injury, or (ii) each employer with a workforce of 50 or more workers; and (b) Smaller operations need only have a less formal program based on regular monthly meetings with workers to discuss health and safety matters (*OHS Reg*, Sec. 3.2); and

(OHS Reg, Sec. 3.1)

**What OHS Program Must Include:** OHS program must include statement of the employer's aims and the responsibilities of the employer, supervisors and workers, and provide for: (i) regular inspection of premises, equipment, work methods and work practices, at appropriate intervals, to ensure prompt action is taken to correct any hazardous conditions found, (ii) appropriate written instructions, available for reference by all workers, (iii) periodic management meetings to review health and safety activities and incident trends, and determine necessary actions, (iv) prompt investigation of incidents to determine action necessary to prevent recurrence, (v) maintenance of records and statistics, including reports of inspections and incident investigations, with such info made available to JHSC, safety rep or workers themselves, and (vi) instruction and supervision of workers in safe performance of their work (OHS Reg., Sec. 3.3)

## MANITOBA

**When OHS Program Required:** (a) Employer must, in consultation with JHSC or safety rep, establish written workplace safety and health program for **each** workplace where 20 or more workers of that employer are regularly employed, unless Director approves request to establish one program for more than one workplace; (b) Employer must make program available upon request to JHSC, safety rep, worker at the workplace and government OHS officer; and (c) Prime contractor must coordinate programs of employers at construction projects where workers from 2 or more employers work (WSH Act, Sec. 7.4)

**What OHS Program Must Include:** (i) Statement of employer's policy regarding workplace health and safety, (ii) identification of existing and potential dangers to workers at the workplace, (iii) the measures to be taken to reduce,

eliminate or control them, including emergency procedures, (iv) the resources, including personnel and equipment, that may be needed to respond to an emergency at the workplace, (v) a statement of the responsibilities of the employer, supervisors and workers at the workplace (vi) a schedule for regular inspection of the workplace and of work processes and procedures, (vii) a plan to control any biological or chemical substance used, produced, stored or disposed of at the workplace, (viii) a statement of the procedures to protect safety and health in the workplace when another employer or self-employed person is involved in work at the workplace that includes: (A) criteria for evaluating and selecting employers and self-employed persons to be involved in work at the workplace, and (B) procedures for regularly monitoring employers and self-employed persons involved in work at the workplace, (ix) a plan for training workers and supervisors in safe work practices and procedures, (x) a procedure for investigating accidents, dangerous occurrences and refusals to work, (xi) a procedure for worker participation in workplace safety and health activities, including inspections and the investigation of accidents, dangerous occurrences and refusals to work, and (xiii) a procedure for reviewing and revising the program every 3 years or more often if circumstances at a workplace change in a way that poses a safety or health risk of workers at the workplace (*WSH Act*, Sec. 7.4)

## **NEW BRUNSWICK**

**OHS Policy:** (a) Every employer with 20 or more employees regularly employed in New Brunswick must, in consultation with the employees, establish a written safety policy setting out the responsibilities of the employer, supervisors and employees; and (b) Employer must keep a copy of the safety policy at each place of employment and make it available to an OHS officer on request (*OHS Act.*, Sec. 8)

**OHS Program:** (a) Every employer with 20 or more employees

regularly employed in New Brunswick must establish a written OHS program, in consultation with the JHSC or safety rep; (b) Program must provide for: (i) health and safety training and supervision of employees, (ii) preparation of written work procedures and codes of practice for implementing required health and safety work practices, (iii) identification of types of work for which the work procedures are required, (iv) a hazard identification system that includes: (A) identification of potential hazards, (B) inspection procedures and schedules, and (C) procedures for reporting of hazards and prompt follow-up, (v) a system for prompt investigation of hazardous occurrences to determine their causes and actions needed to prevent recurrence, (vi) a record management system that includes reports of employee training, accident statistics, work procedures and health and safety inspections, maintenance, follow-up and investigations, and (vii) monitoring program implementation and effectiveness; (c) Employer must review and, if necessary, update program at least once each year, in consultation with JHSC or safety rep; and (d) Employer must make copy of program and all records available to JHSC, safety rep, employees and government OHS officers (*OHS Act.*, Sec. 8.1)

## NEWFOUNDLAND

**When OHS Program Is Required:** (a) Employer must, in consultation with JHSC, implement a written OHS program if 10 or more workers are employed at a workplace; (b) Employer must, if requested, provide copy of program to JHSC, worker at the workplace and OHS officer; and (c) Employer must review program at least every 3 years or after changes that affect health and safety (*OHS Act*, Sec. 36.1)

**What OHS Program Must Include:** must be signed and dated by employer and person(s) responsible for managing employer's operations in province, and include: (i) a statement of the employer's commitment to cooperate with the JHSC and workers

in the workplace in ensuring occupational health and safety, (ii) a statement of the OHS responsibilities of the employer, supervisors, the JHSC and workers, (iii) procedures to identify the need for, and preparation of written safe work procedures to implement required health and safety practices, (iv) appropriate written work procedures, (v) a plan to orient and train workers and supervisors in workplace and job-specific safe work practices, plans, policies and procedures, including emergency response, (vi) provisions for establishing and operating a JHSC, including provisions dealing with: (A) maintenance of membership records, (B) procedural rules, (C) JHSC access to management staff with the authority to resolve health and safety issues and to required information about the employer's operations, and (D) a plan for training committee members as required under the Act, (vii) a system for recognizing, evaluating and controlling hazards that includes: (A) evaluation and monitoring to identify potential hazards, (B) regular inspection procedures and schedules, (C) procedures to identify, report and control or correct hazards, (D) procedures for prompt investigation of hazardous occurrences to determine cause and actions necessary to prevent a recurrence, (E) circumstances where employer must report hazards to JHSC and procedures for doing so, and (F) accountability measures of persons responsible for reporting and correcting hazards, (viii) a plan for control of biological and chemical substances handled, used, stored, produced or disposed of at the workplace and where appropriate, monitoring the work environment to ensure health and safety, (ix) a system to ensure that contractors comply with the program, (x) an emergency response plan, (xi) maintenance of records and statistics, including occupational JHSC minutes, reports of inspections and investigations, with procedures to allow access to persons entitled to receive them under the Act, and (xii) provision for monitoring the implementation and effectiveness of the program; and (*OHS Regs.*, Sec. 12)

**OHS Policy:** (a) Employer must, in consultation with the safety rep, establish and post a written OHS policy if fewer than 10 workers are employed at a workplace (*OHS Act*, Sec. 36.2); (b) Policy must be signed and dated by employer and person(s) responsible for managing employer's operations in province and contain a statement of the employer's commitment to occupational health and safety that includes: (i) a statement of the employer's commitment to cooperate with the safety rep and workers in the workplace, and (ii) a statement of the OHS responsibilities of the employer, supervisors, safety rep and other workers; and (c) Employer must review and, if necessary, update the policy at least once a year, in consultation with safety rep (*OHS Regs.*, Sec. 13)

## **NOVA SCOTIA**

**When OHS Program Required:** (a) Employer must, in consultation with JHSC or safety rep., implement a written OHS program if: (i) 20 or more employees are regularly employed by an employer other than a constructor or contractor, (ii) 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 (iii) the regulations require a program; and (b) Employer must make copy of program available to JHSC or safety rep, and, if requested, a worker at the workplace (*OHS Act*, Sec. 28)

**What OHS Program Must Include:** Program must provide for: (i) safety training and supervision of employees, (ii) preparation of written work procedures required to implement safe and healthy work practices and identification of the types of work for which the procedures are required, (iii) establishment and continued operation of a required JHSC, including maintenance of membership records, rules of procedure, access to a level of management with authority to resolve health and safety matters and any information required under the law, (iv) selection and functions of a safety rep with access to a level

of management with authority to resolve health and safety matters and any information required under the law, (v) a hazard identification system that includes (A) evaluation of the workplace to identify potential hazards, (B) regular inspection procedures and schedules, (C) procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and (D) circumstances where employer must report hazards to JHSC and safety rep, and the procedures for doing so, (vi) a system for workplace OHS monitoring, prompt follow-up and control of identified hazards, (vii) a system for prompt investigation of hazardous occurrences to determine causes and actions needed to prevent recurrence, (viii) maintenance of records and statistics, including reports of OHS inspections and investigations, with provision for making them available to persons entitled to receive them under the Act, and (ix) monitoring program implementation and effectiveness (*OHS Act*, Sec. 28)

## ONTARIO

Employer must prepare and review at least annually a written OHS policy and develop and maintain a program to implement that policy (*OHS Act*, Sec. 25(2)(j))

## PRINCE EDWARD ISLAND

**OHS Program:** (a) If 20 or more workers are regularly employed, employer must implement a written OHS program, in consultation with JHSC or safety rep., implement a written OHS program if 20 or more employees are regularly employed by an employer other than a constructor or contractor, (ii) 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 (iii) the regulations require a program; (b) Program must provide for:



(i) safety training and supervision of employees, (ii) preparation of written work procedures required to implement safe and healthy work practices and identification of the types of work for which the procedures are required, (iii) establishment and continued operation of a required JHSC, including maintenance of membership records, rules of procedure, access to a level of management with authority to resolve health and safety matters and any information required under the law, (iv) selection and functions of a safety rep with access to a level of management with authority to resolve health and safety matters and any information required under the law, (v) a hazard identification system that includes (A) evaluation of the workplace to identify potential hazards, (B) regular inspection procedures and schedules, (C) procedures for ensuring the reporting of hazards and the accountability of persons responsible for correction of hazards, and (D) circumstances where employer must report hazards to JHSC and safety rep, and the procedures for doing so, (vi) a system for workplace OHS monitoring, prompt follow-up and control of identified hazards, (vii) a system for prompt investigation of hazardous occurrences to determine causes and actions needed to prevent recurrence, (viii) maintenance of records and statistics, including reports of OHS inspections and investigations, with provision for making them available to persons entitled to receive them under the Act, and (ix) monitoring program implementation and effectiveness; (c) Employer must make copy of program available to JHSC or safety rep, and, if requested, a worker at the workplace; and (d) Employer must review program at least once a year (*OHS Act*, Sec. 23)

**OHS Policy:** (a) Employer must, in consultation with JHSC, safety rep or workers themselves, establish a written OHS policy if 5 or more workers are regularly employed; (b) Policy must include: (i) a statement of employer's commitment to cooperate with the workers in pursuing health and safety, and (ii) a statement of the OHS responsibilities of the employer,

supervisors and workers; and (c) Employer must review and, if necessary, update the policy at least once a year, in consultation with the safety rep (*OHS Act*, Sec. 24)

## QUÉBEC

(a) Employers that OHS regulations define as a covered 'establishment' must implement a prevention program, in consultation with the JHSC; (b) Program must include: (i) programs to comply with regulations' standards for the standards for layout of workplaces, work organization, equipment, material, contaminants, dangerous substances, processes and collective safety measures and equipment, (ii) measures to supervise the quality of the work environment and of preventive maintenance, (iii) specific standards of sanitation and safety for the establishment, (iv) the terms and conditions of implementation of any other rule relating to health and safety in the establishment, which must include, as a minimum, the contents of the applicable regulations, (v) identification of the individual protective devices and equipment which, while are best adapted to meet the needs of the establishment's workers (as determined by the JHSC), (vi) worker health and safety training and information programs (as determined by the JHSC); and (c) Employer must provide program and any updates to JHSC and CNESST within timelines specified in regulations (*OHS Act*, Secs. 58 to 61)

## SASKATCHEWAN

**When OHS Program Is Required:** Employer must develop written OHS program, in consultation with JHSC or safety rep, if they have 10 or more workers and the place of employment is either: (a) a hospital, nursing home, home care, metal foundry and mill, or mine; or (b) a site where any of the following types of work are performed: (i) aerial crop spraying, operation of helicopters, water bombing, (ii) autobody and automotive paint

repairing, bumper electroplating, auto rust proofing, auto glass installation, auto vinyl roofing, fiber glassing boats and autos, (iii) building construction, (iv) camp catering, (v) farming and ranching, (vi) forestry work other than pulp and paper production, (vii) forwarding and warehousing as a business, (viii) metal manufacturing and machining, marble works, concrete block and ready mix manufacturing, (ix) oilwell servicing, (x) oil and gas drilling, well servicing with a rig, water well drilling, (xi) processing meat, poultry and fish, (xii) road construction and earthwork, urban sewer and water construction, tunnelling, (xiii) trucking, (xiv) wholesale baking, dairy products, soft drinks and food preparation and packaging (*OHS Regs.*, Sec. 3-11(2))

**What OHS Program Must Include:** (a) A statement of employer's policy for protecting workers' health and safety; (b) Identification of existing and potential health or safety risks, and measures, including emergency response procedures, taken to reduce, eliminate or control those risks; (c) Identification of personnel, equipment and other resources that may be required to respond to an emergency; (d) The responsibilities of the employer, supervisors and workers; (e) A schedule for regular inspection of the place of employment and of work processes and procedures; (f) A plan for the control of any biological or chemical substance handled, used, stored, produced or disposed of and, if appropriate, monitoring the work environment; (g) A plan for training workers and supervisors in safe work practices and procedures, including any procedures, plans, policies or programs that the employer is required to develop; (h) A procedure for the investigation of accidents, dangerous occurrences and work refusals; (i) A strategy for worker participation in OHS activities, including audit inspections and investigations of accidents, dangerous occurrences and work refusals; and (j) A procedure to review and, if necessary, revise the program at least every 3 years and whenever there's a change of circumstances that may affect workers' health or safety (*OHS*

*Regs., Sec. 3-11(1)*

## **NORTHWEST TERRITORIES & NUNAVUT**

(a) OHS program required if 20 or more workers work at the site (*Safety Act*, Sec. 7; *OHS Regs.*, Sec. 21); and (b) Program must include: (i) a statement of the employer's policy for protecting workers' health and safety, (ii) a hazard recognition program to identify hazards that could endanger workers at the site, (iii) measures, including emergency response procedures, to reduce, eliminate and control the hazards identified, (iv) an identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency, and (e) a statement of the responsibilities of the employer, the supervisors and workers ensure (*OHS Regs.*, Sec. 21)

## **YUKON**

Workplaces must have an OHS program if: (a) they have 20 or more regularly employed employees; **and** (b) they're classified as an 'A' or 'B' hazard under the OHS Regs. (*OHS Act*, Sec. 12)