



Government
of Canada

Gouvernement
du Canada

CANADA LABOUR CODE

PART II

An overview...

Canada 

Introduction

Your name

Title

Date of the presentation

Plan of the session

- ➔ Purpose of Part II of the *Code*
- ➔ Application of Part II
- ➔ Duties of Employers
- ➔ Duties of Employees
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Plan of the session

- ➔ *Canada Occupational Safety and Health Regulations*
- ➔ **Three Basic Rights**
- ➔ **Internal Complaint Resolution Process**
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Purpose of Part II of the Code

Part II of the *Canada Labour Code* relates to occupational health and safety and reflects the desire to reduce work place injuries and accidents in federal jurisdiction.

The Code applies to the following interprovincial and international industries

- ➔ banks;
- ➔ railways, highway and air transport;
- ➔ ferries, tunnels, bridges and canals
- ➔ telephone and telegraph systems
- ➔ pipelines
- ➔ radio and television broadcasting and cable systems
- ➔ shipping and shipping services;
- ➔ employment in the operation of ships, trains and aircraft;

The Code applies to the following interprovincial and international industries

- ➔ grain elevators licensed by the Canadian Grain Commission, and certain feed mills and feed warehouses, flour mills, and grain seed cleaning plants,

- ➔ the federal public service and persons employed by the public service and about 40 Crown corporations and agencies.

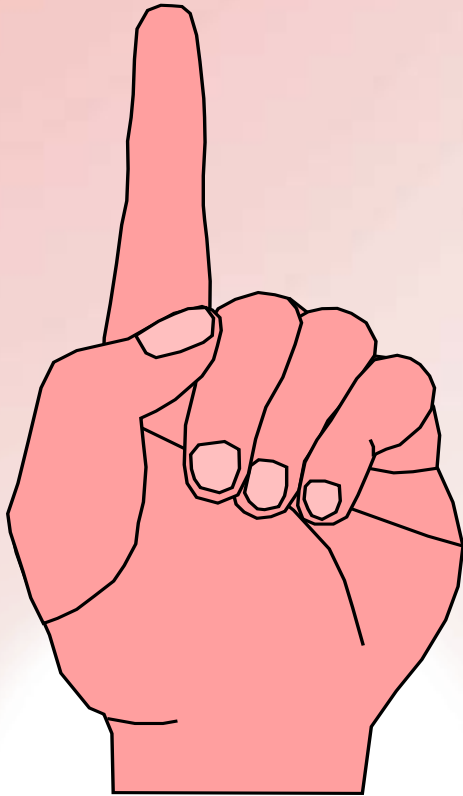
- ➔ indian reserves

The Code applies to the following interprovincial and international industries

- ➡ the exploration and development of petroleum on lands subject to federal jurisdiction.



The Code applies to
the following interprovincial and
international industries



- ➔ **NOTE :**
Part II of the *Canada Labour Code* does not apply to certain undertakings regulated by the *Nuclear Safety and Control Act*.

General Duty of Employer

Every employer shall ensure that the health and safety at work of every person employed by the employer is protected.

Specific Duties of Employer

Employers have specific duties in regards to each work place they control and every work activity under their authority that occurs in a work place that is beyond the employer's control.

Specific Duties of Employer

Employers are required to provide employees with:

- **information**
- **instruction**
- **training**
- **supervision**

Specific Duties of Employer

Employers must also ensure that every person granted access to the work place is provided with the prescribed safety materials, equipment, devices and clothing and ensure that every person is familiar with, and uses them.

Specific Duties of Employer

The *Code* requires that each employee, and each person granted access to the work place, be made aware of every known or foreseeable hazard in the area where the employee works or where the person is likely to be exposed.

Specific Duties of Employer

- investigating, recording and reporting **all** accidents, occupational diseases and other hazardous occurrences and keeping and maintaining accurate health and safety records
- complying with every direction given to the employer by a health and safety officer or an appeals officer

Duties of Employees

“Employees have a responsibility to take all reasonable and necessary precautions to ensure their health and safety and that of anyone else who may be affected by their work or activities.”

Duties of Employees

“Employees have to report to the employer any thing or circumstance that is likely to be hazardous to the employees or any other person in the work place.”

paragraph 126.(1)(g)

Work Place Health and Safety Committees

Every employer is required to establish a work place health and safety committee for each work place, controlled by the employer, that has 20 or more employees.

Policy Health and Safety Committees

For the purposes of addressing health and safety matters that apply to the work, undertaking or business of an employer, every employer who normally employs directly three hundred or more employees shall establish a policy committee

Health and Safety Representatives

Under 136. (1) the *Code* requires each employer to appoint a health and safety representative for each work place, controlled by the employer, with fewer than 20 employees.

Canada Occupational Safety and Health Regulations

**Identifies, in much greater detail,
the specific requirements in
order to ensure a healthy and
safe work place.**

Three Basic Rights:

- **Right to Know**
- **Right to Participate**
- **Right to Refuse**

Right to Know

It is the employee's right to be informed of all known or foreseeable risks which exist in the work place and could endanger health or safety.

Right to Participate

Every employee has the right to be involved in everything that touches on questions of health and safety at work.

Right to Refuse

Any employee, subject to Part II of the *Canada Labour Code* has the right to refuse dangerous work as long as:

- **the refusal does not put the life, health or safety of another person directly in danger; or**
- **the danger in question is not a normal condition of employment.**

Right to Refuse

**What happens if
the employee continues
to refuse to work?**

Right to Refuse

What happens if a Health and Safety Officer decides there is *no danger*?

What happens if a Health and Safety Officer decides there *is danger*?

Right to Refuse

Reminder:

**It is very important that
employer and employee
follow the required procedure
in refusal-to-work cases**

The Right of Redress

Purpose:

to protect employers from abuse of the
right to refuse and protect employees
from arbitrary discipline

The Right of Redress

What if there is abuse of the right to refuse dangerous work?

⇒ when to take action *when not to take action*

⇒ the burden of proof

Training

Under the *Code*,

the employer shall provide, in the prescribed manner, each employee with the information, instruction, training and supervision necessary to ensure their health and safety at work.

paragraph 125. (1)(q)

Canada 

Internal Complaint Resolution Process

**Complaints can be made to
a health and safety officer at
the Labour Program ONLY if
the internal resolution process
has been followed and has not been
successful in resolving the matter.**

Health and Safety Officer

**In the context of
the *Canada Labour Code*,
a health and safety officer
is a person appointed by
the Minister of Labour.**

OFFENCES AND PUNISHMENT

Assurance of Voluntary Compliance (AVC)

Direction

Court Actions

OFFENCES AND PUNISHMENT

Penalties

Limitation Period

Minister's Consent

MONTHLY INSPECTION

The employer shall ensure that the work place committee or the health and safety representative inspects each month all or part of the work place, so that every part of the work place is inspected *at least once each year.*

What Managers Need to Know and Do?

Senior Management

Middle Management

Line Management

REVIEW



QUESTIONS ?