

# Canada Labour Code Part II Overview and Reporting Requirements

Health & Safety



# Overview

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## Federal Jurisdiction

Part II of the *Canada Labour Code* (*Code*) is the law that establishes the minimum workplace health and safety requirements for employers and employees that fall under federal jurisdiction. Approximately 10% of employees in Canada are covered by the *Code*.



The *Code* applies to the following industries:

- Banks
- Railways, highway and air transportation
- Telecommunications
- Ferries, tunnels, bridges, canals
- Radio and television broadcasting
- Shipping and shipping services
- Grain elevators (some), feed warehouses, flour mills and seed cleaning operations
- The Federal Public Service, Crown Corporations



## Purpose of the *Code*

The purpose of the *Code* is to prevent accidents and injury to health during the course of employment.





On an average day in Canada three workers will die and hundreds more will be injured. The *Code* places minimum standards on employers and employees, the purpose of which is to ensure that these accidents are prevented.



# Basic Rights

- Right to Know
- Right to Participate
- Right to Refuse Dangerous Work





## Duties of Employers

- Every employer shall ensure that the health and safety at work of every person employed by the employer is protected. (Section 124)
- Employers have further specific duties in regard to each work place they control and every work activity carried out by an employee. (Section 125)
- Education, training, accident prevention and investigation etc.



## 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. (Section 126)
- Employees must report hazardous conditions to their employers.
- Employees must report any and all accidents to their employers.



# Work Place Health & Safety Committees and Representatives

- All employers that employ 20 or more employees, must establish a work place health and safety committee
- All employers that employ under 20 workers, must appoint a health and safety representative
- Employees in the work place choose the employee committee members or the employee representative



## Policy Health & 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.



## Internal Complaint Resolution Process

- Found under section 127.1 of the *Code*
- If an employee believes there is a contravention of the *Code* or that an accident or injury may take place, that employee should make a complaint to their employer
- The ICRP must be completed in its entirety before ESDC – Labour program can receive a complaint for review and possible investigation



## Right to Refuse Dangerous Work

An employee may refuse work that the employee has reasonable cause to believe that the work:

- Is a danger to the employee or another employee
- A condition exists that constitutes a danger to the employee
- The performance of an activity is a danger to the employee or another employee



## Definition of Danger

- danger means any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered



# Refusal to Work Employer Reporting Obligation

- Employer **MUST** report to the Minister all continued refusals to work
- The employer must provide the Minister with copies of the employer and committee investigation reports





- It is very important that the employer, the employee, and the health and safety committee or representative follow the required procedure outlined in Section 128 of the Code with regard to a refusal to work
- ESDC – Labour Program will only investigate when the internal process has been completed and the employee continues to refuse to work



# Canada Occupational Health & Safety Regulations

- Identifies, in much greater detail, the specific requirements in order to ensure a healthy and safe work place.
- There are XX Parts under the COHSR covering many different issues related to health and safety



## Part XV – Hazardous Occurrence

### Investigation, Recording and Reporting

A hazardous occurrence (HO) is an accident, occupational disease or other occurrence arising in the course of, or in connection with, the employees work that has caused or is likely to cause, injury to the employee or any other person.

The primary purpose of conducting an HO investigation is to learn from it and prevent a recurrence of the incident.





If an employee is aware of an accident, he or she must report it immediately to the employer



# Types of Hazardous Occurrences

- Under COHSR XV there are several different types of hazardous occurrences (HO) and each requires the employer to appoint a qualified person to conduct an investigation, notify the health and safety committee or representative and take measures to prevent recurrence



# Reporting Requirements to Labour Program for Hazardous Occurrences

The employer must report to the Minister by telephone, or fax **as soon as possible but within 24 hours** after becoming aware of an occurrence that resulted in:

- death of an employee (even if it appears to be from natural causes)
- permanent disabling injury of an employee, or temporary disabling injury of two or more employees from the same occurrence
- permanent impairment of a body function of an employee;
- an explosion
- damage to a boiler or pressure vessel that results in fire or rupture of the boiler or pressure vessel
- damage to an elevating device that renders it unusable, or a free fall of an elevating device



## The employer must record in writing within 72 hours:

- when a boiler or pressure vessel is damaged that results in a fire or a rupture of the boiler or pressure vessel
- elevating device is damaged or free falls
- the record must include the causes of the occurrence and the corrective measures taken or the reason for not taking correctives measures. The employer must immediately send a copy of this record to the work place health and safety committee or the health and safety representative.



The employer shall make a report in writing, without delay, using form Schedule I – Hazardous Occurrence Investigation Report (HOIR) when there is a:

- a disabling injury to an employee
- an electric shock, toxic atmosphere or oxygen deficient atmosphere that caused an employee to lose consciousness
- the implementation of rescue, revival or other similar emergency procedures
- a fire or an explosion.

This form must be provided to:

- the work place committee or the health and safety representative
- **within 14 days** after the hazardous occurrence, to the Minister.





# What is a disabling injury?

A disabling injury means an employment injury or an occupational disease that:

- prevents an employee from reporting for work or from effectively performing all the duties connected with the employee's regular work on any day **subsequent to the day** on which the injury or disease occurred, whether or not that subsequent day is a working day for that employee
- results in the loss by an employee of a body member or part thereof or in the complete loss of the usefulness of a body member or part thereof
- results in the permanent impairment of a body function of an employee



## How to Submit an HOIR

The Labour Program has created general delivery mailboxes which you can use to submit your HOIRs. You can start using this immediately.

ON-TORONTO-HOIR\_RESCR-GD@labour-travail.gc.ca  
ON-LAB-TRA-SW-SO-GD@LABOUR-TRAVAIL.GC.CA

Please be sure to use these email addresses only for HOIR submission.



# Employer Annual Hazardous Occurrence Report (EAHOR)

No later than March 1st of every year, the employer is required to submit the Employer Annual Hazardous Occurrence Report to the Minister.

This information should be submitted electronically using the Data Gateway.



# Motor Vehicle Accidents on Public Roads

- subject to the same investigation and reporting requirements
- If the police investigated the accident, both the employer's report and the police report must be submitted to the Minister and a copy provided to the workplace committee no matter where the accident took place (US or Canada)



## Policy Committees, Work Place Committees and Health & Safety Representative Regulations

There are also requirements to report the functions/duties of the work place health and safety committee to the ESDC – Labour Program. These requirements are found in the above entitled regulation.



## Work Place Committee Report (WPCR)

- The selected employer chairperson of the committee must provide to the Minister, no later than March 1<sup>st</sup> of each year, the WPCR that reports on the committee's activities that took place in the preceding calendar year
- The WPCR must be posted in the work place for a minimum of 2 months



## Contact Us

For general questions relating to Part II of the *Code*, calls are received during regular business hours. For 24 hour reportable accidents/injuries or to report a continued refusal to work, you must call as soon as possible and a health and safety officer will be available to speak with you 24 hours a day.

1-800-641-4049



## On The Web

Information on health and safety can be found on our website at:

[www.labour.gc.ca](http://www.labour.gc.ca)

Forms used throughout this presentation can be found on the Service Canada website at:

<http://www.servicecanada.gc.ca/cgi-bin/search/eforms/index.cgi?app=hme&ln=eng>





# Questions?

