

Occupational Health and Safety Law for Lone Workers: Compliance and Good Practice



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I. INTRODUCTION / BRIEF OVERVIEW

A. The law governing lone workers

B. Compliance with the law

C. Consequences of non-compliance

II. OCCUPATIONAL HEALTH AND SAFETY - THE LAW

- A. Why is it important?
- B. General Statement of the law
- C. Provinces that have specific working alone legislation
 - 1. Alberta
 - 2. Saskatchewan
 - 3. Manitoba
 - 4. British Columbia
 - 5. New Brunswick
- D. No provinces prohibit working alone

E. Survey of the law in Western Canada

1. Alberta

a. Occupational Health and Safety Code, Part 28 "Working Alone"

1) Applies if:

- a) a worker is working alone at work site, and
- b) assistance is not readily available if there is an emergency or the worker is injured or ill.

2) Precautions Required

3) Working alone is a hazard under the Code

Alberta (continued)

- b. The requirements of the Code do not apply to:
 - 1) Farmers and ranchers
 - 2) Workers working in their own private dwellings
 - 3) Workers in federally regulated industries and inter-provincial transportation
 - 4) Students receiving training in an educational setting

E. Survey of the Law in Western Canada (continued)

2. British Columbia

- a. Occupational Health and Safety Regulations, Part 4, "Working Alone or in Isolation"

3. Saskatchewan

- a. Occupational Health and Safety Regulations, Part III, "Working Alone or in Isolated Place of Employment"

4. Manitoba

- a. Workers Working Alone Regulation under The Workplace Safety and Health Act
- b. Code of Practice for Workers Working Alone

F. General Comparison

1. Plan of Action

- a. Two types of plans
 - 1) Risk Assessment Plan
 - 2) Communicating Plan

2. Communication

- a. No specific form required
- b. Must be effective with regard to the specific situation and risks

III. OTHER LAW

A. Due Diligence (common law)

B. Criminal Code

1. Amended 2003 (Bill C-45)

IV. COMPLIANCE WITH THE LAW

A. Breakdown of Requirements

1. Only if employee is "working alone"
 - a. Two conditions
 - i. alone at worksite
 - ii. assistance not readily available
 - a) Three factors to consider
 - Awareness
 - Willingness
 - Timeliness

A. Breakdown of Requirements (continued)

2. Hazard Assessment

- a. Employer must undertake a hazard assessment of the work area
 - 1) review records of past incidents
 - 2) inspect and analyze the workplace
 - 3) identify measures or actions needed to correct any hazards

A. Breakdown of Requirements (continued)

2. Hazard Assessment (continued)

- b. If reasonably practicable workers should be involved in the hazard assessment
- c. Workers must be informed of the hazards and the methods used to control or eliminate the hazards
- d. The assessment must be in writing and communicated to all affected workers

A. Breakdown of Requirements (continued)

3. Effective Communication

a. Electronic Communication under the Code

V. NON-COMPLIANCE WITH THE LAW

A. Offences

1. Not complying with the Code is an offence under the *Occupational Health and Safety Act*
2. Examples
3. Employers shall ensure, as far as it is reasonably practicable, the health and safety of its workers

V. NON-COMPLIANCE WITH THE LAW (cont.)

B. Penalties

1. Civil

a. First offence

- i. fine up to \$500,000 and up to \$30,000 more for each day the offence continues and/or imprisonment up to six months

b. Second offence

- i. fine up to \$1,000,000 and/or imprisonment up to 12 months

c. Court has discretion

V. NON-COMPLIANCE WITH THE LAW (cont.)

B. Penalties (continued)

2. Criminal

- a. Fine up to \$100,000, payable by the organization
- b. Court has discretion to impose other conditions

V. EXAMPLE

A. Burlington Resources Canada Ltd.

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