

Health and Safety Legislation in Canada

Health and Safety Legislation in Canada - Introduction

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What occupational health and safety agency covers my workplace?

There are fourteen jurisdictions in Canada - one federal, ten provincial and three territorial each having its own occupational health and safety legislation. For most people in Canada, the agency that you would contact is the provincial or territorial agency in the area where you work. There one exception - Federal legislation covers employees of the federal government including Crown agencies and corporations across Canada, regardless of location.

Where can I find out about my duties in Canadian legislation?

Occupational health and safety (OH&S) legislation in each jurisdiction outlines the general rights and responsibilities of the employer, the supervisor and the worker through an Act or statute and related regulations. Regulations made under an Act define the application and enforcement of an Act. Each of the ten provinces, three territories and the federal government has its own OH&S legislation.

There is special "right-to-know" legislation that applies to hazardous products. It comprises a series of complimentary federal, provincial and territorial laws and regulations collectively called WHMIS - the Workplace Hazardous Materials Information System. It is a comprehensive plan for providing information on hazardous products intended for use in workplaces. [WHMIS](#) applies in all Canadian workplaces which are covered by occupational health and safety legislation and where WHMIS regulated hazardous products are used.

Who is covered under the jurisdiction of the federal government in Canada?

The federal health and safety legislation is commonly referred to as Canada Labour Code Part II and regulations under the Code. These laws apply to federal departments and federal crown corporations. The Canada Labour Code also applies to employees of companies or sectors that operate across provincial or international borders. These businesses include:

- airports and airlines
- banks, including authorized foreign banks
- exploration and development of petroleum on lands subject to federal jurisdiction
- ferries, port services, marine shipping, tunnels, canals, bridges, and pipelines (oil and gas)
- grain elevators, feed and seed mills, feed warehouses, and grain seed cleaning plants;
- road transportation services, including trucks and buses
- many First Nations activities
- pipelines
- radio and television broadcasting
- telecommunications, such as telephone, internet, telegraph and cable systems
- railways
- shipping and shipping services
- telephone and telegraph systems
- uranium mining and processing

Approximately 6% of the Canadian workforce falls under the OH&S jurisdiction of the federal government. The remaining 94% of Canadian workers fall under the legislation of the province or territory where they work.

Who is covered by provincial and territorial jurisdictions?

In each province or territory, there is an act (typically called the Occupational Health and Safety Act or something similar) which applies to most workplaces in that region. The Act usually applies to all workplaces except private homes where work is done by the owner, occupant, or servants. Generally, it does not apply to farming operations unless made to do so by a specific regulation. The jurisdiction and its' legislation should be consulted to find out who is or is not covered.

At the provincial and territorial level, the name of the government department responsible for OH&S varies with each jurisdiction. Usually it is called a ministry or department of labour, or the department is given a common name, such as "WorkSafe". In some jurisdictions, it is a workers' compensation board or commission that has the responsibility for occupational health and safety. Each provincial or territorial department is responsible for the administration and enforcement of its occupational health and safety act and regulations. A list of [Canadian government departments with chief responsibility for occupational health and safety](#) is available.

Which laws should be followed if the same company has workplaces in different jurisdictions in Canada?

If the same company has workplaces located in various jurisdictions in Canada, the laws of each jurisdiction must be followed for each location. For example, if a company operates a warehouse located in each of British Columbia, Manitoba, and Nova Scotia, each warehouse would be required to follow the requirements of the province where the warehouse is located.

As described above, the Canadian federal laws only apply to specific types of workplaces and industries. This application is unlike other countries, such as the United States of America, where federal OHS laws set a minimum requirement, and individual state laws may be in place, as long as the state laws exceed the federal minimum requirements.

However, note that in Canada many elements (e.g., rights and responsibilities of workers, responsibilities of employers, supervisors, etc.) are similar in all the jurisdictions. A company that has workplaces in multiple jurisdictions is free to develop policies and programs that will apply equally in each location, as long as those policies and programs meet or exceed the requirements outlined for each jurisdiction.

Please see the following OSH Answers for more information:

- OH&S Legislation – [Internal Responsibility System](#)
 - OH&S Legislation – [Due Diligence](#)
 - OH&S Legislation – [Basic Responsibilities](#)
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