

The *Occupational Health and Safety Act* (OHSA or "the Act") includes legal duties for employers, constructors, supervisors, owners, suppliers, licensees, officers of a corporation and workers, among others. Part III of the OHSA specifies the general duties of these workplace parties.

General duties of employers

An employer who is covered by the OHSA, has a range of legal duties, including the duty to ensure that equipment, materials, and protective devices as prescribed, are provided, are maintained in good condition, that prescribed measures and procedures are carried out in the workplace [subsection 25(1)], and the obligation to:

- instruct, inform and supervise workers to protect their health and safety [clause 25(2)(a)]
- assist in a medical emergency by providing any information, including confidential business information, to a qualified medical practitioner and other prescribed persons for the purpose of diagnosis or treatment [clause 25(2)(b)]
- appoint competent persons as supervisors [clause 25(2)(c)]. "Competent person" is a defined term under the OHSA as a person who:
 - is qualified because of knowledge, training and experience to organize the work and its performance,
 - is familiar with the Act and the regulations that apply to the work, and
 - has knowledge of any potential or actual danger to health or safety in the workplace
- inform a worker, or a person in authority over a worker, about any hazard in the work and train that worker in the handling, storage, use, disposal and transport of any equipment, substances, tools, material, etc. [clause 25(2)(d)]
- help joint health and safety committees (JHSCs) and health and safety representatives to carry out their functions [clause 25(2)(e)]
- not employ or permit persons under the prescribed age for the employer's workplace, to be in or near the workplace [clauses 25(2)(f) and (g)]
- take every precaution reasonable in the circumstances for the protection of a worker [clause 25(2)(h)]
- post a copy of the OHSA in the workplace, as well as explanatory material prepared by the Ministry of Labour, Training and Skills Development that outlines the rights, responsibilities and duties of workers in both English and in the majority language in the workplace [clause 25(2)(i)]

- in workplaces in which **more than five workers** are regularly employed, prepare a written occupational health and safety policy, review that policy at least once a year and set up and maintain a program to implement it [clause 25(2)(j)]. See [Appendix A](#) of this guide for guidance on how to do this
- post a copy of the occupational health and safety policy in the workplace, where workers will be most likely to see it [clause 25 (2)(k)]
- provide the JHSC or the health and safety representative with the results of any occupational health and safety report that the employer has. If the report is in writing, the employer must also provide a copy of the parts of the report that relate to occupational health and safety [clause 25(2)(l)]
- advise workers of the results of such a report. If the report is in writing, the employer must, on request, make available to workers copies of those portions that concern occupational health and safety [clause 25(2)(m)]
- notify a Director of the MLTSD if a JHSC (or a health and safety representative) has identified potential structural inadequacies of a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, as a source of danger or hazard to workers [clause 25(2)(n)] (Note: this clause does not apply to an employer that owns the workplace [section 25(5)])

Also note that a related duty under section 25(1) of the OHS Act requires employers to ensure that every part of the physical structure of the workplace, whether it is temporary or permanent, complies with load requirements prescribed in the applicable Building Code provisions, any prescribed standards or sound engineering practice where Building Code provisions or prescribed standards do not apply [clause 25(1)(e)].

Employers may appoint themselves as supervisors if they meet all three qualifications of a competent person. [subsection 25(3)].