

# Federal OHS Compliance

Canada Labour Code Part II · Federally regulated employers

HSE ADVISOR CANADA

hseadvisor.ca

Employer / organisation: \_\_\_\_\_

Sector: \_\_\_\_\_

Completed by: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Reporting year: \_\_\_\_\_

## 1. ARE YOU FEDERALLY REGULATED?

- ☐ Banking
- ☐ Telecommunications and broadcasting
- ☐ Inter-provincial transportation — trucking, rail, marine, air
- ☐ Pipelines
- ☐ First Nations band councils
- ☐ Grain elevators
- ☐ Uranium mining
- ☐ Federal Crown corporations
- ☐ Other federal work, undertaking or business: \_\_\_\_\_

**If none of these apply, this checklist is not yours.** Provincially regulated employers follow their own province's OHS legislation instead, and the reporting duties below do not apply.

## 2. ANNUAL REPORTS — DUE 1 MARCH

| REQUIREMENT                                           | WHAT GOOD LOOKS LIKE                                                                                                                                                                        | Y / N / N-A | EVIDENCE OR GAP |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|
| <b>Hazardous Occurrence Report submitted</b>          | Covers work-related fatalities, disabling injuries, near misses with serious injury potential, structural failures, fires, explosions, electrical contact and dangerous substance releases. |             |                 |
| <b>Harassment and Violence Report submitted</b>       | Covers all occurrences, including those resolved through negotiated resolution or conciliation.                                                                                             |             |                 |
| <b>Nil report filed where there were no incidents</b> | A year with nothing to report still requires a report. Failing to file is itself a violation.                                                                                               |             |                 |
| <b>Submission confirmation retained</b>               | Keep proof of filing and the date.                                                                                                                                                          |             |                 |
| <b>Underlying records reconcile to the report</b>     | Your internal incident log matches what you filed.                                                                                                                                          |             |                 |

**No incidents does not mean no report.** This is the single most commonly missed federal obligation. A nil return is still a return, and failure to submit is a compliance violation in its own right.

Filing record for this year:

| REPORT | PERIOD COVERED | DATE SUBMITTED | SUBMITTED BY |
|--------|----------------|----------------|--------------|
|        |                |                |              |
|        |                |                |              |

### 3. COMMITTEES AND REPRESENTATIVES

| REQUIREMENT                         | WHAT GOOD LOOKS LIKE                                                                                                                   | Y / N / N-A | EVIDENCE OR GAP |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|
| Correct structure for your size     | Policy committee, workplace committee or health and safety representative as required by your employee count and number of workplaces. |             |                 |
| Membership and selection documented | Including how employee members were selected.                                                                                          |             |                 |
| Meets at required frequency         | With minutes retained.                                                                                                                 |             |                 |
| Members trained                     | Committee and representative education delivered and recorded.                                                                         |             |                 |
| Complaint resolution process        | The internal complaint resolution process is documented and workers know it.                                                           |             |                 |

### 4. HARASSMENT AND VIOLENCE PREVENTION

| REQUIREMENT                    | WHAT GOOD LOOKS LIKE                                                                | Y / N / N-A | EVIDENCE OR GAP |
|--------------------------------|-------------------------------------------------------------------------------------|-------------|-----------------|
| Workplace assessment completed | Joint assessment of harassment and violence risk factors, with mitigation measures. |             |                 |
| Prevention policy in place     | Developed jointly and covering all required elements.                               |             |                 |
| Resolution process documented  | Negotiated resolution, conciliation and investigation pathways defined.             |             |                 |
| Training delivered             | For employees, employer and the designated recipient, on the required cycle.        |             |                 |
| Support measures communicated  | Employees know what support is available.                                           |             |                 |
| Records retained               | Occurrence records kept for the required retention period.                          |             |                 |

### 5. HAZARD PREVENTION PROGRAM

| REQUIREMENT                          | WHAT GOOD LOOKS LIKE                                                         | Y / N / N-A | EVIDENCE OR GAP |
|--------------------------------------|------------------------------------------------------------------------------|-------------|-----------------|
| Hazard identification and assessment | Documented methodology and current assessments.                              |             |                 |
| Preventive measures by hierarchy     | Elimination and engineering controls before administrative controls and PPE. |             |                 |
| Employee education                   | Delivered on the hazards identified, with records.                           |             |                 |
| Program evaluation                   | Reviewed at least every three years and after any change.                    |             |                 |
| Ergonomics addressed                 | Ergonomics-related hazards included in the assessment.                       |             |                 |

6. OTHER CURRENT OBLIGATIONS TO CONFIRM

| REQUIREMENT                        | WHAT GOOD LOOKS LIKE                                                                                                     | Y / N / N-A | EVIDENCE OR GAP |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|
| Right to disconnect policy         | Where required, a written policy on work-related communication outside working hours.                                    |             |                 |
| First aid and emergency provisions | Attendants, supplies and procedures meeting the federal regulations.                                                     |             |                 |
| Refusal to work procedure          | The Part II work refusal process is documented and understood by supervisors.                                            |             |                 |
| Administrative monetary penalties  | Be aware the Labour Program has signalled penalty amounts are under review for both labour standards and OHS violations. |             |                 |

Federal OHS requirements sit in the *Canada Labour Code* Part II and the *Canada Occupational Health and Safety Regulations*, not in provincial OHS law. Confirm the current wording of both before relying on any line above.

7. FINDINGS AND CORRECTIVE ACTIONS

| # | FINDING | ACTION REQUIRED | OWNER | DUE |
|---|---------|-----------------|-------|-----|
|   |         |                 |       |     |
|   |         |                 |       |     |
|   |         |                 |       |     |
|   |         |                 |       |     |
|   |         |                 |       |     |
|   |         |                 |       |     |

COMPLETED BY

DATE

REVIEWED BY (SENIOR MANAGEMENT)

DATE