



Your OHS duty... the due diligence.

Canada's Act C-21, is in force since 2004. It has been reviewed and strengthened in 2010, which empower all parties involved, i.e.: the employer, the worker and the supervisor and owner of the space or site.

In Québec this Act is covered by the CSST, which supports the legislation and law on its territory.

What defines the C-21, is the obligation of the parties, employers and employees, to apply the principles, applications and approaches in OSH.

These type of legislations and labour code are seen not only to Quebec and to Canada. All industrialized countries have a law similar to our C-21, and regulations or standards similar to those of our CSST, as to protect workers and employees. The content of these laws are substantially the same as ours in Canada and although the consequences and penalties differ, usually decision-making levels, supervisors, managers and workers, all have a responsibility to instruct and to apply safety rules in their workplace and at work. For some countries you may find the supplier involve and responsible of their equipment.

Roles and responsibilities:

In Canada, there are 3 parties involved. The project manager will be the one who is the master contractor, the contractor who will contract under the master contractor, will be the employer of the worker, who is performing the work. Each have a role, a responsibility, and is especially involved in OHS at his work, or on site. No matter and either 2 or 3 parties are involved in your country the fact is, there are responsibilities to fill and it is a must to do your due diligence.

- **The project manager or prime contractor :**
 - He is responsible for the project, the implementation and subcontractors on his construction site or workplace.



- He must implement means of controls to ensure all employees - subcontractor do the work safely.
- He may demand a H&S prevention program from the contractor or subcontractor.
- He may require the training program for the employees - the subcontractors' certification (s) and files of workers and employees.
- He may require additional training for workers, employees and managers before the employer - subcontractor and his forces start work.
- **The employer or subcontractor or entrepreneur :**
 - He is responsible to enforce on the worksite OHS principles and to ensure his workers - employees perform work in a safe manner.
 - He must ensure that his workers - employees have the qualifications, the skills and the information to perform the work.
 - He should provide to his workers - employees, tools, personal protection equipment and information on the products used for the project and on site.
 - He must ensure instruction and work orders to subcontractor who becomes his responsibility.
 - He must implement controls to ensure that the employer - subcontractor does do the work safely by workers - employees.
 - He should use disciplinary measures if work is not done safely.
 - He must be able to demonstrate his due diligence and enforce H&S on site, which involves maintaining files of information, procedures and controls, discussions and meetings with workers - employees and subcontractors under his responsibility.
- **The worker – employee :**
 - He must provide to his employer, personal information on his skills and competencies to perform the work asked for.
 - He must use appropriate equipment to perform his work in a safe manner.
 - He must always inspect them prior to use.
 - He has the right to refuse to perform a work for an unsafe purpose.
 - He must be sure to do his job in a safe manner, for him, for his colleagues, for other workers and the public, by protecting his work area.

The consequences;

The C-21 is a criminal law under federal jurisdiction. If there is adverse judgment, there are criminal penalty and consequences for responsible owner, managers, which may be the project manager or prime contractor, the employer or subcontractor.





The CSST (Québec) applies the code and regulations (applications) on his territory. The CSST is considered major intervening and is entitled to impose financial penalties to officers and workers, if they do not perform their work in a safe manner, according to the rules and regulations.

Conclusions:

All the parties, either, the supervisor, the employer - subcontractor and workers - employees, have to enforce and / or to apply the principles of H&S on the site, and they will have to reasonably demonstrate their efforts in this direction, if an offence or an accident happens on site.

Source: AON insurance, documentation on the Act and the CSST regulation.

Reference: "all our OHS training sessions"

