

Occupational Health and Safety Legislation – Lone Workers Information guide

The Occupational Health and Safety Division (Division) has received a number of queries lately regarding the legality of workers working alone. While there are several regulations that pertain to lone workers, there are no OHS regulations that preclude someone from working alone in any workplace, except in very specific cases such as confined space entry, where an attendant is required.

The following sections of the Occupational Health and Safety Act, and its regulations pertain to lone workers*:

OHS Act s. 13 (1)(a) – “Every employer shall take every precaution that is reasonable in the circumstances to ensure the health and safety of persons at or near the workplace”.

This section requires the employer to conduct a hazard assessment and, in consultation with the Joint Occupational Health and Safety Committee (committee) or Health and Safety representative (representative), if any, put into place such reasonable measures required to provide for the health and safety of employees and anyone else that may be present at or near the workplace. In the case of a lone worker, this would require an assessment of the risks of working alone and reasonable control measures to minimize these risks, such as training, communications, physical security, etc.

OHS Act s. 17(2) – “Where an employee believes that any condition, device, equipment, machine, material or thing or any aspect of the workplace is or may be dangerous to the employee's health or safety or that of any other person at the workplace, the employee shall

(a) immediately report it to a supervisor;

(b) where the matter is not remedied to the employee's satisfaction, report it to the committee or the representative, if any; and

(c) where the matter is not remedied to the employee's satisfaction after the employee reports in accordance with clauses (a) and (b), report it to the Division.

Employees should be aware of their own right and responsibility to report working conditions they believe may be hazardous to their own health or safety or that of others. This is an important aspect of the Internal Responsibility System (IRS) which is the foundation of our OHS legislation. Employees are not only expected, but they are obligated to report health and safety concerns.

OHS Act s. 28(2)(e) – Where the business is large enough to be required to have a written occupational health and safety program it must include:

“a hazard identification system that includes

- (i) evaluation of the workplace to identify potential hazards,
- (ii) procedures and schedules for regular inspections,
- (iii) procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and

- (iv) identification of the circumstances where hazards must be reported by the employer to the committee or representative, if any, and the procedures for doing so;

This requires that, for workplaces large enough to require a program, it must include a hazard identification system to evaluate potential hazards, procedures for reporting them and accountability for correcting them, a system of monitoring for hazards, etc. This may be a method by which it could be pointed out to employers, who may not perceive working alone as a hazardous situation, that they should use their program procedures to address this specific concern.

Violence in the Workplace Regulations s. 5 (1) – “An employer must conduct a violence risk assessment for each of their workplaces in accordance with this Section to determine if there is a risk of violence in the workplace and prepare a written report concerning the violence risk assessment detailing the extent and nature of any risk identified by the assessment.

s. 7 (1) – “An employer must establish and implement a workplace violence prevention plan for each workplace for which a significant risk of violence is identified through a violence risk assessment or that an officer orders a plan for.”

The Violence in the Workplace Regulations only apply to certain types of business and the full regulation must be consulted to determine applicability and required action. In general, those businesses that deal with clientele, such as retail stores, health care facilities, educational facilities, police and correctional services, financial services, transportation services, etc. are required to conduct a violence risk assessment and establish/implement a plan to prevent the incidence of violence.

The full regulation should be consulted to determine if it applies to the workplace in question. While this regulation does not apply only to lone workers, it may be a consideration in some circumstances.

First Aid Regulations s. 5 (1) – “Where a full time employee is employed in any type of employment that regularly requires the employee to work where there is no one available who could administer first aid or summon assistance within a reasonable length of time, the employee shall hold a valid emergency first aid certificate.”

This requirement ensures that consideration for first aid response is made for either the employee or a person at the workplace where an employee regularly works alone. While it applies only to “full time” employees, which is defined in the regulation as someone who works 30 hours per week, averaged over a 4 week period, it would be prudent for an employer to consider this as a requirement for any lone worker. The alternative is to ensure that there is a method of “summoning assistance within a reasonable length of time”.

First Aid Regulations s. 18 (1) – “Where a worksite or worksites are in a remote location or locations, the employer, or where the worksite or worksites are part of a project, the constructor, shall maintain a written first aid remote location plan”.

The full regulation should be consulted if there is a situation where this section may apply. While this regulation does not apply only to lone workers, it may be a consideration in some circumstances.

* This information is intended to help you to understand the key health and safety laws that apply to people working alone but there may be others that apply at your workplace. It is your responsibility to understand the law. Please consult the Occupational Health and Safety Act and regulations for the full set of laws that may apply to lone workers at your workplace.