

# Federal vs Ontario OHS

---

What changes when your workplace crosses jurisdictions.

Federal

Ontario

# Committees and representatives

Same idea, different thresholds, rules and expectations.

|                    | <div>Federal</div> <div>Canada Labour Code Part II</div>                     | <div>Ontario</div> <div>OHSA</div>                                               |
|--------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| When required      | 20+ employees: workplace committee                                           | 20+ workers: Joint Health and Safety Committee                                   |
| Smaller workplaces | Under 20: health and safety representative                                   | 6 to 19 workers: Health and Safety Representative                                |
| Policy committee   | Required at 300+ employees                                                   | Not required                                                                     |
| Membership         | At least half are employee representatives, chosen by employees or the union | At least half are worker representatives, with a worker and an employer co-chair |
| Certification      | No certification system                                                      | At least one worker and one employer member must be certified                    |
| Meetings           | At least 9 per year                                                          | At least quarterly                                                               |

# Prevention and rights

Where the biggest practical gaps tend to show up.

|                         | <div>Federal</div> <div>Canada Labour Code Part II</div>                                                                                                                          | <div>Ontario</div> <div>OHSA</div>                                                                                                               |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Violence and harassment | Its own regulation (2021): formal resolution process, designated recipient, competent person for investigations, workplace assessment, and an annual report to the Labour Program | Policy and program requirements inside the OHSA, including domestic violence. Less prescriptive on process, and no annual report to the Ministry |
| Hazard prevention       | Formal hazard prevention program (COHSR Part XIX) with required steps                                                                                                             | Duty to take every reasonable precaution, plus written policies and programs for specific hazards                                                |
| Right to refuse         | Based on "danger". Escalates to a Health and Safety Officer                                                                                                                       | Based on a reasonable belief of likely endangerment. Escalates to an MLITSD inspector. Some occupations are limited                              |

# Reporting, training and structure

What to confirm early when you work across both.

|                    | <div>Federal</div> <div>Canada Labour Code Part II</div>                                                                  | <div>Ontario</div> <div>OHSA</div>                                                                                            |
|--------------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Incident reporting | Immediate notice for death or serious injury, a written hazardous occurrence report within 14 days, plus an annual report | Critical injury or fatality reported immediately to the Ministry, committee and union, with written follow-up within 48 hours |
| Mandatory training | Employer must train, but there is no standard awareness program                                                           | Worker and supervisor awareness training, working at heights, committee certification                                         |
| Regulations        | One general regulation (COHSR) with Parts, plus separate marine, aviation, and oil and gas regulations                    | Sector-specific regulations (industrial, construction, mining, health care)                                                   |
| Enforcement        | ESDC Labour Program, Health and Safety Officers                                                                           | MLITSD inspectors                                                                                                             |

# First aid, PPE and penalties

The practical details that are easy to miss.

|           | Federal<br>Canada Labour Code Part II                                                                                                                                                       | Ontario<br>OHSA                                                                                                                                                                                   |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First aid | COHSR Part XVI: first aid attendants at workplaces with 6+ employees, first aid kits at every workplace, and a first aid room at 200+ employees                                             | Set by Regulation 1101 under the WSIA, not the OHSA. A trained first aid worker on every shift, with certification level and kit size rising with headcount, and a first aid room at 200+ workers |
| PPE       | COHSR Part XII: employer provides specific PPE where a risk exists (footwear, eye and face, respiratory, skin, high-visibility), to CSA standards, with instruction and maintenance records | Employer provides and maintains PPE, and workers must use it. The specifics sit in the sector regulations, such as industrial and construction                                                    |
| Penalties | Escalating tools, including administrative monetary penalties (since 2021). Prosecution fines of \$100,000 to \$1,000,000 and up to two years imprisonment                                  | Up to \$2 million per charge for corporations. Up to \$500,000 and/or 12 months imprisonment for individuals                                                                                      |

# Find the gaps in your health and safety program.

---

Full program builds, updates to existing programs, and fractional safety management.

**Maegan Mackenzie**

Founder and Principal Consultant, VirtuOHS