



OHS Law for Treaty and Reserve Lands

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Introduction

- Occupational Health and Safety Law
- Outline:
 - Applicable legislation
 - Penalties
 - Workers' Compensation
 - Questions



Applicable legislation

- Either Federal or Provincial OHS legislation will apply on treaty and reserve lands
- The nature of the operation/business of the employer determines which set of law applies
- *Criminal Code of Canada*

Federal OHS Legislation

- *Canada Labour Code*, RSC 1985, c. L-2
- Canada Occupational Health and Safety Regulations, SOR/86-304
- Federal law applies if the Band is the employer

Provincial OHS Legislation

- *Occupational Health and Safety Act, RSA 2000, c. O-2*
- Occupational Health and Safety Regulation, Alta Reg 62/2003
- Provincial law applies if a private company is the employer

Unclear Situations

- When a private company provides public services for a Band
- Applicable law will depend on specific facts

Criminal Offences

- *Criminal Code of Canada*, RSC 1985, c. C-46
 - S. 217.1
 - S. 263
 - S. 425.1
- Always applies

Penalties for Offences

- *Canada Labour Code*, s. 148
 - Fines up to \$1,000,000 and/or up to 2yrs. in jail
- *Occupational Health and Safety Act*, s. 41
 - Fines up to \$1,000,000, plus \$60,000 per additional day and/or up to 1yr. in jail
- *Criminal Code of Canada*
 - Serious criminal charges, e.g. criminal negligence, manslaughter, etc.

OHS Plans

- Which laws to follow when making an OHS plan?
- Both!
 - Go with the highest standard
 - Will likely result in a better, safer program

Workers' Compensation

- Don't forget about WCB
- Required under both federal and provincial legislation
- Responsibility of the employer

QUESTIONS?

