

Does Safety Training Have to Be Multilingual?



Question

Some of our workers speak Spanish rather than English. Do we have to provide them safety training in Spanish? Where in the OHS law does it say this?

– Name withheld

TODAY'S EXPERT



Glenn Demby is an attorney and award winning journalist specializing in many aspects of Canadian law. Glenn has a track record of developing plain English products that tell business professionals who aren't lawyers how to comply with the parts of the law that affect their day-to-day operations.

Answer

Yes. The obligation to provide safety training in a worker's native language is implied rather than expressly stated—at least in most jurisdictions.

Explanation

The OHS laws typically say that employers must provide workers with appropriate safety training and information without specifying how. Six provinces—AB, BC, MB, NB, PEI and QC—don't include any language requirements in their OHS laws. Seven jurisdictions—NL, NS, NT, NU, ON, SK and YT—have language requirements that relate to specific jobs or industries:

- In NL and NS, offshore petroleum well operators must ensure that differences in language or other barriers to effective communication don't jeopardize the

- safety of operations on drilling rigs, bases or units or on support craft;
- In NT and NU, managers of mines must ensure that training provides for the instruction of people who may have a poor understanding of the language commonly used in the mine's operation;
 - In ON, employers must give construction workers that set up and remove measures on or by roadways, direct traffic or act as signallers adequate written and oral instructions and/or training in a language they understand;
 - In SK, direct supervisors, hoist operators and blasters at mines must have adequate knowledge of the language "normally used" at the mine; and
 - In YK, every person employed as a supervisor and every person who is supervising the work of other workers must be able to communicate effectively and give orders in the language "commonly used" in a surface or underground mine or mining project.

Implied Language Requirements

But when you look at the purpose of the OHS laws and how they've been interpreted in actual situations, there isn't even the slightest doubt that employers *do* have an obligation to provide safety training in the language their workers speak and understand. The idea of safety training and information isn't just to go through the motions but ensure that workers get what they need to work safely.

Bottom Line

Employers have an implied duty to provide training and safety information in a language that their workers understand. This requirement applies whether you provide training and instruction in-house or hire an outside trainer.

HOW TO COMPLY

Step #1: Determine Languages Used in Workplace

Determine the languages your workers understand. You can't address *only* the dominant languages spoken in the workplace. Even if only one worker speaks a certain language, you must ensure that the worker gets appropriate safety training and materials in that language.

Step #2: Use Pictograms When Possible

You may be able to cross language barriers by using pictograms, i.e., graphic symbols or pictures to deliver safety information. Examples: the WHMIS (Workplace Hazardous Materials Information System) hazard symbols, pictures of hard hats in areas where they're required or circled pictures of lines through them to signal no-smoking.

Step #3: Have Translators Provide Information

For information that can't be provided using pictograms, such as the workers' right to refuse dangerous work, you'll need translators to deliver the information either verbally or in writing. You may be able to get some written safety material in languages other than English and French from several resources, such as:

- The ministry of labour or workers' comp board of your jurisdiction; and/or
- Safety associations like the Canadian Society of Safety Engineers or Industrial Accident Prevent Association.

Conclusion

The diversity of the Canadian workforce is putting increasing strain on the old Anglo-French language regimes of the past. In few aspects of work is the need for multilingualism more pronounced than in safety where workers are almost totally dependent on their employers for training and information. Although the literal terms of the OHS laws haven't quite caught up, any employer who provides safety training and information in a language its workers don't speak or understand is begging for work accidents and OHS liability.