What Constitutes a ‘Workplace’ – Know The Laws Of Your Province



OHS laws require employers to prevent hazards at not just work sites but any settings where workers do their jobs.

OHS laws require employers to protect workers from hazards at the “workplace” or “place of employment.” These terms are defined broadly to include any site or location in which workers do or are likely to perform their job duties. That may include just about any setting, including a client’s office, business convention, vehicle or hotel where an employee stays during a business trip. That’s why employers in many province have an OHS duty to protect telecommuters who work out of their own home office. The crucial issue is how the OHS law of the jurisdiction defines what a workplace is. Here are the definitions from every jurisdiction in Canada.

FEDERAL

Work place means any place where an employee is engaged in work for the employee’s employer (*Canada Labour Code*, Sec. 122(1))

ALBERTA

Work site means a location where a worker is, or is likely to be, engaged in any occupation and includes any vehicle or mobile equipment used by a worker in an occupation (*OHS Act*, Sec. 1(uu))

BRITISH COLUMBIA

Workplace means any place where a worker is or is likely to be engaged in any work and includes any vessel, vehicle or mobile equipment used by a worker in work (*Workers’ Comp. Act*, Sec. 13)

MANITOBA

Workplace means any building, site, workshop, structure, mine, mobile vehicle, or any other premises or location whether indoors or outdoors in which one or more workers, or self-employed persons, are engaged in work or have worked (*WSH Act*, Sec. 1)

NEW BRUNSWICK

Place of employment means any building, structure, premises, water or land where work is carried on by one or more employees, and includes a project site, a mine, a ferry, a train and any vehicle used or likely to be used by an employee (*OHS Act*, Sec. 1)

NEWFOUNDLAND

Workplace means a place where a worker or self-employed person is engaged in an occupation and includes a vehicle or mobile equipment used by a worker in an occupation (*OHS Act*, Sec. 2(n))

NOVA SCOTIA

Workplace means any place where an employee or a self-employed person is or is likely to be engaged in any occupation and includes any vehicle or mobile equipment used or likely to be used by an employee or a self-employed person in an occupation (*OHS Act*, Sec. 3(ah))

ONTARIO

Workplace means any land, premises, location or thing at, upon, in or near which a worker works (*OHS Act*, Sec. 1)

PRINCE EDWARD ISLAND

Workplace means a place where a worker is or is likely to be engaged in an occupation and includes a vehicle, fishing vessel or mobile equipment used or likely to be used by a worker in an occupation (*OHS Act*, Sec. 1(y))

QUÉBEC

Workplace means any place in or at which a person is required to be present out of or in the course of work, including an **establishment** and a **construction site:**

- **Establishment** means all the installations and equipment grouped on one site and organized under the authority of one person or of related persons in view of producing or distributing goods or services, except a construction site; this word includes, in particular, a school, a construction enterprise and the lodging, eating or recreational facilities put at the disposal of workers by the employer, excepting, however, private lodging facilities
- **Construction site** means a place where foundation, erection, maintenance, renovation, repair, alteration or demolition work is carried out in respect of a building or of civil engineering works, on and at the site itself, including the preparatory work of land clearing or earth moving and any other work determined by regulation, and the lodging, eating or recreational facilities put at the disposal of the construction workers by the employer

(*OHS Act*, Sec. 1)

SASKATCHEWAN

Worksite means an area at a **place of employment** where a worker works or is required or permitted to be present (*Sask. Employment Act*, Sec. 3-1(1)(hh))

- **Place of employment** means any **plant** in or on which one or more workers or self-employed persons work, usually work or have worked (*Employment Act*, Sec.

3-1(1)(v))
- **Plant** includes any premises, site, land, mine, water, structure, fixture or equipment employed or used in the carrying on of an occupation (*Employment Act*, Sec. 3-1(1)(w))

NORTHWEST TERRITORIES & NUNAVUT

Work site means a location where a worker is, or is likely to be, engaged in work, or a thing at, on, in or near which a worker is, or is likely to be, engaged in work (*Safety Act*, Sec. 1)

YUKON

Workplace means a place where a worker is engaged in work (*OHS Regs*., Sec. 1.02)