



# Complying with working alone legislation

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**Working alone can expose a worker to any number of hazards or risks; the nature, scope and potential severity of which depends on the specific workplace. A security guard working the night shift in a commercial building is exposed to hazards different from those encountered by a painter working atop a tall ladder or scaffolding.**

In some provinces, health and safety legislation prohibits a worker from working alone in certain circumstances. These prohibitions are uncommon and typically apply to highly dangerous jobs. In Manitoba, a worker working with explosives must not work alone while carrying out a blasting operation. Likewise, in New Brunswick, a worker who operates a chain saw, brush saw or clearing saw may not work alone.

Aside from an outright prohibition on working alone, health and safety legislation may require an employer to implement safety measures and precautions that reflect a worker's isolated state. In British Columbia, Manitoba, New Brunswick, Newfoundland, Prince Edward Island and Saskatchewan, an employer is required to develop policies and procedures to address any situation where a worker may be required to work alone. This may include policies and procedures that address risk identification, access to first aid and ability to communicate with others.

Some jurisdictions provide a specific code of practice an employer is required to implement. In British Columbia, a person working alone who is exposed to the risk of drowning must wear a lifejacket. In Quebec, an employer of a construction worker who works in an isolated location must provide "efficient intermittent or continuous watch."

Finally, in jurisdictions where legislation does not specifically require the development of policies and practices, an employer should still be conscious of its broad duty to take reasonable precautions to ensure the safety of its workers. This "catch-all" obligation has particular application where a health and safety risk is identifiable and attributable to the fact that a worker works alone.

So, what measures might an employer consider to ensure the safety of a worker who works alone?

**Identify risk:** Every employer should conduct a thorough audit or assessment of its workplace to identify and understand the potential for workplace hazards and risks. The assessment can take a variety of forms but should aim to gather information from as many different sources as possible, including for example: worker input, government and industry data, occupational safety consultants and legal counsel. In some cases enhancing safety may be as straightforward as a well-lit and secure parking lot. In other cases, the remedial steps may be more complex.

In some provinces an assessment is specifically mandated by statute. In Ontario, for example, employers are required under the Bill 168 amendments to the Occupational Health and Safety Act (OHSA) to conduct an assessment of the risks of workplace violence and to implement policies and procedures aimed at controlling this risk.

**Develop policies and procedures:** Once risks and hazards have been identified, an employer should develop policies and procedures to address them. The following are commonly used as safety measures for workers who work alone.

**Buddy system:** Appreciating it isn't always possible that a worker have a buddy on-hand, it is often possible that there at least be a contact available in the event of an emergency or should the worker feel unsafe. In the recent case of *Sunrise Propane Energy Group*, the employer operated a propane business at which there was an explosion killing a solitary on-site worker. The court accepted that Sunrise was not required to schedule a

second person to directly supervise the worker but did indicate Sunrise should have at minimum had a replacement supervisory process ensuring the worker had a person to contact in the event of an emergency or if he had questions.

**Check-in system:** A check-in system is a straightforward way to keep tabs on workers working alone. The worker would be required to check in with a designated person at regular intervals, failing which the employer knows to take proactive steps to confirm that the worker is well. A number of jurisdictions contemplate a check-in system as a general precautionary measure. In Prince Edward Island, Nunavut and Northwest Territories, a check-in protocol is a minimum statutory requirement for any worker who works alone. In Quebec, Ontario, Manitoba and Saskatchewan, a check-in system is a strict requirement for workers employed in mining operations.

**Communication or electronic monitoring system:** Systems that allow for instantaneous communication or real-time monitoring offer the most advanced form of protection for a worker who works alone. Manitoba and Saskatchewan require the establishment of an “effective communications system” consisting of radio communication, telephone or cellular phone communication, or where those are not practicable, any other means that provides effective communication given the risks involved.

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