



Gameplan

**TAKE 6 STEPS TO ENSURE WORKERS ARE
“COMPETENT” TO PERFORM THEIR JOBS
SAFELY UNDER OHS LAWS**

Prepared for.

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Allowing persons who aren't "competent" to perform safety-sensitive jobs is a recipe for fatalities, serious injuries and safety incidents, not to mention stop work and other OHS orders and high fines.

OHS “Competent” Person” Requirements Compliance Game Plan

OHS laws generally require all workers to be properly trained, instructed, equipped and supervised to recognize and protect against the hazards they encounter while doing their jobs. But generalized health and safety preparation may not be enough. There are also specific higher-risk, higher-skill jobs, functions, tasks and duties (which, for simplicity’s sake, we’ll refer to collectively as “jobs”) that the law says must be done by a “competent person” (known as a “qualified person” in BC, Yukon and under federal OHS law). As safety coordinator, it’s crucial to understand the “competent person” requirements to ensure that the right people are assigned to the right jobs, i.e., the jobs they’re competent to carry out safely.

There’s a lot at stake. Allowing persons who aren’t “competent” to perform safety-sensitive jobs is a recipe for fatalities, serious injuries and safety incidents, not to mention stop work and other OHS orders and high fines. **Example:** A worker using an overhead crane to stack components of a press suffered fatal injuries after being struck by a moving 56,000 lb. metal plate. The crane had only been in the workplace for a few weeks at the time of the incident. The company was considering a training proposal from the crane’s supplier, but had yet to train its workers on safe use of the crane. The company ended up getting fined \$130,000 after pleading guilty to failing to ensure that a competent person operated the crane [R. v. Macrodyne Technologies Inc., [2003] O.J. No. 3582].

Here’s a 6-step Game Plan to help you prevent such disasters and ensure compliance with OHS

competent person rules regardless of where in Canada you operate.

STEP 1. RECOGNIZE WHAT “COMPETENT” MEANS

While OHS law “competent person” definitions vary, “competent” generally means that the person has the knowledge, education, training and/or experience necessary to carry out the job in a safe and healthy manner. But there are also some important differences. Ontario has the strictest standards. To be considered “competent” in Ontario, a person must:

- Have specific knowledge of the OHS requirements that apply to the work and the hazards it poses (similar requirements apply in the Maritime Provinces); and
- Be able not simply to **perform** the job safely but **organize** it.

Similarly, Alberta requires that a “competent” person not only be able to perform a job safely but do so with no or minimal supervision.

STEP 2. RECOGNIZE THE DIFFERENCE BETWEEN “COMPETENT” & “QUALIFIED”

There are 3 jurisdictions (Federal, BC and Yukon) that use the term “qualified” rather than “competent.” But while the terminology is different, the substance of “qualified” and “competent” are pretty much the same. In other words, the terms are basically interchangeable. However, in the other provinces and territories,

“competent” may constitute just a baseline below being “qualified” to do a certain job. Even under Federal, BC and Yukon law, there are gradations of “qualified persons.”

Several jurisdictions, including Saskatchewan, Northwest Territories and Nunavut have separate definitions for “competent person” and “qualified person” with the latter requiring more stringent credentials, including professional certification or standing or specialized training to achieve. For example, in just about every jurisdiction, work on or near highly energized electrical equipment, installations and circuits may be performed only by “qualified” workers who’ve completed specialized electrical training or certification. Or, in some cases, the OHS regulations specify that a competent person must be competent in a specialized area or skill, such as designation from a professional engineer to inspect fall protection systems or other equipment on a construction site.

STEP 3. BE AWARE OF WHICH JOBS MUST BE PERFORMED BY A “COMPETENT PERSON”

While rules vary, there’s an average of approximately 100 to 200 different jobs that must be performed by a “competent person.” Common examples:

- Conducting noise exposure and confined space risk assessments;
- Operating worker transportation vehicles, emergency equipment, cranes, powered mobile equipment and lift trucks;
- Operating a powder actuated tool;
- Performing welding, cutting, burning and other hot work;
- Inspecting and maintaining cranes, lifts, hoisting devices, scaffolds and elevated

platforms;

- Maintaining and inspecting HVAC systems;
- Acting as a faller in a forestry operation;
- Installing and inspecting fall protection systems and equipment, formwork and shoring, guardrails, door openings and suspended work platforms;
- Performing airborne tests for asbestos operations, confined space entry and other jobs involving potential exposure to harmful atmospheric conditions;
- Handling and storing hazardous substances; and
- Handling explosives.

Compliance Pointer: *If you’re in Alberta, BC, Ontario or subject to federal OHS laws, go to the OHS Insider website for a Checklist of all the jobs requiring a “competent/qualified” person at your own workplace..*

STEP 4. ENSURE WORKERS ARE PROPERLY TRAINED FOR THE “COMPETENT PERSON” JOBS THEY DO

One of the first things any OHS inspector who shows up at your site will check is whether workers have been properly trained to do the job you assign them. In addition to asking workers about the training they’ve received, they’ll likely request written records documenting the training you provided to workers performing competent person jobs listing:

- When the training was provided;
- Who provided it (the trainer must be competent to provide the training);

- What the training covered; and
- When, if ever, the training was refreshed or updated.

Compliance Strategy: Be sure you have documentation of the steps you took to verify that workers understood and demonstrated capability to apply their training on the job. You should also have records demonstrating that you reviewed the training you provided to competent person jobs to determine its effectiveness and identify the need for retraining or refresher training.

STEP 5. ENSURE WORKERS HAVE THE KNOWLEDGE NECESSARY TO DO THEIR “COMPETENT PERSON” JOBS

OHS inspectors will also ask workers specific questions to probe whether they have the knowledge necessary to be deemed “competent,” including their knowledge of:

- Potential or actual hazards posed by the job;
- The tools and equipment required to perform the job safely;
- The workplace’s safe work procedures for the job; and
- The relevant sections of the OHS law that apply to the job (if you’re in Ontario or a Maritime Province).

STEP 6. ENSURE WORKERS HAVE THE NECESSARY EXPERIENCE TO DO “COMPETENT PERSON” JOBS

Experience teaches you things you can’t necessarily learn through training or reading written materials. That’s why experience is a key component of competency. For example, a

worker who has 10 years’ experience operating a lift platform or evaluating confined space hazards is more likely to be “competent” than a worker who just finished his training. Thus, new or young workers, even with proper training and knowledge, are unlikely to be considered competent persons for OHS purposes.

Know the Laws of Your Province on Who's a 'Competent' Person Under OHS Law

OHS laws require employers to ensure that certain kinds of work task, operations, functions and duties that may endanger workplace health and safety be performed only by “competent,” or in some cases, “qualified” workers. While definitions vary, “competent” generally means that the worker or person has the knowledge, education, training and/or experience necessary to carry out the function in a safe and healthy manner. Key differences:

- In Ontario and the Maritime Provinces, a person must have specific knowledge of the OHS requirements that apply to the work to be deemed competent;
- While most jurisdictions use “competent” to describe the qualifications necessary to perform a task, Ontario imposes a higher standard by requiring that the worker be competent to organize the task;
- Alberta also imposes a slightly higher standard, requiring not only that a person be able to perform a task safely but do so with no or minimal supervision;
- Saskatchewan, Northwest Territories and Nunavut have separate definitions for “competent person” and “qualified person” with the latter involving more stringent credentials, including professional certification or standing; and
- Rather than providing a general definition of “competent,” Québec deals with the issue on a task-by-task basis by specifying

the qualifications required to perform particular tasks.

In addition to meeting general definitions of “competent” and “qualified,” in most jurisdictions, workers need additional training, professional certification or designation to perform certain kinds of work, such as successfully complete electrical safety training to be deemed a “qualified electrical worker” who can work on or near highly energized equipment, installations and circuits.

Here's a look at the general OHS definitions of “competent” in each part of Canada. Go to the OHS Insider site for a Checklist of all tasks that must be performed by a competent or qualified person in Alberta, BC, Ontario and under federal OHS laws.

OHS DEFINITION OF “COMPETENT” PERSON

FEDERAL

Uses the term “qualified” rather than “competent” person, which is generally defined as one “who, because of his knowledge, training and experience, is qualified to perform” the particular duty that must be done by a qualified person “safely and properly” (COHS Regs., Sec. 1.2)

ALBERTA

“Competent” person defined as one who’s “adequately qualified, suitably trained and with sufficient experience to safely perform work without supervision or with only a minimal degree of supervision” (OHS Act, Sec. 1(d))

BRITISH COLUMBIA

Uses the term “qualified” rather than “competent,” which is defined as “being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof” (OHS Regs., Sec. 1.1(1))

MANITOBA

“Competent” defined as “possessing knowledge, experience and training to perform a specific duty” (WSH Regs., Sec. 1.1)

NEW BRUNSWICK

“Competent” defined as: a) qualified, because of such factors as knowledge, training and experience, to do assigned work in a manner that will ensure the health and safety of persons; b) knowledgeable about the provisions of the Act and the regulations that apply to the assigned work; and c) knowledgeable about potential or actual danger to health or safety connected with the assigned work (OHS General Reg., Sec. 2)

NEWFOUNDLAND

“Competent person” defined as who is: (i) qualified because of that person’s knowledge, training and experience to do the assigned work in a manner that ensures the health and safety of every person in the workplace, and (ii) knowledgeable about the provisions of the Act and these regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned

work (OHS Regs., Sec. 2(h))

NOVA SCOTIA

“Competent person” defined as one who is: a) qualified because of that person’s knowledge, training and experience to do the assigned work in a manner that ensures the health and safety of every person in the workplace; and b) knowledgeable about the provisions of the Act and regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work (Occupational Safety General Regs., Sec. 2(g))

ONTARIO

“Competent person” defined as one who: a) is qualified because of knowledge, training and experience to organize the work and its performance; b) is familiar with this Act and the regulations that apply to the work; and c) has knowledge of any potential or actual danger to health or safety in the workplace (OHS Act, Sec. 1(1))

PRINCE EDWARD ISLAND

“Competent person” defined as one who: a) is qualified because of that person’s knowledge, training and experience to do the assigned work in a manner that will ensure the health and safety of persons in the workplace; and b) is knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work (OHS Act General Regs., Sec. 1.4(f))

QUÉBEC

Instead of providing a general definition of “competent” or “qualified person,” the OHS regulations specify the qualifications that workers must have to perform certain tasks

that must be done by a competent or qualified person

SASKATCHEWAN

1. “Competent” defined as “possessing knowledge, experience and training to perform a specific duty” (Sask. Employment Act, Sec. 3-1(1)(e)); 2. “Competent worker” defined as including a worker being trained to perform the particular task or carry out the duty that must be done by a competent worker and who is also under close and competent supervision during that training; and 3. “Qualified” defined as “possessing a recognized degree, a recognized certificate or a recognized professional standing and demonstrating, by knowledge, training and experience, the ability to deal with problems related to the subject-matter, the work or the project (OHS Regs., Sec. 1-2(1))

NORTHWEST TERRITORIES & NUNAVUT

1. “Competent” defined as possessing the knowledge, experience and training to perform the particular function, task or duty for which a person must be competent; and 2. “Qualified individual” defined as one who: (a) possesses a recognized degree, certificate or professional standing, and (b) has demonstrated, by knowledge, training and experience, an ability to deal with problems related to a particular subject matter or work (OHS Regs., Sec. 1)

YUKON

“Qualified person” defined as one who has education, experience and training in the recognition, evaluation and control of hazards associated with the work (WSC Regs., Sec. 1.02)

Thank You for your interest. [**Take a trial to OHS Insider**](#) and you can download a qualified workers checklist for your jurisdiction.

Get in touch.

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