

Federal Post

Part II (Occupational Health and Safety) of the *Canada Labour Code* Now Applies to PESRA Employers

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Effective July 29, 2019, the occupational health and safety provisions of the *Canada Labour Code* (Code) now apply to specified employers and employees under the *Parliamentary Employment and Staff Relations Act* (PESRA).

Section 21 of [An Act to amend the Canada Labour Code \(harassment and violence\), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1](#) (Bill C-65), which amends PESRA, came into force on July 29, 2019.

Section 21 of Bill C-65 repeals Part III (Occupational Health and Safety) of PESRA (**which had never come into force**) and replaces it with a new Part III, as set out below.

The new Part III of PESRA provides that Part II of the Code (Occupational Health and Safety) now applies to the following employers subject to PESRA:

- the Senate
- the House of Commons
- the Library of Parliament
- the office of the Senate Ethics Officer
- the office of the Conflict of Interest and Ethics Commissioner
- the Parliamentary Protective Service
- the office of the Parliamentary Budget Officer
- a member of the House of Commons who employs one or more persons or who has the direction or control of staff employed to provide research or associated services to the caucus members of a political party represented in the House of Commons
- in the case of a person occupying the recognized position of Clerk of the Senate, Clerk of the House of Commons, Gentleman Usher of the Black Rod, Sergeant-at-Arms or Law Clerk and Parliamentary Counsel of the House of Commons, the Senate or the House of Commons
- any other person who is recognized as an employer in regulations made under subsection 19.5(1) of the *Parliament of Canada Act* or by-laws made under section 52.5 of that Act. (section 87(1))

Part II of the Code currently deals with measures to prevent injury and accidents in the federal workplace. Note that Bill C-65 also amends Part II of the Code to enact provisions relating to harassment and violence in the workplace. These provisions, **which are not yet in force**, will apply to PESRA employers.

Among other things, Part II sets out the duties of employers to ensure the health and safety of every employee, as well as the duties of employees to comply with health and safety requirements.

Part II of the Code establishes an internal complaint resolution process, and there is a right to refuse dangerous work. It also requires policy health and safety committees to be established for applicable employers, as well as workplace health and safety committees. For workplaces with fewer than 20 employees, health and safety representatives must be appointed.

The PESRA amendments now in force include a requirement that the Minister of Labour notify the Speaker of the Senate or the Speaker of the House where the Minister intends to enter a workplace controlled by an employer, commence an

investigation or issue a direction to an employer.

Additionally, the Minister is required to publicly report back on any directions that have been issued under Part II of the Code and that were complied with, by tabling the direction in the House of Commons and/or Senate. This same tabling obligation would apply to orders, decisions and directions of the Canada Industrial Relations Board that were not complied with in the allotted time.

Conclusion

These significant changes usher in a new era for employers subject to PESRA and for their employees. Parliamentary employers are now subject to the detailed provisions of the Code regarding occupational health and safety, and should review their existing policies and practices to ensure compliance.

Should you require more information on how these new provisions will impact your workplace, please contact [George G. Vuicic](#) at 613.369.2103.