

Legal Obligations of Employers

The **Workers Compensation Act (WCA)** and the **Occupational Health and Safety Regulation (OHSR)** describe legal obligations employers have for workplace safety.

The table below lists requirements important to road safety and for safeguarding employees while they are driving. It identifies applicable sections of both statutes. It also describes actions you can take and provides links to RoadSafetyAtWork.ca resources you can use to help you meet those legal obligations, and keep your drivers safe.



Under the WCA and OHSR, employers must:	Steps employers can take to meet WCA and OHSR requirements, and RSAW tools available to help:
Hazard Identification and Risk Assessment	
Ensure employees are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work. <i>See WCA 115 (2)(b)</i>	Use the Risks and Hazard Worksheets to identify hazards workers will encounter while driving, and the steps to eliminate or minimize associated risks. Communicate that information to employees.
Remedy any workplace conditions that are hazardous to the health and safety of their workers. <i>See WCA 115 (2)(a)</i>	Evaluate driver, journey and vehicle-related risks using the Occupational Road Safety Risk Assessment tool. Manage those risks using RSAW tools referenced below.
Eliminating or Minimizing Risks – Drivers	
Confirm employees have been adequately instructed in the safe operation of vehicles and demonstrated their driving competencies to a qualified instructor or supervisor. <i>See OHSR 16.4, 16.5, 16.6</i>	Use steps on the Driver Qualifications pages to check drivers are legally entitled to drive. Use the driver assessment tool to evaluate skills. Improve deficient skills using training ideas . Have supervisors periodically re-assess drivers to confirm continuing competency.
Provide each young or new worker with health and safety orientation and training specific to that young or new worker's workplace. <i>See OHSR 3.22 to 3.25</i>	Have a supervisor review vehicle components and their operation with each driver. Use Driver Qualifications tools to assess skills. Have a supervisor or mentor ride along with new drivers, and explain key practices and procedures (see Mentoring).
Ensure workers are not assigned activities where a reported or observed impairment may create an undue risk to the worker or anyone else. <i>See OHSR 4.19, 4.20</i>	Implement a policy and procedures to ensure workers do not drive when physically or mentally impaired. Find resources for supervisors and drivers in Fatigue Management section.
Implement procedures to identify hazards of working (driving) alone, and take measures to eliminate or minimize the risks. <i>See OHSR 4.20.1 to 4.22, 4.23</i>	Use resources in Road Safety Plan Template and the Essentials of a Road Safety Program to build and implement working (driving) alone policy and check-in procedures.
Identify workplace factors that may expose workers to a risk of musculoskeletal injury (MSI), assess that risk and eliminate or minimize the risk of MSI to workers. <i>See OHSR 4.46 to 4.53</i>	Identify hazards and evaluate risks in the vehicles your employees operate. Video links on the Vehicle Inspection pages will help instruct drivers on how to adjust their driving workspace (e.g., seats, headrests, mirrors) for proper ergonomic fit.

Eliminating or Minimizing Risks – Vehicles	
Ensure that each vehicle is capable of safely performing the functions for which it is used, and selected and operated accordingly. <i>See OHSR 4.3 (1)</i>	Use ORS Strategies to implement vehicle selection procedures that ensure each vehicle fits its intended use, and is equipped with appropriate equipment and safety features.
Inspect vehicles at the start of each shift, and report defects and unsafe conditions. Before using the vehicle, remedy or repair any defect or condition that would affect safe operation of the vehicle. <i>See OHSR 3.5, 3.9, 16.34</i>	View videos on the Vehicle Inspections page to learn more about how to conduct inspections. Use forms to record inspection results. Report defects directly to a supervisor. Ensure safe work procedures clarify that defects and unsafe conditions must be remedied before an employee drives the vehicle.
Ensure vehicles are repaired and maintained consistent with the manufacturer’s instructions and any standard the vehicle is required to meet. <i>See OHSR 4.3 (2)</i>	Tools on the Vehicle Maintenance page provide a general schedule for maintaining key vehicle components and provide informative tips and hyperlinks. You can also find links to maintenance schedules for most vehicles.
Make maintenance records for vehicle servicing and repairs available to the driver and maintenance personnel. <i>See OHSR 16.3</i>	Use combination inspection and maintenance forms to record inspections and repair and maintenance work. Store completed forms where drivers and maintenance personnel can access them.
Ensure items, materials and equipment are located and secured to prevent injury to the driver and other workers. <i>See OHSR 16.35, 17.5</i>	Implement a vehicle inspection process that includes requirements to secure cargo and keep the cab tidy and free of unnecessary objects. Have supervisors do spot checks.
Supervision	
Provide workers with the supervision necessary to ensure the health and safety of workers at the workplace. <i>See WCA 115 (2)(e)</i>	Implement effective ways to supervise mobile workers, e.g., safety meetings and pre-shift tailgate talks , email check-ins, ride-alongs , on-board monitors.
Supervisors must ensure the health and safety of workers under their direct supervision. They must ensure workers are aware all known or reasonably foreseeable health or safety hazards in the area where they work. <i>See WCA 117</i>	Use Supervisor and Tailgate Talk resources to lead discussions of driving-related hazards. Use TripCheck to evaluate and manage trip-specific risks (road conditions, weather, traffic). Periodically assess drivers to verify they are following required procedures and have necessary skills.
Supervisors must not permit a worker to operate a vehicle which is, or could create, an undue hazard to the health or safety of any person. <i>See OHSR 16.6</i>	Review vehicle inspection and maintenance records; conduct vehicle spot checks.
Other Requirements	
Have and maintain an occupational health and safety program that includes road safety. <i>See OHSR 3.1, 3.2</i>	Integrate road safety into your occupational health and safety program, or build a program using the Road Safety Plan Template, 5-Step Process , and Essentials of a Road Safety Program .
Ensure their health and safety program includes statements of the employer’s objectives, and has appropriate written instructions. <i>See OHSR 3.3 (a) and (c)</i>	Implement effective policies and other written instructions using guidance in Build Strong Policies and How to Build Your Road Safety Program . Review RSAW example policies .
Provide equipment and supplies as are adequate and appropriate for rendering first aid to workers. <i>See OHSR 3.16</i>	List of required / recommended contents for Vehicle Emergency Kit