

Ask the Expert

Question:

Bryan Bodkin, Area Construction Manager, Hydro One

Who has the responsibility on a job site if 2 workers are performing a job, does one have to be appointed by the employer as “in charge”, and if not, can a supervisor be in charge even though he is off site, or must have someone physically there?

Answer:

**Joel Waterman CRSP(R), Rushbury Valley Services
(formerly with Ministry of Labour)**

The employer has the duty to provide enough supervision to a worker to protect the health and safety of the worker. The supervisor's duty is to ensure the worker(s) work in compliance with the Act and Regulations, and use any additional protective equipment that the employer requires.

The Act does not specifically require that a supervisor be present at the workplace continuously, although the duties still apply even if the supervisor is not there. In many work situations a supervisor is not present, such as appliance repair, police work, home sales, off site machine installation and servicing, etc.

There is a specific requirement that applies to construction projects where five or more workers will work at the same time. Sections 14 and 15 of the Regulation for Construction Projects (O.Reg.213/91) requires that a supervisor or an assistant (who is a competent person) personally supervise the work at all times, and contain other specific duties for this person.