

Understanding Legislation and Liability of Working Alone

What does 'working alone' entail?

A worker is considered to be working alone if the worker works by himself or herself at a work site in circumstances where assistance is not readily available when needed.

They are generally grouped into 5 broad categories:

- (1) workers who do hazardous work away from the public, such as field service operatives;
- (2) workers who travel away from the office to meet clients such as home care workers and social service workers;
- (3) workers who travel alone but have no interaction with customers, such as truck drivers;
- (4) workers who handle cash, such as taxi drivers, and gas station attendants;
- (5) workers at risk of a violent attack because their work site is isolated, such as security guards.

What are the employer obligations to those who work alone?

It is the responsibility of the employer to minimize risk associated with their workers who works alone. Five jurisdictions in Canada (*Alberta, British Columbia, Manitoba, New Brunswick, and Saskatchewan*) regulate working alone. The purpose of these regulations was to ensure that workers working alone can do so safely, since it was determined that having at least two workers at job sites was not always practical or effective in protecting workers.

In these jurisdictions, the employer must conduct a hazard assessment to identify existing or potential hazards that may affect the workers, implement appropriate measures to control those hazards, and establish an effective means of communication between the worker and persons capable of responding to the worker's needs. It should be noted that "*means of communication*" is not limited to verbal communication – personal alarms or computer-based systems are permitted. Check-ins must take place at intervals appropriate to the nature of the conditions and hazards in the worker's environment, which would be established previously by the employer.

In BC, further safety stipulations are in legislation. Check-in intervals must be determined in consultation with the worker who will be working alone, as well as a health and safety representative. All check-ins must be recorded, and a further check-in at the end of the shift must be done. In addition, procedures to follow in case a worker cannot be contacted must be established, including provisions for emergency rescue.

All other jurisdictions are governed by federal law that employers must take all reasonable measures to ensure employee safety. It is recommended therefore, that employers in those jurisdictions follow procedures established elsewhere, and conduct hazard assessments, implement procedures to control hazards, and establish routine check-ins with workers.

What liability does an employer have for their employees working alone?

Under Canada Bill C-45 (which applies to the Code of Liabilities for Corporations), the Criminal Code has been amended such that organizations and even individuals may be criminally liable for failure to take reasonable measures to protect employee safety (effective March, 2004).

In addition, without proper safety precautions in place, a company may be exposed to risks such as lawsuits, higher premiums on insurance, employee replacement costs, or even damaging media attention.

SafetyLine Lone Worker

Established in 1999, and serving the safety needs of some of Canada's largest institutions, SafetyLine is the most effective work alone monitoring and check-in solution on the market today. Fully automated and functional 24/7, SafetyLine is able to check-in with up to thousands of employees at scheduled intervals, and record all communication. In addition, when an emergency is declared, either through a missed check-in, or through a panic alarm set by the employee, SafetyLine will contact the people in your company that can help the most – supervisors, health officers, or nearby coworkers – and continue to page them until help is on the way.

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