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.

# How using a solution like SafetyLine can help:

After establishing hazards in the workplace, SafetyLine can meet the needs of a communication system to workers. SafetyLine is a computer-based system that automates worker check-ins, and sends alarms when a worker is in an emergency.

It meets strict regulations for communication protocol:

* Automated check-in intervals set by the employer
* Check-in times can be changed depending on the hazards in the worker’s environment. Shorter intervals can be adjusted from the employee or employer.
* Panic alarms can be triggered by the employee in case of an emergency, or if the worker does not respond to a scheduled check-in.
* Supervisors of the worker will be notified by phone should a panic alarm be triggered, and will be prompted to follow set protocol established by the company.