

**WORKSAFE SERVICES DIVISION
OCCUPATIONAL HEALTH AND SAFETY
LEGISLATIVE INTERPRETATIONS**



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| Topic | Employer - Definition | Issued by: V.P., WorkSafe Services |
| Statute | <i>Occupational Health and Safety Act</i> | Date Issued: December 11, 1998 |
| Section | 1 | Date Revised: |

“employer” means

- a. a person who employs one or more employees,
- b. a manager, superintendent, supervisor, overseer or any person having authority over an employee at a place of employment, or
- c. an agent of any person referred to in paragraph (a) or (b);

Question

Does a “group leader” or “lead hand” carry the responsibilities of an employer?

Response

As a supervisor (even though that’s not his/her title), an overseer and a person in a position of authority, he or she is an “employer” for the purposes of the OH&S Act, despite the fact that he or she has no ability to hire, fire or discipline. He or she is directing specific work and has the obligation (even though it may not be spelled out in the job description) to ensure that the work is done in a safe manner and in accordance with the Act and the Regulations. The important thing for group leaders and lead hands to understand is that for the purposes of the OH&S Act, they have the on-site responsibilities of the employer. They are in the best position to ensure things are done properly and to prevent harm.