

POLICY NUMBER: POL-50

Chapter:
WORKPLACE SAFETY AND PREVENTION

Subject:
FEDERALLY REGULATED WORKPLACES

Effective Date:
May 20, 1999

Last Update:
November 18, 2023

PURPOSE STATEMENT:

The purpose of this policy is to explain how occupational health and safety legislation is administered for federal workplaces in Prince Edward Island.

REFERENCE:

Canada Labour Code R.S.C., 1985, c.L-2, s.2, Part II
Occupational Health and Safety Act R.S.P.E.I. 1988, Cap. 0-1.01, Sections 3, 4

DEFINITION:

POLICY:

1. The Workers Compensation Board (WCB) is responsible for administering the *Occupational Health and Safety (OHS) Act* and associated regulations for all workplaces on Prince Edward Island (PEI), except federally regulated workplaces.

Administration of Safety Legislation in Federally Regulated Workplaces

2. The Government of Canada is responsible for the administration of the *Canada Labour Code*, which sets out the safety legislation for federally regulated workplaces.
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3. The WCB will refer OHS matters related to federally regulated workplaces to the Government of Canada.
4. The WCB may assist the Government of Canada by carrying out OHS inspections and other work on its behalf in federally regulated workplaces that are located in PEI.

Federally Regulated Workplaces

5. Under the *Canada Labour Code*, federally regulated workplaces are those that operate within the legislative authority of Parliament. This includes, but is not limited to, PEI workplaces in the following interprovincial and international industries:
 - Shipping, shipping services and employment in the operation of ships.
 - Telecommunications, including telephone, internet, cable, radio and television broadcasting systems.
 - Ferries, bridges and highway transport.
 - Airports and employment in the operation of aircraft.
 - Banks.
 - Grain elevators licensed by the Canadian Grain Commission, and certain feed mills and feed warehouses, flour mills, and grain seed cleaning plants.
 - The federal public service and persons employed by the public service and federal Crown corporations and agencies.
 - The exploration and development of petroleum on lands subject to federal jurisdiction.
6. For workplaces that are not specifically designated as federal in the *Canada Labour Code*, the WCB will consider the following factors to identify the OHS jurisdiction:
 - Whether the type of work usually performed by the employer falls under federal legislation.
 - Whether the work is outside the exclusive legislative authority of the provinces.
 - Recent federal rulings on jurisdiction.

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- Whether the work or undertaking has been declared by Parliament to be for the general advantage of Canada or multiple provinces.

Jurisdiction is not determined by who owns the property or whether the employer is federally or provincially incorporated.

7. Where the WCB is unable to determine whether the jurisdiction is provincial or federal, the WCB will contact the Government of Canada to seek clarification. The Government of Canada will make the final determination.

HISTORY:

November 18, 2023 – Non-substantive changes for readability.

September 15, 2021 - Non-substantive editorial changes to clarify the policy statements.

May 22, 2014 - The policy was updated to provide clarity around the difference between provincial and federal jurisdiction.

July 27, 2006 – The policy was updated as a result of the 60-month policy review process. Also, the name of the policy was changed from “Officer Jurisdiction” to “Federal/Provincial Jurisdiction”.

May 24, 2000 - Amended format.

Board of Directors Approval Date: May 20, 1999