

POLICY NUMBER: POL-50

Chapter:
WORKPLACE SAFETY AND PREVENTION

Subject:
FEDERAL/PROVINCIAL JURISDICTION

Effective Date:
May 20, 1999

Last Update:
May 22, 2014

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 is responsible for administering the *Occupational Health and Safety Act* and associated regulations on Prince Edward Island.
 2. The Workers Compensation Board is not responsible for administering workplace safety legislation for workplaces that fall under federal jurisdiction (Government of Canada). However, the Workers Compensation Board may agree with the Government of Canada to carry out occupational health and safety inspections and other work on behalf of the Government of Canada.
 3. Federal workplace safety legislation is contained in the *Canada Labour Code*. The *Canada Labour Code* applies to employment on or in connection with the operation of any federal work, undertaking, or business, by a corporation established to perform any function or duty on behalf of the Government of Canada, and by a Canadian carrier as
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POLICY NUMBER: POL-50

defined in the *Telecommunications Act*.

The *Canada Labour Code* defines federal work, undertaking, or business as any work, undertaking or business that is within the legislative authority of Parliament, including, without restricting the generality of the foregoing:

- a work, undertaking, or business operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;
- a railway, canal, telegraph or other work or undertaking connecting any province with any other province, or extending beyond the limits of a province;
- a line of ships connecting a province with any other province, or extending beyond the limits of a province;
- a ferry between any province and any other province or between any province and any country other than Canada;
- aerodromes, aircraft or a line of air transportation;
- a radio broadcasting station;
- a bank or an authorized foreign bank within the meaning of section 2 of the *Bank Act*;
- a work or undertaking that, although wholly situated within a province, is before or after its execution declared by Parliament to be for the general advantage of Canada or for the advantage of two or more of the provinces;
- a work, undertaking or business outside the exclusive legislative authority of the legislatures of the provinces; and
- a work, undertaking or activity in respect of which federal laws within the meaning of section 2 of the *Oceans Act* apply pursuant to section 20 of that Act and any regulations made pursuant to paragraph 26(1)(k) of that Act.

POLICY NUMBER: POL-50

4. Provincial occupational health and safety jurisdiction is determined by the work usually performed by the business. Jurisdiction is not determined by who owns the property or whether the company is federally or provincially incorporated.
 5. Where there is a question of whether jurisdiction is provincial or federal, the Government of Canada will make the final determination.
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HISTORY:

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