

Legal terms 101: “reasonably practicable”

OHS information for work site parties

This resource explains the term “reasonably practicable”, which occurs throughout Alberta’s occupational health and safety (OHS) legislation.

KEY INFORMATION

- “Reasonably practicable” refers to fulfilling an OHS legislative obligation in a way that:
 - is feasible given the circumstances, and
 - would be considered appropriate by a reasonable person in similar circumstances.
- To determine what is reasonably practicable for a particular situation, use the “reasonable person test”.

What does “reasonably practicable” mean?

Alberta’s *OHS Act* and OHS Code specify numerous requirements for employers, workers, and other work site parties. Many of these obligations are absolute, and are specified without any caveats – for example, employers must ensure workers are trained for the work they’ll be doing.

However, many other obligations are required to be done as far as it is “reasonably practicable” to do so. For example, section 3(1) of the *OHS Act* contains the following wording regarding the obligation to protect worker health and safety:

Every employer shall ensure, as far as it is reasonably practicable for the employer to do so...the health, safety and welfare of workers engaged in the work of that employer....



- Section 3(1), *OHS Act*

In OHS legislation, the term “reasonably practicable” simply means the obligation must be met in a way that:

- is feasible given the circumstances, and
- would be considered appropriate by most reasonable people in similar circumstances.

Recognition of unavoidable risk

This use of the term “reasonably practicable” in legislation recognizes that risk cannot be completely eliminated in many

situations, or could only be eliminated at an unreasonable cost.

For example, under the OHS Code, employers must ensure all reasonably practicable measures are used to reduce noise in areas where workers may be present. The “reasonably practicable” requirement here acknowledges that while it may be possible to reduce noise in areas where workers may be present, some measures to reduce noise might not be feasible given the circumstances, and the risk of exposure to noise may be unavoidable (or only avoidable at unreasonable expense) in some circumstances.

Due diligence

If a health and safety incident occurs and charges are laid against a work site party for contravening OHS legislation, it is important to be able to prove that all reasonably practicable steps were taken beforehand to try to prevent the incident from occurring. This is referred to as “due diligence”, and is a legal defence to be raised after an incident.

Reasonably practicable, on the other hand, is an ongoing obligation to prevent incidents before they occur.

How do I do what is reasonably practicable?

When OHS legislation requires you to do something “as far as is reasonably practicable to do so”, how do you figure out what that is? How far do you need to go to meet that standard?

To determine what actions would be considered reasonably practicable, apply the “reasonable person test”. What actions would a reasonable person take in similar circumstances?

To answer these questions, you can:

- determine the standards of your industry,
- determine the best practices in similar situations, or
- consult an expert in the field as to what needs to be done.

Contact us

OHS Contact Centre

Anywhere in Alberta

- 1-866-415-8690

Edmonton and surrounding area

- 780-415-8690

Deaf or hard of hearing (TTY)

- 1-800-232-7215 (Alberta)
- 780-427-9999 (Edmonton)

Notify OHS of health and safety concerns

alberta.ca/file-complaint-online.aspx

Call the OHS Contact Centre if you have concerns that involve immediate danger to a person on a work site.

Report a workplace incident to OHS

alberta.ca/ohs-complaints-incidents.aspx

Website

alberta.ca/ohs

Get copies of the OHS Act, Regulation and Code

Alberta King's Printer

kp.gov.ab.ca

OHS

alberta.ca/ohs-act-regulation-code.aspx

For more information

Guide to OHS: Employers

ohs-pubstore.labour.alberta.ca/LI009

Guide to OHS: Supervisor

ohs-pubstore.labour.alberta.ca/LI010

Guide to OHS: Workers

ohs-pubstore.labour.alberta.ca/LI008

Occupational health and safety and the internal responsibility system

ohs-pubstore.labour.alberta.ca/LI051

Occupational health and safety starter kit

ohs-pubstore.labour.alberta.ca/BP035

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