



**WORK SAFE
ALBERTA**

Employer's Guide

Occupational Health and Safety

The purpose of this Safety Bulletin is to help you understand the *Occupational Health and Safety Act*. In the event of a difference between this Safety Bulletin and the *Act*, the *Act* prevails.

Please consult the original *Act*, *Occupational Health and Safety Regulation* and *Occupational Health and Safety Code* for all purposes of applying the law. This Safety Bulletin is to help you understand your role in ensuring health and safety at the work site.

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Our goal – health and safety

A safe and healthy work environment is a goal everyone shares. For that reason Alberta's *Occupational Health and Safety Act* is an important piece of legislation that affects you.

The *Act* sets standards to protect and promote the health and safety of workers throughout Alberta. It outlines your responsibilities as an employer, as well as the responsibilities of others working at or involved with the work site.

This Safety Bulletin describes the major sections of the *Occupational Health and Safety Act*. It will help you understand how to comply with the legislation and make your work site a healthier and safer place.

Does the Act apply to me?

The *Act* affects most workers and employers in the Province of Alberta. The major exceptions are:

- Domestic workers (such as nannies and housekeepers)
- Federal government employees
- Workers in federally regulated industries (for example banks, transportation companies with workers who cross provincial borders, and television and radio broadcasters)
- Farmers and certain agricultural workers.

You are an employer if you employ one or more workers, if you are designated to represent an employer, or if your responsibility is to oversee worker's health and safety for your corporation. If you are self-employed, you are treated as an employer under the *Act*. In certain situations, prime contractors, contractors and suppliers also assume some of the occupational health and safety responsibilities at a work site.

The Act and regulations

The *Act* gives the government authority to make regulations and codes (or rules) about health and safety in the workplace. Under the legislative framework, the *Act* prescribes basic duties and obligations of employers and workers. The *Regulation* addresses requirements related to general government policy and administrative matters. The *Code* specifies all the mandatory technical standards and safety rules that employers and workers have to comply with to fulfill their obligations.

The *Code* covers areas such as equipment safety, noise, chemical hazards and first aid, to name a few. It first took effect on April 30, 2004 and is updated on a regular basis.

Occupational Health and Safety Officers

The *Act*, the *Regulation* and the *Code* are enforced by occupational health and safety officers. They have the right to enter and inspect your work site, take samples of products, conduct tests, take pictures and recordings, and look at and copy relevant documents.

If an Officer believes a work site is dangerous, he or she can order work stopped right away or call for corrective measures. An officer can also order equipment shut down if it appears unsafe to operate.

Occupational health and safety in Alberta

The *Act*, the *Regulation* and the *Code* provide “rules” to help keep your work site safe and healthy. Alberta Occupational Health and Safety (OHS) is responsible for the *Act*, the *Regulation* and the *Code*. OHS will work with you and your employees to make sure that the rules are followed to prevent work-related injuries and illnesses, and to make sure workers and employers are educated about occupational health and safety duties.

Officers and other staff work from OHS field offices to provide a full range of workplace health and safety advice and information. The officers also check work sites and follow up on incidents and complaints.

Sometimes people mistake OHS for the Workers' Compensation Board (WCB). OHS is a completely separate entity from the WCB. The WCB's role is to see that the *Workers' Compensation Act* is followed, provide rehabilitation programs for workers suffering from job-related injuries and illnesses, and work with Occupational Health and Safety, industry and labour to help reduce the number of workers getting hurt or sick. The WCB oversees the insurance plan funded by employers that pays workers who are injured on the job or develop illness caused by their work.

If an officer believes a work site is dangerous, he or she can order work stopped right away or call for corrective measures.

Officers and other staff work from Occupational Health and Safety field offices to provide a full range of workplace health and safety advice and know how.

The Act says that you, as an employer, must do everything you reasonably can to protect the health and safety of your workers.

It's your responsibility

Are you doing everything you can to protect the health and safety of the workers you employ?

The *Act* says that you, as an employer, must do everything you reasonably can to protect the health and safety of your workers.

This means that you must do a hazard assessment of your work site and take effective measures to control the hazards identified. In addition, you must ensure that all workers who may be affected by the hazards are familiar with the necessary health and safety measures or procedures before the work begins.

Equipment at your work site must be maintained in safe working order, and dangerous chemicals must be properly labeled and stored.

You must set up safe-work practices at your site and make sure these practices are followed. It is up to you to make sure workers have the skills and training needed to do their jobs safely.

If controlled products (such as dangerous substances or chemicals) are made, stored or used at your work site, the *Act* requires you to provide labels and Material Safety Data Sheets (MSDSs).

Also, you must train your workers how to use controlled products safely. You must give all workers the information they need to do their jobs safely. OHS can help you obtain the required information.

If you employ workers who may be exposed to certain controlled products (for example, chemicals), you must make sure appropriate protective measures are implemented. In some cases, specific health examinations of the workers may be required. Examinations should take place during normal working hours and at your expense.

In cases where workers are exposed to excessive noise, you must periodically test their hearing.

A worker's responsibility

Workers also have duties under the *Act*. They must work in a safe manner, be safety conscious on the job and co-operate with you in the health and safety measures you set up. The *Act* requires you to make your workers aware of their duties.

More details about the worker's rights and responsibilities are described in the publication: *The Occupational Health and Safety Act: A Worker's Guide* (LI008)

Imminent danger

“Imminent danger” refers to any danger that is not normal for a job, or to any dangerous conditions that a worker would not normally perform his or her work under.

An example would be a worker, who has not been trained to handle explosives, being asked to destroy some explosives left behind from a job.

Workers must not perform any job or operate any equipment if they believe there is or will be imminent danger.

When a worker notifies you that he or she refuses to do a job due to a belief that there is imminent danger, you are required to look into and eliminate the danger. You may temporarily send the worker to another job, but at no loss of pay. You can not discipline workers for refusing to do work due to a belief that there is imminent danger. Asking a worker to work in a situation of imminent danger is against the law.

Workers have the right to call or write to an officer if they believe they have been disciplined or fired because they refused to perform a job due to a belief that there was imminent danger. Requests for review of an officer's decision may be made to the Occupational Health and Safety Council.

If the job is dangerous only because the worker is not qualified to perform it, you may get the job done by finding a qualified worker to do the work. The new worker should be told that another worker would not do the job. The new worker also has a right to refuse to do the work if it presents an imminent danger.

What if there's a serious incident?

When something happens which results in – or might have resulted in – serious injury to a worker, you must notify your nearest Occupational Health and Safety office. This notification is separate from any notice you are required to give to the Workers' Compensation Board or other local authorities, like the police. A “serious incident” is defined in the *Occupational Health and Safety Act*.

The Act requires you to make your workers aware of their duties.

An officer may look into the incident. The officer may talk to witnesses and gather evidence to determine what happened. You and your employees are required to co-operate with the officer. So long as you tell the truth, your statements to the officer are confidential and are not admissible in court as evidence.

The officer will prepare a report on the incident. You are also required to carry out your own investigation of the incident and make your report available to the officer.

Flexibility – it's your work site

You know best how to make your work site a healthy and safe place. The *Act*, the *Regulation*, and the *Code* reflect this belief. They establish general principles along with some specific provisions that you are required to observe. In most cases, however, it is up to you how you meet these principles.

Acceptances

The *Regulation* and the *Code* specify required procedures and equipment. If you want to do things in a different way, you may apply for “acceptance” of that different way. If you can satisfy OHS that your choice is just as safe or better than the requirements specified in the legislation, you may be allowed to go ahead. An application for an acceptance must be in writing and provide specific details for OHS to make a decision.

Let's co-operate

You and your workers can co-operate to make the work site a safer and healthier place. One way is through a joint work site health and safety committee.

Such a committee is made up of workers and management. It meets to inspect the work site, talk about incidents and illness prevention, and promote health and safety programs. Committee meetings are held during normal working hours.

Although workplaces are not required to form joint work site health and safety committees in Alberta, the Minister responsible for Occupational Health and Safety has the power to require that a committee be formed at any work site. However, volunteer committees work best. If workers and management agree to work co-operatively, then it is more likely that any committee set up will be effective. Occupational Health and Safety can assist you if you wish to set up a committee at your work site.

If you want to do things in a different way, you may apply for an “acceptance”.

The Act has teeth

It is clearly in everyone's best interests to provide safe work sites and proper training, and to make sure that your workers follow safe practices. However, if you and your workers don't take steps to do so, the *Act* can be used to force both you and your workers to follow the rules.

Legal penalties

Violating the *Act*, the *Regulation* or the *Code*, or failing to follow an order given by an officer, may result in prosecution. Conviction on a first offence can lead to a fine of up to \$500,000 and/or a prison term of up to six months. Conviction on a second offence can result in a fine of up to \$1,000,000 and/or a prison term up to 12 months.

The Occupational Health and Safety Council

The Occupational Health and Safety Council advises the Minister responsible for occupational health and safety on health and safety matters, including recommending future legislation changes. The Council is appointed by the Minister and is made up of members representing workers, employers and the general public. It also hears appeals (a second chance to tell your story) of Orders issued by an officer and can make rulings on imminent danger, disciplinary and firing matters. If you wish to appeal an Order given by an officer, you should contact Occupational Health and Safety within 30 days of being given the Order.

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Contact us:

Province – Wide Contact Centre



Edmonton & surrounding area:
(780) 415-8690

Throughout Alberta:
1-866-415-8690



Deaf or hard of hearing

In Edmonton:
(780) 427-9999

Throughout Alberta
1-800-232-7215



Web Site

www.worksafe.alberta.ca

Getting copies of regulations:



Queen's Printer

www.qp.alberta.ca



Edmonton (780) 427-4952



Occupational Health and Safety

<http://humanservices.alberta.ca/ohs-legislation>



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