

Changes to Alberta's Occupational Health and Safety and What They Mean For You

Auditing Association of Canada Conference

April 24, 2018

Kananaskis, Alberta



Consultation Summary

- **A comprehensive review of Alberta's OHS system was undertaken in 2017**
 - The themes of the review were:
 - Clarifying **responsibilities** of worksite parties in legislation
 - Improving **worker engagement** in OHS
 - A renewed focus on illness and injury **prevention**
- **Received input from Albertans over a nine-week period**
 - Over 1,300 online survey responses
 - Nearly 90 written submissions
 - Eight in-person facilitated roundtable discussions involving over 200 stakeholders representing employers, workers, OHS professionals, health and safety associations and academics



Consultation Summary

Highlights of feedback received:

- **Responsibility**
 - Clearly define roles and responsibilities in the OHS Act
 - Provide input into more regular reviews of the OHS system
 - Government needs to help workers and employers understand and meet their legislated responsibilities
- **Worker Engagement**
 - The rights of workers to know about hazards; to participate in health and safety decisions; and to refuse dangerous work need to be protected
 - Support for joint work site health and safety committees (HSC)
 - Improve protection of worker from reprisal for exercising OHS right or duty
- **Prevention**
 - Improve workplace illness and injury prevention
 - Provide better access to resources
 - Improve the Certificate of Recognition program



Key Concepts in Canadian OHS Law

- **Internal responsibility**
 - Everyone in the workplace is responsible for OHS, according to their authority and control
 - Employers have the greatest degree of control and authority, therefore they have the most responsibility
 - Workers and all other parties also have responsibility
 - Internal monitoring by HSCs or health and safety representatives
 - External monitoring and enforcement by government
- **Three fundamental rights of workers**
 - Right to know
 - Right to participate
 - Right to refuse dangerous work



Responsibilities of Work Site Parties

Employers

- Ensure health, safety and welfare of workers and other persons at the work site
- Ensure workers are aware of OHS rights and duties
- Ensure workers are not subjected to or participate in harassment or violence
- Ensure workers have competent supervision
- Ensure workers are properly trained
- Consult and cooperate with HSC or health and safety representative and resolve issues in a timely manner
- Ensure prime contractor is advised of names of supervisors
- Cooperate with any person exercising duty under legislation
- Comply with legislation



Responsibilities of Work Site Parties

Workers

- Take reasonable care to protect their own health and safety and health and safety of others at the work site
- Cooperate with supervisor, employer, or any other person to protect their health and safety
- Use safety devices and wear personal protective equipment
- Refrain from causing or participating in harassment or violence
- Report OHS concerns
- Cooperate with any person exercising duty under legislation
- Comply with legislation

Responsibilities of Work Site Parties

Owners (of land or premises of worksite)

- **Excludes a private residence unless business located there**
 - Ensure property and premises that is **under their control** do not endanger health and safety
 - Cooperate with any person exercising duty under legislation
 - Comply with legislation

Contractors (person or group of persons who contract with and direct the work of employer or self-employed person)

- Ensure the work site and work processes **under their control** do not endanger health and safety
- Advise prime contractor of the names of employers or self-employed persons working under the direction of the contractor
- Cooperate with any person exercising duty under legislation
- Comply with legislation



Responsibilities of Work Site Parties

Prime Contractor

- **Required on construction or oil and gas work sites (or a work site designated by a Director with 2 or more employers or self-employed persons)**
 - Establish a system to ensure compliance with legislation
 - Co-ordinate, organize and oversee work to ensure health and safety of workers and others
 - Ensure their own activities do not create a hazard to the health and safety of others
 - Consult and co-operate with the HSC or health and safety representative
 - Co-ordinate the health and safety programs of employers and self-employed persons on the work site
 - Cooperate with any person exercising duty under legislation
 - Comply with legislation



Responsibilities of Work Site Parties

Self-employed persons

- Conduct their work in a way that protects them and others from health and safety hazards
- Advise prime contractor that they are working on the project
- Report OHS concerns
- Cooperate with any person exercising duty under legislation
- Comply with legislation

Temporary staffing agencies

- Ensure workers assigned to another employer are suitable for the work
- Ensure worker is equipped or will be equipped with necessary personal protective equipment
- Ensure the other employer is capable of protecting the health and safety of the workers
- Cooperate with any person exercising duty under legislation
- Comply with legislation



Harassment and Violence Defined

“harassment” means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action that causes offence or humiliation to a worker, or adversely affects the worker’s health and safety, and includes:

- i. conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability , mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression, and sexual orientation, and
- ii. sexual solicitations or advance.

but excludes any reasonable conduct or an employer or supervisor in respect of their management of the workers or a work site.

“violence” threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence.



Joint Work Site Health and Safety Committee (HSC) and Representative

- **Employer or prime contractor required to establish a HSC for work site with 20 or more workers.**
 - Director may approve other forms of HSC where necessary
- **Worker health and safety representative required for workplace or project with 5 to 19 workers.**
- **Requirements apply to work that will last 90 days or more.**
- **Training required for HSC co-chairs and representatives.**
 - When HSC members or representative provide reasonable notice, they are permitted up to 2 days to attend OHS education or training
- **No loss of pay or benefits for HSC members or representative when carrying out duties or participating in OHS training or education.**



Health and Safety Program

- **An employer with 20 or more workers is required to establish a health and safety program in consultation with HSC and implement the program.**
- **Program elements:**
 - OHS policy
 - Hazard assessment
 - Emergency response
 - Responsibilities of work site parties
 - Schedule and procedure for inspections
 - Procedures to deal with OHS issues when another employer or self-employed person works on site
 - Orientation and training
 - Incident investigation
 - Procedure for worker participation
 - Review and revise program every 3 years or when conditions change
- **Smaller workplaces required to involve workers in hazard assessment and control.**



Reporting Serious Injuries and Incidents

- **Employers or prime contractor must report:**
 - Incident resulting in death of worker
 - Incident resulting in hospitalization of worker
 - Explosion, fire, or flood that has potential to cause serious injury
 - Collapse of crane, derrick or hoist
 - Collapse or failure of building or structure
 - Significant mining incidents (ground fall, ventilation failure, out of control vehicle, fire, serious electrical failure hoist or shaft failure, dam failure, other emergency)
- **Incidents with potential to cause serious injury (“near misses”) must also be reported.**



Impairment and Cannabis

- Stakeholder consultation
- Hazards of impairment
- Timing



Young Workers

- **Workers under the age of 18**
 - ILO Convention
 - European Trade Agreement
- **Workers aged 13 to 15**
 - Light work
- **Workers aged 16 and 17**
 - Permits required for hazardous work



Coming into Force

- The new OHS Act will come into effect on June 1, 2018
- www.alberta.ca/ohs-changes.aspx
- Webinars
- Bulletins
- Presentations (upon request)
- Certifying Partners Presentations (upon request)



**Thank you....
Questions?**

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