

OCCUPATIONAL HEALTH and SAFETY in CONSTRUCTION

Ref: Occupational Health and Safety The Act - Statutes 2017, Alberta
OH&S Highlights of Changes Effective June 1, 2018

Enshrining Workers Rights

Right to Know

- All employers must inform workers about potential hazards and have access to basic health and safety information on site.

Enshrining Workers Rights

Right to Participate in Workplace Health and Safety

- Ensures workers are involved in health and safety discussions, including participation in health and safety committees.

Enshrining Workers Rights

Right to Refuse Dangerous Work

- Workers may refuse to perform dangerous work and are protected from any form of reprisal for exercising this right.
- A worker must continue to be paid while a work refusal is being investigated.
- Other workers may be assigned to the work if they are advised of the refusal, reason for it, and made aware of their own right to refuse the work after the employer determines there is not a risk.

Part 1 Obligations Roles and Responsibilities

Employers

- Ensuring the health, safety and welfare of workers.
- Ensuring workers are aware of their rights and duties under the law and are aware of any health and safety issues.
- Providing competent supervisors, training workers, and preventing violence and harassment.
- Ensuring public safety at or in the vicinity of work sites.
- Working with the joint work site health and safety committee or health and safety representative.

Part 1 Obligations Roles and Responsibilities

Supervisors

- Must be competent, protect the health and safety of workers, advise workers of all health and safety hazards, report all health and safety concerns to the employer, and prevent violence and harassment.

Competency - adequately qualified, suitably trained, sufficient experience

Part 1 Obligations Roles and Responsibilities

Workers

- Are responsible for ensuring the health and safety of themselves and others, cooperating with their employer/supervisor for purposes of health and safety, using all devices and wear all required personal protective equipment (PPE), report unsafe or unhealthy conditions, and refrain from causing or participating in violence and harassment.

Part 1 Obligations Roles and Responsibilities

Prime Contractors

- Are only required at construction sites, oil and gas sites and any other work site designated by a Director. Their obligations otherwise remain the same.

Part 1 Obligations Roles and Responsibilities

Suppliers

- Must ensure their products are safe to use and comply with the legislation; and any equipment and harmful substances provided include manufacturer's specifications or other instructions for safe use (if they exist). Suppliers must provide notice when their product or equipment doesn't comply with the law.

Part 1 Obligations Roles and Responsibilities

- Service providers must ensure the services provided comply with the law, are provided by a competent person, and do not create a hazard.
- Self-employed persons are responsible for complying with all the OHS rules that apply to employers and to workers, and ensuring that they don't create hazards for themselves and others.
- Temporary staffing agencies must ensure workers are suitable for the work, have or will receive the PPE they need, and that the host employer is capable of looking after the worker's health and safety.

Health And Safety Program

- **Joint work site health and safety committees (HSC) and representatives**
- Employers with 20 or more workers at a work site and work lasting 90 days or
- A Director can order any other work site to establish a HSC.
- Employers or work sites with 5-19 workers and work lasting 90 days or more are required to have a health and safety representative.

Determination of Number of Workers

- For the purpose of calculating the number of workers the number of workers must be determined by the average number of full-time and part-time workers at the work site on a daily basis on each working day
- Over the previous 12 months if operations began at least 12 months prior to the calculation,
- Since operations began if operations began less than 12 months prior to the calculation, or
- Expected to be present over the duration for a new operation lasting 90 days or more but less than 12 months.

Health And Safety Program

- Employers with 20 or more workers must have a written health and safety program.
- The program must have 10 elements and be reviewed at least every 3 years.
- Where no program is required, the employer must involve workers in hazard assessment and control.

Reporting Incidents

- Injuries resulting in a worker being admitted (doctor writes an admitting order) to a hospital must be reported to Alberta Labour.
- Employers must report “potentially serious” incidents to Alberta Labour. These are incidents that had the potential to cause serious injury, but did not.
- Injury or incident that results in the death of a worker.
- Unplanned fire, flood or explosion that causes or has potential to cause serious injury.
- The collapse or failure of any component of a building or structure necessary for the structural integrity of structure or building.
- Any or class of injury or incident or a class of injuries or incidents specified in the regulations.

Right to Refuse

- Introduce a right to refuse dangerous work. Once the refusal is reported, the employer must investigate and involve the HSC or representative, as appropriate, in the investigation.
- The worker must continue to be paid normal wages and benefits during the investigation. Another worker may be assigned to the work if advised of the refusal, reason for the refusal and reminded that he or she has a right to refuse the work.
- A right to refuse commits employers to ensuring workers know the hazards, know what to report, and have the support to exercise their right. This change aligns with workers' rights in most of Canada.

Stop Work Orders

- When an officer is of the opinion that a danger to the health and safety of a worker exists and/or an activity is unsafe or involves danger to a worker an shut down order may given.
- The work or any part of the work to be stopped.
- Order any worker or other present to leave the work site.
- Cessation of activities - no work is permitted during shutdown.
- Danger is eliminated.
- Worker to be paid the same wage and benefits during the shutdown.
- Worker can be assigned to alternate work.

OHS in Construction

- Proactive planning - procedures and/or budgets.
- Implementation of new procedures either site specific or company policy.
- Increased communication employer and JHSC.
- Comprehensive Legislative change in Alberta in the last 40 years.