



**WORK SAFE
ALBERTA**

Worker's Guide

Occupational Health and Safety Act

Health and safety in the workplace doesn't stop and start with you, your employer, safety associations, educators, the government or your community. It's everyone's responsibility.

The purpose of this Safety Bulletin is to help you understand the *Occupational Health and Safety Act (Act)*. It will also help you understand responsibilities for health and safety at your workplace — your responsibilities, and your employer's and co-workers' responsibilities.

It doesn't matter if you work for a large company or a small one. You have a responsibility to keep yourself and others healthy and safe at your workplace. By working together to promote safe and healthy workplaces, Albertans will continue to reduce injuries, incidents, lost-time claims and workplace fatalities.

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**Government
of Alberta ■**
Employment
and Immigration

Our goal – health and safety

Alberta's *Occupational Health and Safety Act* is a law that helps protect your health and safety at work. It focuses on keeping the workplace safe for you, others you work with and your employer.

The Act and regulations

The *Act* sets standards to protect and support the health and safety of workers throughout the province. It describes the rights and duties of workers and others connected with the workplace.

The *Act* gives the government power to make regulations and codes (or rules) about health and safety at the workplace. It sets out the basic duties and obligations of employers and workers. The *Occupational Health and Safety Regulation (Regulation)* addresses the requirements related to government policy and administrative matters. The *Occupational Health and Safety Code (Code)* specifies all the technical standards and safety rules that employers and workers have to comply with to fulfill their obligations. The *Code* covers areas such as general safety, noise, chemical hazards and first aid, to name a few. The *Code*, which takes effect on April 30, 2004, will replace the 11 individual occupational health and safety regulations that are currently in place. As a worker, you should be aware of the *Act* and the requirements of the *Regulation* and *Code* that apply at your workplace.

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 or housekeepers)
- federal government employees
- workers in federally regulated industries (for example, banks, transportation companies whose workers cross provincial borders, and television and radio broadcasters)
- farmers and certain agricultural workers.

The role of Alberta Employment and Immigration, Workplace Health and Safety

The *Act*, the *Regulation* and the *Code* provide “rules” to help keep the workplace safe and healthy. The role of Alberta Employment and Immigration, Workplace Health and Safety (WHS), is to work with you and your employer to make sure that:

- the work-related health and safety rules are followed
- enough is being done to prevent incidents and injuries
- workers and employers learn about health and safety rules
- workers and employers understand their rights and responsibilities.

The Act affects most workers and employers in the Province of Alberta.

Workplace Health and Safety field offices have resources to help you if you have questions or problems. Occupational health and safety officers at WHS can answer your questions and help to make sure that your workplace is safe. They can also investigate problems or incidents.

Some people confuse Workplace Health and Safety and the Workers' Compensation Board (WCB). The WCB does the following things:

- has an insurance plan funded by employers to pay workers who are hurt on the job or get sick as a result of their work
- operates a rehabilitation program for workers suffering from job-related injuries and illnesses
- works with Workplace Health and Safety, industry and labour to help prevent workers from getting hurt or sick
- administers the *Workers' Compensation Act*.

You have a right to a safe and healthy workplace

The *Occupational Health and Safety Act* says employers must do everything they can to protect your health and safety. For example, employers have to assess safety hazards at the workplace to control or eliminate them and keep equipment in safe working order.

Who is your employer?

An employer is:

- anyone who is self-employed or employs one or more workers
- anyone designated to represent an employer or responsible for overseeing workers' health and safety within an organization.

In certain situations, prime contractors, contractors and suppliers share some of the workplace health and safety responsibilities at a work site.

Employers have a responsibility to:

- see that safety is maintained at the workplace
- make sure you are trained and have the proper skills to perform your job safely
- see that you know your duties and responsibilities for keeping the workplace safe.

If you are unsure about any of the above — ask! Details of employers' responsibilities are described in the Alberta Employment and Immigration publication, *the Occupational Health and Safety Act: An Employer's Guide* (LI009).

Workplace Health and Safety field offices have resources to help you if you have questions or problems.

What about possible danger?

Your employer must tell you about any hazards at the workplace. For example, if a controlled product, — that is, a hazardous substance or chemical — is made, stored or handled at the workplace, your employer must provide labels and Material Safety Data Sheets (MSDSs) for the product. These two items describe the health and safety hazards and steps you need to follow to protect yourself. The MSDSs must be available to you at all times. Your employer must also provide training about the use or handling of the controlled product. It is your responsibility to participate in the training and apply your learning to the job.

If your health is at risk, your employer should make regular health tests available to you and make sure you have the knowledge and equipment to protect yourself. Work-related health exams should take place during normal working hours and should not cost you anything.

Doing your job safely

Your employer may be required to make up a booklet, poster or manual that describes how to do your work safely. This may be called a “safe work practice,” “standard operating procedure,” or “code of practice.” Your employer must tell you about it, and you must understand it and keep it handy.

Don't forget, you too have responsibilities

The law requires you to work safely and co-operate with your employer by following the health and safety rules for the job.

The *Act* expects you to work safely. The rules have specific requirements you must follow. For example, you are required to use a safety belt or similar equipment when doing certain kinds of work. You must use personal protective equipment, such as footwear, eyewear, headwear and hearing protection, when required by the *Code*.

If there is danger at your workplace

You may be asked to do something unsafe that is not part of your normal work. If you think something at your workplace is unsafe to you or other workers, you should tell your employer. Your employer is responsible for looking into your concern. If your concern is not addressed, then take the problem to your health and safety committee — if there is one at your workplace. If there is no committee, or if you are still not satisfied, you should contact the Workplace Health and Safety Contact Centre and ask someone to look into the problem. Anyone has the right to call, whether directly involved in the work or not. It's better if you identify yourself, but even if you don't, your complaint will be followed up.

**Your employer
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What about “imminent danger”?

“Imminent danger” refers to any danger that you don’t normally face in your job, or to any dangerous condition that you would not normally work under. If you think your work may put you or another worker in imminent danger, you *must* refuse to do it. Tell your employer why you believe there is imminent danger.

An example of a situation where there is imminent danger is when a worker is asked to enter or work in a trench that is more than 1.5 metres (5 feet) deep and is not protected by either shoring or cutbacks. It is against the law for you to enter such a trench.

Another example would be a worker, not trained in handling explosives, who is asked to destroy some explosives left behind from a job.

If you are in a situation of imminent danger, you are required to stop work. Explain to your employer why you stopped work. Your employer must then investigate the situation and take action to correct the danger. If your employer is not at the work site, you should take whatever steps are necessary to contact him or her, as soon as possible. Your employer can assign you to other work until the problem has been investigated and is fixed. Or, your employer can assign someone else to do the work if that person is trained to handle the danger. Your employer must give you a report of what the investigation found and what action was taken.

If your employer does not agree that there is a danger, or if you can’t agree on a way to fix the problem, you should contact Workplace Health and Safety. An occupational health and safety officer will investigate the situation and make a decision about what action to take. Both you and your employer must comply with the officer’s decision. If, however, you or your employer disagree with the officer’s decision, you can request that the Occupational Health and Safety Council review the matter. The officer can explain how to go about doing so.

Dangerous situations can sometimes be fixed quickly, but not always. Sometimes work needs to be stopped for a long time, or a business shut down, and your employer may call a layoff. In that situation, the normal layoff procedure applies. However, your employer may not lay you off or fire you because you refuse to do dangerous work.

Dismissal or discipline

You can’t be disciplined or fired for following the rules of the *Occupational Health and Safety Act*, the *Regulation* or the *Code*. If this does happen to you, contact Workplace Health and Safety and an officer will look into the situation. If you disagree with the officer’s decision, you can ask that the Occupational Health and Safety Council review the matter.

If you are in a situation of imminent danger, you are required to stop work

Your employer may not lay you off or fire you because you refuse to do dangerous work.

If a serious incident occurs

If a serious incident happens, or almost happens, your employer is required to notify the nearest Workplace Health and Safety Contact Centre. This notification is separate from any other kind of notice that your employer may be required to give to the Workers' Compensation Board or to local authorities. Injuries and incidents must be reported if they:

- result in a death
- cause a worker to be admitted to hospital for more than 2 days
- involve an unplanned or uncontrolled explosion, fire, or flood that causes a serious injury (or has the potential of causing a serious injury)
- involve the collapse or upset of a crane, derrick or hoist
- involve the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.

If you are unsure about reporting the injury or incident, phone the Workplace Health and Safety Contact Centre at 1-866-415-8690. An occupational health and safety officer may look into the incident. You and your employer are required to co-operate with the officer and give honest information. So long as you tell the truth, what you say to the officer is confidential and can't be used in a court of law as evidence.

To protect yourself, check to see that your employer has notified the right offices. If you're not sure, you should call Workplace Health and Safety yourself. Your call is confidential.

Occupational health and safety officers

Officers have the right to do the following:

- inspect your workplace
- take samples of products
- conduct tests, take pictures and recordings
- look at and copy documents.

If an officer thinks there is a situation of imminent danger at your workplace, the officer can order work stopped immediately or call for corrective measures. Officers can also order equipment to be shut down if they believe it to be unsafe.

Let's co-operate

You and your employer can co-operate to make your workplace a safe and healthy place. One way is to have a workplace health and safety committee made up of workers and supervisors. The committee meets to inspect the workplace, discuss how to prevent incidents and illnesses, and promote health and safety programs. Committee meetings are held during normal working hours.

If a serious incident happens, or almost happens, your employer is required to notify the nearest Workplace Health and Safety office.

If an officer thinks there is a situation of imminent danger at your workplace, the officer can order work stopped immediately or call for corrective measures

In Alberta, workplaces are not required to form joint work site health and safety committees. However, the Minister responsible for Workplace Health and Safety has the power to require that a committee be formed at any work site. Generally, volunteer committees work best. If workers and management agree to work co-operatively, then it is more likely that the committee set up will be effective. If you want to set up a health and safety committee, Workplace Health and Safety can help you and your employer with advice and written materials.

The Act has teeth

Workers and employers should be concerned about three things:

- having safe workplaces
- receiving and providing good safety training
- making sure workers follow safety rules.

If workers and employers don't take steps to follow the rules, the *Act* can be used to force them to do so.

Legal penalties

If you or your employer break the rules of the *Act*, the *Regulation* or the *Code*, or ignore what an officer says, you or your employer could be charged and have to go to court. Officers will always try first to work co-operatively and encourage voluntary problem solving. Problems will be resolved in court if people willfully ignore the law or do not co-operate and fix health and safety problems. Conviction on a first offense can lead to a fine up to \$500,000 or up to six months in jail, or both. A second conviction can result in a fine of up to \$1,000,000 and/or a jail term of up to one year.

The Occupational Health and Safety Council

The Occupational Health and Safety Council is appointed by the Minister responsible for occupational health and safety and is made up of members representative of employees, employers and the general public. The Council hears appeals (a second chance for you to tell your story) on imminent danger and disciplinary matters. If you want to appeal an officer's order, you must contact Workplace Health and Safety within 30 days of being given the order. The Council also advises the Minister on other health and safety matters, including recommending future changes to the *Code*.

If you or your employer break the rules of the Act, the Regulation or the Code, or ignore what an officer says, you or your employer could be charged and have to go to court.

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.worksafely.org

Getting copies of regulations:



Queen's Printer
www.qp.gov.ab.ca



Edmonton (780) 427-4952



Workplace Health and Safety
www.whs.gov.ab.ca/whs-legislation



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