



**WORK SAFE
ALBERTA**

Employer's Guide

Occupational Health and Safety Act

The purpose of this Safety Bulletin is to help you understand the *Occupational Health and Safety Act (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 (Regulation)* and *Occupational Health and Safety Code (Code)* for all purposes of interpreting and 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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healthy work
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**Government
of Alberta ■**
Employment
and Immigration

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 rights and responsibilities as an employer, as well as the rights and 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 workers' health and safety for your corporation. In certain situations, prime contractors, contractors and suppliers also assume some of the workplace health and safety responsibilities at a work site.

If you are self-employed, you are treated as an employer under the *Act*.

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 new legislative framework, the *Act* prescribes basic duties and obligations of employers and workers. The *Regulation* addresses the requirements related to 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

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fulfill their obligations. The *Code* covers areas such as general safety, noise, chemical hazards and first aid, to name a few. It takes effect on April 30, 2004, and will replace the 11 individual occupational health and safety regulations that are currently in place. You should be aware that the *Act*, the *Regulation* and the *Code* apply to all work sites.

Occupational Health and Safety Officers

The *Act*, the *Regulation* and the *Code* are enforced by occupational health and safety officers [officers] from Alberta Employment and Immigration, Workplace Health and Safety (WHS). 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 Employment and Immigration (E&I) is the government department responsible for the *Act*, the *Regulation* and the *Code*. The job of E&I is to work with you and your employees to make sure that the rules are followed, as much as possible, to prevent work-related incidents, injuries and illnesses, and to make sure workers and employers are educated about their workplace health and safety duties.

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

Sometimes people mistake WHS for the Workers’ Compensation Board (WCB). WHS 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 E&I, 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.

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Officers and other staff work from Workplace 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 labelled 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. WHS 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 normally present in a job, or to any dangerous conditions that a worker would not normally perform his or her work in.

Workers must refuse to perform any job they believe would put them or their fellow workers in imminent danger.

An example might be a situation where a worker is asked to enter or work in a trench that is more than 1.5 metres (5 feet) deep and not protected by either shoring or cutbacks. This situation poses an imminent danger.

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

When a worker refuses to do a job, you are required to look into and get rid of the danger. You may temporarily send the worker to another job, but at no loss of pay. You cannot discipline workers for refusing to do unsafe work. 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 which they believed was unsafe. 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 is unsafe.

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 Workplace 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 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 an “acceptance.” If you can satisfy WHS 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 WHS 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.

The 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 Workplace 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. Workplace Health and Safety will 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 your and your workers' 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 or a prison term of up to six months, or both. 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 changes to the *Code*. The Council is appointed by the Minister and is made up of members representative of employees, employers and the general public. It also hears appeals (a second chance to tell your story) of orders issued by an officer and makes rulings on imminent danger, disciplinary and firing matters. If you wish to appeal an order given by an officer, you should contact Workplace Health and Safety within 30 days of being given the order.

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Contact us:

Province-Wide Call 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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