

# Employer's guide to occupational health and safety

## OHS information for employers

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The purpose of this guide is to help you understand the *Occupational Health and Safety Act (OHS Act)* and your role in ensuring health and safety at the work site. This guide explains what you need to do to comply with legislation and make your work site a healthier and safer place.

### Key information

- The internal responsibility system is the foundation of Alberta's OHS legislation.
- It is the employer's responsibility to protect the health and safety of their workers.
- A joint work site health and safety committee (HSC) or health and safety representative (HS representative), a health and safety program, and hazard assessments are all part of an employer's responsibilities.
- OHS officers have authorities that enable them to enforce OHS legislation.

### Our goal – health and safety

The internal responsibility system is a foundational principle of OHS legislation that allows this to happen. Its core premise is that everyone – including employers and workers – is accountable for workplace health and safety, each according to their authority and level of control.

Alberta's *OHS Act* is an important piece of legislation that affects you. It outlines your responsibilities as an employer, as well as the rights and responsibilities of others working at or involved with the work site. The *OHS Act* sets minimum standards

to protect and promote the health and safety of workers throughout Alberta.

### Does Alberta's OHS legislation apply to me?

The *OHS Act*, regulations and Code apply to most workers and employers in Alberta, unless you are:

- under federal jurisdiction (e.g. Canadian chartered banks, interprovincial transportation companies, television and radio broadcasters, etc.), or
- a farm and ranch operations owner, family member of the owner or non-waged individual.

You are an employer if:

- you employ or engage one or more workers, including workers from a temporary staffing agency,
- you are designated to represent an employer, or
- you are responsible for overseeing workers' health and safety for your corporation or employer.

An employer, along with other work site parties, has OHS responsibilities. Part 1 of the *OHS Act* defines the roles and responsibilities of each work site party, including supervisors, workers, suppliers, service providers, owners, contractors, prime contractors, self-employed persons, and temporary staffing agencies. While each work site party may have a different role, health and safety is a shared responsibility.

If you employ waged, non-family workers in a farm and ranch operation, you have employer obligations. You must follow the basic health and safety standards set out in the *OHS Act*. If you employ a domestic worker (such as nanny or housekeeper),

you must also comply with the *OHS Act* and its regulations.

## The *OHS Act*, regulations and Code

The *OHS Act*, the regulations and the OHS Code provide rules to help keep your work site healthy and safe.

The *OHS Act* gives the government authority to make regulations and codes (or rules) about health and safety in the workplace.



The regulations address requirements related to general administrative matters and broad health and safety rules.

The OHS Code specifies detailed technical standards and health and safety rules that work site parties must comply with to fulfill their obligations. Technical requirements cover areas such as chemical hazards, equipment safety, first aid, harassment and violence, and noise to name a few.

## Role of Alberta OHS

OHS administers and enforces the Alberta government's OHS legislation. Alberta OHS has resources available to help you:

- learn about the health and safety rules,
- understand work site parties' rights and responsibilities, and
- prevent injuries, illnesses and fatalities.

If you have questions or concerns, get in touch with the Alberta OHS Contact Centre by phone or online.

OHS officers attend work sites to perform inspections, conduct investigations, respond to inquiries and carry out tests necessary to determine compliance with the OHS legislation.

Sometimes people mistake Alberta OHS for the Workers' Compensation Board (WCB). While both report to the Minister responsible for Labour, Alberta OHS is a 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 Alberta OHS, 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.

### OHS officers

OHS officers conduct inspections and investigations to enforce the OHS legislation. The officers are authorized to:

- enter your work site,
- look at and copy relevant documents,
- require you or others to provide reasonable assistance or produce information,
- inspect or take samples of any material, product or equipment or other thing being produced,
- bring along any equipment, materials or persons with expert knowledge to assist the officer,
- conduct tests, take pictures, measurements or recordings,
- require you or your designate to demonstrate the use of machinery, equipment, appliance, or other thing at the work site, and
- interview and take statements from any person at the work site or others who are not present at the work site.

If an officer believes a work site is unhealthy or unsafe, they can take steps (including issuing compliance orders, stop use orders, stop work orders), where appropriate, to monitor compliance with the legislation.

Details about OHS officers are described in *Role and duties of government occupational health and safety officers*.



## It is your responsibility

The *OHS Act* states that you, as an employer, must do everything you reasonably can to:



- protect the health, safety and welfare of your workers, other workers at your work site and other persons at or in the vicinity of the work site,
- make your workers aware of their rights and responsibilities under the OHS legislation and of any workplace health and safety issues,
- protect your workers from harassment or violence at the work site and ensure that workers do not participate in harassment or violence,
- ensure workers are supervised by supervisors who are competent and familiar with relevant OHS legislation that applies to the work performed,
- ensure workers are properly trained,
- work with an HSC or an HS representative, as applicable, to share health and safety information and resolve issues in a timely manner,
- resolve health and safety concerns in a timely manner,
- provide a prime contractor, if one is required at the work site, names of all the supervisors,
- cooperate with any person exercising a duty under the OHS legislation, and
- comply with the OHS legislation.

In addition to the obligations outlined in the *OHS Act*, an employer has other responsibilities. Maintaining equipment at your work site in safe working order and ensure hazardous products (such as dangerous substance or chemicals) are properly labeled and stored and safety data sheets are readily available to workers are also an employer responsibility.

You must make sure workers are appropriately trained in work practices and procedures, how to safely use equipment and how to select and use personal protective equipment that they require. It is up to you to make sure workers have the skills and training to do their jobs safely.

According to the *OHS Act*, to 'train' means to give information and explanation to a worker with respect to a particular subject matter and to require a practical demonstration that the worker has acquired knowledge or skill related to the subject matter.



You must also provide health and safety information. This is information that may affect the health and safety of a person at a work site. It includes information about hazards at the work site, hazard controls and work practices and procedures. Health and safety information does not include personal information about an identifiable individual, confidential proprietary information or trade secrets. You have the duty to:

- make OHS information readily available to the HSC or HS representative, workers and the prime contractor,
- make OHS legislation readily available,
- ensure OHS reports, plans or procedures are in writing and readily available,
- ensure OHS orders or notices are posted or readily available, and
- ensure HSC minutes are posted or readily available.

Employers must address harassment or violence at the work site to ensure workers are not subject to, or do not participate in, harassment or violence at the work site.



Please note that the above represents only some highlighted responsibilities of the employer. There are many other employer obligations found throughout the *OHS Act*, regulations and Code. You, as the employer, must ensure compliance with all such obligations.

## Workers' rights and responsibilities

Employers need to be aware of workers' rights and responsibilities under the internal responsibility system.

Workers have three fundamental rights under the *OHS Act*:

- the right to know,
- the right to participation, and
- the right to refuse dangerous work.



Workers also have duties under the *OHS Act*. These include, but are not limited to, the following:

- work in a manner that ensures the health and safety of themselves and others,
- cooperate with you, the supervisor 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 concerns about unsafe or harmful work site acts or conditions,
- cooperate with any person exercising a duty under the OHS legislation, and
- comply with the OHS legislation.

Details about workers' rights and responsibilities are described in the publication: *Worker's guide to occupational health and safety*.



## HSCs and HS representatives

The purpose of the HSC or HS representative is to encourage worker and employer participation in decisions and provide input on OHS matters at the workplace. HSCs and HS representatives help serve as internal monitoring to ensure ongoing effectiveness of OHS at the work site.

Larger employers (with 20 or more full-time and part-time workers) must establish an HSC for work

lasting 90 days or more. HSCs consist of worker and employer representatives who meet on a regular basis to discuss and resolve work site health and safety issues.

If you're a smaller employer (with five to 19 full-time and part-time workers), you must designate an HS representative for work lasting 90 days or more.

HSCs and HS representatives have similar duties related to health and safety functions such as identifying hazards in the work site, investigating incidents, resolving complaints and more. (See sections 19 and 20 of the *OHS Act* for complete list of duties.) During an inspection, an OHS officer must, where feasible, request the HSC co-chair who

As an employer, you are required to ensure the co-chairs of the HSC or the HS representative receive appropriate training.



represents the workers or the co-chair's designates, or the HS representative to be present.

Details about HSC and HS representatives are described in the publication *Health and safety committees and representatives*.



## Health and safety program

If you have 20 or more workers, you must set up an occupational health and safety program in consultation with the HSC, and implement the program. A health and safety program is a coordinated system of procedures, processes and other measures that is designed to be implemented in order to promote continuous improvement in workplace health and safety and reduce injuries and illnesses.

The *OHS Act* requires the program to include certain elements and the program must be reviewed and updated at least every three years. The required elements are:

- a health and safety policy,
- hazard assessment and control,
- an emergency response plan,
- a statement of OHS responsibilities of the employer, supervisors and workers at the work site,
- a schedule and procedures for inspection of the work site,
- procedures for when another employer or self-employed person is working at the work site,
- health and safety orientation and training for workers and supervisors,
- procedures for investigating incidents, injuries and refusals to work,
- procedures for worker participation in work site health and safety, including inspections and investigation of incidents, injuries and refusals to work,
- procedures for reviewing and revising the health and safety program, and
- any other elements required by the regulations.

If you employ fewer than 20 workers, no program is required. However, you must still have documentation in place that meets the requirements established by the legislation. This includes, but is not limited to, hazard assessment and control and an emergency response plan.

Details about health and safety programs are described in the publications *Health and safety programs* and *Do I need a health and safety program?*



## Hazard assessment

You must conduct a hazard assessment of your work site and implement measures to eliminate or control the hazards identified, even when you're not required to set up a health and safety program.

Every workplace has situations, conditions or things that may be dangerous to health and safety of workers. The hazard assessment and control process is a documented approach to prevent work-related injury or illness.

A team approach is necessary when doing hazard assessments. If you have an HSC or an HS representative, they must get involved. You must also involve workers affected by the hazards.

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 to keep themselves and others healthy and safe on the job.

Find more information on the hazard assessment process and templates in *Hazard assessment and control: a handbook for Alberta employers and workers*.



## Right to refuse dangerous work

An employer cannot take discriminatory action (such as termination, layoff, demotion, transfer, change in job location, etc.) against a worker for exercising their rights and duties under the law. Asking a worker to work in dangerous conditions is against the law.



Workers must not undertake tasks or assignments that they are either unable or not prepared to do in a healthy and safe manner. In such cases a worker has the right to refuse work.

You must ensure your workers understand the hazards at the workplace, know what needs to be reported and have the support to exercise their right.

The right to refuse is based on the worker having reasonable grounds to believe the work is dangerous to that worker or any other person. Health and safety hazards that are not normal for the job, or normal hazards that are not properly controlled, are considered a dangerous conditions that could trigger a work refusal.

If a worker determines that they need to refuse to do particular work, they must promptly report the refusal and the reasons for it to the employer, supervisor or another designated person. As an employer, you are



required to look into and eliminate the danger if it exists.

The worker is entitled to the same wages and benefits that they would have received had the refusal not taken place. You may temporarily re-assign the worker to alternate work while the work refusal situation is being resolved.

Unless the dangerous condition is remedied immediately, you must prepare a written report of the worker's refusal to work, the employer's investigation into the refusal and any actions taken. A copy of the report must be given to the worker who refused the work and the HSC or HS representative, if one exists. The report cannot contain any personal information about the worker who refused to work.

If they are not satisfied that the employer has addressed the dangerous condition, workers have the right to file a complaint with the Alberta OHS Contact Centre.

Workers may also file a complaint with the Contact Centre if they have been subjected to discriminatory action. An OHS officer is required to investigate the complaint and issue a written report to the worker who refused to do the work, the employer, the HSC or HS representative if one exists, and any other person who filed the complaint.

You may reassign the work to other workers after you determine that no dangerous condition exists. When reassigning the work, you must advise the other workers (in writing) of the refusal and the reason for it, and make them aware of their own right to refuse the work.

## Reporting incidents and injuries

You must report specific serious injuries or incidents to Alberta OHS Contact Centre (1-866-415-8690), including:

- an injury or incident that results in the death of a worker,
- an injury or incident that results in a worker being admitted to a hospital,
- an unplanned or uncontrolled explosion, fire or flood that causes or may cause a serious injury,

- the collapse or upset of a crane, derrick or hoist,
- the collapse or failure of any component of a building or structure necessary for structural integrity, or
- an injury or incident or a class of injuries or incidents specified in the regulations.

You must report to Alberta OHS if an incident or injury falls into the following categories:

- reportable serious injury or incident,
- potentially serious incident (PSI), or
- incident at a mine or mine site.



You must also report potentially serious incidents (PSIs) using the [online incident reporting service](#). A PSI is any event where a reasonable and informed person would determine that under slightly different circumstances, there would be a high likelihood for a serious injury to a person.

A PSI is not limited to workers and it does not require the occurrence of an injury.

When determining whether an incident is a PSI, consider the following factors:

- actual circumstances of the incident (person, place, time, work practices being followed),
- hazards present at the time of the incident,
- appropriate controls in place at the time of the incident,
- slightly different circumstances (timing, distance, body position, etc.) that may have resulted in a serious injury, and
- similar incidents that have occurred within the employer or prime contractor's operations in the past 2 years that resulted in a serious injury.

If you are an employer at a mine or mine site, you must report certain incidents. To learn more, visit the [Report mine or mine site incidents](#) web page.



An OHS officer may look into the incident. The officer may conduct interviews and

gather evidence to determine what happened. The *OHS Act* defines the powers of the officers. You, your workers and other work site parties are required to cooperate with the officer. The officer will prepare an investigation report summarizing the circumstances of the incident.

You are also required to carry out your own, independent, investigation of the incident with the participation of the HSC or HS representative, as applicable. Once the investigation is complete, you must provide a copy of the report to the HSC or HS representative and a Director of Inspection. If there is no HSC or HS representative, you must share the report with your workers.

You must ensure the investigation report of serious injuries or incidents is readily available and provided to Alberta OHS upon request. For PSIs, the employer must submit the investigation report to Alberta OHS using the online reporting service.

Notification to Alberta OHS is separate from any notice you are required to give to the WCB or other local authorities, like the police.

For more information, see the publications: *Reporting and investigating injuries and incidents* and *Reporting and investigating potentially serious incidents*.



## Acceptances and Approvals

The OHS legislation may specify mandatory procedures, processes, standards, requirements, substance control, service, first aid service, first aid equipment and equipment. If you want to do things in a different way, you may apply for an acceptance requesting permission to use alternative approaches. If you can satisfy Alberta OHS that your choice offers equal or greater protection to workers than the requirements specified in the legislation, an acceptance may be issued. An application for an acceptance must be in writing and provide specific details for Alberta OHS to make a decision.

You must make your workers and other parties aware of the acceptance. This includes posting a copy of the application at the work site and sharing a copy of the application with the HSC or HS representative, if one exists. Alberta OHS can require you to consult with the HSC or the HS representative, individual workers and other parties about the application. Once you receive the acceptance, you must post it at the work site or inform the workers who are affected by the acceptance.

An approval allows for Alberta OHS to approve a process, equipment, standard, course or training agency, among other things. Examples of these approvals include practices or procedures for HSCs that differ from those listed in the *OHS Act*. An application for an approval must be in writing and provide specific details for Alberta OHS to make a decision.

When considering an approval request, Alberta OHS can require you to consult with the HSC or the HS representative, individual workers and other parties about the application.

For more information, see the publications *Applying for an OHS acceptance*, *Applying for an OHS approval* and *Applying for an HSC or HS representative approval*.



## Non-compliance

It is in everyone's best interests to provide healthy and safe work sites and proper training, and to make sure that your workers follow safe and healthy practices. However, if you, your workers or other work site parties don't take the necessary steps to do so, the *OHS Act* can be used to compel all parties to follow the rules.

## OHS orders

The *OHS Act* gives OHS officers authority to issue orders, which requires work site parties to take measures that result in compliance with the OHS legislation. Types of orders include:

- Compliance orders – note instances of observed non-compliance and the actions required to be taken to achieve compliance by a specified date.
- Stop use orders – equipment be shut down or taken out of service if it appears unhealthy or unsafe to operate.
- Stop work orders – stop work that is being done in a unhealthy or unsafe manner and can apply to an entire work site, multiple work sites of a single employer or to a certain activities or areas of work site.

The person who receives a compliance order must report back to Alberta OHS on corrective measures taken, provide a copy of the report to their HSC or HS representative and post the report at the work site.



## Ticketing and administrative penalties

OHS officers have authority to write immediate, on-the-spot tickets for specific contraventions of OHS legislation against employers, workers, supervisors and self-employed persons who put their own or others' health and safety at risk. Ticket amounts range from \$100 to \$500 per violation. A 15% victim surcharge is applied to each ticket.

Preventive in nature, administrative penalties encourage compliance and are issued by Alberta OHS for serious or repeat non-compliance with OHS legislation. An officer may refer a regulated work site party for an administrative penalty when the OHS officer is of the opinion that a person has contravened the OHS legislation, has failed to comply with an order, acceptance or approval, or makes a false statement or gives false or misleading information to an officer.

Administrative penalty amounts are a maximum of \$10,000 per day, per contravention, and are determined on a case-by-case basis.

Some of the factors that are considered in deciding an administrative penalty are:

- the severity of the contravention,
- risk of harm resulting from the contravention,
- the regulated party's compliance history, including orders, violation tickets, other interactions with OHS, and
- whether there is a demonstrated commitment to health and safety.

For more information, see the OHS web pages [OHS violation tickets](#) and [OHS administrative penalties](#).

## Prosecutions

If you, your workers or other work site parties (For example, supervisors) break the rules of the *OHS Act*, the regulations or the OHS Code, or ignore what an OHS officer says, charges can be laid. Problems may be resolved in court if people ignore the law or do not cooperate and fix workplace health and safety problems. Conviction on a first offence can lead to a fine up to \$500,000, plus \$30,000 each day an offence continues and/or a jail term of up to six months per violation. A second conviction can result in a fine of up to \$1,000,000 plus \$60,000 each day an offence continues and/or a jail term of up to one year per violation.

In certain cases involving serious injury or death, criminal negligence charges can be laid. In such cases, the maximum jail penalties are 10 years for each person injured and life imprisonment for each person killed. Federal legislation amended the Canadian Criminal Code that established legal duties for workplace health and safety and imposed serious penalties for violations that result in injuries or death.



## Review and appeal of an OHS order, decision or action

If you wish to have an order reviewed, you must file a request for a Director review within 30 days of receiving the order.



If you receive an order from OHS or disagree with an OHS decision, there are steps you can take to have the matter reviewed.

### Director review

A person receiving an order or decision from an OHS officer may request a review by a Director of Inspection (with exception of discriminatory action orders.)

A Director of Inspection has the authority to:

- confirm, vary or revoke an order or decision,
- make any other order the Director considers reasonable, and
- refer the matter to the Alberta Labour Relations Board (ALRB).

### ALRB appeals

The ALRB hears appeals of various matters including orders or decisions by a Director of Inspection, discriminatory action orders, administrative penalties, decisions from Director reviews, etc.

The ALRB has the authority to:

- confirm, vary or revoke an order or decision, and
- reject to hear an appeal when it determines the matter is without merit.

For more information and how to request a review or file an appeal, see the OHS webpages [Request a review of an OHS order or decision](#) and [Appeal an OHS action](#).



## Contact us

### OHS Contact Centre

(Complaints, questions, reporting serious incidents)

Anywhere in Alberta

- 1-866-415-8690

Edmonton & surrounding area

- 780-415-8690

Deaf or hearing impaired

- 1-800-232-7215 (Alberta)
- 780-427-9999 (Edmonton)

### Online Incident Reporting Service

(PSIs, mine or mine site incidents)

[oirportal.labour.alberta.ca](http://oirportal.labour.alberta.ca)

### Website

[alberta.ca/OHS](http://alberta.ca/OHS)

## Get copies of the *OHS Act*, regulations and Code

### Alberta Queen's Printer

[qp.gov.ab.ca](http://qp.gov.ab.ca)

### Occupational Health and Safety

[alberta.ca/ohs-act-regulation-code.aspx](http://alberta.ca/ohs-act-regulation-code.aspx)

## For more information

### Hazard assessment and control (BP018)

[ohs-pubstore.labour.alberta.ca/BP018](http://ohs-pubstore.labour.alberta.ca/BP018)

### Health and safety committees and representatives (LI060)

[ohs-pubstore.labour.alberta.ca/LI060](http://ohs-pubstore.labour.alberta.ca/LI060)

### Health and safety programs (LI042)

[ohs-pubstore.labour.alberta.ca/LI042](http://ohs-pubstore.labour.alberta.ca/LI042)

### Participation in health and safety for small business owners and workers (LI055)

[ohs-pubstore.labour.alberta.ca/LI055](http://ohs-pubstore.labour.alberta.ca/LI055)

### Reporting and investigating injuries and incidents (LI016)

[ohs-pubstore.labour.alberta.ca/LI016](http://ohs-pubstore.labour.alberta.ca/LI016)

### Reporting and Investigating OHS incidents at a mine or mine site (LI016-2)

[ohs-pubstore.labour.alberta.ca/li016-2](http://ohs-pubstore.labour.alberta.ca/li016-2)

### Reporting and investigating potentially serious incidents (LI016-1)

[ohs-pubstore.labour.alberta.ca/li016-1](http://ohs-pubstore.labour.alberta.ca/li016-1)

### Role and duties of government OHS officers (LI046)

[ohs-pubstore.labour.alberta.ca/LI046](http://ohs-pubstore.labour.alberta.ca/LI046)

### Workers' Compensation Board

[wcb.ab.ca](http://wcb.ab.ca)

### Worker's guide to occupational health and safety (LI008)

[ohs-pubstore.labour.alberta.ca/LI008](http://ohs-pubstore.labour.alberta.ca/LI008)

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