

Guide to OHS: Employers

This guide introduces you to Alberta's occupational health and safety (OHS) legislation and your role – as an employer – in ensuring health and safety at the work site.

KEY INFORMATION

- Alberta's OHS laws assign health and safety responsibilities to employers, supervisors, workers and other regulated work site parties.
- The employer has a responsibility to protect the health, safety and welfare of their workers.
- A joint health and safety committee (HSC) or health and safety representative (HS representative), a health and safety program, and hazard assessments are fundamental employer responsibilities.

Our shared goal – health and safety

OHS law is based on the internal responsibility system. Its main idea is that all people in the workplace share accountability for health and safety, according to the authority and level of control they have.

Alberta's *OHS Act* is an important law that affects you. Part 1 of the *OHS Act* sets out general duties of the regulated work site parties. (Employers, supervisors, workers, suppliers, service providers, owners, contracting employers, prime contractors and temporary staffing agencies.)

While each work site party may have a different role, they all share responsibility for health and safety. The *OHS Act* reinforces this by placing a common duty to co-operate on each regulated work site party.

The OHS Act and Code

Alberta's main OHS legislation is the *OHS Act* and OHS Code. These laws set out requirements help keep your work site healthy and safe.

The *OHS Act* sets general rules to protect and promote the health and safety of Alberta workers. The act also gives the government authority to make workplace safety regulations and codes, and enforce the laws.

The OHS Code specifies detailed technical standards and health and safety rules. These technical requirements cover chemical hazards, equipment safety, first aid, harassment, violence and noise, to name a few.

Does Alberta's OHS legislation apply to me?

You are an employer if:

- You are self-employed.
- You employ or engage one or more workers, including workers from a temporary staffing agency.
- You are a designated employer representative.
- You are responsible for overseeing workers' health and safety for your corporation or employer.



The *OHS Act* and Code apply to all work activities, work sites and work site parties in Alberta, except:

- Where federal jurisdiction applies. (For example, Canadian chartered banks, interprovincial transportation companies, television and radio broadcasters.)
- Certain farming and ranching operations, if you are the owner, their family member or an unwaged person working at the farm or ranch.

- Private dwellings, if a person who lives there is doing tasks for their own business, or personal work – such as household chores or repairs – in, to or around the home. (If you are working from home for an outside employer, the *OHS Act* and Code apply.)

In some cases, only limited sections of the OHS Code apply (as well as all of the *OHS Act*). These are:

- Certain farming and ranching operations – if they employ waged, non-family workers – must comply with Part 13 of the OHS Code, less one modification. (Part 13 is the technical requirements for health and safety committees (HSCs) and health and safety (HS) representatives.)
- When the occupant of a private dwelling (or someone on their behalf) directly employs a worker to do normal household duties, specific code provisions apply. This is true whether the domestic worker lives in the home, or comes in, to work.

More information on these topics can be found in [Are students and volunteers workers](#), [Domestic workers](#) and [Health and safety on Alberta farms and ranches](#).

Role of Alberta OHS

Alberta OHS is the part of the provincial government that administers and enforces Alberta's OHS laws. OHS has resources available to help you:

- Understand work site parties' rights and responsibilities.
- Meet the requirements of the legislation.
- Prevent injuries, illnesses and fatalities.

If you have questions related to OHS laws or workplace health and safety, call the OHS Contact Centre:

- 1-866-415-8690 anywhere in Alberta.
- 780-415-8690 in Edmonton and surrounding area.

Alberta WCB

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

The WCB's role is to provide rehabilitation services and wage-loss support for workers with job-related injuries and illnesses. The WCB works with Alberta OHS, industry and labour to help reduce the impact of workplace injuries and illnesses on Albertans. The workers' compensation system is funded by employers; the WCB oversees the Accident Fund to ensure there are sufficient funds available for the payment of present and future compensation to injured workers.

OHS officers

OHS officers conduct inspections to monitor compliance with OHS legislation. By law, OHS officers can:

- Enter a work site at any reasonable time.
- Require the production of any documents relating to health and safety. The officer can:
 - Examine these, make copies or temporarily remove them to make copies.
 - Use any of the employer's devices or systems, if needed, to examine the documents.
- Require reasonable assistance, including access to electronic information.
- Inspect, seize or take samples of materials, products or equipment.
 - This can include requiring dismantling or testing, if needed.
- Bring along specialized equipment and technical experts.
- Do tests and take photographs, measurements or recordings.
- Require demonstrations of how equipment or machinery works.
- Interview and take statements from persons who have information related to the health and safety of workers.

OHS officers also have authority to:

- Investigate workplace injuries, illnesses or incidents.
- Require proof of identity from any person at a work site.
- Require employers to identify all worker and supervisors they employ.
- Take a range of actions to enforce compliance with OHS legislation.

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Section 37 of the *OHS Act* prohibits anyone from interfering with or hindering an OHS officer.

Read more in [Role and duties of Alberta OHS officers](#).

Your responsibilities

General duties

Section 3 of the *OHS Act* states that as an employer, you must do everything reasonably practicable to ensure:

- The health, safety and welfare of your workers, other workers and other persons at or in the vicinity of the work site.
- Your workers know their rights and responsibilities under the OHS legislation.
- Your workers are not subject to and don't participate in workplace harassment or violence.
- Your supervisors are competent and know the OHS requirements that apply to your work.
- Your HSC or HS representative – if you have either – comply with their legislated requirements.
- You resolve health and safety concerns in a timely manner.

Section 3 of the *OHS Act* also says you must ensure:

- Your workers are trained to perform their work in a healthy and safe manner.
- Only competent workers, or workers supervised by competent workers, carry out dangerous work.
- Health and safety information – describing hazards, controls, work practices and procedures – is readily available to workers and (if applicable) the HSC, HS representative, or a prime contractor.
- OHS legislation is readily available at your site.
- You cooperate with any person exercising a duty under the OHS legislation.

Other legislated responsibilities

In addition to your general duties, you have other legal OHS responsibilities. These are found elsewhere in the *OHS Act* and Code. Some examples are:

- Maintaining equipment at your work site in safe working order.
- Ensuring hazardous products (such as dangerous substances or chemicals) are properly labelled and stored, and safety data sheets are readily available to workers.
- Ensuring workers have the skills and training they need to do their jobs safely, including but not limited to training on:
 - Work practices and procedures.
 - How to use equipment safely.
 - How to select and use required personal protective equipment.
- Posting OHS orders at a conspicuous place on the work site, as long as the orders remain in effect.
 - Distributing them electronically is also acceptable.

Note that these are only some highlighted employer responsibilities. There are many other employer duties in the *OHS Act* and Code. As an employer, you must make sure you know and comply with any obligations that apply to you.



If you are self-employed (you work for yourself), both employer and worker responsibilities apply to you. However, you can modify these responsibilities as necessary, because you are one individual.



Worker rights and responsibilities

Employers need to be aware of workers' rights and responsibilities under the internal responsibility system. Under the *OHS Act*, workers have three fundamental rights:

- The right to know.
- The right to participate.
- The right to refuse dangerous work.

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Workers also have duties under the *OHS Act* and Code. Their general obligations in the *OHS Act* are:

- Taking reasonable care to ensure their own and others' health and safety while working.
- Cooperating with you (their employer), their supervisor or any other person to protect workplace health and safety.
- Wearing required personal protective equipment and using required health and safety devices or equipment.
- Refraining from causing or participating in harassment or violence.
- Reporting concerns – to you or their supervisor – about unsafe or harmful work site acts or conditions.
- Participating in health and safety training.
- Cooperating with any person exercising a duty under the OHS legislation.
- Only performing dangerous work if they're competent to do so, or are being supervised by a competent worker.

Learn more about workers' rights and responsibilities in [Guide to OHS: Workers](#).

Supervisor role and responsibilities

Your supervisors are a key part of the internal responsibility system and a regulated work site party. Like you, they have obligations under the *OHS Act*, as well as other legislated responsibilities under the OHS Code. Their general duties are to do everything reasonably practicable to:

- Protect the health and safety of workers under their supervision.
- Prevent workplace harassment and violence.
- Tell workers under their supervision about all known or possible hazards in the work area.
- Ensure workers under their supervision follow legislated OHS responsibilities.
- Report health and safety concerns to the employer.
- Cooperate with any person carrying out a duty under OHS legislation.

HSCs, HS representatives and health and safety programs

Threshold requirements

Employers with 20 or more regularly employed workers must establish both a health and safety committee (HSC) and a health and safety program

If you're an employer with five to 19 regularly employed workers, you must designate a health and safety (HS) representative.

REGULARLY EMPLOYED

The OHS Regulation states unwaged workers (volunteers) are not included in the count of regularly employed workers, for the purposes of determining if an HSC or HS representative is required.

VOLUNTEERS

Volunteers are workers with the same rights and protections under OHS legislation. Although they don't count as regularly employed (see above), volunteers can still serve as an HSC member or an HS representative.

HSCs and HS representatives

HSCs and HS representatives are important because they allow meaningful participation in health and safety.

An HSC is a group of worker and employer representatives working together to address health and safety concerns. An HS representative is an individual worker representative who works with you to address health and safety concerns.

HSCs and HS representatives have similar duties. These include:

- The receipt, consideration and disposition of worker health and safety concerns.
- Participating in your hazard assessment process.
- Making recommendations respecting worker health and safety.
- Reviewing your work site inspection records.

Alberta OHS officers may ask HSC members or HS representatives to accompany them on inspections.

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Find more in [Health and safety committees and representatives](#).

Health and safety program

“Health and safety program” means a coordinated system of procedures, processes and other measures that is designed to be implemented by organizations in order to promote continuous improvement in occupational health and safety.



-OHS Act s. 1(2)

Alberta OHS legislation does not lay out mandatory elements of a health and safety program. Employers have the flexibility to develop programs that best suit their workplace. The [Health and safety programs](#) publication gives some best practices and tools for developing and implementing a health and safety program.

If you regularly employ fewer than 20 workers, you don't have to set up a health and safety program but you may still wish to do so.

Whether or not you have a health and safety program, you must meet a number of other legislated requirements that are foundational to health and safety programs. These include, but are not limited to, hazard assessment and control, incident reporting and investigating, and emergency response planning. Learn more in [Participation in health and safety for small business owners and workers](#).

Hazard assessment

You must conduct a hazard assessment of your work site. Your hazard assessment must identify all existing and potential hazards. As well, you must implement measures to eliminate or control all the hazards.

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 hazard controls needed to keep themselves and others healthy and safe on the job.

Read more and find hazard assessment templates in [Hazard Assessment and Control: a handbook for Alberta employers and workers](#).

Right to refuse dangerous work

A worker has a right to refuse work if they reasonably believe that there is an undue hazard at the work site or that the work is an undue hazard to themselves or others.

In this section, “undue hazard” in relation to any occupation includes a hazard that poses a serious and immediate threat to the health and safety of a person.



-OHS Act s. 17(1)

An undue hazard is a serious and immediate threat to health and safety that the refusing worker actually observes or experiences at their work site.

Section 17 of the *OHS Act* describes the steps that workers and employers must follow in the work refusal process. These steps are obligations for both work site parties.

For more information, read [Right to refuse dangerous work](#).

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Disciplinary action complaints

No person shall take disciplinary action against a worker acting in compliance with this Act, the regulations, the OHS Code or an order issued under this Act.



Disciplinary action is any action or threat of action that can negatively affect a worker's employment. A few examples of disciplinary action include termination, demotion, transfer, changed work hours, reprimands, coercion or intimidation.

Workers may file a complaint with Alberta OHS if they have reasonable cause to believe they have been subjected to disciplinary action in contravention of section 18 of the *OHS Act*.

The *OHS Act* sets out the process around disciplinary action complaints. This includes what disciplinary action complaints OHS can accept and the maximum timeline for filing a complaint.

For more on this topic, read [Disciplinary action complaints](#).

Incident reporting and investigation

Section 33 of the *OHS Act* requires prime contractors report and investigate certain incidents. If there is no prime contractor, the responsibility falls to you as the employer. Actions you must take include notifying OHS about the incident, not disturbing the scene (of fatalities, serious injuries, illnesses or incidents) and investigating the incident. You must also prepare an investigation report and provide it to OHS, as well as to your HSC, HS representative or your workers, as applicable. You have to keep a copy of that report available for at least two years.

Notifying OHS

Call as soon as possible

You must call the OHS Contact Centre (1-866-415-8690) as soon as possible if:

- A worker has died at work or from an illness connected to the work site.
- You believe a worker has been or will be admitted to hospital as a result of a workplace injury, illness or incident. (Note that hospital admission doesn't include being treated and released from a hospital emergency department or urgent care centre.)
- A person has been injured or becomes ill from an unplanned or uncontrolled explosion, fire or flood; a crane, derrick or hoist collapse or upset; a (full or partial) building or structural collapse or failure.
- A worker has been exposed to radiation above the limits set out in Schedule 12 of the OHS Code. (This commonly includes exposure to X-rays or gamma rays, but may also include other forms of radiation such as alpha or beta particles or high energy radiofrequency.)

Report online as soon as possible

You must report certain incidents online as soon as possible at oirportal.labour.alberta.ca. These are:

- Cases where no injury or illness is involved; use the online option to report unplanned or uncontrolled explosions, fires or floods; crane, derrick or hoist collapses or upsets; and (full or partial) building or structural collapses or failures. (However if you're notifying OHS about this type of incident on a weekend, statutory holiday, Government of Alberta closure day or on a weekday between 4:30 p.m. and 8:15 a.m., you must call the OHS Contact Centre rather than reporting online.)
- Mine or mine site incidents described in section 544 of the OHS Code. (But if a death, serious injury, illness or incident has occurred at a mine or mine site, call the OHS Contact Centre as soon as possible.)

Don't disturb the scene

Don't disturb the scene of an incident described in section 33(2) of the *OHS Act*. These are:

- Incidents that result in a worker fatality, or result or may result in a worker being admitted to hospital.
- An unplanned or uncontrolled explosion, fire or flood.
- A crane, derrick or hoist collapse or upset.
- A (full or partial) building or structural collapse or failure.

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The *OHS Act* describes the scene as the immediate area where the injury, illness or incident occurred.

You also cannot alter, move or remove equipment, documentation or other information related to the injury, illness or incident.

When it's okay to disturb the scene

From the *OHS Act*, you can disturb the scene of an incident described in section 33(2) of the *OHS Act* if one or more of the following apply:

- An OHS officer or police officer gives you permission to do so.
- You need to attend to a person who is ill, injured or killed.
- You need to prevent further injuries, illnesses or incidents.
- You need to protect property endangered by the incident.

The *OHS Act* does not prohibit disturbing the scene of radiation overexposures, mine or mine site incidents or potentially serious incidents. (But if a death, serious injury, illness or incident has occurred at a mine or mine site, or because of a radiation overexposure, these fall under the 'Don't disturb the scene' rules above.)

By [Director of Occupational Health and Safety Order](#) you may disturb the scene of an unplanned or uncontrolled explosion, fire or flood; a crane, derrick or hoist collapse or upset; a (full or partial) building or structural collapse or failure if:

- There is no injury or illness involved.
- You haven't been directed otherwise by an OHS officer or police officer.

Incident investigation and investigation reports

You must investigate all incidents described in section 33 of the *OHS Act*. These are:

- Any incident that you have to [notify OHS](#) of (see above).
- Potentially serious incidents.

You also have to prepare and distribute a report that outlines the circumstances of the injury, illness, incident or worker exposure and the corrective actions taken, if any, to prevent a recurrence. Distribution is to your HSC, HS representative or – if there is no HSC or HS representative – your workers.

You must also provide your investigation report to OHS and cooperate with any followup that OHS carries out.

For more about incident investigation, investigation reports, OHS followup and understanding potentially serious incidents, read [Incident reporting and investigation](#).

Acceptances and approvals

Alberta OHS can issue acceptances and approvals. Acceptances and approvals provide options for work site parties to do something different from a requirement in the OHS Code under specific circumstances. For example, OHS may issue an acceptance if an employer has developed a work practice that gives better worker safety than a practice specified in the OHS Code.

For more information, read [Applying for an OHS acceptance or approval](#).

Non-compliance

It is in everyone's best interest to provide healthy and safe work sites and proper training, and to make sure that workers follow safe and healthy practices. However, if you or other work site parties don't comply with the law, 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 that require work site parties to comply with OHS legislation. Types of orders include:

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- Compliance orders, which mandate work site parties to meet their legislated obligations, and require measures and timelines for compliance.
- Stop use orders, which require certain work site parties to stop using personal protective equipment, other equipment, harmful substances or explosives if they are unsafe or do not comply with OHS legislation.
- Stop work orders can be used if an officer believes there is a danger to worker health and safety, and can apply to certain activities or areas of a work site, an entire work site or to multiple work sites controlled by a single employer. An OHS officer may also require any person to leave the work site if it is dangerous for that person to remain.

Violation tickets

OHS officers have authority to write immediate, on-the-spot tickets against employers, supervisors and workers who violate certain provisions of the OHS Code. Ticket amounts range from \$100 to \$500 per violation, plus a 20% victim surcharge.

OHS tickets use the same form as Alberta traffic tickets. The form describes how to pay or contest the ticket, and gives a court date and location.

Administrative penalties

An administrative penalty is a monetary penalty issued by OHS. Penalty amounts are a maximum of \$10,000 per day, per contravention. OHS officers can issue administrative penalties to any person who has done any of the following:

- Contravened OHS legislation.
- Not complied with an order, acceptance, allowance, approval, or inter-jurisdictional recognition.
- Made a false statement or given false or misleading information to an officer.

For more information on orders, tickets or administrative penalties, read [Role and duties of Alberta OHS officers](#).

Prosecutions

A work site party who breaks the rules of the *OHS Act* or Code, or commits other offences listed in the act, can be charged. Conviction on a first offence can lead to a fine of 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 offence 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. These penalties are set out in the *OHS Act*.

As well, charges can be laid for workplace incidents under federal criminal law, against anyone who directs another person's work. The Criminal Code of Canada imposes serious penalties for violations that result in bodily harm (serious injury or illness) or death. In such cases, the maximum jail penalties are 10 years for each person who suffered bodily harm (serious injury or illness) and life imprisonment in relation to each person killed. Companies and individuals can also be subject to fines and other criminal sanctions under the Criminal Code.

For more information on OHS prosecutions, see the [OHS investigations](#) web page.

Appeal an OHS order, decision or action

If you receive an order from OHS or disagree with certain OHS decisions, you can appeal the matter to the Alberta Labour Relations Board (ALRB).

The ALRB hears appeals of OHS orders, administrative penalties, licence cancellations or suspensions, work refusal investigations and disciplinary action complaint decisions.

The ALRB can:

- Confirm, vary or revoke an order, or certain decisions or actions.
- Remit orders, or certain decisions or actions back to OHS.
- Reject hearing an appeal if the ALRB determines it is without merit, or is frivolous, trivial, vexatious, filed without merit or an abuse of process.

For more information, see [Appeal an OHS action](#) on the [OHS Compliance and enforcement](#) web page.

Contact us

OHS Contact Centre

Anywhere in Alberta

- 1-866-415-8690

Edmonton and surrounding area

- 780-415-8690

Deaf or hard of hearing (TTY)

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

Notify OHS of health and safety concerns

alberta.ca/file-complaint-online.aspx

Call the OHS Contact Centre if you have concerns that involve immediate danger to a person on a work site.

Report a workplace incident to OHS

alberta.ca/ohs-complaints-incidents.aspx

Website

alberta.ca/ohs

Get copies of the OHS Act, Regulation and Code

Alberta Queen's Printer

qp.gov.ab.ca

OHS

alberta.ca/ohs-act-regulation-code.aspx

For more information

Appeal an OHS action

alberta.ca/appeal-ohs-action.aspx

Apply for an OHS acceptance or approval (LI030)

ohs-pubstore.labour.alberta.ca/li030

Director of Occupational Health and Safety Order - Disturbing the Scene

open.alberta.ca/publications/ohs-director-order-disturbing-the-scene

Disciplinary action complaints (LI061)

ohs-pubstore.labour.alberta.ca/li061

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ohs-pubstore.labour.alberta.ca/li008

Hazard assessment and control (BP018)

ohs-pubstore.labour.alberta.ca/bp018

Health and safety committees and representatives (LI060)

ohs-pubstore.labour.alberta.ca/li060

Health and safety programs (LI042)

ohs-pubstore.labour.alberta.ca/li042

Incident reporting and investigating (LI016)

ohs-pubstore.labour.alberta.ca/li016

OHS Compliance and enforcement

alberta.ca/ohs-compliance-enforcement.aspx

OHS Investigations

<https://www.alberta.ca/ohs-investigations.aspx>

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

ohs-pubstore.labour.alberta.ca/li055

Personal exposure monitoring for ionizing radiation (RAD008)

ohs-pubstore.labour.alberta.ca/rad008

Right to refuse dangerous work (LI049)

ohs-pubstore.labour.alberta.ca/li049

Role and duties of government OHS officers (LI046)

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Workers' Compensation Board

wcb.ab.ca

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