

# History of OH&S in Canada & Alberta



## **START** ▶ No health and safety legislation or workers' compensation structure in place.

- › Safety is approached with two main assumptions: workers' carelessness is the prime cause of injuries, and injuries are an unavoidable consequence of work.
- › Employers have largely unfettered authority over workers and are free to set their own safety requirements.
- › Workers have no protections for raising health and safety issues.
- › Recourse for injured workers is through the courts, which is cost-prohibitive and unlikely to be successful. Courts rule if a worker accepts a job, they also accept the risks associated with the job. Damages generally won't be awarded if the actions of the injured worker or another worker contribute to the injury.

**1884** ▶ **Factory Act is passed in Canada** to improve working conditions in factories, particularly for children. It is not applicable to other workplaces, and enforcement is limited. Other industry-specific legislation would follow throughout the next century.

**1889** ▶ **Royal Commission on the Relations of Labour and Capital is established**, which makes numerous recommendations to improve workplace safety. The federal government does not implement any changes, saying it would infringe upon provincial authority.

**1900** ▶ **Workmen's Compensation Ordinance is enacted**, preventing employers from using negligence of another worker as a defense against paying damages.

**1908** ▶ **Workmen's Compensation Act is passed in Alberta**, making employers liable to pay workers who are incapacitated for more than two weeks. Employers could set up their own compensation plan, and workers could be required to contribute to the plan.

**1910** ▶ **Royal Commission to study compensation for workplace injuries** established in Ontario, headed by Hon. Sir William Ralph Meredith.

**1913** ▶ **Meredith Report is issued**, which proposes a no-fault, collective liability insurance structure wherein workers would give up their ability to sue employers in exchange for compensation benefits if injured at work. The proposed system would require employers to pay premiums based on injury rates, with the idea that as premiums increase, employers would look to make workplaces safer. This report forms the basis for modern workers' compensation legislation in Canada.

**1914** ▶ **Ontario Workmen's Compensation Act is passed** on April 28, 1914, now known as the Day of Mourning.

**1918** ▶ **Alberta Workmen's Compensation Act is amended** to reflect the Meredith principles.

**1960** ▶ **Hogg's Hollow Disaster occurs**. Five Italian immigrant workers die in Toronto when a tunnel under the Don River catches fire, trapping them.

**1964** ▶ **Canada Industrial Safety Act is passed** as a result of Hogg's Hollow, which broadens safety to include health, not just injury. This Act replaces industry-specific legislation.

- 1972** ▶ **Saskatchewan *Occupational Health and Safety Act* is passed**, the first of its kind in North America. All government branches dealing with health and safety are centralized. It mandates joint health and safety committees in almost all workplaces and with the 1973 amendment to the *Labour Standards Act* creates the concept of workers' four rights: the right to participate, the right to know, the right to refuse, and the right to be free from disciplinary action. It acknowledges "mental and social well-being" as a health and safety issue.
- 1973** ▶ **Alberta establishes the Gale Commission on Industrial Health and Safety.** The 1975 report recommends joint OH&S committees, which is not implemented until 2017.
- 1974** ▶ **"Workmen's Compensation" is changed to "Workers' Compensation"** in Alberta.
  - ▶ **Workers at the Elliot Lake uranium mines in Ontario hold a two-week wildcat strike** to protest poor working conditions they thought were causing diseases like silicosis. Government and employers deny any connection between the illnesses and mine work. Under union pressure, the government creates a Royal Commission on the Health and Safety of Workers in Mines, led by engineering professor James Ham.
- 1976** ▶ **Ham report is issued**, which proposes the creation of an internal responsibility system where everyone in the workplace has obligations in making the workplace safe.
  - ▶ **Alberta *Occupational Health and Safety Act* is passed.** Over the next two years, Industrial Health and Accident Prevention and Mines Safety are incorporated.
- 1985** ▶ **April 28 is declared as the Day of Mourning** by the Canadian Labour Congress, which would not be recognized by the federal government until 1990.
- 1988** ▶ **Workplace Hazardous Materials Information System (WHMIS) is established.**
- 1992** ▶ **Westray tragedy occurs.** An explosion at the Westray coal mine in Nova Scotia kills all 26 miners that are working underground at the time. An inquiry finds negligence and abuse on the part of mine owners and government inspectors. Criminal charges are filed against the company and four of its managers, but they are dropped in 1998.
- 2004** ▶ **Bill C-45, also known as the Westray Bill**, is passed, amending the Criminal Code to allow for criminal prosecution of organizations and their representatives for OH&S violations resulting in injury or death.
- 2004** ▶ **Alberta *Occupational Health and Safety Code* comes into effect.** Health care is finally recognized with Part 14 Lifting and Handling Loads and Part 35 Health Care and Industries with Biological Hazards.
- 2017** ▶ **Alberta NDP government makes sweeping changes** to the *Occupational Health and Safety Act* and the *Workers' Compensation Act*, including removing WCB earnings maximums, introducing presumptive coverage for psychological injuries, changing the right to refuse from "imminent danger" to "dangerous condition," and specifically including sexual harassment and psychological and social well-being as health and safety issues. The revisions also mandate joint OH&S committees in nearly all workplaces. Alberta is the last jurisdiction in Canada to do this.
- 2020** ▶ **Alberta UCP government undoes many of the 2017 changes**, including reintroducing an earnings cap and restricting presumptive psychological injury coverage. Employers no longer have to continue health benefits for injured workers. The revisions weaken joint committee training requirements and limit work refusals to "undue hazards."
- 2025** ▶ **UNA successfully advocates for presumptive psychological injury coverage for nurses.**