

Alberta Occupational Health and Safety Act and Code

HIGHLIGHTS OF CHANGES

Effective December 1, 2021

Occupational Health and Safety Act

NEW LANGUAGE

Obligations of employers

- 3 (1) (e) [Every employer shall ensure] that the joint health and safety committee, if there is one, or the health and safety representative, if there is one, complies with all requirements imposed on the joint health and safety committee or the health and safety representative under this Act, the regulations or the OHS Code.

Obligations of employers *(continued)*

- 3 (2) Every employer shall ensure that workers engaged in the work of that employer are adequately trained in all matters necessary to perform their work in a healthy and safe manner.

Obligations of employers *(continued)*

- 3 (4) Every employer shall keep readily available information related to work site hazards, controls, work practices and procedures [...]

OLD LANGUAGE

Obligations of employers

- 3 (1) (e) [Every employer shall ensure] that the employer consults and cooperates with the joint work site health and safety committee or the health and safety representative, as applicable, to exchange information on health and safety matters and to resolve health and safety concerns.

Obligations of employers *(continued)*

- 3 (2) Every employer shall ensure that workers are adequately trained in all matters necessary to protect their health and safety, including before the worker
- (a) begins performing a work activity,
 - (b) performs a new work activity, uses new equipment or performs new processes, or
 - (c) is moved to another area or work site.

Duty to provide information

- 14(2) Every employer shall keep readily available all health and safety information [...]

NEW LANGUAGE

Joint health and safety committees

- 13 (4)** A joint health and safety committee shall, in accordance with the OHS Code, consist of
- (a) workers who represent the workers engaged in the work of the employer and are not associated with the management of the work,
 - (b) where applicable, workers who represent the workers engaged in the work of the employer and are not associated with the management of the work and who are represented by any union that is a certified bargaining agent or has acquired bargaining rights on behalf of those workers, and,
 - (c) persons who represent the employer.
- (5) The number of persons on a joint health and safety committee who represent the employer shall not exceed in total the number of worker representatives on the committee.

Look at the Code for other language.

Joint health and safety committees (continued)

- 13(6)** The duties of a joint health and safety committee include the following:
- (a) the receipt, consideration and disposition of concerns respecting the health and safety of workers;
 - (b) participation in the employer's hazard assessment;
 - (c) the making of recommendations to the employer respecting the health and safety of workers;
 - (d) review of the employer's work site inspection documentation.

OLD LANGUAGE

Membership of joint work site health and safety committee

- 22(1)** A joint work site health and safety committee shall consist of at least 4 persons, of whom at least half represent workers who are not associated with the management of the work site, and
- (a) are appointed
 - (i) in accordance with the constitution of the union that is the certified bargaining agent or that has acquired bargaining rights on behalf of those workers, or
 - (ii) if more than one union represents the workers, in accordance with an agreement among all of those unions,
- or
- (b) where no union exists, are persons selected by the workers they represent.

Duties of a joint work site health and safety committee

- 19** The duties of a joint work site health and safety committee include the following:
- (a) the receipt, consideration and disposition of concerns and complaints respecting the health and safety of workers;
 - (b) participation in the identification of hazards to workers or other persons arising out of or in connection with activities at the work site;
 - (c) the development and promotion of measures to protect the health and safety of persons at the work site and checking the effectiveness of such measures;
 - (d) cooperation with an officer exercising duties under this Act, the regulations and the OHS code;
 - (e) the development and promotion of programs for education and information concerning health and safety;
 - (f) the making of recommendations to the employer, prime contractor or owner respecting the health and safety of workers;
 - (g) the inspection of the work site at regular intervals;
 - (h) the participation in investigations of serious injuries and incidents at the work site in accordance with section 40;
 - (i) the maintenance of records in connection with the receipt and disposition of concerns and complaints and the attendance to other matters relating to the duties of the committee;
 - (j) such other duties as may be specified in this Act, the regulations and the OHS code.

NEW LANGUAGE

Inspection of work site with officer

- 15** When an officer inspects a work site, the officer may request any member of the joint health and safety committee, their designates or a health and safety representative to be present at that inspection.

Removed

OLD LANGUAGE

Removed from OHS Code:

Inspection of work site with officer

- 202** (1) An officer conducting an inspection at a work site shall, where feasible, request the co-chair who represents the workers on the joint work site health and safety committee, or the co-chair's designate, or a health and safety representative, as applicable, to be present at the inspection.
- 202** (2) Where, under subsection (1), an officer requests the co-chair who represents the workers on the joint work site health and safety committee, or the co-chair's designate, or a health and safety representative to be present at an inspection, the employer must provide that person with time away to attend the inspection.

Meetings of joint work site health and safety committee

- 27**(1) The joint work site health and safety committee shall meet within 10 days of its establishment and thereafter at least quarterly.
- (2) A joint work site health and safety committee shall hold its meetings and carry out its duties and functions during normal working hours.
- (3) Either cochair of a joint work site health and safety committee may call a special meeting of the committee to deal with urgent concerns at the work site.
- (4) A joint work site health and safety committee must convene a special meeting if requested to do so by an officer.
- (5) The cochairs of a joint work site health and safety committee must ensure that
- (a) minutes of each meeting of the committee are recorded,
- (b) copies of the minutes approved by the committee are given to the employer within 7 days after the day the meeting was held, and
- (c) copies of the minutes approved by the committee are posted or provided by electronic means at the work site within 7 days after the day the meeting was held.
- (6) The employer or, if there is a prime contractor, the prime contractor shall maintain a copy of the minutes for 2 years and have them readily available for inspection by a joint work site health and safety committee member or an officer.
- (7) The employer or, if there is a prime contractor, the prime contractor shall maintain a copy of any other relevant health and safety documents produced by the joint work site health and safety committee and have them readily available for inspection by a committee member or an officer.

NEW LANGUAGE

Removed

Look at the *Code* for other language.

Right to refuse dangerous work

- 17(1) 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.
- (2) Subject to this section and section 5, a worker may refuse to work or to do particular work at a work site if the worker believes on reasonable grounds that there is an undue hazard at the work site or that the work constitutes an undue hazard to the worker’s health and safety or to the health and safety of another worker or another person.
- (3) When exercising a right to refuse to work or to do particular work under subsection (2), a worker shall ensure, as far as it is reasonable to do so, that the refusal does not endanger the health and safety of any other person.

Right to refuse dangerous work (*continued*)

- 17(14) Where the employer becomes aware that a notification to an officer was made under subsection (13), the employer shall advise any other worker that the employer assigns to do the work, in writing, of
 - (a) the first worker’s refusal,
 - (b) the reasons for the refusal, and
 - (c) the reason why, in the opinion of the employer, the work does not constitute an undue hazard to the health and safety of any person or that an undue hazard is not present.

OLD LANGUAGE

Training of committee members and representatives

- 29(1) Where a joint work site health and safety committee is established, an employer or prime contractor, as applicable, shall ensure that the co-chairs of the committee receive training respecting the duties and functions of a committee.
- (2) Where a health and safety representative is designated, an employer shall ensure that the representative receives training respecting the duties and functions of a representative.
- (3) Where a member of a joint work site health and safety committee or a health and safety representative gives reasonable notice, an employer shall permit the member or representative to take time away from the member’s or the representative’s regular duties to attend health and safety training programs, seminars or courses of instruction.
- (4) The amount of time allowed annually for training under subsections (1), (2) and (3) is the greater of
 - (a) 16 hours, or
 - (b) the number of hours the worker normally works during 2 shifts.

Right to refuse dangerous work

- 31(1) Subject to this section and section 5, a worker may refuse to work or to do particular work at a work site if the worker believes on reasonable grounds that there is a dangerous condition at the work site or that the work constitutes a danger to the worker’s health and safety or to the health and safety of another worker or another person.

Right to refuse dangerous work (*continued*)

- 31(7) Where the employer assigns another worker to do the work [in the event of a work refusal], the employer shall advise that worker, in writing, of
 - (c) the first worker’s refusal,
 - (d) the reasons for the refusal,
 - (e) the reason why, in the opinion of the employer, the work does not constitute a danger to the health and safety of any person or that a dangerous condition is not present, and
 - (f) that worker’s right to refuse to do dangerous work under this section.

NEW LANGUAGE

Removed

Where disciplinary action prohibited

- 18** No person shall take any disciplinary action against a worker by reason of that worker acting in compliance with this Act, the regulations, the OHS Code or an order issued under this Act.

OLD LANGUAGE

Employer not to make worker work in dangerous conditions

- 34(1)** When the employer or supervisor at a work site knows or ought to know of a condition at the work site that is or is likely to be dangerous to the health and safety of a worker, the employer or supervisor shall not require or permit any worker to do that work until the dangerous condition is remedied.

Prohibition of discriminatory action

- 35** No person shall take any discriminatory action against a worker, by reason of that worker
- (a) acting in compliance with this Act, the regulations, the OHS code or an order given under this Act, the regulations or the OHS code or the terms, conditions or requirements on an acceptance under section 55 or on an approval under section 56,
 - (b) being called to testify, intending to testify or testifying in a proceeding under this Act,
 - (c) giving relevant information about work site conditions affecting the health and safety of any worker engaged in work or any other person present at the work site to any of the following:
 - (i) an employer or a person acting on behalf of an employer;
 - (ii) an officer or another person concerned with the administration of this Act, the regulations or the OHS code;
 - (iii) a joint work site health and safety committee or a health and safety representative,
 - (d) performing duties or exercising rights as a member of a joint work site health and safety committee or as a health and safety representative,
 - (e) assisting or having assisted with the activities of a joint work site health and safety committee or health and safety representative,
 - (f) refusing to do work under section 31(1),
 - (g) seeking to establish a joint work site health and safety committee or have a health and safety representative designated,
 - (h) being prevented from working because of an order under this Act, the regulations or the OHS code, and
 - (i) taking reasonable action to protect the health and safety of that worker or any other person.

NEW LANGUAGE

Disciplinary action complaint

- 19(7) An officer shall refuse to accept a complaint made by a worker who is bound by a collective agreement.

Health and safety program

- 16 An employer who regularly employs 20 or more workers or on the direction of a Director shall, subject to the OHS Code, establish and implement a health and safety program.

Look at the Code for other language.

OLD LANGUAGE

Not previously included

Health and safety program

- 37(1) An employer who employs 20 or more workers shall establish, in consultation with the joint work site health and safety committee, a health and safety program that includes, at a minimum, the following elements:
- (a) a health and safety policy that states the policy for the protection and maintenance of the health and safety of workers at the work site;
 - (b) identification of existing and potential hazards to workers at the work site, including harassment, violence, physical, biological, chemical or radiological hazards and measures that will be taken to eliminate, reduce or control those hazards;
 - (c) an emergency response plan;
 - (d) a statement of the responsibilities of the employer, supervisors and workers at the work site;
 - (e) a schedule and procedures for regular inspection of the work site;
 - (f) procedures to be followed to protect health and safety when another employer or self-employed person is involved in work at the work site, including criteria for evaluating and selecting and for regularly monitoring those employers and self-employed persons;
 - (g) worker and supervisor health and safety orientation and training;
 - (h) procedures for investigating incidents, injuries and refusals to work;
 - (i) procedures for worker participation in work site health and safety, including inspections and the investigation of incidents, injuries and refusals to work;
 - (j) procedures for reviewing and revising the health and safety program if circumstances at a work site change in a way that creates or could create a hazard to workers;
 - (k) any elements set out in the regulations.

Occupational Health and Safety Code

NEW LANGUAGE

Worker membership selection

- 196.1 (1)** In this section, “union” means any union that is a certified bargaining agent or has acquired bargaining rights on behalf of workers at a work site.
- 196.1 (2)** Worker members of a joint health and safety committee who represent non-union workers must be selected by the non-union workers.
- 196.1 (3)** Worker members of a joint health and safety committee who represent unionized workers must be selected by the applicable union.
- 196.1 (4)** An employer must determine how many worker members are needed
- (a) to equitably represent any union at the work site and non-unionized workers, and
 - (b) to address relevant occupational health and safety concerns.
- 196.1 (5)** The employer shall specify a reasonable time by which any union and any non-unionized workers must provide the employer with the names of the worker representatives.
- 196.1 (6)** If the workers, or where applicable, the union representing workers, do not select workers for the committee, then the employer must select those worker members.

Terms of reference

- 197** An employer must ensure each joint health and safety committee develops written terms of reference
- (a) outlining the process to select co-chairs,
 - (b) outlining the process for selecting worker members to the committee to ensure worker members are representative of the workers for that employer,
 - (c) establishing a term of office for committee members,
 - (d) outlining the frequency for regular committee meetings and how meeting records will be maintained,
 - (e) outlining processes for conducting meetings, and forwarding health and safety concerns to the attention of the employer,
 - (f) establishing a process to replace a member during the member’s term of office,
 - (g) establishing a dispute resolution process for when the committee cannot agree on a recommendation to the employer, and
 - (h) outlining processes to address circumstances where committee members are not fulfilling their duties.

OLD LANGUAGE

Look at the Act for previous language.

Terms of reference

- 197** Each joint work site health and safety committee must establish terms of reference
- (a) that ensure, to the extent practicable and subject to section 22(1) of the Act, that the committee’s membership provides appropriate representation of all relevant occupational health and safety concerns at the work sites that the committee relates to,
 - (b) that establish a process for replacing a member of the committee during the member’s term of office,
 - (c) that establish a dispute resolution process to be used in cases where the committee has failed to reach consensus about making a recommendation under section 19(f) of the Act, and
 - (d) that establish a process for coordinating with other joint work site health and safety committees established by the same employer or prime contractor, if there is one.

Removed

Time away for committee or representative work and entitlement to pay

199.3 A worker who is a member of a joint health and safety committee or who is a health and safety representative is deemed to be at work during the times the worker is performing joint health and safety committee or health and safety representative duties, or attending training in connection with these duties.

Additional duties of a joint work site health and safety committee

198 A joint work site health and safety committee must inspect each work site at least once before each quarterly meeting required by section 27(1) of the Act, to identify health and safety hazards that have not been controlled.

Removed from OHS Act:

Time away for committee or representative work and entitlement to pay

- 30(1)** A member of a joint work site health and safety committee or a health and safety representative is entitled to take the following time away from the member's or the representative's regular duties:
- (a) the period of time that the committee or representative determines is necessary to prepare for each committee meeting or meeting with the employer or prime contractor as applicable;
 - (b) the time required to attend each meeting of the committee, or with the employer or prime contractor, as applicable;
 - (c) the time required to attend health and safety training, as approved by the committee and the employer, or by the representative's employer;
 - (d) such time as the committee or representative determines is necessary to carry out the member's or the representative's duties as a committee member or representative under this Act, the regulations and the OHS code.
- (2) A member of a joint work site health and safety committee or a health and safety representative is deemed to be at work during the times described in subsection (1) and is entitled to be paid for those times by the member's or the representative's employer at the member's or representative's applicable rate of pay.
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Removed

Duties of employers, contractors and prime contractors

- 200** (1) The employer, contractor and prime contractor, if there is one, must
- (a) consult and cooperate with all joint work site health and safety committees and all health and safety representatives for their work sites to develop policies, procedures and codes of practice required by the Act, regulations and this Code,
 - (b) provide members of all joint work site health and safety committees and all health and safety representatives for their work sites with reasonable opportunity to inform workers on matters affecting occupational health and safety,
 - (c) ensure that members of all joint work site health and safety committees and all health and safety representatives for their work sites are allowed to examine records, policies, plans, procedures, codes of practice, reports or manufacturer specifications that must be maintained under the Act, regulations and this Code, and
 - (d) distribute to all joint work site health and safety committees and all health and safety representatives for their work sites any information or documents addressed to the committee or representative as soon as reasonably practicable after the information or document is received by the employer, contractor or prime contractor, if there is one.

Training

- 201** An employer must ensure that members of a joint health and safety committee or a health and safety representative are trained in the following:
- (a) the roles and responsibilities of co-chairs and members on joint health and safety committees and health and safety representatives;
 - (b) the obligations of work site parties;
 - (c) the rights of workers.

Look at the Act for other language.

Training Standards

- 201** For the purposes of providing training to co-chairs and members of a joint work site health and safety committee and to health and safety representatives under section 29(1) and (2) of the Act, the employer or prime contractor, if there is one, must use an organization designated by the Minister under section 83 of the Act to provide the required training.