

Changes to OHS laws

Information for Albertans

Background

Extensive changes to the *Occupational Health and Safety Act* (OHS Act) went into effect in 2018. Albertans told the provincial government that some of the changes worked well, but others did not. Albertans expressed frustration with overly prescriptive rules and said the OHS Act is lengthy, confusing and inflexible. They also said some requirements do not improve health and safety, but create unnecessary red tape.

In the summer of 2020, the Alberta government engaged with employers, workers, labour groups and health and safety professionals on potential changes to the OHS Act through an online survey and virtual meetings. Results from the survey and meetings helped inform the *Ensuring Safety and Cutting Red Tape Act, 2020*, which was passed in December 2020.

The act updates and enhances workplace health and safety laws under the OHS Act. The updates eliminate duplication and simplify language to make OHS laws easier to understand and follow, resulting in healthier and safer workplaces. Workers continue to have the same rights and protections under the revised OHS Act.

The changes take effect upon proclamation.

Changes

What is changing	What it means
Making the OHS Act shorter and easier to understand and follow	Clearer definitions. Duplicate requirements and redundant wording have been removed. Specific technical requirements and rules will be moved to the OHS Code.
Eliminating mandatory health and safety committees and representatives on sites with multiple employers and a prime contractor	Health and safety committees and representatives will no longer be mandatory on work sites with multiple employers and a prime contractor.

Visit www.alberta.ca/improving-workplace-health-and-safety.aspx for more information

©2018 Government of Alberta | Published: March 2021



	<p>Prime contractors will be required to have a contact to coordinate health and safety issues between workers and employers.</p> <p>Workers may also access their individual employers' health and safety committee or representative.</p> <p>OHS directors will still have the ability to require a committee or representative for any work site.</p> <p>If there is no prime contractor, the employers on site may voluntarily designate a prime contractor.</p> <p>If there is no prime contractor or designated prime contractor, committees or representatives are still required on multiple employer sites.</p>
<p>Creating a simplified, more accurate process for calculating number of workers</p>	<p>The amended OHS Act will simplify how the number of workers is calculated when deciding if an employer requires a health and safety committee or a representative.</p> <p>The calculation will be based on the number of workers "regularly employed." The new method more accurately depicts worker numbers in normal conditions.</p> <p>The requirements of 20 or more workers for a committee and five to 19 workers for a representative will remain the same.</p>
<p>Moving specific health and safety committee and representative rules into regulation</p>	<p>Specific requirements and rules for the committees and representatives will be moved from the act to the OHS Code.</p> <p>The code is a regulation and is the more proper place for specific requirements and rules.</p> <p>The act retains the overall enabling provisions for committees and representatives.</p>

<p>More flexible health and safety program requirements</p>	<p>Employers with 20 or more workers will still be required to have a written health and safety program.</p> <p>The OHS Act will remove mandatory elements for programs.</p> <p>Labour and Immigration will provide guidelines to help employers and workers develop their health and safety programs.</p> <p>Employers and workers will have the flexibility to develop programs that best suit their workplace.</p>
<p>Disciplinary action complaints</p>	<p>Discriminatory action complaints will be renamed “disciplinary action complaints” to avoid confusion with human rights laws.</p> <p>Where a collective agreement exists, complaints will be addressed through the agreement’s grievance process rather than filing a complaint with Occupational Health and Safety.</p> <p>OHS officers will have the authority to dismiss complaints with questionable merit before starting an investigation. A worker can request an OHS director review an officer’s decision.</p> <p>There will be a 180-day time limit from the date of the alleged disciplinary action to file a complaint.</p> <p>The reverse onus provision for employers will be retained. This means employers need to prove a disciplinary action is not related to a worker complying with OHS laws.</p>
<p>Clearer rules around dangerous work refusals</p>	<p>Workers will still have the right to refuse dangerous work without reprisals.</p> <p>The amended OHS Act will clearly define “undue hazard” and the circumstances where dangerous work refusals are appropriate.</p>

	<p>The process for dealing with dangerous work refusals will be simpler, streamlined and easier to follow.</p> <p>The “without reprisal” wording will be removed from this section of the act because it’s already addressed in the disciplinary action complaint section.</p>
Adding radiation protection laws to the OHS Act	<p>The <i>Radiation Protection Act</i> and its regulations will be incorporated into the OHS Act and OHS Code.</p> <p>Alberta has an excellent radiation protection program and laws governing it will remain intact. Changes will be administrative ones such as removing duplication and updating wording to align with the OHS Act.</p>
Simpler process for acceptances, allowances and approvals	<p>An acceptance enables a worksite party to take an alternative approach to a requirement in the OHS laws. Other OHS provisions require worksite parties to apply for an approval in certain circumstances.</p> <p>The act will simplify the process for acceptances and approvals so these requests can be processed more quickly.</p> <p>Allowances will be added to provide flexibility when it is clear that requirements lag behind advances in technology and processes.</p>
New employer obligations	<p>Employers will be required to ensure potentially dangerous work is done by a competent worker or under the direct supervision of a competent worker.</p> <p>Employers will be required to ensure the HSC or HSR complies with HSC and HSR requirements.</p>

Self-employed people	<p>Self-employed people will be considered employers and have the same obligations as employers for health and safety.</p> <p>This may be modified if the self-employed person is directly in the service of an employer.</p>
New worker obligations	<p>Workers must participate in any training provided by the employer.</p> <p>A worker who is not competent to perform potentially dangerous work shall not perform the work except under the direct supervision of a competent worker.</p>
New supplier obligations	<p>Suppliers must ensure personal protective equipment (PPE) complies with OHS laws and provide notice when PPE does not or no longer complies with OHS laws.</p> <p>Suppliers must ensure any PPE, harmful substance or explosive they provide includes manufacturer's specifications and instructions.</p>
Service providers	<p>Ensure the service provided does not create a hazard to other on or "in the vicinity" of the work site. The vicinity wording is being added.</p>
Contracting employer	<p>Contractors will be renamed "contracting employers" in the OHS Act.</p>
Property owners (excluding private residences)	<p>Owners of property where work is taking place must communicate any health and safety hazards associated with the property to those doing the work.</p>
Prime contractor	<p>Prime contractors may be established on sites outside of oil and gas or construction. Employers on any multi-employer site may voluntarily designate a prime contractor. The designated prime contractor will have the same health and safety obligations as regular prime contractors.</p>

Visit www.alberta.ca/improving-workplace-health-and-safety.aspx for more information

©2018 Government of Alberta | Published: March 2021



	<p>Prime contractors will be required to have a contact to coordinate health and safety issues between workers and employers on sites without an HSC or HSR.</p>
Reporting serious injuries, illnesses and incidents	<p>With the addition of radiation protection laws to the OHS Act, exposures to radiation in excess of its limits in the OHS Code must be reported to OHS.</p> <p>Serious illness or an illness that results or is likely to result in hospitalization have been added to reporting requirements.</p>
Clearer rules for potentially serious injury reporting	<p>The amended act will clearly define potentially serious incidents and the requirements for reporting them.</p> <p>These are defined as incidents with the likelihood to cause a serious injury or illness and there is reasonable cause to believe that corrective action may need to be taken to prevent recurrence.</p> <p>The employer or prime contractor, if there is one, shall conduct an investigation of the incident and provide a report to OHS, the health and safety committee or representative (if there is one) or the workers.</p> <p>Information from potentially serious incident reports will be used for information and education only and not for enforcement purposes.</p>
OHS Director review	<p>The OHS Director review has been replaced by the authority for a director to vary or rescind orders or administrative penalties.</p>