

Alberta Occupational Health & Safety Roles, Responsibilities and Duties

Overview:

Alberta's main occupational health and safety legislation is the OHS Act and Occupational Health and Safety Code (OHS Code).

These laws set out requirements to 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 etc

Scope:

The OHS Act and OHS 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, and 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 OHS Code apply).

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

- Understand work site parties' rights and responsibilities.
- Meet your legal requirements.
- Prevent injuries, illnesses and fatalities.

If you have questions about occupational health and safety 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.

1. Definitions

Worker: You are a worker if you are engaged in an occupation – even if you perform services for an organization or employer without being paid.

You are not a worker under OHS laws if you are:

- A student engaged in their studies, without any payment.

- The owner, their family member or an unwaged person working on certain farming and ranching operations.
- A person doing work for yourself around your home, as described on the next page

Supervisor: The OHS Act defines supervisors as persons who have charge of a work site or authority over workers. It's the authority of the position that defines a supervisor, not their job title – and depending on the organization and type of work site, a supervisor may go by another name. There are many examples; a few are manager, director, foreman, lead hand, team lead, or charge nurse.

Employer: The OHS Act defines an employer as anyone who employs or engages one or more workers (including workers from a temporary staffing agency). The definition also includes anyone who is a designated employer representative, responsible for overseeing workers' health and safety for a corporation or employer. A self-employed person is also considered an employer.

2. Roles and Responsibilities:

2.1. Employer: are set out in Section 3 of the OHS Act. This section says that employers must do everything reasonably practicable to:

- Ensure the health, safety and welfare of workers.
- Ensure the health and safety of other persons at or in the vicinity of the work site.
- Make sure that all workers know their rights and responsibilities under OHS legislation.
- Prevent workplace harassment and violence.
- Provide competent supervisors.
- Make sure that the joint health and safety committee or representative – if the workplace has either – comply with their legislated requirements.
- Resolve health and safety concerns in a timely manner.

Section 3 of the OHS Act also states that employers must ensure:

- Workers are trained to do their jobs in a healthy and safe manner.
- Workers only carry out dangerous work if they are competent to do so, or supervised by a competent worker.
- Health and safety information and occupational health and safety legislation are readily available to workers.
- Cooperate with anyone carrying out a duty under occupational health and safety legislation.
- Health and safety information – describing hazards, controls, work practices and procedures – is readily available to workers and (if applicable) the health and safety committee or representative, or a prime contractor.
- Occupational health and safety legislation is readily available at worksites.
- 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

2.2. Supervisors: Are in Section 4 of the OHS Act. Under this section, supervisors must 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 occupational health and safety responsibilities.
- Report health and safety concerns to the employer.
- Co-operate with any person carrying out a duty under occupational health and safety legislation

2.3. Workers: Workers also have duties under the OHS Act and OHS 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 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.
- Participating in health and safety training.
- Cooperating with any person exercising a duty under the occupational health and safety legislation.
- Only performing dangerous work if they're competent to do so, or are being supervised by a competent worker.
- Follow the health and safety procedures for their position.
- Reporting concerns – to their employer or their supervisor – about unsafe or harmful work site acts or conditions. Employers and supervisors must address the concerns and ensure a healthy and safe worksite for workers to work. If the employer or supervisor fails to address the concern, workers can take the problem to the health and safety committee or representative, if there is one. If there is no health and safety committee or representative, or if they are still not satisfied, they can call the OHS Contact Centre and ask Alberta OHS to look into the problem.
- Anyone has the right to call OHS, whether directly involved in the work or not.

3. Three Fundamental Rights of the Worker

Worker rights to a safe and healthy workplace. All workers must be aware of their rights and duties under the internal responsibility system. Under the OHS Act, workers have three fundamental rights:

- 3.1. The right to know:** Know about health and safety. Workers have the right to know about workplace hazards and have access to health and safety information at the work site. Employers have the responsibility to make workers aware of their rights and duties under occupational health and safety laws. Employers must also provide workers with information about hazards at the work site, how to eliminate or control the hazards, and any relevant work practices and procedures. Supervisor must do everything reasonably practicable to advise workers of all known or possible hazards in the work area. Employers must make sure workers have the skills and training needed to do their work in a healthy and safe manner. Playing your part in the internal responsibility system, you as the worker must participate in the training and apply your learning at the job.

- 3.2. The right to participate:** Workers have the right to meaningful participation in health and safety matters at their work site, including the right to express any health and safety concerns. As much as reasonably practicable, your employer must resolve health and safety concerns raised by any worker in a timely manner.
- 3.3. The right to refuse dangerous work:** Workers have the 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. Section 17 of the OHS Act describes the steps that workers and employers must follow in the work refusal process.

4. The Right to Refuse Dangerous Work

Workers can refuse work if they reasonably believe it poses a serious and immediate threat to health and safety. Workers must ensure their refusal doesn't endanger others.

4.1. Procedure:

- Worker promptly reports refusal and reasons to the employer.
- Employer informs the joint health and safety committee upon receiving the report.
- Temporary task assignments may be made by the employer if there's no loss in pay.
- If the hazard isn't immediately resolved, the employer conducts an inspection and takes necessary actions.
- The employer must not assign the refused work to another worker until safety is assured.
- A comprehensive written report is provided to relevant parties, detailing the refusal, inspection, and actions taken.

4.2. Disciplinary Action Prohibition

Disciplinary action is prohibited against a worker for acting in compliance with OHS regulations.

- No person shall take disciplinary action against a worker for acting in accordance with OHS Act, regulations, OHS Code, or issued orders.

4.3. Disciplinary Action Complaint

- A worker subjected to disciplinary action can file a complaint within 180 days.
- An officer investigates the complaint, preparing a report provided to the worker and employer.
- Officers may refuse to investigate complaints lacking merit or frivolous.
- A worker can request a review by a Director if the officer refuses to investigate.
- The Director may confirm, revoke, or refer the matter to another officer.
- Officers refuse complaints from workers bound by collective agreements.

4.4. If Disciplinary Action is Found

- Officer orders cessation of action, reinstatement, compensation, removal of records, or preventive measures.
- Deductions may be made from compensation if the worker worked elsewhere during the disciplinary period.

- If proven, a presumption favors the worker, placing the burden on the person taking the action to prove otherwise.

4.5. Extension of OHS Rights:

- These OHS rights also extend to the right to know, participate, and refuse dangerous work.

5. Disciplinary Action in Violation of Workers Rights

Workers can't be disciplined for following the rules of the OHS Act or OHS Code.

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.

If this does happen, a disciplinary action complaint can be filed with Alberta OHS.

OHS must follow specific rules to be able to follow up on the complaint:

- You must file your complaint with OHS within 180 days of the action taken against you.
- OHS officers may refuse to investigate complaints that they find to be without merit, or frivolous, trivial, vexatious, filed with improper motives or otherwise an abuse of process.
- OHS can only accept disciplinary action complaints from workers not bound by a collective agreement. » Workers bound by a collective agreement must use their grievance processes to pursue disciplinary action complaints.

To confirm that you experienced disciplinary action in violation of the OHS Act, an investigating officer will establish that:

- You were complying with a requirement in occupational health and safety legislation or an OHS officer's order.
- Disciplinary action was taken against you.
- The disciplinary action was not for a reason other than your health and safety compliance.

6. Alberta OH&S Health and Safety System Requirements

Health and safety program Alberta occupational health and safety legislation does not specify 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 introduces health and safety program requirements and some standard program elements.

"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.

6.1. Joint Health and Safety Committees

Threshold requirements Employers with 20 or more regularly employed workers must establish a health and safety committee 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 representative.

Health and safety committees and representatives Health and safety committees and representatives are important because they allow meaningful participation in health and safety.

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

6.2. Formal Hazard Assessments

Employers must conduct a formal hazard assessment of all work done within the company and also of all worksites.

Hazard assessment must identify all existing and potential hazards. As well, must implement measures to eliminate or control all the hazards.

Every workplace has situations, conditions or things that may be dangerous to the 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 a health and safety committee or representative, they must be involved. Workers affected by the hazards must also be involved.

6.3. Emergency Response Plan

Alberta occupational health and safety laws require all work sites to have an emergency response plan. Some requirements are very specific: Part 7 of the OHS Code, for instance, sets out employer obligations related to emergencies that require rescue and evacuation, and Part 11 of the code states the rules that apply to first aid.

Emergency response plans must anticipate and address all emergency situations that could realistically develop at the workplace. You must involve the affected workers when developing your emergency response plan.

6.4. Incident Reporting and Investigation

The OHS Act requires that prime contractors report and investigate certain incidents. If there is no prime contractor, the responsibility falls to your employer.

Reportable incidents are described in Section 33 of the OHS Act. These incidents are:

- Serious injuries, illnesses or incidents.
- Radiation overexposures.
- Incidents at a mine or mine site.
- Potentially serious incidents.

The Employer must report all of these except potentially serious incidents – to Alberta OHS as soon as possible.

The Employer must investigate all reportable incidents – including potentially serious incidents – and prepare an investigation report.

Mandatory Reporting: 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 center.)

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 radio frequencies.)
- A full or partial building or structural collapse or failure.
- Mine or mine site incidents as described in Section 544 of the OHS Code.

A potentially serious incident is defined as: A potentially serious incident is any incident in which a serious injury or illness was likely, and there is reasonable cause to believe corrective action may be needed to prevent it from happening again.

- You must report any potentially serious incidents to Alberta OHS also.

Disturbing the scene of an incident: You must not disturb the scene if:

- An incident has resulted in a worker fatality, or resulted (or may result) in a worker being admitted to hospital.

A person has been injured or become ill because 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.

Note that in such situations, you are allowed to disturb the scene if:

- An OHS officer or police officer gives you permission to do so; or

You are acting to do any of the following:

- Attend to a person.
- Prevent further injuries, illnesses, or incidents.
- Protect property that is endangered by the incident.

The OHS Act defines 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.

7. Duty to use Personal Protective Equipment (PPE)

If the hazard assessment indicates the need for personal protective equipment, an employer must ensure that

- Workers wear personal protective equipment that is correct for the hazard and protects workers.

- Workers properly use and wear the personal protective equipment.
- The personal protective equipment is in a condition to perform the function for which it is designed.
- Workers are trained in the correct use, care, limitations and assigned maintenance of the personal protective equipment.

A worker must:

- Use and wear properly the appropriate personal protective equipment specified in this Code in accordance with the training and instruction received.
- Inspect the personal protective equipment before using it.
- Not use personal protective equipment that is unable to perform the function for which it is designed.

An employer must ensure that the use of personal protective equipment does not itself endanger the worker

8. Offenses and Penalties for Non-Compliance with OHS Policy

In accordance with occupational health and safety regulations, it is imperative for all individuals associated with Shakti by TELUS to adhere to the specified standards. Failure to comply may result in serious consequences.

The following outlines the offenses and penalties for non-compliance with the Occupational Health and Safety (OHS) regulations:

- 8.1. **Failure to Comply with Orders or Decisions:** Every person who fails to comply with an order or decision under this Act, the regulations, or the OHS Code shall be considered in violation.
- 8.2. **Intentional Obstruction:** Any individual intentionally obstructing a Director or an officer in the exercise of their powers or the performance of their duties will be deemed to have committed an offense.
- 8.3. **Lack of Cooperation:** Failure to reasonably cooperate with a Director or an officer in the exercise of their powers or the performance of their duties is considered an offense.
- 8.4. **Knowingly Making False Statements:** Individuals knowingly making false statements or providing false information to an officer or police officer during inspections or investigations are in violation of this Act.
- 8.5. **False Entries or Destruction of Records:** Making or causing false entries in required registers, books, notices, or other documents, or deleting and destroying true or proper entries, is considered an offense.
- 8.6. **Failure to Report Injuries, Illnesses, or Incidents:** Failure to report injuries, illnesses, incidents, or worker exposures as per the requirements outlined in section 33 is a violation of this Act.
- 8.7. **Non-Compliance with Act, Regulations, or OHS Code:** Any person failing to comply with any provision in this Act, the regulations, or the OHS Code is guilty of an offense.

Conclusion: It is essential for all individuals associated with Shakti by TELUS to understand and strictly adhere to these regulations. Non-compliance may lead to legal consequences, penalties, and sanctions as stipulated by occupational health and safety legislation. Maintaining a commitment to these standards is crucial for fostering a safe and healthy work environment.

Review: As part of our commitment to ongoing safety improvements this Alberta Occupational Health and Safety Act Information and procedures will be reviewed once every three years and or in the event of a change sooner in legislation.

Reviewed on 3/13/2024

Reviewed on 12/09/2024