

# Worker's guide to Occupational Health and Safety

## The *Occupational Health and Safety Act*

The purpose of this Safety Bulletin is to help you understand the *Occupational Health and Safety Act (OHS Act)*. In the event of a difference between this Safety Bulletin and the *OHS Act*, the *OHS Act* prevails. Please consult the original *OHS Act*, OHS Regulation and OHS Code for all purposes of applying the law. This Safety Bulletin is to help you understand your role in ensuring health and safety at the work site.

### OUR GOAL – HEALTH AND SAFETY

A safe and healthy work environment is a goal everyone shares. The purpose of this resource is to help you understand your responsibilities for health and safety at your workplace – as well as the responsibilities of your employer and co-workers.

It doesn't matter if you work for a large company or a small one; you have a responsibility to keep yourself and others healthy and safe at your workplace. By working together to promote safe and healthy workplaces, yourself and all Albertans will benefit.

Alberta's *OHS Act* focuses on keeping the workplace safe for you and others you work with. It describes the duties of workers and others connected with the workplace and sets out the basic duties and obligations of employers and workers.

## Does the *OHS Act* apply to me?

The *OHS Act* covers most workers and employers in the Province of Alberta. The major exceptions are:

- Domestic workers (such as nannies and housekeepers)
- Federal government workers
- Workers in federally-regulated industries (for example; Canadian Chartered banks, interprovincial transportation companies, and television and radio broadcasters).

As of January 1, 2016, farms and ranches with at least one waged, non-family worker are covered by the basic safety standards set out in the *OHS Act* and OHS Regulation. OHS standards will only apply to an operation if a paid worker is present on the farm or ranch, and then only in relation to those waged individuals

## The *OHS Act* and Regulations

The *OHS Act* gives the government authority to make regulations and codes (or rules) about health and safety in the workplace. Under the legislative framework, the *OHS Act* prescribes basic duties and obligations of employers and workers. The OHS Regulation addresses requirements related to general administrative matters and health and safety rules and regulations.

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The OHS Code specifies detailed technical standards and safety rules that employers and workers must comply with to fulfill their obligations. Technical requirements cover areas such as equipment safety, noise, chemical hazards and first aid, to name a few.

## The role of Alberta OHS

The *OHS Act*, Regulation and Code provide “rules” to help keep the workplace safe and healthy. The role of the Alberta Labour OHS program is to work with you and your employer to make sure that:

- Workers and employers learn about the health and safety rules
- Workers and employers understand their responsibilities
- The OHS rules are followed
- Incidents and injuries are prevented

OHS has resources to help you if you have questions or problems. You can also raise questions or concerns to the OHS Contact Centre, where they can answer your questions that help to make sure that your workplace is safe. They also can initiate investigations related to complaints or incidents.

## OHS and WCB differences

Sometimes people mistake Alberta Labour's OHS program for the Workers' Compensation Board (WCB). While both report to the minister responsible for labour, the OHS program is a separate entity from the WCB. The WCB's role is to see that the *Workers' Compensation Act* is followed, provide rehabilitation programs for workers suffering from job-related injuries and illnesses, and work with the OHS program, industry and labour to help reduce the number of workers

getting hurt or sick. The WCB oversees the insurance plan funded by employers that pays workers who are injured on the job or develop illness caused by their work.

## WHO IS YOUR EMPLOYER?

An employer is:

- Anyone who is self-employed or employs one or more workers
- Anyone designated to represent an employer or responsible for overseeing workers' health and safety within an organization.

The *OHS Act* says employers must do everything they reasonably can to protect your health and safety. For example, employers have to identify and assess safety hazards at the workplace to control or eliminate them and keep equipment in safe working order

Employers have a responsibility to:

- Ensure that safety is maintained at the workplace
- Make sure you are trained and have the proper skills to perform your job safely

If you are unsure about any of the above – ask! Details of employers' responsibilities are described in [Employer's Guide to Occupational Health and Safety](#) (LI009).

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## What about possible danger?

Your employer must tell you about all hazards at the workplace. For example, if a controlled product, – that is, a hazardous substance or chemical – is made, stored or handled at the workplace, your employer must provide you with labels and Safety Data Sheets (SDSs) for the product. These two items describe the hazards and steps you need to follow to protect yourself. Your employer must also provide training about the use or handling of the controlled product. It is your responsibility to participate in the training and apply your learning to the job.

### **DON'T FORGET – YOU TOO HAVE RESPONSIBILITIES**

The law requires you to work safely and cooperate with your employer by following the health and safety rules for the job. For example, you may be required to use safety equipment when doing certain kinds of work, such as protective footwear, eyewear, headwear and hearing protection.

### **IF THERE IS DANGER AT YOUR WORKPLACE**

If you think something at your workplace is unsafe for you or other workers, you must tell your employer. Your employer is responsible for looking into your concern. If your concern is not addressed, then take the problem to the health and safety committee, if there is one. If there is no committee, or if you are still not satisfied, you can contact the Government of Alberta's OHS Contact Centre and ask someone to look into the problem. Anyone has the right to call, whether directly involved in the work or not.

## What about 'imminent danger'?

"Imminent danger" refers to any danger that is not normal for your job, or to any dangerous condition that you would not normally work under. An example would be a worker, who has not been trained to work with electricity, being asked to do electrical work.

If you are in a situation of an imminent danger, you are required to stop work and explain to your employer why you stopped work. Your employer must then investigate the situation and take action to eliminate the danger. If your employer is not physically at the work site, you should contact him or her, as soon as possible. Your employer can assign you to other work until the problem has been investigated and fixed. Or, your employer can assign someone else to do the work if that person is trained to handle the danger. Your employer must give you a report of what the investigation found and what action was taken.

If your employer does not agree that there is a danger, or if you can't agree on a way to fix the problem, you can contact the Government of Alberta's OHS Contact Centre. An OHS Officer will follow up and make a decision about what action to take. Both you and your employer must comply with the Officer's decision. If, however, you or your employer disagrees with the decision of an Officer, you can request that the OHS Council review the matter.

### **DISMISSAL OR DISCIPLINE**

You can't be disciplined or fired for following the rules of the *OHS Act*, Regulation or Code.

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If this does happen to you, call the OHS Contact Centre and an Officer will look into the situation. If you disagree with the Officer's decision, you can ask that the OHS Council review the matter.

## What if there's a serious incident?

When something happens that results in – or might have resulted in – serious injury to a worker, you must notify the OHS Contact Centre. This notification is separate from any notice you are required to give to the WCB or other local authorities, like the police. A “serious incident” is defined in the *OHS Act*, it requires you to make your workers aware of their duties.

An OHS Officer may look into the incident. The Officer may talk to witnesses and gather evidence to determine what happened. You and your workers are required to cooperate with the Officer. The Officer will prepare a report on the incident. You are also required to carry out your own investigation of the incident and make your report available to the Officer. For more information, see the health and safety bulletin, [Reporting and Investigating Injuries and Incidents](#) (LI016).

OHS Officers have the right to:

- Inspect your workplace;
- Inspect, seize or take samples of materials, products, tool, appliances, and equipment;
- Conduct tests, take pictures and recordings; and
- Look at and copy documents.

If an OHS Officer thinks there is a situation of imminent danger at your workplace, the Officer can order work stopped immediately or call for corrective measures. Officers can also order equipment to be shut down if they believe it to be unsafe.

## Let's cooperate

You and your employer can cooperate to make your workplace a safe and healthy place to work. One way is to have a workplace health and safety committee made up of workers and management. The committee can inspect the workplace, discuss how to prevent incidents and illnesses, and promote health and safety programs. Committee meetings should be held during normal working hours.

## The *OHS Act* has teeth

Workers and employers should be concerned about three things:

- Having safe and healthy workplaces;
- Receiving and providing good health and safety training; and
- Making sure everyone follows safety rules.

If workers and employers don't take steps to follow the rules, the *OHS Act* can be used to force them to do so.

## LEGAL PENALTIES

If you or your employer break the rules of the *OHS Act*, Regulation or Code, or ignore what an Officer says, you or your employer could be charged. Problems may be resolved in court if people ignore the law or do not cooperate and fix OHS problems.



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Conviction on a first offense can lead to a fine up to \$500,000, plus \$30,000 per day continuing offence and/or a jail term of up to six months per violation.

A second conviction can result in a fine of up to \$1,000,000 plus \$60,000 per day continuing offence and/or a jail term of up to one year per violation.

In certain cases involving serious injury or death, criminal negligence charges can be laid. In such cases, the maximum jail penalties are 10 years for each person injured and life imprisonment for each person killed as per Bill C-45, federal legislation that amended the Canadian Criminal Code and became law on March 31, 2004, that established new legal duties for workplace health and safety and imposed serious penalties for violations that result in injuries or death.

## **TICKETING AND ADMINISTRATIVE PENALTIES**

OHS Officers have authority to write immediate, on-the-spot tickets for specific contraventions of OHS legislation against employers and workers who put health and safety at risk. Ticket amounts range from \$100 to \$500 per violation. A 15% victim surcharge is applied to each ticket.

Preventive in nature, administrative penalties encourage compliance and are issued by OHS for serious or repeat non-compliance with OHS legislation. For example, when an OHS Officer observes either a contravention of OHS legislation or non-compliance with an order, acceptance or approval at a work site, the officer may refer a work site party for an administrative penalty.

Administrative penalty amounts are a maximum of \$10,000 per day, per contravention, and are determined on a case-by-case basis.

Some of the factors that are considered in deciding an administrative penalty are:

- the severity of the contravention;
- risk of harm resulting from the contravention;
- the regulated party's compliance history, including:
  - orders
  - violation tickets
  - other interactions with OHS
- whether there is a demonstrated commitment to health and safety.

## **THE OHS COUNCIL**

The OHS Council advises the Minister responsible for occupational health and safety on health and safety matters, including recommending future legislation changes. The Council is appointed by the Minister and is made up of members representing workers, employers and the general public.

It also hears appeals of Orders and administrative penalties issued by an officer and can make rulings on imminent danger, disciplinary and firing matters. To appeal an Officer's Order, the OHS Director of Inspection must be contacted, care-of the OHS Council, within 30 days of being given the Order.

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## Contact Us

### OHS Contact Centre

Edmonton & Surrounding area

- 780-415-8690

Throughout Alberta

- 1-866-415-8690

Deaf or hearing impaired:

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

### Website

[work.alberta.ca/ohs-contact us](http://work.alberta.ca/ohs-contact-us)

## For More Information:

[Violation Tickets](#)

[Administrative Penalties](#)

[Reporting and Investigating Injuries and Incidents](#)

[Employer's Guide to Occupational Health and Safety](#)

## Get Copies of OHS Act, Regulation and Code

Alberta Queen's Printer

[www.qp.gov.ab.ca](http://www.qp.gov.ab.ca)

Occupational Health and Safety

[work.alberta.ca/ohs-legislation](http://work.alberta.ca/ohs-legislation)

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If in doubt with respect to any information contained within this material, or for confirmation of legal requirements, please refer to the current edition of the Occupational Health and Safety Act, Regulation and Code or other applicable legislation. Further, if there is any inconsistency or conflict between any of the information contained in this material and the applicable legislative requirement, the legislative requirement shall prevail.

This material is current to February 2017. The law is constantly changing with new legislation, amendments to existing legislation, and decisions from the courts. It is important imperative that you and keep yourself informed of the current law in this area.

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