

Participation in health and safety for small business owners and workers

OHS information for businesses with less than 20 workers

Key information

- Employers must involve affected workers in hazard assessment and control.
- Employers with 5-19 workers must designate a worker as a health and safety (HS) representative.
- Employers must provide training and paid time away from regular work duties for HS representatives to fulfill their role.

Alberta's occupational health and safety (OHS) legislation is based on the internal responsibility system and requires that everyone contribute to health and safety at the work site.

Under the *OHS Act*, workers have the right to:

- be informed of work site hazards and the means to eliminate or control those hazards
- meaningful participation in health and safety activities pertaining to their work and work site, including the ability to express health and safety concerns
- refuse dangerous work

In small businesses, an HS representative can facilitate worker participation in OHS and support of the internal responsibility system.

Worker responsibilities

Workers have many responsibilities under OHS legislation. Some of these include:

- taking reasonable care in protecting their own health and safety and the health and safety of others at the work site, and
- reporting to their supervisor or employer any concerns about unsafe or harmful situations at the work site.

Involvement in hazard assessment and control

The OHS Code states that all employers, regardless of the number of workers or duration of the work must involve affected workers in hazard assessment and in the control or elimination of the hazards identified.

Hazard assessment and control is a consistent process that allows employers and workers to identify and control hazards in their workplace. By identifying hazards present at a work site, it is possible to develop inspections, emergency response plans, worker training and other controls specific to those hazards.

Learn more about hazard assessment in **Hazard Assessment and Control: a handbook for Alberta employers and workers (BP018)**.



HS representatives

The *OHS Act* states employers with 5-19 workers must designate a worker as an HS representative.

An HS representative is an individual worker who promotes health and safety awareness and works with the employer to address health and safety concerns at the work site.

The HS representative is selected by the workers or, in a unionized setting, following the union constitution.

- HS representatives must be directly employed by the employer.
- Supervisors, managers or contracted service providers are not eligible to be an HS representative.

Although the legislation sets a minimum requirement for HS representatives, employers may want to exceed this requirement.

Calculating number of workers

The number of workers determines an employer's obligation to appoint an HS representative.

- Each full-time, part-time and self-employed worker counts as one worker.
- If the number of workers changes from day to day, take the average by adding the total number of workers at the work site each day and dividing by the number of working days.
 - Calculate this average over the previous 12 months or since operations began.
 - A new business can use the average number of workers expected on each working day and recalculate as the business grows.
- Students and volunteers may count as workers.

Find out more on whether students or volunteers are workers in **Are students and volunteers workers? (LI022)**



Multi-employer work sites

Multi-employer work sites with 5-19 workers where work is expected to last 90 days or more require an HS representative.

Multi-employer work sites with 20 or more workers on site, and work expected to last 90 days or more requires an HSC.

- The prime contractor or, if there is no prime contractor, the employers/self-employed persons, must designate an HS representative or establish an HSC, as applicable.

Workers from any employer at the work site may be selected/designated for HSC/HS representative duties.

HS representative mandatory training

Employers or, if applicable, prime contractors must ensure that HS representatives and HSC co-chairs have completed a mandatory training course.

- The training course covers the duties and functions of the HSC/HS representative.
- Only approved agencies can deliver mandatory HSC/HS representative training.
- The course is six to eight hours long.
- Training is delivered in person or remotely.

HS representatives and HSC members, including co-chairs, are allowed 16 hours every year or the number of hours normally worked in two shifts (whichever is greater) to attend OHS training.

Find out more in **Mandatory health and safety committee and representative training (LI054)**.



Time and pay for HS representatives

HS representatives and HSC members are entitled to take the following time away from their regular duties:

- preparation time for each HSC or health and safety meeting with the employer
- time required to attend each meeting
- time required to attend health and safety training, including mandatory training
- time that is necessary to carry out the HS representative or HSC duties under the *OHS Act*, Regulation and Code

HS representatives are deemed to be working when receiving mandatory OHS training, or acting in their capacity as a representative, and are entitled to compensation at the applicable rate of pay.

Applicable rate of pay

The phrase “applicable rate of pay” refers to the rate of pay that a worker is entitled to under any particular circumstances. If there is an employment contract/collective agreement, it must be interpreted to determine the applicable rate of pay.

Example 1: If the worker's employment contract has a particular rate of pay for attendance of meetings of this nature, that pay rate is applicable.

Example 2: If the worker is working overtime to attend the meeting, the worker is entitled to overtime pay in accordance with the collective agreement or employment contract, and the Employment Standards Code.

Contact Us

OHS Contact Centre

Anywhere in Alberta

- 1-866-415-8690

Edmonton & area

- 780-415-8690

Deaf or hearing impaired:

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

PSI Online Reporting Service

alberta.ca/report-potentially-serious-incidents.aspx

Website

alberta.ca/occupational-health-safety.aspx

Get copies of the *OHS Act*, Regulation and Code

Alberta Queen's Printer

qp.gov.ab.ca

Occupational Health and Safety

alberta.ca/ohs-act-regulation-code.aspx

For more information

Hazard assessment and control: a handbook for Alberta employers and workers (BP018)

ohs-pubstore.labour.alberta.ca/bp018

Health and safety committees and representatives

- OHS information for employers, prime contractors and workers (LI060)

ohs-pubstore.labour.alberta.ca/li060

Are students and volunteers workers? (LI022)

<https://ohs-pubstore.labour.alberta.ca/li022>

Mandatory health and safety committee and representative training: OHS information for employers and workers (LI054)

ohs-pubstore.labour.alberta.ca/li054

HSC/HS representative approved training providers (EDU009)

ohs-pubstore.labour.alberta.ca/edu009

Occupational Health and Safety - Worker's Guide (LI008)

<https://ohs-pubstore.labour.alberta.ca/li008>

Occupational Health and Safety - Employer's Guide (LI009)

<https://ohs-pubstore.labour.alberta.ca/li009>

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