

# Participation in health and safety for small business owners and workers

Information for small business owners with less than 20 workers

## KEY INFORMATION

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

The right to participate ensures workers have the right to be involved in health and safety discussions that affect them and is the basis of the internal responsibility system (IRS). The IRS provides the foundation for Alberta's OHS legislation and requires that everyone contribute to health and safety in the workplace.

Participation in OHS discussions and support of the IRS for many workers in small business is often facilitated through their health and safety (HS) representative. Small business owners should be aware that the *OHS Act* may obligate them to designate an HS representative.

This resource describes the situations where an employer is obligated to designate an HS representative. It also describes the small business' obligations on a multiple employer work site.

Regardless of the number of workers, employers are required to involve workers in assessing and controlling hazards. The following sections provide more details about additional requirements.

## What is an HS representative?

An HS representative is a worker who represents the workers on issues related to health and safety. The HS representative is selected by the workers or, in a unionized setting, in accordance with the union constitution.

HS representatives must work at the work site and be a worker directly employed by the employer. Workers who are supervisors, managers or contracted service providers are not eligible to be an HS representative.

## When must an employer appoint an HS representative?

The following situations require an employer to either designate an HS representative or a Health and Safety Committee (HSC):

1. **Work site-specific HS representative** must be designated if you employ 5-19 workers on a work site, and work is expected to last 90 days or more.
2. **Site-specific health and safety committee (HSC)** must be designated if you send workers to a multi-employer work site when there are 20 or more workers on that work site, and when the work is expected to last 90 days or more.  
Your workers may be required to join the work site HSC. For a multi-employer work site, a prime contractor, or if there is no prime contractor, the employers must cooperate to establish an HSC.
3. If you send workers to a **small** multi-employer work site, your worker may need to act as the HS representative for the work site. On multi-employer work sites with 5-19 workers where work is expected to last 90 days or more, a prime contractor, or if there is no prime contractor, the employers must cooperate to designate a **site-specific** HS representative.

## Calculating number of workers

An employer's obligation to designate an HS representative is conditional upon work expected to last for 90 days or longer. "Workers" include full-time, part-time and self-employed workers at the work site on a daily basis. To calculate the average number of workers for each work site, include the total number of workers on all shifts. Each part-time worker is counted as one worker.

If the number of workers changes from day to day, then add the total number of workers each day and divide by the number of days the business is open. You will have to calculate this average over the previous 12 months (or since operations began if less than 12 months). If you have a new business, use the average number of workers expected to be present each working day. You may have to perform a recalculation as your business grows or changes.

## Other worker involvement obligations

All employers, regardless of number of workers or duration of work are obligated to involve affected workers in hazard assessment and in the control or elimination of the hazards identified.

Alberta's OHS legislation requires all employers to conduct hazard assessments, and to either eliminate or control the hazards identified.

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

## Are HS representatives provided training to help fulfill their roles?

Yes! The HS representative must be provided with training on the duties and functions of the HS representative and this mandatory training must be from approved organizations to train HS representatives.

As a small employer you need to allow the HS representative to take 16 hours or the number of hours the worker normally works during two shifts (whichever number is greater), to attend work site health and safety training programs, seminars or courses of instruction.



More information is available for how to access training providers in the "[Health and Safety committee/health and safety representative training program](#)" bulletin.

## What makes up the mandatory training

The mandatory portion of the training includes Part 1, a two-hour prerequisite course, plus Part 2, six to eight hour course, delivered by approved training providers.

Part 1 is a free two-hour prerequisite course that provides the HSC/HS representative with foundational information upon which the more comprehensive HSC/HS representative training is built. Part 1 training may be delivered through eLearning, facilitated classroom training, or by any medium determined to meet the course objectives.

The more comprehensive Part 2 course provides the participant an opportunity to build upon the prerequisite learning, through an in-depth study of the curriculum contents. Ideally, this will be provided in a facilitated classroom setting, where participants can share their experiences in an engaged environment, however approved training agencies must provide an interactive and engaging learning environment. Part 2 training must meet the learning objectives of the HSC/HS representative program and may include web-based or video conferencing platforms.

Beyond the mandatory training, the employer, in consultation with the HS representative, may choose to provide the balance of the allotted 16 hours/2 shifts, with safety training related to their specific hazards or industry.

## Are HS representatives entitled to time away from their regular duties?

Yes! HS representatives are entitled to take the following time away from their regular duties:

- amount of time that the representative determines is necessary to prepare for each meeting with the small business owner or their health and safety designate,
- time required to attend each meeting,
- time required to attend approved health and safety training, and
- time that the representative determines is necessary to carry out their duties under the *OHS Act*, the Regulation and Code.

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

## Applicable rate of pay

The term “rate of pay” would be the rate of pay that the worker is entitled to in these circumstances.

For example, should the worker’s employment contract have a particular rate of pay for attending meetings of this nature - that would be applicable. If no special provision is made, it would be necessary to interpret the employment contract/collective agreement to determine their applicable rate of pay.

Another example would be if the worker is working overtime to attend the meeting. If that is the case, then the worker would be entitled to overtime pay in accordance with the collective agreement or employment contract and the Alberta Employment Standards Code.

## Contact Us

### OHS Contact Centre

Throughout Alberta  
• 1-866-415-8690

Edmonton & surrounding 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](http://alberta.ca/report-potentially-serious-incidents.aspx)

### Website

[alberta.ca/occupational-health-safety.aspx](http://alberta.ca/occupational-health-safety.aspx)

### Get Copies of *OHS Act*, Regulation and Code

#### Alberta Queen's Printer

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

#### Occupational Health and Safety

[alberta.ca/ohs-act-regulation-code.aspx](http://alberta.ca/ohs-act-regulation-code.aspx)

## FOR MORE INFORMATION:

### Health and safety representatives - OHS information for workers, employers, and prime contractors (LI040)

[ohs-pubstore.labour.alberta.ca/li040](http://ohs-pubstore.labour.alberta.ca/li040)

### Worker participation in health and safety - OHS information for workers, employers, and prime contractors, without health and safety committees or representatives (LI041)

[ohs-pubstore.labour.alberta.ca/li041](http://ohs-pubstore.labour.alberta.ca/li041)

### Joint work site health and safety committees (LI036)

[ohs-pubstore.labour.alberta.ca/li036](http://ohs-pubstore.labour.alberta.ca/li036)

### Do I need a joint work site health and safety committee or a health and safety representative? (LI037)

[ohs-pubstore.labour.alberta.ca/LI037](http://ohs-pubstore.labour.alberta.ca/LI037)

### Health and safety committee/health and safety representative training program (LI054)

[ohs-pubstore.labour.alberta.ca/li054](http://ohs-pubstore.labour.alberta.ca/li054)

### HSC/HS representative approved training providers (EDU009)

[ohs-pubstore.labour.alberta.ca/edu009](http://ohs-pubstore.labour.alberta.ca/edu009)

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