

# 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 certain work site activities, such as hazard assessment and emergency response planning.
- Employers with five to 19 workers must designate a worker as a health and safety (HS) representative.
- Workers who are HS representatives are considered at work when carrying out their duties and attending training related to those duties.

Alberta's occupational health and safety (OHS) laws are based on the internal responsibility system, which is a way of sharing responsibility between everyone in the workplace.

### INTERNAL RESPONSIBILITY SYSTEM

The internal responsibility system gives everyone in the workplace accountability for health and safety, in proportion to their authority and control on the work site.

For more information, read [Occupational health and safety and the internal responsibility system](#).

Alberta's main OHS laws are the *OHS Act* and the OHS Code. These laws apply to all provincially regulated work activities, work sites and work site parties in Alberta, except:

- 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 Code apply.)

In some cases, only limited sections of the OHS Code apply. These are certain farming and ranching operations (if they employ waged, non-family workers) and situations where the occupant of a private dwelling (or someone on their behalf) directly employs a worker (whether they live in or not) to do normal household duties.

To learn more, read [Guide to OHS: Employers](#).

### Worker rights and responsibilities

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

- **Know** about work site hazards and how to eliminate or control those hazards.
- **Participate** meaningfully in health and safety activities related to their work and work site.
  - This includes having the ability to express health and safety concerns.
- **Refuse** dangerous work.

Worker responsibilities under OHS laws include their general duties in section 5 of the *OHS Act*. These are:

- Taking reasonable care to protect their own health and safety and the health and safety of others at the work site.
- Cooperating with their employer, supervisor or other persons to protect health and safety, or with any person carrying out a duty under OHS legislation.
- Wearing required personal protective equipment and using required health and safety devices or equipment.
- Refraining from causing or participating in harassment or violence.
- Reporting any concerns about unsafe or harmful situations at the work site to their supervisor or employer.
- Participating in health and safety training.
- Only performing dangerous work if they're competent to do so, or being supervised by a competent worker.

As well as their general duties, workers have other responsibilities under OHS laws. For more on these, read [Guide to OHS: Workers](#).

### Involving affected workers

Under the *OHS Act*, employers have duties that support workers' rights to know and participate.

The OHS Code also requires employers involve affected workers in certain specific activities to protect their health and safety. Some of the broader requirements for involving affected workers are introduced below.

## Hazard assessment and control

The OHS Code states that an employer must involve affected workers in hazard assessment and in the control or elimination of the hazards identified.

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

Learn more in [Hazard Assessment and Control: a handbook for Alberta employers and workers](#).

## Emergency response planning

The OHS Code states that an employer must involve affected workers in establishing an emergency response plan for any emergency that requires rescue or evacuation.

Learn more in [Emergency response planning: an occupational health and safety tool kit](#).

## Harassment and violence prevention

Some provisions in the OHS Code have requirements related to a health and safety committee (HSC) or HS representative, if there is one, or affected workers (if there is no HSC or HS representative).

Sections 390(2), 390.4(2) and 390.7 set out requirements that involve HSCs, HS representatives or affected workers in the development, implementation, and review of violence and harassment prevention plans.

Learn more in [Harassment and violence in the workplace](#).

## HS representatives

An HS representative is a worker designated by the employer to ensure cooperation between the employer and workers on health and safety.

- HS representatives must be workers who are employed by the employer.
- Supervisors, management or contracted service providers can't be an HS representative.

## Designating an HS representative

The *OHS Act* requires employers who regularly employ five to 19 workers to designate an HS representative. (Employers with 20 or more workers must establish an HSC).

## REGULARLY EMPLOYED

The OHS Regulation says unwaged workers (volunteers) are not included in the count of regularly employed workers for the purposes of determining if an HSC or HS representative is required.

## VOLUNTEERS

Volunteers are workers with the same rights and protections under the OHS legislation. Although they don't count as regularly employed (see above), volunteers can still serve as an HSC member or an HS representative.

## CONSULTATION

Employers must consult with unions representing their workers before putting a required HSC or HS representative in place.

## Multi-employer work sites

If there are two or more employers at a work site, the employers may be required to work together to establish an HSC or designate an HS representative unless there is a prime contractor designated at the work site. Workers from any of the employers on site can be selected for these roles.

If there are 20 or more regularly employed workers in total at the site, the employers must establish a work site HSC.

- If there are five to 19 regularly employed workers in total at the site, the employers must designate a work site HS representative.
- When there is a prime contractor at a work site, the prime contractor must establish a system to ensure compliance with OHS laws and employer-worker cooperation on health and safety. The prime contractor must also designate a person to ensure cooperation and system implementation. An HSC or HS representative is not required.
  - Workers at a work site with a prime contractor can still access their employer-based HSC or HS representative if one exists.

## HS representative duties

HS representatives perform the same duties as HSCs. However, they can modify these as needed, because they are one person (not a group).

The core duties of an HSC are in section 13(6) of the *OHS Act*. These include:

- The receipt, consideration and disposition of worker health and safety concerns.
- Participating in the employer's hazard assessment process.
- Making recommendations about worker health and safety to the employer.
- Reviewing the employer's work site inspection records.

Part 13 of the OHS Code contains additional requirements related to HSC and HS representatives. The requirements that apply directly to HS representatives are:

- HS representatives can call special meetings with an employer to deal with health and safety concerns at the work site.
- Employers must:
  - Keep a record of HS representative names and contact information.
  - Clearly post how to contact the HS representative at all applicable work sites. (Or share by another means, if the HS representative agrees.)
  - Ensure HS representatives are trained, per OHS Code requirements. (See below.)

### HS representative training

Under the OHS Code, employers must ensure that HS representatives are trained in:

- The roles and responsibilities of co-chairs, HSC members and HS representatives.
- Work site party obligations.
- Workers' rights under the *OHS Act*.

Employers can develop and provide this training themselves, or use an outside training provider.

### At work

Workers who are HS representatives are considered at work when they are performing their duties, functions or attending training related to those duties.

The *OHS Act* requires that HS representatives must carry out their duties and functions during normal working hours.

For more information on any of the topics in the HS representatives section, read [Health and safety committees and representatives](#)

## Voluntary HSCs or HS representatives

Although the legislation sets threshold requirements for HS representatives and HSCs, employers can exceed these requirements.

If a work site party or parties – an employer, employers, or prime contractor - puts an HS representative or HSC in place when one is not required, they can establish their own processes and rules for the voluntary HSCs or HS representatives. The rules about HSCs and HS representatives only apply when those are required under the *OHS Act* and Code.

A voluntary HSC can exist alongside, but can't replace, a required HS representative. The HS representative is still responsible to fulfill their core duties.

## Contact us

### OHS Contact Centre

Anywhere in Alberta

- 1-866-415-8690

Edmonton and surrounding area

- 780-415-8690

Deaf or hard of hearing (TTY)

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

### Notify OHS of health and safety concerns

[alberta.ca/file-complaint-online.aspx](https://alberta.ca/file-complaint-online.aspx)

Call the OHS Contact Centre if you have concerns that involve immediate danger to a person on a work site.

### Report a workplace incident

[alberta.ca/ohs-complaints-incidents.aspx](https://alberta.ca/ohs-complaints-incidents.aspx)

### Website

[alberta.ca/ohs](https://alberta.ca/ohs)

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

### Alberta Queen's Printer

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

### OHS

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

## For more information

Emergency response planning: an occupational health and safety tool kit (BP040)

[ohs-pubstore.labour.alberta.ca/bp040](https://ohs-pubstore.labour.alberta.ca/bp040)

Guide to OHS: Employers (LI009)

[ohs-pubstore.labour.alberta.ca/li009](https://ohs-pubstore.labour.alberta.ca/li009)

Guide to OHS: Supervisors (LI010)

[ohs-pubstore.labour.alberta.ca/li010](https://ohs-pubstore.labour.alberta.ca/li010)

Guide to OHS: Workers (LI008)

[ohs-pubstore.labour.alberta.ca/li008](https://ohs-pubstore.labour.alberta.ca/li008)

Harassment and violence in the workplace (LI045)

[ohs-pubstore.labour.alberta.ca/li045](https://ohs-pubstore.labour.alberta.ca/li045)

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

[ohs-pubstore.labour.alberta.ca/bp018](https://ohs-pubstore.labour.alberta.ca/bp018)

Health and safety committees and representatives (LI060)

[ohs-pubstore.labour.alberta.ca/li060](https://ohs-pubstore.labour.alberta.ca/li060)

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