

What happens if an Alberta Occupational Health and Safety (OHS) Officer issues a compliance order before an employer's COR audit is approved?

The COR audit is used to evaluate an employer's health and safety management system. Although the COR audit does not assess an employer's level of compliance with legislation, COR-holding employers must meet their responsibilities under Alberta's Occupational Health and Safety Legislation.

When Partnerships in Injury Reduction (Partnerships) of Alberta Labour receives a request from a Certifying Partner (CP) to process a COR certification, re-certification or maintenance audit, Partnerships will check the employer's compliance history to see if the employer has any open compliance orders or demands issued by Alberta OHS Officers. If so, the audit will be held by Partnerships for up to four months from the date on which the audit request was received, until all outstanding items are closed. Should any orders or demands remain open longer than four months, Partnerships may reject the audit and require the employer to conduct a new audit.

What is an On-Site Audit Review (OSAR)?

Partnerships conducts about 100 OSARs each year to validate the key findings of external COR auditors and to ensure appropriate audit processes are followed. The OSAR process is conducted in addition to the regular quality assurance review that the CP completes on every COR audit report.

An employer whose external auditor is selected for the OSAR process must participate in the process. The On-Site Audit Reviewer will spend no more than one day at the employer's worksite. The OSAR will review the auditor's process and sample some of the key documentation that was reviewed as part of the audit. Because auditors are certified by their CP, Partnerships provides the OSAR findings directly to their CP who then reviews the results with the auditor.

What happens if an OSAR also identifies systemic deficiencies in my OHS management system?

The intention and focus of the OSAR process is to evaluate the work of external auditors. However, in some cases OSARs have identified systemic deficiencies in employers' OHS management systems which were not identified by the original auditors. If this occurs, Partnerships will advise the employer and the employer must correct the identified deficiencies. This situation is considered a trigger for the Employer Review process, and Partnerships may require the employer to complete an action plan. Partnerships may also ask the employer's CP to provide assistance to the employer.

What is the Employer Review process?

Employer Reviews are designed to address situations where COR-holding employers are identified to have systemic deficiencies in their COR-certified health and safety management systems. The Employer Review process was implemented on July 1, 2011 with the support of industry and safety associations, employers, labour organizations, the Workers' Compensation Board – Alberta (WCB), and other stakeholders. The provisions of Employer Review apply to all COR holders.

How are COR holders selected for the Employer Review process?

When a COR-holding employer is identified for a potential Employer Review by one or more of the following triggers, an assessment is completed by Partnerships in order to determine whether the trigger indicates that the employer has systemic deficiencies in their OHS management system. Partnerships initiates the process if a COR holder experiences any of the following triggers:

- has a workplace fatality, serious injury or other reportable incident,
- is issued multiple stop-work orders within a 12-month period for imminent danger by Alberta OHS,
- is identified by an Alberta OHS Officer or a Partnerships Consultant to have significant

- deficiencies in their OHS management system,
- is issued an Administrative Penalty by Alberta OHS,
- is identified by the On-Site Audit Review (OSAR) process to have systemic deficiencies in their OHS management system, and/or
- has knowingly misrepresented the reporting of worker injuries as required by the Workers' Compensation Act, as reported to Partnerships by the WCB.

Should systemic deficiencies be identified, the employer must complete an action plan with Partnerships and during the process, the employer's eligibility for any PIR refunds from WCB is temporarily placed on-hold.

What are the steps to complete an Employer Review action plan?

The action plan process includes the following steps:

1. Partnerships will schedule a meeting with the employer's most senior Alberta representative and health and safety personnel to identify areas where system improvements must be made.
2. An action plan is developed with the employer, detailing system improvements to be completed within a set timeframe (typically between 6 to 12 months), and must be approved by Partnerships.
3. Partnerships will follow-up with the employer within the established timeframe to verify completion of the action plan items undertaken.
4. Once the action plan items have been successfully completed, Partnerships will close the assignment and advise the WCB to remove the temporary hold on the employer's eligibility for PIR refunds.

What happens if an employer does not complete the requirements of the Employer Review process?

The employer must successfully complete the action plan to avoid cancellation of their COR and loss of any associated PIR refunds being held.

What happens if a COR holder is charged under OHS and/or WCB Legislation?

COR-holding employers are eligible for PIR Refunds from the WCB, however they must comply with all provisions of the *Alberta Workers' Compensation Act*, the *Alberta Occupational Health & Safety Act*, and, the *Canada Labour Code* where applicable. In the event of a violation of the legislation, the WCB reserves the right to terminate an employer's participation in PIR and collect previously paid refunds.

If a COR holder is charged under the legislation, a hold will be placed on the employer's next PIR refund to be issued (and subsequent refunds if necessary) until the WCB is holding an amount equal to the refund the employer received for the year in which the incident occurred. This amount will remain on-hold with the WCB until the outcome of the charges is known.

- If an employer is convicted (either found guilty or pleads guilty), the PIR refund on-hold is forfeited to the WCB.
- If an employer is found not guilty or if the charges are withdrawn or dismissed, then the PIR refund on-hold is released.
- If the charges are stayed by the Crown Prosecutor, the WCB would release the PIR refund on-hold. However if the Crown reactivates the stayed charges within a one-year period and if the employer is subsequently convicted, then the employer would have to repay the refund to the WCB.

For more information

For more information on Partnerships in Injury Reduction, On-Site Audit Review, the Employer Review process and/or the Proactive Strategic Programs, call the OHS Contact Centre at (780) 415-8690, visit our website at work.alberta.ca, or contact your Certifying Partner.