

Changes to occupational health and safety (OHS) laws

Information for Albertans

Objective

An updated *Occupational Health and Safety Act* (OHS Act) and revised regulations take effect Dec. 1, 2021. The new act eliminates duplication and simplifies language to make OHS laws easier to understand and follow, resulting in healthier and safer workplaces and supporting investment attraction and job creation. Workers continue to have the same rights and protections under the revised OHS laws. For more information, visit <https://ohs-pubstore.labour.alberta.ca/upcoming-legislation-changes>

What is changing

Area of change	Highlights
Health and safety committees and representatives on sites with multiple employers	<p>Health and safety committees and representatives will no longer be mandatory on work sites with multiple employers and a prime contractor.</p> <p>Prime contractors will be required to coordinate health and safety issues between workers and employers. Prime contractors must also designate a person to ensure cooperation between employers and workers occurs.</p> <p>Workers may also access their individual employers' health and safety committee or representative.</p> <p>OHS directors still have the ability to require a committee or representative for any work site.</p> <p>If there is no prime contractor, the person in control of the site may voluntarily designate a prime contractor, who would assume prime contractor responsibilities for health and safety.</p> <p>If there is no prime contractor, committees or representatives are still required on multiple-employer sites.</p>
Calculating the number of workers for health and safety committee/representative purposes	<p>The new OHS Act simplifies how the number of workers is calculated when deciding if an employer requires a health and safety committee or a representative.</p> <p>The calculation is based on the number of workers "regularly employed." The new method more accurately depicts worker numbers in normal conditions. The new method also excludes volunteers</p>

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	<p>and those not being financially compensated from the calculation.</p> <p>The requirements of 20 or more workers for a committee and five to 19 workers for a representative remain the same.</p>
Technical rules for health and safety committees and representatives	<p>Technical requirements and rules for the committees and representatives move from the act to the OHS Code.</p> <p>The code is a regulation and is the proper place for technical requirements and rules.</p> <p>The act retains the overall enabling provisions for committees and representatives.</p> <p>The committee and representative rules in the OHS Code will apply to eligible farms and ranches. Farms and ranches have modified training requirements for committees and representatives. Training is required for only committee co-chairs and representatives and not for committee members. Farms and ranches remain exempt from all other parts of the OHS Code.</p>
Training requirements for health and safety committee members and representatives	<p>Employers and workers have more flexible options for training and it can be tailored to suit individual workplace needs.</p> <p>Training requirements have been expanded to include committee members as well as committee co-chairs and representatives (except for farms and ranches).</p> <p>There is no longer a requirement for government-approved training courses or training providers.</p> <p>Training will follow general guidelines in the OHS Code.</p>
Health and safety program requirements	<p>Employers and workers have more flexibility to develop programs that best suit their workplace.</p> <p>The new OHS Act removes mandatory elements for programs.</p> <p>Labour and Immigration is providing guidelines to help employers and workers develop their health and safety programs.</p> <p>Employers with 20 or more regularly employed workers are still required to have a written health and safety program.</p>
Potentially serious injury reporting	<p>Employers and prime contractors will find new rules easier to understand than the previous ones.</p>

	<p>The new act clearly defines potentially serious incidents and the requirements for reporting them.</p> <p>Information from potentially serious incident reports will be used for information and education. It will only be used for enforcement in exceptional circumstances where a serious, uncontrolled hazard is still present at a workplace.</p>
<p>Disciplinary action complaints</p>	<p>Discriminatory action complaints are renamed “disciplinary action complaints” to avoid confusion with human rights laws.</p> <p>Where a collective agreement exists, complaints are addressed through the agreement’s grievance process rather than filing a complaint with Occupational Health and Safety.</p> <p>OHS officers have the authority to dismiss complaints with questionable merit before starting an investigation. A worker can request an OHS director review the officer’s decision.</p> <p>There is a 180-day time limit from the date of the alleged disciplinary action to file a complaint.</p> <p>The reverse onus provision for employers is retained. This means employers need to prove a disciplinary action is not related to a worker complying with OHS laws.</p>
<p>Dangerous work refusals</p>	<p>The process for dealing with dangerous work refusals is simpler, streamlined and easier to follow.</p> <p>Workers still have the right to refuse dangerous work without reprisals.</p> <p>The new OHS Act clearly defines an “undue hazard” that poses a serious and immediate danger to the worker or others on the work site and that refusals are appropriate in those circumstances.</p>
<p>Adding radiation protection laws to the OHS Act</p>	<p>The <i>Radiation Protection Act</i> and its regulations are incorporated into the OHS Act and OHS Code.</p> <p>This means these health and safety laws are in one place rather than multiple statutes.</p> <p>Alberta has an excellent radiation protection program and laws governing it remain intact.</p> <p>Changes are administrative ones such as removing duplication, updating wording to align with the OHS Act and transferring enforcement from third-party agencies to OHS officers.</p>

Acceptances, allowances and approvals	<p>An acceptance enables a worksite party to take an alternative approach to a requirement in the OHS Code. Other OHS provisions allow or require persons to obtain an approval in certain circumstances.</p> <p>The act simplifies the process for acceptances and approvals so these requests can be processed more quickly.</p> <p>Allowances are added to provide flexibility when it is clear that requirements lag behind advances in technology and processes. They permit an OHS director to allow alternatives that vary from the OHS Code if they do not reduce health and safety. An allowance may be granted to specific industries or all industries.</p>
Prime contractors	<p>Prime contractors may be established on any multi-employer site, not just oil and gas or construction sites.</p>
Work site party names	<p>Self-employed people are now considered employers and have the same obligations for health and safety.</p> <p>Contractors are renamed “contracting employers.”</p>
OHS directors	<p>Former individual director designations, such as Director of Inspection, are replaced with “OHS director.” Director of Medical Services designation remains the same.</p> <p>OHS director review has been replaced by the authority to vary or rescind orders and administrative penalties.</p>
Mining and mine sites	<p>Specific mining provisions are moved to the OHS Code from the OHS Act and OHS Regulation.</p> <p>The general requirements for reporting mine or mine site incidents remains in the act.</p>
Injury reporting	<p>With the addition of radiation protection to the OHS Act, exposures to radiation in excess of its limits in the OHS Code must be reported to OHS.</p> <p>A work-related serious illness or an illness that results or is likely to result in admittance to hospital is added to the injury reporting requirements.</p>