

Applying for a joint work site health and safety committee (HSC) or health and safety representative (HS rep) approval

OHS information for employers and prime contractors

KEY INFORMATION

- Requests to approve a variation from the requirements in the OHS legislation for HSCs or HS reps are allowed under the Act.
- Work site parties who wish to apply for an approval must submit an application for approval in writing to a Director of Inspection.

What is an approval?

An approval allows for a statutory Director to approve a process, equipment, standard, course or training agency, or an alternative to strict compliance with a specific legislated provision. Section 56 of the *OHS Act* covers approvals.

Sections of the *OHS Act*, the regulations, and OHS Code allow Directors to approve practices and procedures for an HSC or HS rep that differ from those listed in the Act.

A statutory Director is an employee of the Government of Alberta, who has the legislative power to issue an approval. Directors include the Director of Inspection, Director of Occupational Hygiene and Director of Medical Services.

In considering the request, the Director must take into account the:

- (a) Nature of the work performed at the work site,
- (b) The level of support from workers and/or unions present at the work site,

- (c) The injury or illness frequency at the work site or for the industry,
- (d) Any effect an approval could have on the health and safety of workers,
- (e) Relevant history of compliance or non-compliance with OHS legislation,
- (f) Any additional criteria set out in the regulations or the OHS code.

Requests for approvals to vary from the OHS legislation are permissible, however work site parties must submit an application for approval in writing to a Director of Inspection.

The approval application is reviewed by a Director with input from other subject matter experts as required.

A Director issues an approval based on the criteria described section 16(5) of the *OHS Act* and Section 43 of the *OHS Regulation*.

Who can apply for an approval?

Employers and prime contractors can submit an application for an approval. Approvals can also be issued to both of these work site parties.

How to apply for an HSC or HS rep approval

The application for an approval must be made in writing using the form “**Self-Evaluation Tool**”.

Step 1 – Fill out the Self-Evaluation Tool form which must include the following information:

- Terms of reference (only required for HSC approvals).

- Letters of support from workers, unions representing workers or both (as applicable).
- The reason for the approval request.
- The work site parties and contact information.
- Any supporting documentation related to the request.

Step 2 – Mail or email the application to:

Director of Inspection – HSC Approvals
J.G. O'Donoghue Building
Main Floor, 7000 – 113 Street
Edmonton, AB T6H 5T6
E-Mail: lbr.hscapprovals@gov.ab.ca

Any missing or incomplete information may delay processing of the request.

What to expect after submitting a request for an approval

Receipt of the application will be supplied to the applicant, typically within a few days. The applicant may be contacted during the assessment process to answer questions or provide additional information.

While the request is being processed and assessed, all existing requirements of the OHS legislation must continue to be met.

Requests are considered on a case-by-case basis. Timelines for a Director to review an approval request vary and typically take a number of weeks. Requests should be made well in advance of critical project deadlines where possible.

A Director may either grant or deny a request, in whole or in part, after considering all the information provided.

If the request is granted

If the request for an approval is granted, the Director's decision is provided in writing. The decision:

- may include terms and conditions that must be met as part of the approval, and
- is in effect only during the time period specified in the Director's granting letter.

An approval is specific to the work site party or group of work site parties to which it is granted and applies to the work site(s) listed in the Director's granting letter. The approval is not transferable to parties and locations other than those listed in the granting letter.

A Government of Alberta OHS officer may visit the work site(s) to confirm that work site parties are complying with the terms and conditions of the granting letter.

Validity – An approval is in effect for a maximum of five years from the date it is granted, subject to the terms and conditions listed in the granting letter. An approval can be renewed or extended by submitting a written request to a Director explaining the reason(s) for the renewal or extension and including a copy of the Director's original granting letter. The applicant is responsible for requesting a renewal before the original granting letter expires.

If circumstances change – If the circumstances of the original request change, such as work site conditions, the applicant is responsible for notifying the Director. Depending on the nature of the change(s), the Director may amend, suspend, or revoke the approval.

If the request is denied

The Director must provide the applicant with written reasons for their decision. If the request is denied, there is no appeal mechanism. The applicant is free to revise their proposal to address any stated concerns and re-apply.

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

Website

alberta.ca/occupational-health-safety.aspx

FOR MORE INFORMATION

HSC/HS Rep Self-evaluation tool (LI030-2TMP)

ohs-pubstore.labour.alberta.ca/LI030-2TMP

Joint work site health and safety committees (LI036)

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

Health and safety representatives (LI040)

ohs-pubstore.labour.alberta.ca/LI040

Get Copies of OHS Act, Regulation and Code

Alberta Queen's Printer

qp.gov.ab.ca

Occupational Health and Safety

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

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