

Worker's guide to occupational health and safety

OHS information for workers

This guide will help you understand the *Occupational Health and Safety Act (OHS Act)* and your role in ensuring health and safety at the work site, explaining what you need to do to comply with the legislation and make your work site a healthier and safer place.

Key information

- The internal responsibility system is the foundation of Alberta OHS legislation.
- Workers have three fundamental rights under the *OHS Act*.
 - The right to know.
 - The right to participate.
 - The right to refuse dangerous work.
- Workers have a responsibility to work safely and ensure the safety of themselves and others.

Our goal – health and safety

The internal responsibility system is a foundational principle of OHS legislation that allows this to happen. Its core premise is that everyone—including workers and employers—is accountable for workplace health and safety, each according to their authority and level of control.

Alberta's *OHS Act* is an important piece of legislation that affects you. It outlines your rights and responsibilities as a worker, as well as the responsibilities of your employer and others at the work site. The *OHS Act* sets minimum standards to protect and promote the health and safety of workers throughout Alberta.

Does Alberta's OHS legislation apply to me?

The *OHS Act*, regulations and Code apply to most workers and employers in Alberta, unless you are:

- under federal jurisdiction (e.g. Canadian chartered banks, interprovincial transportation companies, television and radio broadcasters, etc.); or
- a farm and ranch operations owner, family member of the owner or non-waged individual.

If you are a farm and ranch waged, non-family worker, you are covered by the basic safety standards set out in the *OHS Act* only.

If you are a domestic worker (such as a nanny and housekeeper), you are covered by the *OHS Act* and its regulations.

Contact the Alberta OHS Contact Centre if you have questions or concerns about occupational health and safety.

The *OHS Act*, regulations and Code

The *OHS Act*, the regulations and the OHS Code provide "rules" to help keep your work site healthy and safe.

The *OHS Act* gives the government authority to make regulations and codes (rules) about health and safety in the workplace.

The regulations address requirements related to general administrative matters and broad health and safety rules and regulations. The OHS Code specifies detailed technical standards and health

and safety rules that work site parties must comply with to fulfill their obligations. Technical requirements cover areas such as chemical hazards, equipment safety, first aid, harassment and violence, and noise to name a few.

Role of Alberta OHS

OHS administers and enforces the Alberta government's OHS legislation. Resources are available to help you:

- learn about the health and safety rules;
- understand work site parties' rights and responsibilities; and
- prevent injuries, illnesses and fatalities.

If you have questions or concerns, get in touch with the Alberta OHS Contact Centre by phone or online.

OHS officers attend work sites to perform inspections, conduct investigations, respond to inquiries and carry out tests necessary to determine compliance with the OHS legislation.

Sometimes people mistake Alberta OHS for the Workers' Compensation Board (WCB). While both report to the Minister responsible for Labour, Alberta OHS is a separate entity from the WCB.

The WCB's role is to see that the *Workers' Compensation Act* is followed, provide rehabilitation programs for workers suffering from job-related injuries and illnesses, and work with Alberta OHS, industry and labour to help reduce the number of workers getting hurt or sick. The WCB oversees the insurance plan funded by employers that pays workers who are injured on the job or develop illness caused by their work.

Who is your employer?

It is important to know who your employer is because the *OHS Act* says employers must do everything they reasonably can to protect your health, safety and welfare. For example, employers have to identify and assess hazards at the workplace to control or eliminate them and keep equipment in safe working order.

An employer is:

- anyone who employs or engages one or more workers, including workers from a temporary staffing agency;
- anyone designated to represent an employer; or
- anyone responsible for overseeing workers' health and safety within an organization.

Employers have a responsibility to:

- ensure that health, safety and welfare of workers and the public is maintained at the workplace;
- provide competent supervisors;
- make sure you are trained and have the proper skills to perform your job;
- prevent workplace harassment and violence; and
- work with the joint work site health and safety committee (HSC) or health and safety representative (HS representative), as applicable.

Details about employer's responsibilities are described in *Employer's guide to occupational health and safety*.

You have the right to a safe and healthy workplace

Workers need to be aware of their rights and responsibilities under the internal responsibility system.

1. Know about health and safety

You have the right to know about workplace hazards and have access to health and safety information at the work site.

Your employer has the responsibility to make you aware of your rights and duties under the OHS legislation. Your employer must also provide you information about hazards at the work site, controls used to eliminate or control the hazards and any relevant work practices and procedures.

Workers have three fundamental rights under the *OHS Act*:

- The right to know.
- The right to participate.
- The right to refuse



If hazardous products (such as dangerous substances or chemicals) are used in the workplace, your employer must provide you with appropriate labels and safety data sheets. Your employer must also make sure you are appropriately trained on how to handle hazardous materials. Additional training is required for how to safely use equipment, and how to select and use personal protective equipment.

Your employer must make sure you have the skills and training needed to do your work safely. Playing your part within the internal responsibility system, you must participate in the training and apply your learning at the job.

2. Participate in health and safety

You have the right to be involved in health and safety discussions and participate in decision-making on matters that affect your health and safety at work. Your employer is required to respond to health and safety issues raised by workers.

If your workplace has an HSC or HS representative, they bring work site parties together to work on activities such as preventing, identifying and controlling hazards, investigating health and safety incidents, and responding to reports of dangerous work.

If your workplace does not have an HSC or HS representative, your employer must still involve affected workers when assessing hazards at the workplace and implementing control measures.

3. Refuse dangerous work

Workers must not undertake tasks or assignments that they are either unable or not prepared to do in a healthy and safe manner. You have the right to refuse dangerous work if you have reasonable grounds to believe the work is dangerous to you or any other person. Health and safety hazards that are not normal for the job, or normal hazards that are not properly controlled, are considered dangerous conditions that could trigger a work refusal.

If you determine you need to refuse to do particular work, you must promptly report the refusal and the reasons for it to your employer, supervisor or another designated person. Your employer is

required to look into and eliminate the danger if it exists.

While you refuse to do particular work you believe is dangerous, your employer must continue to pay you the same wages and benefits. Your employer can assign you to other work until the problem has been investigated and fixed, and your employer can assign someone else to do the refused work if they determine that no dangerous condition exists. When reassigning the work, the employer must advise other workers of the refusal, reason for it and make those workers aware of their own right to refuse the work.

Unless the dangerous condition is fixed immediately, your employer must prepare a written report of your refusal to work, the employer's investigation and any actions taken. Your employer must provide you a copy of the report. Your employer must also provide a copy of the report to the HSC or HS representative, if one exists. The report cannot contain any personal information about the worker who refused to work.

If your employer does not agree that there is a danger, or if you can't agree on a way to fix the problem, consider consulting with the HSC or HS representative if there is one. If the work site parties cannot resolve the issue, then contact the Alberta OHS Contact Centre. An OHS officer will follow up and make a decision about what action to take. Both you and your employer must comply with the officer's decision. If, however, you or your employer disagrees with the decision of an officer, you can request that a Director of Inspection review the matter.

Discriminatory action

You can't be disciplined or fired for following the rules of the *OHS Act*, regulations or the OHS Code.

If this does happen to you, call the Alberta OHS Contact Centre and an OHS officer will look into the situation. If you disagree with the officer's decision, you can ask the Alberta Labour Relations Board (ALRB) to review the matter.

Your employer cannot take discriminatory action (such as termination, layoff, demotion, transfer, change in job location, etc.) against you for exercising your rights and duties under OHS legislation.



Don't forget – you also have responsibilities

The law, in keeping with the principle of the internal responsibility system, requires you to work safely ensuring the health and safety of yourself and others. You must co-operate with your employer or supervisor by following the health and safety rules for the job.

For example, when doing certain kinds of work, you may be required to use safety equipment, such as protective footwear, eyewear, headwear and hearing protection.

You are responsible for reporting to your employer or supervisor your concerns about any unsafe or harmful work site or work site condition. Your employer or supervisor must take the actions necessary to make it safe and healthy for workers to work. If your concern is not addressed, then take the problem to the HSC or HS representative, if there is one. If there is no committee or representative, or if you are still not satisfied, you can contact the Alberta OHS Contact Centre and ask someone to look into the problem. Anyone has the right to call, whether directly involved in the work or not.

You must also cooperate with any person following the OHS legislation and must follow the OHS legislation yourself.

You must not cause or participate in harassment or violence at the workplace.



Reporting incidents and injuries

When something happens that results in – or might have resulted in – serious injury to a worker, your employer is required to notify the Alberta OHS Contact Centre. Serious injuries or incidents must be reported:

- an injury or incident that results in the death of a worker;
- an injury or incident that results in a worker being admitted to a hospital;
- an unplanned or uncontrolled explosion, fire or flood that causes or may cause a serious injury;
- the collapse or upset of a crane, derrick or hoist;
- the collapse or failure of any component of a building or structure necessary for structural integrity; or
- an injury or incident or a class of injuries or incidents specified in the regulations.

Your employer must also report potentially serious incidents (PSIs) to Alberta OHS using the [online incident reporting service](#). A PSI is any event where a reasonable and informed person would determine that under slightly different circumstances, there would be a high likelihood for a serious injury to a person.

A PSI is not limited to workers and it does not require the occurrence of an injury.

When determining whether an incident is a PSI, the following factors should be taken into consideration:

- actual circumstances of the incident (person, place, time, work practices being followed);
- hazards present at the time of the incident;
- appropriate controls in place at the time of the incident;

- slightly different circumstances (timing, distance, body position, etc.) that may have resulted in a serious injury; and
- similar incidents that have occurred within the employer or prime contractor's operations in the past 2 years that resulted in a serious injury.

If you work at a mine or mine site, refer to the [Report mine or mine site incidents](#) webpage for additional conditions your employer must report.

An OHS officer may look into the incident. The officer may conduct interviews and gather evidence to determine what happened. The *OHS Act* defines the powers of the officers. You, your employer and other work site parties (e.g. your supervisors) are required to cooperate with the officer. The officer will prepare an investigation report summarizing the circumstances of the incident.

Your employer is also required to carry out their own investigation of the incident with the participation of the HSC or HS representative, as applicable. Once the investigation is complete, your employer must provide a copy of the report to the HSC or HS representative and a Director of Inspection. If there is no HSC or HS representative, the employer must share the report with the workers.

Employers must ensure the investigation report of serious injuries or incidents is readily available and provided to Alberta OHS upon request. For PSIs, employer must submit the investigation report to Alberta OHS using the online incident reporting service.

Notification to Alberta OHS is separate from any notice you are required to give to the WCB or other local authorities, like the police.

Let's cooperate

It doesn't matter if you work for a large company or a small one; you have a responsibility to keep yourself and others healthy and safe at your workplace. Your employer and other work site parties (e.g. supervisors, contractors, etc.) also have responsibilities for health and safety. By working together with your employer and other work site parties, you help to promote safe and healthy workplaces, you and all Albertans will benefit.

Non-compliance

All Albertans are entitled to workplaces that are safe, fair and healthy. Work site parties must meet their responsibilities in support of this goal as specified by the OHS legislation. If workers, employers and other work site parties don't follow the rules, the *OHS Act* can be used to compel you, your employer and other parties to follow the rule.

OHS orders

The *OHS Act* gives OHS officers authority to issue orders, which requires work site parties to take measures that result in compliance with the OHS legislation. Types of orders include:

- Compliance orders—note instances of observed non-compliance and the actions required to be taken to achieve compliance by a specified date.
- Stop use orders—equipment be shut down or taken out of service if it appears unhealthy or unsafe to operate.
- Stop work orders—stop work that is being done in a unhealthy or unsafe manner and can apply to an entire work site, multiple work sites of a single employer or to a certain activities or areas of work site.

Ticketing and administrative penalties

OHS officers have authority to write immediate, on-the-spot tickets for specific contraventions of OHS legislation against employers, workers, supervisors and self-employed persons who put theirs or others health and safety at risk. Ticket amounts range from \$100 to \$500 per violation. A 15% victim surcharge is applied to each ticket.

Preventive in nature, administrative penalties encourage compliance and are issued by Alberta OHS for serious or repeat non-compliance with OHS legislation. An officer may refer a regulated work site party (including worker, employer, supervisor, etc.) for an administrative penalty, when the OHS officer is of the opinion that a person has contravened the OHS legislation; has failed to comply with an order, acceptance or approval; or makes a false statement or gives false or misleading information to an officer.

For more information, see the OHS website: [OHS violation tickets](#) and [OHS administrative penalties](#).

Prosecutions

If you, your employer or other work site parties (e.g. supervisors) break the rules of the *OHS Act*, regulations or Code, or ignore what an OHS officer says, you, your employer or other work site parties can be charged. Problems may be resolved in court if people ignore the law or do not cooperate and fix workplace health and safety problems. Conviction on a first offense can lead to a fine up to \$500,000, plus \$30,000 each day an offence continues and/or a jail term of up to six months per violation. A second conviction can result in a fine of up to \$1,000,000 plus \$60,000 each day an offence continues and/or a jail term of up to one year per violation.

In certain cases involving serious injury or death, criminal negligence charges can be laid. In such cases, the maximum jail penalties are 10 years for each person injured and life imprisonment for each person killed. Federal legislation amended the Canadian Criminal Code that established legal duties for workplace health and safety and imposed serious penalties for violations that result in injuries or death.

Review and appeal of an OHS order, decision or action

If you wish to have an order reviewed, you must file a request for a Director review within 30 days of being given that order.



If you receive an order from OHS or disagree with an OHS decision, there are steps you can take to have the matter reviewed.

Director review

A person receiving an order or decision from an OHS officer may request a review by a Director of Inspection (with exception of discriminatory action orders.)

A Director of Inspection has the authority to:

- confirm, vary or revoke an order or decision;
- make any other order the Director considers reasonable; and
- refer the matter to the ALRB.

Alberta Labour Relations Board appeals

The ALRB hears appeals of various matters including orders or decisions by Director of Inspection, discriminatory action orders, administrative penalties, decisions from Director reviews, etc.

The ALRB has the authority to:

- confirm, vary or revoke an order or decision; and
- reject to hear an appeal when it determines the matter is without merit.

For more information, see OHS website: Request a review of an OHS order or decision and Appeal an OHS action

Contact us

OHS Contact Centre

(Complaints, questions, reporting serious incidents)

Anywhere in Alberta

- 1-866-415-8690
- Edmonton & surrounding area
- 780-415-8690

Deaf or hearing impaired

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

Online Incident Reporting Service

(PSIs, mine or mine site incidents)

oirportal.labour.alberta.ca

Website

alberta.ca/OHS

Get copies of the *OHS Act*, regulations and Code

Alberta Queen's Printer

qp.gov.ab.ca

Occupational Health and Safety

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

For more information

Employer's guide to occupational health and safety (LI009)

ohs-pubstore.labour.alberta.ca/LI009

Health and safety committees and representatives (LI060)

ohs-pubstore.labour.alberta.ca/LI060

Participation in health and safety for small business owners and workers (LI055)

ohs-pubstore.labour.alberta.ca/LI055

Reporting and investigating injuries and incidents (LI016)

ohs-pubstore.labour.alberta.ca/LI016

Reporting and Investigating OHS incidents at a mine or mine site (LI016-2)

ohs-pubstore.labour.alberta.ca/li016-2

Reporting and investigating potentially serious incidents (LI016-1)

ohs-pubstore.labour.alberta.ca/LI016-1

Role and duties of government OHS officers (LI046)

ohs-pubstore.labour.alberta.ca/LI046

Workers' Compensation Board

wcb.ab.ca

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