

Role and duties of government occupational health and safety (OHS) officers

KEY INFORMATION

- Officers play an important role in keeping Alberta's work sites safe and healthy
- Officers may enter any work site to conduct an inspection or investigate an incident
- Officers can enter private dwellings that are work sites upon consent or with a warrant
- Officers can order employers and others to comply with OHS rules
- Officers can issue stop work orders to single or multiple work sites controlled by a single employer

OHS officers do not delegate their authorities. If you have questions about whether a person is an authorized OHS officer, please contact the Alberta OHS Contact Centre at 1-866-415-8690.

How OHS laws are enforced

OHS enforces provincial legislation through inspections, investigations, education of legislative requirements, and enhanced enforcement measures.

OHS officers play an important role in monitoring for compliance. They have authority to enforce the legislation in a number of ways, including:

- conducting inspections,
- issuing orders,
- writing tickets, and
- recommending administrative penalties.

Officer inspection and investigation authorities

The full authorities of an OHS officer to conduct inspections (section 51) and investigations (section 53) have been expanded and updated in the new *OHS Act*. Some of the updated duties of OHS officers are listed below.

During an inspection or investigation, officers may:

- require proof of corporate, business, or individual identity,
- access electronic documents relating to worker health and safety,
- bring along specialized equipment and/or technical experts e.g. OHS hygienist or process engineer,
- state any other terms and conditions the officer determines are appropriate,
- require the employer or a person designated by the employer to demonstrate how a piece of equipment or machinery works,
- collect statements from persons not present at the work site (this may include members of the public who have relevant information), and
- enter a private dwelling that is a work site with consent or with a warrant.

No person shall interfere with or in any manner hinder an occupational health and safety officer or a police officer who is exercising powers or performing duties or functions under this Act.



OHS Act 54

Compliance Tools

While officers may use a combination of awareness and education to promote compliance with the legislation, they also shall take steps to ensure compliance when non-compliance is observed. Tools that have changed with the new *OHS Act* are described below.

Stop work order

When an officer is of the opinion that there is a danger to the health and safety of workers at a work site, the officer shall:

- stop work,
- order persons present to leave, or
- order work site parties to take specified measures deemed necessary to protect workers from danger.

Unlike compliance orders (section 59), stop work orders do not need to be linked to a specific requirement in the OHS legislation. This provides officers with the authority to address situations which are, or appear to be, unhealthy or unsafe for workers.



OHS Act 60(1)

Multiple work site stop work order

Officers have the authority to issue a stop work order to multiple work sites, controlled by a single employer or self-employed person.

This will be based on the circumstances noted at one of those work sites and are, or are likely to be, present at the employer's other work sites.

For example, multiple work sites where workers provide care services to special needs individuals and the employer does not have a violence prevention policy. This may expose workers to a serious risk of personal injury.

Stop use order

A stop use order immediately ends or prevents continued use of equipment until the health and safety issue is corrected. The party named in the order must remedy the situation as required by the officer in that order.

Once a piece of equipment is subject to a stop use order, work site parties (e.g. employers or suppliers) are prohibited from selling, renting, leasing or otherwise transferring that equipment to any other person for its use.

Supplier stop use order

A stop use order can be issued to a supplier if equipment, a substance, or material supplied to a work site does not comply with the OHS code.

Wages

While a stop work or stop use order is in effect, employers are required to provide affected workers with the same wages and benefits they would have received had the stop work/stop use order not been issued.

Employers have the option of reassigning affected workers to alternate work they are competent to perform, while the order remains in effect.

Work site parties to prepare a report on compliance

If an officer issues an order (e.g. compliance, stop work, or stop use) it will include a time period within which compliance must be achieved.

The party named in the order must prepare a written report, referred to as a report on compliance, that describes the measures taken to remedy the contravention(s).

A copy of the report must be:

- sent within seven days of the order's compliance date, or any extension allowed by the officer,
- sent or provided to the officer who issued the order,
- provided to the joint health and safety committee or health and safety representative (where applicable), and
- posted conspicuously at or near the work site if there is no joint work site health and safety committee or health and safety representative.

Archived

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

oir.labour.alberta.ca

Website

alberta.ca/occupational-health-safety.aspx

FOR MORE INFORMATION

OHS enforcement policy (LIH001)

<https://ohs-pubstore.labour.alberta.ca/lih001>

Request for a Director review of an OHS officer's order or decision (LI047)

<https://ohs-pubstore.labour.alberta.ca/li047>

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

© 2018 Government of Alberta

This material is for information only. The information provided in this material is solely for the user's information and convenience and, while thought to be accurate and functional, it is provided without warranty of any kind. The Crown, its agents, employees or contractors will not be liable to you for any damages, direct or indirect, arising out of your use of the information contained in this material. If in doubt with respect to any information contained within this material, or for confirmation of legal requirements, please refer to the current edition of the Occupational Health and Safety Act, Regulation and Code or other applicable legislation. Further, if there is any inconsistency or conflict between any of the information contained in this material and the applicable legislative requirement, the legislative requirement shall prevail. This material is current to December 2018. The law is constantly changing with new legislation, amendments to existing legislation, and decisions from the courts. It is important that you keep yourself informed of the current law. This material may be used, reproduced, stored or transmitted for non-commercial purposes. The source of this material must be acknowledged when publishing or issuing it to others. This material is not to be used, reproduced, stored or transmitted for commercial purposes without written permission from the Government of Alberta.