

Occupational Health and Safety Acceptances

OHS information for employers

What is an Acceptance?

Section 34 of Alberta's Occupational Health and Safety (OHS) Act offers a way for an employer, contractor or prime contractor who wishes to achieve compliance through a different approach than complying with an existing requirement of the OHS Regulation or Code, to propose an alternative approach to protect the health and safety of workers.

An example of a situation where a person may wish to request an acceptance is where there is difficulty in meeting an existing requirement and an alternative solution is available that maintains the health and safety of workers.

The OHS Act limits areas that can be considered for an acceptance. Alternative solutions that may be considered are alternatives for (i) **tools**, (ii) **appliances**, (iii) **equipment**, (iv) **work processes**, (v) **first aid services**, or (vi) **first aid supplies** or **equipment**. For an alternative approach to be acceptable, the proposed alternative **MUST** provide equal or greater protection to workers than that provided for by the original requirement of the OHS legislation.

The person proposing an alternative must provide sufficient rationale and supporting information to demonstrate the level of health and safety that will be achieved if the alternative approach is used.

What an Acceptance is Not

An acceptance may not be granted for anything other than use of an alternative tool, appliance, equipment, work process, first aid service, or first aid supplies or equipment.

Applying for an acceptance is not an avenue for avoiding compliance, seeking exemption from, or requesting a variance from prescribed requirements.

Applying for an acceptance is not necessarily an easy process, since the onus is on the person requesting an acceptance to provide the evidence to prove that a proposed alternative offers equal or greater protection to workers than the original requirement.

In addition, an acceptance is not an approval or endorsement of a product or service.

How to Apply for an Acceptance

The acceptance process starts by submitting an application in writing to a Director of Inspection, Director of Medical Services, or Director of Occupational Hygiene, as appropriate.

Acceptance requests relating to first aid may be submitted to the Director of Medical Services; requests relating to harmful substances (e.g., chemicals, respiratory protective equipment) or noise may be submitted to a Director of Occupational Hygiene; and all other requests may be submitted to a Director of Inspection.

Application Checklist

The written application should:

- Be addressed to a Director of Inspection, Director of Medical Services or Director of Occupational Hygiene (as appropriate).
- Include the employer, contractor or prime contractor's legal name, operating name, and WCB numbers and locations of the affected worksites in Alberta to which the acceptance will be applied.
- Include the contact person's name, mailing address, telephone number and email address.
- Specify that an acceptance is being requested under Section 34 of the *OHS Act*, including which type of acceptance is being requested: an alternative (i) **tool**, (ii) **appliance**, (iii) **equipment**, (iv) **work process**, (v) **first aid service**, or (vi) **first aid supplies** or **equipment**.
- Identify the specific section(s), sub-section(s), clause(s) or sub-clause(s) of the OHS Regulation or Code requirement(s) for which the alternative is being proposed.
- State why the alternative is being proposed.
- Describe the particular work and period of time (including specific dates where applicable) for which the alternative is being proposed.
- Describe, in detail, the proposed alternative.
- Provide supporting information (including, as appropriate, technical reports, pictures, sketches, drawings, etc.) to show that the proposed alternative would offer equal or greater protection to workers than the original requirement. Certification of the alternative by a Professional Engineer or other appropriate professional as offering equal or greater protection may be applicable is often helpful. Proposed work procedures may also be submitted if appropriate.

To make the process as efficient as possible, the items specified in the application checklist (above) should be included in an acceptance application.

A letter of application including all supporting documentation may be submitted by mail or email as follows:

Mail: Director of Inspection; Director of Medical Services; or Director of Occupational Hygiene (as appropriate)

Occupational Health and Safety Policy
8th Floor, Labour Building
10808 - 99 Avenue NW
Edmonton AB T5K 0G5

E-Mail: jstl.ohsacceptances@gov.ab.ca

Attn: Director of Inspection, Director of Medical Services, or Director of Occupational Hygiene (as appropriate)

What to Expect After Submitting an Application

After submitting an application, a telephone or email acknowledgment that the acceptance request has been received will be provided to the contact person, typically within a few days.

Every application is considered on a case-by-case basis. Timelines for a Director to review a proposal for an acceptance can vary and will typically take a number of weeks.

During this process, the contact person may be requested to provide additional information if needed. As such, the applicant should ensure their application is submitted well in advance of the date a decision is needed.

A Director may either accept or deny a proposed alternative based on considering relevant information.

Existing requirements must continue to be complied with until a written decision, which grants an acceptance, is provided.

IF THE PROPOSED ALTERNATIVE IS ACCEPTED

If, upon review of an application, the proposed alternative is accepted, the Director's decision will be provided in writing.

The Director's decision:

- May include additional terms and conditions by the Director that will constitute part of the acceptance.
- Will be in effect only during the time period specified in the acceptance document.
- Must, in accordance with section 10 of the OHS Regulation, be posted at the work site, kept with the equipment, or otherwise communicated to affected workers.

An acceptance will be specific to the company that applied, and will be specific to the worksite(s) described in the application.

As per Section 34 of the OHS Act, an employer, contractor or prime contractor who is issued an acceptance must ensure the acceptance is complied with.

Terms and conditions in an acceptance, which are specified by a Director, must be complied with as per Section 34 of the OHS Act.

A Government of Alberta OHS Officer may visit the work site to confirm that an employer, contractor or prime contractor is complying with the terms and conditions of an acceptance. The onus is on the employer, contractor or prime contractor to produce the acceptance letter to an OHS Officer when requested.

If something changes from what was in the application (e.g., a company name change or a change in work site conditions), the recipient of the acceptance is responsible to apply for an amendment to the acceptance. Also, if the recipient of an acceptance has a need for it to be extended beyond its expiry date, the recipient is responsible to request a renewal before the acceptance expires.

IF THE PROPOSED ALTERNATIVE IS NOT ACCEPTED

If, upon final review of the application, the proposed alternative is not accepted, the Director's decision will be provided in writing.

In such a case, there is no appeal of the decision. However, a person may re-apply for an acceptance if there is a change in the proposal.

To help avoid a situation where a request for acceptance may be denied, and to perhaps also save time and effort, a person may contact the OHS Contact Centre and request to speak with a Director prior to submitting a written acceptance request.

Contact Us

OHS Contact Centre

Edmonton & Surrounding area

- 780-415-8690

Throughout Alberta

- 1-866-415-8690

Deaf or hearing impaired:

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

Website

[work.alberta.ca/ohs-contact us](http://work.alberta.ca/ohs-contact-us)

Get Copies of OHS Act, Regulation and Code

Alberta Queen's Printer

www.qp.gov.ab.ca

Occupational Health and Safety

work.alberta.ca/ohs-legislation

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This material is current to February 2017. The law is constantly changing with new legislation, amendments to existing legislation, and decisions from the courts. It is important imperative that you and keep yourself informed of the current law in this area.

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