

Joint Work Site Health and Safety Committee/Health and Safety Representative Curriculum Standard

Curriculum criteria for mandatory joint work site health and safety committee/health and safety representatives training

December 2019

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EDU008

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Purpose of this standard

This standard contains the minimum course content for approved health and safety committee (HSC) and health and safety (HS) representative training courses. It governs training agencies and facilitators in the development and delivery of approved training courses.

Pursuant to Section 29(1)(2) of the *Occupational Health and Safety (OHS) Act* (“Act”), this document sets out HSC co-chair and HS representative mandatory training curriculum criteria. These criteria align with Section 45(2) of the OHS Regulation as illustrated in the table below.

OHS Regulation	Curriculum Reference
the roles and responsibilities of co-chairs on joint work site health and safety committees and health and safety representatives	1.3 Role of the HSC and HS representative <ul style="list-style-type: none"> Duties of HSCs and HS representatives (<i>OHS Act</i>, s. 19 & 20) Other duties specified in code (Manual, s 1.3)
the obligations of work site parties	2.1 What is an internal responsibility system? <ul style="list-style-type: none"> Obligations of work site parties (<i>OHS Act</i>, Part 1)
the rights of workers	2.3 Workers' OHS Rights <ul style="list-style-type: none"> Right to know: workers have the right to be informed of workplace hazards and controls and have access to safety information (<i>OHS Act</i>, s. 2(d)(i)) Right to participate: meaningful participation including ability to express health and safety concerns (<i>OHS Act</i>, s. 2(d)(ii)) Right to refuse <ul style="list-style-type: none"> workers have the right to refuse if they believe on reasonable grounds that there is a dangerous condition (<i>OHS Act</i>, s. 2(d)(iii)) work refusal process (<i>OHS Act</i>, s. 31-34)
the manner in which the organizations will address the responsibilities of both workers and employers in the delivery of the training	Submitted content will be evaluated to ensure it is free from bias.
any other criteria established by the Minister	Any other portions of the curriculum not referenced above.

Training providers must develop and teach a curriculum that is consistent with, and fully covers, the criteria set out in this standard.

The mandatory content related to the learning outcomes in the curriculum criteria is from either:

- the *OHS Act*, Regulation and Code, or
- the **Health and Safety Committee/Health and Safety Representative Manual (EDU006)** (“the Manual”).

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Curriculum criteria

1. Health and Safety Legislation

Learning Outcomes: Explain the purposes of the *OHS Act*, Regulation and Code, and how this legislation applies to HSC members and HS representatives. Describe what an HSC and HS representative are, and summarize the duties and functions of both.

1.1 Purpose of the *OHS Act*, Regulation and Code

- Purposes of the *OHS Act* (*OHS Act*, s. 2)
- Purposes of the Regulation: general administrative matters, health and safety rules and regulations (Manual, s. 1.1)
- Purposes of the Code: detailed technical standards and safety rules; compliance required to fulfill health and safety obligations; examples include equipment safety, noise, chemical hazards, and first aid requirements, among others (Manual, s. 1.1)

1.2 Requirements for Training in the *OHS Act*

- Training HSC members and HS representatives (*OHS Act*, s. 29)

1.3 Role of the HSC and HS Representative

- What is an HSC or HS representative (Manual, s. 1.3)
- Duties of HSCs and HS representatives (*OHS Act*, s. 19 & 20)
- Other duties specified in code (Manual, s. 1.3)
- Employer with 20+ workers must establish OHS program in consultation with HSC (*OHS Act*, s. 37)

2. Internal Responsibility System

Learning Outcomes: Describe the internal responsibility system, due diligence, the three rights of workers and prohibition against discriminatory action.

2.1 What is an Internal Responsibility System?

- Concept of an internal responsibility system: sharing responsibility between everyone in the workplace (Manual, s. 2.1)
- Obligations of work site parties (*OHS Act*, Part 1)

2.2 Due Diligence

- Concept of due diligence: ability to demonstrate that a person did what could reasonably be expected under the circumstances, in order to satisfy a legal requirement (Manual, s. 2.2)
- Due diligence considerations: foreseeability, preventability and control (Manual, s. 2.2)

2.3 Workers' OHS Rights

- Right to know: workers have the right to be informed of workplace hazards and controls and have access to safety information (*OHS Act*, s. 2(d)(i))
 - if a worker has been subject to discriminatory action they may file a complaint with an officer (*OHS Act*, s. 36(1))

- Right to participate: meaningful participation including ability to express health and safety concerns (*OHS Act*, s. 2(d)(ii))
- Right to refuse
 - workers have the right to refuse if they believe on reasonable grounds that there is a dangerous condition (*OHS Act*, s. 2(d)(iii))
 - work refusal process (*OHS Act*, s. 31-34)
- Prohibition of discriminatory action
 - ability to work without being subject to discriminatory action for exercising a right or fulfilling a duty imposed by the act (*OHS Act*, s. 2(d)(iv))
 - the areas in which workers are protected against discriminatory action (*OHS Act*, s. 35)

3. Determining if a Health and Safety Committee or Representative is Required

Learning Outcomes: Explain how to determine if an HSC or HS representative is required.

3.1 HSC Requirements

- Employer-wide and multi-employer work site requirements (*OHS Act*, s. 16 (1a)(2))

3.2 HS Representative Requirements

- HS representative selection, employer-wide and multi-employer work site requirements (*OHS Act*, s. 17 (1a)(2)(3))

3.3 Multiple Employer Work Site Decision Tree

- Decision tree/flow chart (Manual, s. 3.3)

4. Composition of the HSC

Learning Outcomes: Know the requirements for HSC membership, training, terms of reference, rules of procedure, managing HSC meetings and employer/contractor/prime contractor obligations.

4.1 Committee Membership

- Minimum membership (*OHS Act*, s. 22(1))
- Co-chairs (*OHS Act*, s. 22(2)(3))
- Worker members
 - Appointment (*OHS Act*, s. 22(1))
 - Eligibility (*OHS Act*, s. 22 (4))
- Employer members:
 - Appointment (*OHS Act* s. 22(5))
 - Eligibility (*OHS Act*, s. 22 (6))

4.2 Training Requirements

- The requirement to use an approved training provider (*OHS Code*, s. 201)
- The employer's training obligation for HSC co-chairs and members and HS representatives (*OHS Act*, s. 29)
- The HSC's members' entitlement to time away from work (*OHS Act*, s. 30)

4.3 Contact Information

- Posting names and contact information (*OHS Act*, s. 23)

4.4 Membership Term

- One year minimum (*OHS Act*, s. 24(1))

4.5 Terms of Reference and Rules of Procedure

- The HSC duty to establish terms of reference and what it must include (*OHS Code*, s. 197)
- What is a terms of reference: a written set of procedures for how an HSC functions (*Manual*, s. 4.5)
- The HSC's duty to establish rules of procedure and what it must include (*OHS Act*, s. 16(3))
- The concept of rules of procedure: a written set of procedures for how the HSC will fulfil its duties (*Manual*, s. 4.5)
- Sample Terms of Reference and Rules of Procedure Templates (*Manual*, Appendix 3.1)

4.6 Meeting Frequency and Minutes

- HSC meeting frequency (*OHS Act*, s. 27(1-4))
- Management of meeting minutes (*OHS Act*, s. 27(5-7))
- Sample meeting minute template (*Manual*, Appendix 3.3)
- HS representative meeting frequency (*OHS Act*, s. 28.1)

4.7 Quorum

- What quorum is and why it's important (*OHS Act*, s. 26)

4.8 Employer, Contractor and Prime Contractor Obligations

- Obligations to cooperate with HSCs and HS representatives (*OHS Code*, s. 200(1))

5. Hazard Identification, Assessment and Control

Learning Outcomes: Explain the HSC/HS representative's role in hazard identification, assessment and control.

5.1 Hazard Assessment Duties

- Representative and co-chair obligations to
 - participate in hazard identification (*OHS Act*, s. 19(b))
 - develop and promote measures to protect the health and safety of persons at the site and checking the effectiveness of those measures (*OHS Act*, s. 19(c))
 - make recommendations respecting the health and safety of workers (*OHS Act*, s. 19(f)).
- The employer's obligation to consult with the HSC to identify existing and potential hazards to workers (*OHS Act*, s. 37(1)(b)).
- The employers' and workers' obligations in respect of hazard assessments and controls (*OHS Code*, s. 7, 8)

5.2 Hazard Identification and Assessment

- The distinction between formal, site specific and field-level hazard assessments (*Manual*, s. 5.2)
- Steps for completing a formal hazard assessment (*Manual*, s. 5.2)

- Steps for completing a site-specific hazard assessment (Manual, s. 5.2)
- The definitions of
 - hazard (*OHS Act*, s. 1)
 - health hazard and safety hazard (Manual, s. 5.2)
- Hazard categories: physical, chemical, biological, psychosocial (Manual, s. 5.2)
- Assessing hazards (Manual, s. 5.2)

5.3 Hazard Control

- Hazard control requirements (OHS Code, s. 9)
- Emergency hazard control requirements (OHS Code, s. 10(1)).
- Hazard control considerations: control at the source, along the path from the hazard to the worker (Manual, s. 5.3)
- Selecting controls: temporary and permanent measures (Manual, s. 5.3).
- Communicating hazards and controls (Manual s. 5.3)
- Monitoring of controls (Manual, s. 5.3)
- A reference to additional hazard assessment and control resources (Manual, s. 5.3)
- Formal hazard assessment template (Appendix 3.4)

6. Work Site Inspections

Learning Outcomes: Explain the HSC/HS representative's role in work site inspections.

6.1 Work Site Inspection Duties

- Quarterly inspection requirement for HSC's (OHS Code, s. 198)
- Inspections at regular intervals for HS representatives (*OHS Act*, s. 20)
- Employer requirements for inspections in regards to establishing a health and safety program in consultation with HSC (*OHS Act*, s. 37 (e)(i))
- Inspections with an officer (*OHS Act*, s. 25)(OHS Code, s. 202 (2))

6.2 Conducting Work Site Inspections

- A description of an inspection: planned walk-through or examination of a work site that looks at hazards, machinery, tools, equipment and work practices (Manual, s. 6.2)
- Factors that influence inspection frequency (Manual s. 6.2)
- Reasons inspections are useful: regular inspections reduce incidents and occupational illnesses, inspections allow the HSC to compare existing conditions with standards, determine if gaps exist; identify the root cause of gaps, and develop recommendations for corrective action (Manual, s. 6.2)
- Topics employers, HSCs and HS representatives should be familiar with prior to conducting inspections (Manual, s. 6.2)
- The concept of an inventory: what to inspect (Manual, s. 6.2)
- The concept of a checklist: what to look for when you are inspecting each item in the inventory (Manual, s. 6.2)
- The standards that may need to be built into inspection checklists: legislation, industry standards, equipment manuals, and worker knowledge (Manual, s. 6.2)

- Sample inspection checklist template (Appendix 3.5)
- The four categories of inspection: people; vehicles, tools and equipment; chemicals and biological substances; work environment (Manual, s. 6.2)
- The documents to review pre-inspection: inspection reports, incident reports, etc. depending on work site (Manual, s. 6.2)
- The inspection best practices: follow up with workers; communicate with workers; use monitoring equipment; take careful notes; communicate with supervisors (Manual, s. 6.2)

6.3 Corrective Actions

- Reasons for reporting inspection results and keeping inspection records: to help the HSC and employer to identify problems, assess probability and severity and take action; useful in tracking the progress of corrective action and identifying degenerative trends (Manual, s. 6.3).
- Handling unresolved concerns: add unresolved concerns to HSC agenda, rank concerns in order of importance, recommended corrective actions, discuss recommendations with employer (Manual, s. 6.3)
- Inspection report template (Appendix 3.6)
- The HSC's duty to make recommendations to the employer in regards to unsafe conditions (*OHS Act*, s. 19)
- Reference to steps employers must take to resolve health and safety matters brought forward by HSC/HS representatives (*OHS Act*, s. 21)
- Communicating inspection results with workers (Manual, s. 6.3)
- A reference to additional inspection resources (Manual, s. 6.3)

7. Incident Investigation

Learning Outcomes: Explain the HSC/HS representative's role in incident investigations.

7.1 Incident Investigation Duties

- Reporting a serious injury or incident (*OHS Act*, s. 40(1)(2))
- Reporting a potentially serious incident (*OHS Act*, s. 40(5))
- Reporting an incident at a mine or mine site (*OHS Act*, s. 40(3)(4))
- Reminder of investigation duty outlined in *OHS Act*, s. 19 (Manual s. 7.1)
- The employer's obligation to establish investigation procedures that address worker participation in consultation with HSC (*OHS Act*, s. 37).
- The employer responsibilities in the event of an incident (*OHS Act*, s. 40 (5))
- Ensuring confidentiality and protection of personal information in relation to harassment or violence investigations (Manual s. 7.1)
- The prohibition against disturbing the scene of an incident (*OHS Act*, s. 40(9))

7.2 Incident Investigation Process

- The purpose of an incident investigation: identify health and safety problems, and help prevent future injuries and incidents (Manual, s. 7.2)

- The steps required to carry out an investigation including direct, indirect and root cause analysis (Manual, s. 7.2)
- A reference to additional investigation resources (Manual, s. 7.2)
- Incident investigation template (Manual, Appendix 3.7)

8. Supporting OHS in the Workplace

Learning Outcomes: Describe the roles and responsibilities of HSCs and HS representatives in addressing workplace violence and harassment, receiving and addressing worker concerns, and creating appropriate recommendations for employers.

8.1 Violence and Harassment

- The inclusion of violence and harassments as hazards (Manual, s. 8.1)
- The definition of violence and harassment (*OHS Act*, s. 1)
- Employers' legal duty to develop and implement a violence prevention plan in consultation with the HSC or HS representative (OHS Code, s. 390(1)(2))
- Reference to specific violence policy and procedure requirements (OHS Code, s.390.1)(OHS Code, s. 390.2)
- Employers' legal duty to develop and implement a harassment prevention plan in consultation with the HSC or HS representative (OHS Code, s. 390.4(1)(2))
- Reference to specific violence policy and procedure requirements (OHS Code, s.390.5)(OHS Code, s. 390.6)
- An HSC/HS representatives' role in reviewing and revising violence and harassment plans and frequency of review (OHS Code, s. 390.7)

8.2 Worker Concerns

- HSC and HS representative duty to receive, consider and address worker concerns *OHS Act*, s. 19(a) (Manual s. 8.2)
- Methods of receiving information (Manual, s. 8.2)
- Addressing concerns (Manual, s. 8.2)

8.3 Recommendations

- An HSC's responsibility to make recommendations (*OHS Act*, s. 19(f))
- The rationale for using a recommendation form (Manual, s. 8.3)
- Information to include when completing a recommendation form (Manual s. 8.3)
- HSC Recommendation Template (Manual, Appendix 3.8)
- obligation of employer and prime contractor to work with the HSC or HS representative when a recommendation is made (*OHS Act*, s. 21)

8.4 Promoting Safety

- HSC and HS representative Duty to develop and promote programs for education and information concerning health and safety (*OHS Act*, s. 19(e))
- Example of ways in which health and safety can be promoted (Manual, s. 8.4)

8.5 Cooperating with Officers

- Duty to cooperate with officer (*OHS Act*, s. 19(d))

8.6 Maintenance of Records

- Confidentiality (*OHS Code*, s.199)
- Retention of minutes (*OHS Act*, s.27(6))
- Retention of incident investigation reports (*OHS Act*, s. 40(7))
- Prompt to look up retention periods for other H&S documentation (Manual, s. 8.6)

9. Evaluating the HSC

Learning Outcomes: List the traits of an effective HSC and explain the purpose of conducting an evaluation of a committee's effectiveness.

9.1 Traits of effective health and safety committees and health and safety representatives

- Attributes of an effective HSC member/HS representative (Manual, s. 9.1)

9.2 Meeting Management

- Tips for effective HSC meetings (Manual, s. 9.2)
- Agenda template (Appendix 3.2)

9.3 Periodic Evaluations

In the case of a Director Order issued pursuant to Ministerial Order 2019-05 and s. 83 of the *OHS Act* prior to the coming into force of this Standard, this Standard shall be construed to refer to Joint Worksite Health and Safety Committee and Health and Safety Representative Part 2 Training.

- Methods by which HSC effectiveness can be evaluated (Manual, s. 9.3)

Glossary

Contractor: Means a person, partnership or group of persons who, through a contract, an agreement or ownership, directs the activities of one or more employers or self-employed persons involved in work at a work site.

Curriculum Standard: means prescribed curriculum content approved training agencies must deliver.

Direct causes: the unsafe/unhealthy conditions or behaviors that led up to the incident.

Director of Inspection: means a person appointed under Section 42 of the *OHS Act*, as a Director of Inspection.

Domestic violence: is a pattern of behaviour used by one person to gain power and control over another with whom a person has or has had a personal relationship.

Due diligence: the ability to demonstrate that a person did what could reasonably be expected under their circumstances, in order to satisfy a legal requirement.

Employer: a person who employs or engages one or more workers, including a person who employs or engages workers from a temporary staffing agency, a person designated by an employer as the employer's representative, or a director or officer of a corporation or a person employed by the employer who oversees the occupational health and safety of the workers employed by the corporation or employer.

Formal hazard assessment: A documented hazard assessment that takes a close look at the overall operations of an organization to identify hazards, measure risk (to help prioritize hazards), and develop, implement and monitor related controls. Worker jobs or types of work are broken down into separate tasks. Formal hazard assessments are detailed, can involve many people, and will require time to complete.

Harassment is any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes; conduct, comments, bullying or actions because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation; and a sexual solicitation or advance, but excludes any reasonable conduct of an employer or supervisor related to the normal management of workers or a work site.

Hazard: means a situation, condition or thing that may be dangerous to health and safety.

Hazardous: means likely to cause harm or injury in certain circumstances.

Health and safety: includes physical, psychological and social well-being.

Health and safety committee (HSC): a group of worker and employer representatives working together to identify and solve health and safety concerns at the work site.

Health and safety program: means a coordinated system of procedures, processes and other measures that is designed to be implemented by organizations in order to promote continuous improvement in occupational health and safety.

Health and safety representative (HS representative): an individual worker representative who promotes health and safety awareness and works with the employer to address health and safety concerns at the work site.

Indirect causes: contributing factors leading up to the undesirable outcome

Internal responsibility system (IRS): The concept that everyone at the work site has a role to play in keeping workplaces safe and healthy.

Minister: means the Minister determined under Section 16 of the *Government Organization Act* as the Minister responsible for the *OHS Act*.

Officer: a Director or a person appointed under section 42 as an occupational health and safety officer.

Quorum: the minimum number of members of the HSC that must be present at its meetings to make the proceedings of that meeting valid. Quorum consists of at least half of the committee members as long as representatives from both the employer and workers are present and at least half of the persons present represent workers.

Root cause: the underlying or basic cause of the incident.

Site specific hazard assessment: A documented hazard assessment that is performed before work starts at a site and at a site where conditions change or when non-routine work is added. This flags hazards identified at the location (e.g. overhead powerlines, poor lighting, wet surfaces, extreme temperatures, the presence of wildlife), or introduced by a change at the work site (e.g. scaffolding, unfamiliar chemicals, introduction of new equipment). Any hazards identified are to be eliminated or controlled right away, before work begins or continues.

Training Agency Standard: means the prescribed criteria training agencies must meet to be considered before being approved by the Minister for the delivery of HSC/HS representative training.

Violence, whether at a work site or work related, is defined by the *OHS Act* as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence.

Work site: means a location where a worker is, or is likely to be, engaged in any occupation and includes any vehicle or mobile equipment used by a worker in an occupation.