

Orientation to the new OHS legislation

OHS information for employers and workers

An updated *Occupational Health and Safety Act* (OHS Act) and revised regulations took effect Dec. 1, 2021. The new legislation eliminates duplication and moves requirements from other pieces of legislation into the OHS Act and Code.

This bulletin highlights where some of the requirements from the previous legislation have moved to in the new Dec. 1, 2021 versions.

OHS Act

Location in: OHS Act, SA 2017 cO-2.1 (Up to November 30, 2021)	Moved to: OHS Act, SA 2020, cO-2.2 (NEW) or OHS Code, Alberta Regulation 191/2021 (NEW) (Effective December 1, 2021)
Joint Health and Safety Committees and Health and Safety Representatives	
Part 3 - Health and safety committee requirements (Sec. 16, 18, 19, 22, 21, 22, 23, 24, 25, 26, 27, 29, 30) Part 3 - Health and safety representative requirements (Sec. 17, 18, 20, 21, 23, 24, 25, 28, 29, 30)	Sec. 13 - Joint health and safety committees Sec. 15 - Inspection of work site with officer Sec. 3(1)(f) – Obligations of employers Part 13 (OHS Code) - Joint health and safety committees and health and safety representatives Sec. 14 - Health and safety representative Sec. 15 - Inspection of work site with officer Sec. 3(1)(f) – Obligations of employers Part 13 (OHS Code) - Joint health and safety committees and health and safety representatives
Dangerous Work and Disciplinary Action	
Sec. 31, 32, 33, 34, - Right to refuse dangerous work Sec. 35 - Prohibition of discriminatory action Sec. 36 - Discriminatory action complaint	Sec. 17 - Right to refuse dangerous work Sec. 18 - Where disciplinary action is prohibited Sec. 19 - Disciplinary action complaint
Health and safety programs	
Sec. 37 - Health and safety program	Sec. 16 - Health and safety program
Serious injuries and incidents	
Sec. 40 - Serious injuries and incidents	Sec. 33 - Serious injuries, illness, incidents and workers exposure to radiation

Location in: OHS Act, SA 2017 cO-2.1 (Up to November 30, 2021)	Moved to: OHS Act, SA 2020, cO-2.2 (NEW) or OHS Code, Alberta Regulation 191/2021 (NEW) (Effective December 1, 2021)
Acceptances, allowances, and approvals + Inter-jurisdictional recognition	
Sec. 55 - Acceptances	Sec. 20 - Acceptances
	Sec. 21 - Allowances (NEW)
Sec. 56 - Approvals	Sec. 22 - Approvals
Sec. 57 - Interjurisdictional Recognitions	Sec. 23 - Interjurisdictional Recognitions
Order, Stop Work Order, and Stop Use Order Compliance and Enforcement	
Sec. 59 - Order to ensure compliance	Sec. 38 - Order to ensure compliance
Sec. 60 - Stop work orders	Sec. 39 - Stop work orders
Sec. 61 - Stop use orders	Sec. 40 - Stop use orders
Administrative Penalties, Appeals	
Sec. 67 - Enforcement of compliance with order	Sec. 42 - Enforcement of compliance with order
Sec. 68 - Administrative penalties	Sec. 44 - Administrative penalties
<i>Sec. 70 - Director review (Removed from OHS legislation)</i>	Sec 41 – Director's authority to revoke or vary an officer order or Administrative Penalty
Sec. 71 - Appeal	Sec. 45 - Appeal
Sec. 73 - Offences	Sec. 47 - Offences
Sec. 74 - Penalties	Sec. 48 - Penalties

OHS Regulation

Moving to OHS Act	
Location in: OHS Regulation, Alberta Regulation 62/2003 (Up to November 30, 2021)	Moved to: OHS Act, SA 2020, cO-2.2 (NEW) (Effective December 1, 2021)
Sec. 4 - Hazardous occupation	Sec. 1(q) - Definitions
Sec. 5 - Hazardous work site	Sec. 1(r) - Definitions
Sec. 13 - General protection of workers	Covered by Sec. 3 – Obligations of employers
Sec 14(1) - (2) - Duties of workers	Covered by Sec. 5 - Obligations of workers
Sec 15(1) - Safety training	Covered by Sec. 3 – Obligations of employers
Sec 15(2) - Safety training	

Sec. 15(4) – Safety Training Sec. 44 - Designated organizations	Sec. 5(1)(f) Sec. 58 - Designated organizations
Moving to the OHS Code	
<p style="text-align: center;">Location in: OHS Regulation, Alberta Regulation 62/2003 (Up to November 30, 2021)</p> <p>Sec. 7 (1) - Availability of specifications Sec. 7 (2) - Availability of specifications Sec. 12 (1) (b) - Equipment Sec. 12 (1) (a), (c), and (d) - Equipment Sec. 12 (2) - Equipment Sec. 13 (4) - General protection of workers Sec. 15(3) (a) - Safety training Sec. 15 (3) (b) - Safety training Sec. 15 (5) - Safety training Sec. 16 - Joint First Aid Standards Board Sec. 17, 18, 19, 20, 21, 22, 23 (All non-mining blasting operations and blaster's permits) Sec. 26, 27, 30, 31, 32, (underground & surface mine blaster's certificates) Sec. 32.1, 32.2, 34, 34.1, 35, 36 (3)-(4) (administrative provisions for mining certificates)</p>	<p style="text-align: center;">Moved to: OHS Code, Alberta Regulation 191/2021 (NEW) (Effective December 1, 2021)</p> <p>(NEW) Sec. 15.1 -Specifications and Certifications (NEW) Sec. 15.1 -Specifications and Certifications Sec. 12 (a) - Following Specifications Section 12 (b) - Following Specifications (NEW) Sec. 3.2 - Equipment (addition of PPE) (NEW) Sec. 3.3 - Performance of duty by worker Sec. 21 (1) (b) - Potential Worker Exposure Sec. 21(2) (c) and (d) - Potential Worker Exposure Sec. 21(3) (NEW) Sec. 177.1 - First Aid Training Standards Board membership (NEW) Sec. 468.1 - 468.7 (NEW) Sec. 749.2 - 794.6 (NEW) Sec. 749.7-749.93</p>
Remaining in the OHS Regulation	
<p style="text-align: center;">Location in: OHS Regulation, Alberta Regulation 62/2003 (Up to November 30, 2021)</p> <p>Sec. 41 - Research and education programs Sec. 42 - Surveillance programs</p>	<p style="text-align: center;">Location in: OHS Regulation, Alberta Regulation 184/2021 (NEW) (Effective December 1, 2021)</p> <p>Sec. 2 Regulations - Research and education programs Sec. 3 Regulations - Surveillance programs</p>
Other:	
Sec. 6 - Notifiable diseases	OHS Act authorizes the Director of Medical Services to designate these. The list has been removed from regulation and exists in a Director's Order .

Radiation protection legislation

- Reporting requirement moved from *Radiation Protection Act* to OHS Act Sec.33(4).
- Requirements for agencies moved to the [Radiation Program](#) established under OHS Act Sec. 59.
- Enforcement related to radiation requirements at work sites moved to general officer inspection, investigation, and enforcement powers.
- Technical requirements from the *Radiation Protection Act* and Radiation Protection Regulation moved to OHS Code Sec 291 – 291.7.
- Radiation Protection Regulation Schedule 1 and 2 moved to OHS Code Schedule 112.
- Prosecution for radiation-related non-compliance is now under the OHS Act.

Administrative Penalty Regulation

- Provisions from the Administrative Penalty Regulation moved to OHS Act Sec. 44, with all other administrative penalty requirements
- Administrative Penalty Regulation repealed

OHS Code

In addition to the requirements that have moved from the OHS Act, OHS Regulation or other associated regulations (listed above), this table outlines some of the other changes made to the OHS Code.

New or amended ¹ sections in OHS Code, Alberta Regulation 191/2021 (Effective December 1, 2021)	Explanation
<p>(AMENDED) Sec. 1 - Definitions</p> <p>(AMENDED) Sec 1.1 (1) - Farming and Ranching operations</p> <p>(NEW) Sec 1.1 (2) - (3) - Farming and Ranching operations</p> <p>(NEW) - Sec. 1.1 (4) - (5) - Farm and Ranching Operations (NEW)</p>	<p>Highlights of changes to definitions:</p> <ul style="list-style-type: none"> • Ionizing radiation definition amended • Required definitions from OHS Regulation and radiation protection legislation moved into the code • “personal protective equipment” moved from code to act. • Several definitions in code amended to align with the OHS Act definition of PPE • Director definition removed because it is defined in the OHS Act • Specified farming and ranching operations moved from the Farming and Ranching Exemption Regulation <ul style="list-style-type: none"> • Enables provisions from pre-Dec 1, 2021 OHS Act on joint health and safety committees and representatives that apply for farms and ranches to continue to apply after those provisions transition to the OHS Code on Dec 1, 2021 • Clarifies that the training requirements only apply for co-chairs of joint health and safety committees and health and safety representatives for farming and ranching operations

New or amended ¹ sections in OHS Code, Alberta Regulation 191/2021 (Effective December 1, 2021)	Explanation
<p>(AMENDED) Sec 1.2(2) - Domestic Workers</p> <p>(NEW) Sec 1.2(3) - Domestic Workers</p> <p>(AMENDED) Sec. 1, Sec. 3.1, 12, 15, 29(4), 30(1), 30(2), 54(2), 116(c), 118(1), 118(2), 138, 139(7), 150.1, 150.2, 191(2), 191(3), 194(2), 194(4), 194(5), 221(2), 222(1), 222(2), 222(3), 229(1), 229(2), 229(2.1), 229(2.3) 231, 232(1), 233(2), 233(4), 233(5), 234(1), 234(2), 235(1), 235(2), 236(1), 238, 239(1), 239(2), 242, 244(4), 249(1), 251, 252, 253, 254(1), 255, 692, 702(1), 793(1), 805, 806, 811, 820(1), 820(2), 821, 822, 825, Schedule 3 (Table 2)</p>	<ul style="list-style-type: none"> • Enable provisions from pre-Dec 1, 2021 OHS Regulation that applied to domestic workers to continue to apply when those provisions transition to the OHS Code on Dec 1, 2021 • Updated to align with the new Personal Protective Equipment (PPE) definition in the OHS Act

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