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OHS Panel and Q&A Event: OHS Code Amendments in force March 31, 2023

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Municipal Health and
Safety Association

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Understanding the amendments to Part 11 and related definitions: A deeper dive on select topics

Key Definitions

- Code Section 1, currently: “**acute illness or injury**” means a physical injury or sudden occurrence of an illness that results in the need for immediate care”. This is being repealed.
- This definition is replaced with a new Section 1 definition: “**illness or injury**” in Part 11 means a sudden occurrence of an illness or injury that results in the need for first aid.
- The definition of first aid is also changing.



Key Definitions

- Code Section 1, currently: “**first aid**” means the immediate and temporary care given to an injured or ill person at a work site using available equipment, supplies, facilities or services, including treatment to sustain life, to prevent a condition from becoming worse or to promote recovery. This is being repealed.
- This definition is replaced with a new Section 1 definition: “**first aid**” means emergency care provided to an ill or injured worker at a work site.



Key Definitions: Combining these Concepts

- “**illness or injury**” in Part 11 means a sudden occurrence of an illness or injury that results in the need for emergency care provided to an ill or injured worker at a work site.
- Missing definitions?
 - Ill + illness
 - Injured + injury
 - Emergency care



Part 11, First Aid, Continued

- AOHS Bulletin LH001 states that these changes provide alignment with the new CSA Standard.
- Which standard? CSA Z1220-17? CSA Z1210-17? Note that Section 3 of the Code “Adoption of Standards” is being repealed and there is no replacement.
- It is probable that your first aid procedures will need to be amended over this term change alone.
- The Bulletin highlights well the other changes to Part 11. Note carefully the emergency transportation plan requirements.



Emergency Transportation Plan, Revision

180(1) Before sending workers to a work site, a prime contractor or, if there is no prime contractor, an employer must make and implement a **plan** to transport ill or injured workers from the work site to the nearest health care facility.



Emergency Transportation Plan, Revision

180(2) The **plan** referred to in subsection (1) must

- (a) Be suitable, considering the distance to be travelled and the types of illnesses or injuries that may occur at the work site,
- (b) Include measures to protect persons from exposure to the weather,
- (c) Ensure vehicles are readily available and can accommodate a stretcher and an accompanying person, and
- (d) Include systems that allow the persons being transported to communicate with the health care facility to which the ill or injured worker is being taken.



Emergency Transportation Plan, Revision

180(3) If a worker is ill or injured and needs to be accompanied during transport to a health care facility, the prime contractor or, if there is no prime contractor, the employer must ensure that the worker is accompanied by at least one first aider, in addition to the operator of the transportation.

180(4) Subsection (3) does not apply if there are 3 or fewer workers at the work site at the time.



Emergency Transportation Plan, Key Amendments

- ETP obligation now rests on the prime contractor, if one exists, and then the employer if not.
- The other revisions largely centre on the removal of prior references to ambulance service licenced under the *Emergency Health Services Act* being readily available to the work site when travel conditions are normal.
- This is now a **plan**, which attracts section 55(6) of the OHS Act.



AOHS Act Plan Requirements

55(6) If a person is required to make a report or **plan** under this Act, the regulations or the OHS Code, the person shall ensure that the report or **plan** is in writing and a paper or downloaded or stored electronic copy of the report or **plan** is readily available for reference by workers, the joint health and safety committee, if there is one, and the health and safety representative, if there is one, at the work site affected by report or **plan**.



Duty to Report Illness or Injury

- Section 182 has been revised in one critical respect:

If a worker has an illness or injury at the work site, the worker must report the illness or injury to the **prime contractor or, if there is no prime contractor, to the employer** as soon as possible.

Currently, the obligation is for the report to be made to the worker's employer.

Actions Required?

- Now, more than ever, it will be vital to have a strong understanding of whether a prime contractor role has arisen at a work site and who is occupying that role.
- Employers and prime contractors must revise their first aid policies and procedures.
- While Part 7, Emergency Preparedness and Response, has not been amended it is wise to review ERP plans in association with the Part 11 compliance.





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Thank you!



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