

Changes to OHS laws

Information for Albertans

Objective

The proposed Ensuring Safety and Cutting Red Tape Act, 2020 will update and enhance workplace laws under the *Occupational Health and Safety Act* (OHS Act). This act will eliminate duplication and simplify language to make OHS laws easier to understand and follow, resulting in healthier and safer workplaces and supporting investment attraction and job creation. Workers will continue to have the same rights and protections under the revised OHS laws.

If passed, the changes take effect Sept. 1, 2021.

Proposed changes

What is changing	What it means
Eliminating mandatory health and safety committees and representatives on sites with multiple employers	<p>Health and safety committees and representatives will no longer be mandatory on work sites with multiple employers and a prime contractor.</p> <p>Prime contractors will be required to have a contact to coordinate health and safety issues between workers and employers.</p> <p>Workers may also access their individual employers' health and safety committee or representative.</p> <p>OHS directors will still have the ability to require a committee or representative for any work site.</p> <p>If there is no prime contractor, the employers on site may voluntarily designate a prime contractor.</p> <p>If there is no prime contractor or designated prime contractor, committees or representatives are still required on multiple employers sites.</p>

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<p>Creating a simplified, more accurate process for calculating number of workers</p>	<p>The amended OHS Act will simplify how the number of workers is calculated when deciding if an employer requires a health and safety committee or a representative.</p> <p>The calculation will be based on the number of workers “regularly employed.” The new method more accurately depicts worker numbers in normal conditions.</p> <p>The requirements of 20 or more workers for a committee and five to 19 workers for a representative will remain the same.</p>
<p>Moving specific health and safety committee and representative rules into regulation</p>	<p>Specific requirements and rules for the committees and representatives will be moved from the act to the OHS Code.</p> <p>The code is a regulation and is the more proper place for specific requirements and rules.</p> <p>The act retains the overall enabling provisions for committees and representatives.</p>
<p>More flexible health and safety program requirements</p>	<p>Employers with 20 or more workers will still be required to have a written health and safety program.</p> <p>The OHS Act will remove mandatory elements for programs.</p> <p>Labour and Immigration will provide guidelines to help employers and workers develop their health and safety programs.</p> <p>Employers and workers will have the flexibility to develop programs that best suit their workplace.</p>
<p>Clearer rules for potentially serious injury reporting</p>	<p>The amended act will clearly define potentially serious incidents and the requirements for reporting them.</p>

	<p>Information from potentially serious incident reports will be used for information and education only and not for enforcement purposes.</p>
<p>Disciplinary action complaints</p>	<p>Discriminatory action complaints will be renamed “disciplinary action complaints” to avoid confusion with human rights laws.</p> <p>Where a collective agreement exists, complaints will be addressed through the agreement’s grievance process rather than filing a complaint with Occupational Health and Safety.</p> <p>OHS officers will have the authority to dismiss complaints with questionable merit before starting an investigation. A worker can request an OHS director review an officer’s decision.</p> <p>There will be a six-month time limit from the date of the alleged disciplinary action to file a complaint.</p> <p>The reverse onus provision for employers will be retained. This means employers need to prove a disciplinary action is not related to a worker complying with OHS laws.</p>
<p>Clearer rules around dangerous work refusals</p>	<p>Workers will still have the right to refuse dangerous work without reprisals.</p> <p>The amended OHS Act will clearly define “undue hazard” and the circumstances where dangerous work refusals are appropriate.</p> <p>The process for dealing with dangerous work refusals will be simpler, streamlined and easier to follow.</p> <p>The “without reprisal” wording will be removed from this section of the act because it’s already addressed in the disciplinary action complaint section.</p>

<p>Adding radiation protection laws to the OHS Act</p>	<p>The <i>Radiation Protection Act</i> and its regulations will be incorporated into the OHS Act and OHS Code.</p> <p>Alberta has an excellent radiation protection program and laws governing it will remain intact. Changes will be administrative ones such as removing duplication and updating wording to align with the OHS Act.</p>
<p>Simpler process for acceptances, allowances and approvals</p>	<p>An acceptance enables a worksite party to take an alternative approach to a requirement in the OHS laws. Other OHS provisions require worksite parties to apply for an approval in certain circumstances.</p> <p>The act will simplify the process for acceptances and approvals so these requests can be processed more quickly.</p> <p>Allowances will be added to provide flexibility when it is clear that requirements lag behind advances in technology and processes.</p>