

Work Site Parties

Definitions and OHS Obligations



Participant Handout

AMHSA
Health | Safety | Environment



Disclaimer

The information presented in this publication, to the best of our knowledge, is current at the time of publication. It is intended for the general use of the members of the Alberta Municipal Health and Safety Association and may not apply to every circumstance.

This is not a definitive guide to government regulations and does not relieve persons using this publication from their responsibilities under applicable legislation.

Copyright © 2022 AMHSA

All rights reserved. Any reproduction in whole or in part without expressed written consent of the Alberta Municipal Health and Safety Association is prohibited.

Publisher

Alberta Municipal Health and Safety Association

www.amhsa.net

Introduction to Work Site Parties



Welcome to the Work Site Parties Pre-Work! This handout accompanies the Work Site Parties Pre-Work video, which you will have received when registering for your AMHSA course. Although this pre-work is not graded, knowing these definitions and obligations ahead of time will help you get more out of the course you have enrolled in.

There are nine work site parties defined in Alberta Occupational Health and Safety (OHS) legislation. The definition of each party, their role and OHS obligations are outlined here.

- 1) Employer
- 2) Supervisor
- 3) Worker
- 4) Prime Contractor
- 5) Contracting Employer
- 6) Temporary Staffing Agency
- 7) Supplier
- 8) Service Provider
- 9) Owner

All definitions in this Participant Handout are taken from the Alberta OHS Legislation updated in December 2021.

DEFINING MUST/SHALL

Using “must” or “shall” means that something (i.e., legislation, organizational policies) dictates that a requirement is not optional. If the requirement defined with must or shall is missing, then the organization would have a non-compliance.

EMPLOYER

(Reference: Alberta OHS Act, Definitions (k))

An employer is any:

- 1) Person who is self-employed in an occupation.
- 2) Person who employs one or more workers, including workers engaged from a temporary staffing agency.
- 3) Person designated by an employer as the employer’s representative, (i.e., manager, supervisor).
- 4) 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.

EMPLOYER KEY OBLIGATIONS:

(Reference: Alberta OHS Act, General Obligations Section 3)

Every employer shall ensure, as far as it is reasonably practicable for the employer to do so,

- The health, safety, and welfare of
 - Workers engaged in the work of that employer,
 - Those workers not engaged in the work of that employer, but present at the work site at which that work is being carried out, and,
 - Other persons at or in the vicinity of the work site whose health and safety may be materially affected by identifiable and controllable hazards originating from the work site.
- That the workers engaged in the work or that employer are aware of their rights and duties under this Act, the regulations, and the OHS Code,



- That none of the employer’s workers are subjected to or participate in harassment or violence at the work site,
- That the employer’s workers are supervised by a person who
 - Is competent, and
 - Is familiar with this Act, the regulations, and the OHS Code that apply to the work performed at the work site,
- That the joint health and safety committee, if there is one, or health and safety representative, if there is one, complies with all requirements imposed on the joint health and safety committee or the health and safety representative under this Act, the regulations or the OHS Code and,
- That health and safety concerns raised by workers, supervisors, and the joint health and safety committee, if there is one, or the health and safety representative, if there is one, are resolved in a timely manner.
- That all workers employed by them are adequately trained in all matters necessary to perform the work in a healthy and safe manner. Any supervisor employed by them is competent and adequately trained. Workers and supervisors are aware of their rights and obligations under the Alberta OHS Act.
- That information related to work site hazards, controls, work practices, and procedures is readily available and provided to
 - The joint health and safety committee, if there is one, or health and safety representative, if there is one, at the work site
 - The workers, and,
 - The Prime Contractor, if there is one.

WHAT DOES THIS MEAN?

To meet these obligations, the employer must ensure, as far as reasonably practicable, that any safety planning includes awareness of the space beyond the limits of the work site itself, to identify any health and safety hazards, such as noise, debris, environmental spills/releases that an incident or work activity may cause. Plans such as evacuating a nearby school due to a harmful substance being released into the air may then be required.

In the Alberta OHS Act, the Employer no longer needs to formally inform the Prime Contractor of the names of their supervisors on-site. As a best practice, however, Employers should continue to inform the Prime Contractor of the names of their supervisors, when the supervisors are on a work site controlled by the Prime

Contractor. The Prime Contractor often includes reporting requirements from the Owner / Employer when negotiating the terms of the contract in the written agreement.

When keeping information readily available, the Employer can use electronic or paper formats, such as apps, manuals, etc.

SUPERVISOR

(Reference: Alberta OHS Act, Definitions (nn))

A supervisor is a person who has the authority over workers or oversees a work site.

A supervisor is an employer's representative.

SUPERVISOR KEY OBLIGATIONS:

(Reference: Alberta OHS Act, General Obligations Section 4)

Every supervisor shall, as far as it is reasonably practicable to do so,

- Take all precautions necessary to protect the health and safety of every worker under the supervisor's supervision.
- Ensure workers under the supervisor's supervision work in the manner and accordance with the requirements of the Alberta Act, regulation, and Code.
- Ensure workers do not participate or cause workplace harassment or violence at the work site.
- Advise every worker under the supervisor's supervision of all known or reasonably foreseeable hazards to health and safety in the area where the worker is performing the work.
- Report to the employer concerns about unsafe or harmful work site act that occurs or has occurred or an unsafe or harmful work site condition that exists or has existed.



WHAT DOES THIS MEAN?

Some of the ways that Supervisors can fulfill their obligations include conducting meetings and reviewing hazards to make workers aware of the hazards of the work they are being asked to do, and of the hazards of the work that others are doing around them.

Additional examples of how Supervisors can fulfill their obligations are to support

incident reporting and investigations, follow up with corrective actions, and ensure workers are using PPE properly.

WORKER

(Reference: Alberta OHS Act, Definitions (tt))

A worker means a person engaged in an occupation, including a person who performs or supplies services for no monetary compensation for an organization or employer but does not include a student in learning activities conducted by or within an educational institution for which no compensation is paid to the student.

WORKER KEY OBLIGATIONS:

(Reference: Alberta OHS Act, General Obligations Section 5)

- Taking reasonable care to protect the health and safety of themselves and any other persons at or in the vicinity of the work site.
- Cooperating with the health and safety plans and processes that have been determined by their supervisor or employer.
- Communicating with their supervisor or employer any concerns about unsafe or harmful conditions or actions at the work site.
- Donning personal protective equipment, PPE, and use all devices designated and provided for the worker's protection.
- Refraining from participating in and/or causing workplace harassment or violence.
- Participating in any training provided by their employer.
- Not performing work that they are not competent to perform, except under the direct supervision of someone who is competent.



PRIME CONTRACTOR

(Reference: Alberta OHS Act, Definitions II, and Obligations Section 10)

The Prime Contractor is defined by the obligations as outlined in the Act:

10(2) The person in control of the work site shall designate in writing a person as the prime contractor of the work site.

10(3) If the person in control of the work site fails to designate a person as the prime contractor the person in control of the work site is deemed to be the prime contractor.

10(7a) The Prime Contractor shall establish, as far as reasonably practicable to do so, a system or process that will ensure compliance with the OHS Act, regulations and Code in respect of the work site, including a system or process to ensure cooperation between the employer and workers in respect to health and safety.

10(7b) Designate a person in writing for the purposes of ensuring cooperation between the employer and workers in respect to health and safety and implementing a system to address the matters set out in section 13(6), duties of a joint health and safety committee/health and safety representative.

10(7c) Conduct the Prime contractor's own activities in such a way as to ensure, as far as reasonably practicable to do so, that no person is exposed to hazards arising out of, or in connection with, activities at the work site.

The name of the Prime Contractor must be posted in a conspicuous place at the work site.

WHEN AND WHERE A PRIME CONTRACTOR IS REQUIRED

(Reference: Alberta OHS Act, General Obligations Section 10)

“Every construction work site and oil and gas work site or a work site or class of work sites designated by a Director must have a Prime Contractor if there are two or more employers involved in work at the work site.”

ENTERING INTO AN AGREEMENT WITH A PRIME CONTRACTOR

The requirements for a Prime Contractor apply even when the employers are not on the work site at the same time.

A person in control of a work site, where there are two or more employers involved at the work site may enter into an agreement in writing with a person designated that person as the Prime Contractor of the work site.

For instance, for sites that are not construction or oil/gas work sites, the owner or employer may hire a Contracting Employer and may wish to appoint them as a Prime Contractor.

DEFINING A WORK SITE

(Reference: Alberta OHS Act, Definitions (uu))

The Alberta OHS legislation defines a work site as 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.

DEFINING CONSTRUCTION WORK SITE

(Reference: Alberta OHS Act, Definitions (e))

The Alberta Occupational Health and Safety legislation replaces the previous term of Project with the term a Construction Work Site.



CONSTRUCTION WORK SITE means a work site where any of the following activities are conducted:

- The building, demolition, repair, alteration, extension, or renovation of a structure,
- Site development or building and repair of roads, highways, pipelines, sewage systems, drainage systems, electrical transmission lines or systems or telecommunication transmission lines or systems,
- Digging, working in, or filling a trench or excavation, or
- Land clearing, earth moving, grading, boring, drilling, abrasive blasting, or concreting.

EXAMPLES OF CONSTRUCTION WORK SITES

Construction work sites may include residential, commercial, and industrial construction, home renovations, erection of prefabricated buildings, and demolition activities.

In addition, in the municipal context, this could include activities such as building or repairing roadways and sidewalks, or the installation or repair of utility infrastructure.

WHAT DOES THIS MEAN?

Once the Prime Contractor is selected the Prime Contractor takes on the overall responsibility and establishes a health and safety management system to reduce hazard exposures and losses. Establishing a health and safety management system, documented in a Health and Safety manual is the first step in providing the foundation of hazard recognition and a process to implement controls so that no person is exposed to hazards arising out of, or in connection with, activities at the work site.

Prime Contractors are responsible for controlling the work site as part of the system to ensure compliance with OHS legislation. To assure that workers aren't exposed to hazards may require a Prime Contractor to do some form of coordination/oversight/organization of the work across the work site.

- Co-ordinates with the Owner, employer, and other workers through designating a person to fulfill the role of Prime Contractor.
- The person can be an employed person of the Prime Contracting company or a third-party consultant.
- Monitors the established health and safety management system and reports to regulators, OHS, Owner / Employers on incidents and serious incidents.



This means that the Prime Contractor is responsible for assigning, monitoring, and updating the site's Health and Safety plans. The Prime Contractor is the only organization that can direct and assign safety-related work. This prevents contradictory plans from being implemented and maintains clear pathways of communication and decision-making.

This is different than performing the work. **Everyone on the work site is involved in performing the work.**

If there is no agreement in place, the Owner of the work site will be considered the Prime Contractor under the law.

CONTRACTING EMPLOYER

(Reference: Alberta Act, Definitions (f))

A person, partnership, or group of persons who, through a contract, an agreement, or ownership, directs the activities of one or more employers involved in work at a work site.

The more commonly used term Contractor is now defined as the Contracting Employer.

CONTRACTING EMPLOYER KEY OBLIGATIONS:

(Reference Alberta OHS Act, General Obligations Section 8)

- Every Contracting Employer who directs the activities of an employer involved in work at a work site shall ensure, as far as it is reasonably practicable to do so, that the employer complies with this Act, the regulations, and the OHS Code in respect of that work site.
- Every Contracting Employer shall ensure that the owner and any employer, Prime Contractor, supplier, or service provider on a work site is informed of any existing or potential work site hazards that may affect workers or other persons at the work site.

The same best practice recommended for Owners and Employers is recommended for Contracting Employers.

That is, Contracting Employers should continue to inform the Prime Contractor of the names of individuals assigned to the work site, and when these individuals arrive on a work site controlled by the Prime Contractor.

The Contracting Employers often need to report any new/transferred workers assigned to the work site, to the Prime Contractor.

TEMPORARY STAFFING AGENCY

(Reference: Alberta OHS Act, Definitions (pp))

A temporary staffing agency means a person who retains workers and deploys or facilitates the placement of those workers with other employers.

TEMPORARY STAFFING AGENCY KEY OBLIGATIONS:

(Reference: Alberta OHS Act, General Obligations Section 11)

- Ensure that any worker assigned to an employer is suitable to perform that task to which they are assigned and that they are equipped with any necessary personal protective equipment prior to commencing work activities.
- Ensure the other employer can ensure the health and safety of the worker.

WHAT DOES THIS MEAN?

Temporary Staffing Agencies need to assure workers assigned to an employer are suitable to perform that task to which they are assigned, and may include conducting competency assessments, training, and mentoring.

The temporary staffing agency equips their workers with any necessary personal protective equipment before commencing work activities and assures the other employer can ensure the health and safety of their workers and may include their pre-qualification process of the employer hiring the temporary worker.

SUPPLIER

(Reference: Alberta OHS Act, Definitions (oo))

A supplier is a person who sells, rents, leases, erects, installs, or provides any tools, appliances, personal protective equipment or who sells or otherwise provides any

harmful substance or explosive to be used by a worker in respect of any occupation, project or work site.

SUPPLIER KEY OBLIGATIONS:

(Reference: Alberta OHS Act, General Obligations Section 6)

- Ensure all products are safe to use.
- Supply written instructions for all equipment, including leased equipment.
- Provide notice when products or equipment do not comply with Alberta OHS legislation.

WHAT DOES THIS MEAN?

Suppliers need to ensure all products supplied, such as PPE, equipment, harmful substances, or explosives, are in safe operating conditions and are safe to use when manufacturer specifications are followed.

- Supply available manufacturer specifications and other written instructions for all equipment (including leased equipment), and all harmful substances or explosives.
- Provide notice when products or equipment do not comply with Alberta OHS legislation or its standards.

SERVICE PROVIDER

(Reference: Alberta OHS Act, Definitions (mm))

A service provider is any person who provides training, consultation, testing, program development, or other services in respect of any occupation or work site.

SERVICE PROVIDER KEY OBLIGATIONS:

(Reference: Alberta OHS Act, General Obligations Section 7)

- Provide services that comply with all relevant legislation.
- Ensure that the service offered will enable the person provided with the service, to comply with Alberta OHS legislation.
- Ensure that all workers are competent to provide services.
- Ensure that services provided do not create a hazard for any person at or near a work site.

OWNER

(Reference: Alberta OHS Act, Definitions (hh))

The Owner is the person who is registered under the Land Titles Act as the owner of the land on which work is being carried out, or the person who enters into an agreement with the owner to be responsible for meeting the owner's obligations under Alberta OHS Act, regulations, and the Code.

In the case of many municipal projects, the municipality is the Owner of the land, but there can be cases, such as road construction, where the owner is the Province of Alberta.

For example, a project could involve a major highway that is under the ownership of the Province of Alberta, and the municipality is given the control to oversee the project.

The definition does not include a person who occupies land or premises used as a private residence unless a business, trade, or profession is carried out in that premises.

OWNER KEY OBLIGATIONS:

(Reference: Alberta OHS Act, General Obligations Section 9)

- 1) Responsible for ensuring the property under their control does not endanger health and safety, including land, infrastructure, buildings, and premises.
- 2) Ensuring that any hazards identified by the Owner are communicated to all Workers, Employers, Contracting Employers, Prime Contractors, Suppliers, and Service Providers.
- 3) Decides to retain or transfer Prime Contractor and designate in writing the named person who will be performing the duties of the Prime Contractor and ensure the notifications are posted conspicuously and promptly.



VOLUNTEERS

Although they are not defined in the OHS legislation as a work site party, volunteers may be an important group on a work site.

A volunteer is any person other than a paid employee (i.e. of the Employer, Contracting Employer, Prime Contractor, or other work site parties), who may complete activities on behalf of an organization. Volunteers can be a worker, a supervisor, or a manager, depending upon the level of authority and responsibility given to them.

PROTECTING VOLUNTEERS AND VOLUNTEER OBLIGATIONS:

At a minimum, if using volunteers, the employer must ensure their health and safety by providing orientation and training as required, including:

- The job hazards and the applicable hazard controls,
- The relevant job procedures, and
- Training on the use, care, maintenance, and selection of personal protective equipment.

For example, if volunteers are doing higher risk job activities like construction, road traffic control, road cleanup, a competency assessment might be needed for those volunteers, or the employer may have to provide a competent supervisor (even if that person is a volunteer).

Volunteers have the same obligations as a worker.

NAVIGATING MULTIPLE OBLIGATIONS

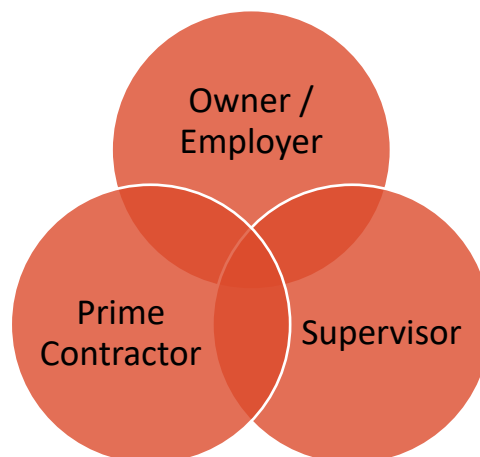
(Reference: Alberta OHS Act, General Obligations Section 12)

“Function” means the function of the Prime Contractor, Contracting Employer, Owner, Employer, Supervisor, Service Provider, Supplier, Worker, or Temporary Staffing Agency.

Multiple obligations require a person with multiple roles or functions, to meet the obligations of each function.

NAVIGATING MULTIPLE OBLIGATIONS RESPONSIBILITIES:

On a work site, an Employer, Supervisor, Prime Contractor, Contracting Employer, or Owner may hold multiple roles and must meet all the Alberta OHS Act obligations of each role.



On work sites where the organization holds multiple roles, all assigned employees (i.e., Project Managers, Contract Managers, Supervisors) need to be aware of their obligations for each role.

Additional health and safety obligations may include, but are not necessarily limited to:

- Organizing budgets, schedules, training, and orientations.
- Ensuring appropriate processes and systems are in place.
- Disclosing foreseeable hazards or safety concerns to all other employers, suppliers, service providers, and others who may be working on the project.
- Communicating how the unknown, but foreseeable hazards will be addressed, such as when a site has been used for storage of hazardous materials in the past and the current state of the land or facility is unknown.

Optional Participant Learning Activity – OBLIGATIONS SUMMARY WORKSHEET

Reflect on each work site party's obligations and identify how to effectively fulfill the OHS obligations.



Employers - Fulfilling Obligations
Supervisors - Fulfilling Obligations
Workers - Fulfilling Obligations
Prime Contractors - Fulfilling Obligations
Contracting Employers - Fulfilling Obligations
Temporary Staffing Agencies - Fulfilling Obligations
Suppliers - Fulfilling Obligations
Service Providers - Fulfilling Obligations
Owners - Fulfilling Obligations

AMHSA

Health | Safety | Environment

Calgary Office

21 - 5720 Silver Springs Blvd. N.W.
T3B 4N7

Sherwood Park Office

176 - 2755 Broadmoor Blvd.
T8H 2W7

1.800.267.9063



amhsa.net
1.800.267.9764