

EMPLOYERS

ARE YOU PREPARED?

AB BILL 30

SAFETY BULLETIN
ISSUE# 07-2018

JUNE 1, 2018 - EMPLOYERS ARE TO BE COMPLIANT WITH THE NEW ALBERTA OHS ACT

WHAT EMPLOYERS NEED TO KNOW

- The term “employer” has been expanded; those hired to oversee the health and safety of workers are now considered employers
- “Health and safety” has been expanded to include physical harm and psychological and social well-being
- “Welfare” has been added to health and safety to include conditions or facilities, in or near a work site, provided for the feeding, rest, hygiene or sanitary requirements of a worker
- People at or in the vicinity of the work site (e.g., the public) who may be affected by hazards originating from the worksite must be protected
- Employees are to have awareness of their rights and duties under this Act, the regulations and the OHS code, and of any health and safety issues arising from work being conducted at the worksite (the old Act referred to responsibilities and duties rather than rights and duties)
- Ensure workers have competent supervision and are familiar with this Act, the regulations and the OHS code that apply to the work performed at the work site
- Workers are not to be subjected to or participate in harassment or violence
- “Harassment” means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action that causes offence or humiliation to a worker, or adversely affects the worker’s health and safety, and includes:
 - conduct, comment, bullying or action 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
 - sexual solicitations or advance, but excludes any reasonable conduct or an employer or supervisor in respect of their management of the workers or a work site
- “Violence” whether at a work site or work-related, means 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

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- Consult and cooperate with the Joint Work Site Health and Safety Committee (JWSHSC) or the health and safety representative, as applicable, to exchange information on health and safety matters and to resolve health and safety concerns
- Ensure health and safety concerns raised by workers, supervisors, self-employed persons and the joint work site health and safety committee or health and safety representative are resolved in a timely manner
- Ensure that on a work site where a prime contractor is required, the prime contractor is advised of the names of all of the supervisors of the workers
- Ensure workers are adequately trained in all matters necessary to protect their health and safety before starting or changing their work
- Cooperate with any person exercising a duty imposed by this legislation
- Comply with this legislation

HOW THIS MAY IMPACT EMPLOYERS

- Are your supervisors competent? If not, non-compliance to the new OHS Act requirements may result in costly penalties, sentences and negative business implications (see work site parties safety bulletin)
- Supervisor Leadership training can help you better understand your roles and responsibilities in the management of health and safety in the workplace
- Does your company have a Certificate of Recognition (COR) that verifies your company's health and safety management system meets provincial standards?
 - If not, it may prove helpful to have your health and safety programs assessed through a COR audit to determine what legislative compliance gaps exist and to better understand your risk exposure
- Determine if you need a Joint Work Site Health and Safety Committee (JWSHSC) at your worksite or just a health and safety representative

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HOW YOU CAN PREPARE

- Reference the available resources
- Conduct a gap analysis and create an action plan to correct identified deficiencies. Compare your health and safety programs to the new Alberta OHS Act requirements to determine where gaps exist that need to be corrected
- Key areas of the Act that changed include:
 - The basic rights of workers - Purposes of this Act
 - Responsibilities of work site parties - Part 1
 - Availability of information - Part 2
 - Worksite health and safety committees and representatives - Part 3
 - Right to refuse dangerous work - Part 4
 - Health and safety program - Part 5
 - New role for OHS Council Part 5
 - Reporting serious injuries, incidents and fatalities - Part 5
 - Medical assessments - Part 7
 - Compliance and enforcement - Part 8
 - Appeals process - Part 9
 - Offences and penalties - Part 10
 - Information collection and exchange - Part 11
 - Duties of the government - Part 12
- Apply a risk assessment to your action plan to determine the best use of your resources
- Evaluate your available resources and professional skillsets to determine whether additional professional support is needed to achieve compliance

RESOURCES

- Energy Safety Canada:
 - White Paper on the transition of Bill 30
 - Safety bulletins specific to each work site party
 - Potentially Serious Incidents (PSI): A Guideline on Classifying & Reporting
- Templates:
 - Gap analysis and action plan template with new OHS changes
 - Risk assessment
- Alberta Occupational Health and Safety:
 - Occupational Health and Safety Act, Bill 30
 - Highlights of Changes to the Act

NOTES
