



A Guide for Employers:

# An Essential Guide for Health and Safety in Alberta

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## Alberta Occupational Health and Safety Legislation

In Alberta, the *Occupational Health and Safety (OHS) Act*, Regulation and Code govern the health and safety requirements of provincially-regulated businesses. Employers must comply with this legislation by doing everything reasonably possible to protect their workers from hazards in the workplace.

This guide will discuss the main requirements of businesses, including establishing health and safety representatives and committees, harassment and violence policies, and employee training programs.

**Failure to comply with these laws can lead to fines, penalties and prosecution. Employers must be aware of their responsibilities in order to ensure the safety and health of their workers and to operate their business in a compliant manner.**



## **Occupational Health and Safety Act**

The *OHS Act* lists the responsibilities and rights of workers and employers in relation to workplace health and safety. Alberta Occupational Health and Safety enforces the Act through inspections, investigations, and prosecutions.

### **Employer Responsibilities**

Employers have a duty to inform their employees of health and safety hazards and practices through training and resources, including by posting a copy of the *OHS Act*. They also have a duty to protect employees by providing health and safety equipment and supervision when required. In addition, employers must inform employees of their rights under *OHS legislation* and work with them to ensure compliance. Finally, employers cannot penalize employees for exercising their rights under OHS legislation.

### **Rights of Employees**

Employees have three basic rights relating to health and safety in the workplace:

1. The right to know about workplace hazards and have access to basic health and safety information
2. The right to participate in health and safety discussions and committees
3. The right to refuse dangerous work and know they are protected from reprisal

### **Health and Safety Representatives and Committees**

Health and safety representatives and committees work to ensure a safe work environment by assessing the workplace, advising the employer of hazards,

and participating in work site inspections and investigations, and developing health and safety policies and procedures.

Businesses with 5-19 employees must have a health and safety representative, while businesses with 20 or more employees must establish a joint health and safety committee. Committees must consist of at least 4 members, half of which must be elected by workers to represent them. In addition, committees must have two co-chairs, with one representing workers and the other representing the employer.

### **Health and Safety Program**

In Alberta, businesses with 20 employees or more are required to have a health and safety program developed with the help of the health and safety committee. The program must do the following:

- Include the health and safety policy
- State the health and safety responsibilities of supervisors, workers and the employer
- Identify potential hazards, including harassment and violence, and state how they will be eliminated, reduced or controlled
- Set out an emergency response plan
- State the schedule and procedures for regular workplace inspections
- State workplace procedures that must be followed by other employers or self-employed persons at the work site, including how they will be evaluated, selected and monitored
- Include employee health and safety orientation and training
- Set out the procedures for investigating incidents,

injuries and refusals to work, and how workers can participate in these and other aspects of health and safety

- Set out the procedure for revising the health and safety program at least once every 3 years and any time worksite conditions change to create new potential hazards
- Include any elements set out in the regulations

Although employers with less than 20 employees are not required to have a health and safety program, they must still assess and control hazards as well as have an emergency response plan, all in consultation with a health and safety representative, if one exists.

### **Harassment and Violence in the Workplace**

Harassment and violence are considered workplace hazards in Alberta, and employers are required to help prevent workplace harassment and violence and take appropriate action when incidents occur. To do this, employers must define harassment and violence in the workplace, including sexual harassment and domestic violence, and develop separate harassment and violence prevention policies and plans that must be reviewed at least once every 3 years.

Additionally, employers must educate workers on how to recognize signs of danger and how to respond to and report incidents. If an employee experiences harassment or violence at work, employers have a duty to investigate the incident, take corrective action, prevent it from happening again, and advise the affected employee about their treatment options. If the employee seeks treatment during work hours, the employer must continue providing their regular pay and benefits without making deductions.



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