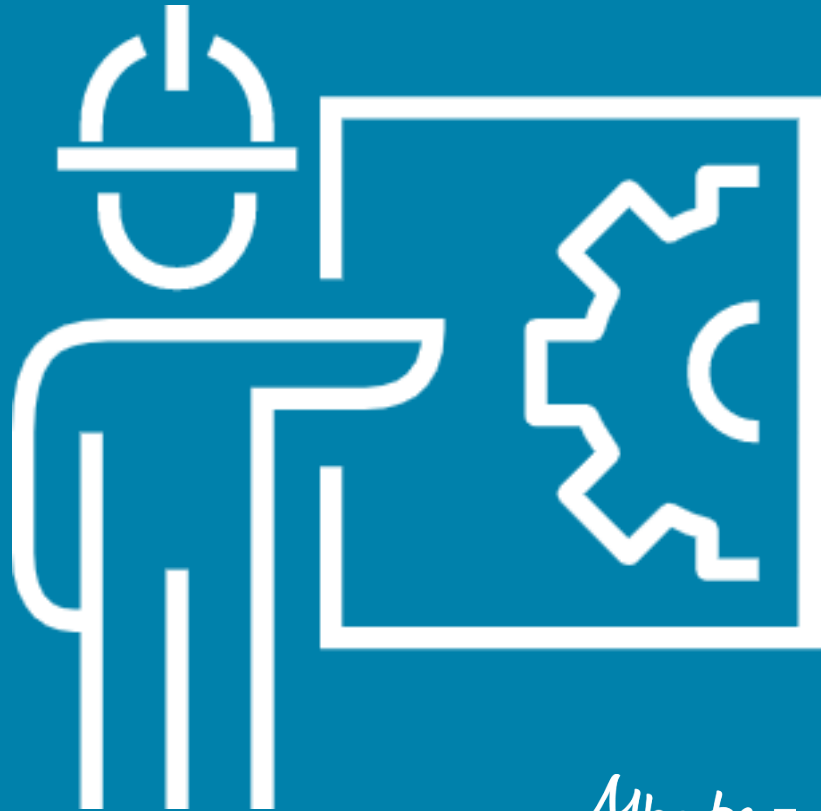


# OHS legislation and code changes

## Modernizing OHS regulation

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Lisa Chen, Executive Director of OHS Code Review and Implementation Team

Labour and Immigration, Government of Alberta  
May 6, 2022



Alberta

# Agenda

- OHS legislative reform
- Supports for stakeholders
- 2021 Code consultations
- What's next?
- What's important to you?
- Key takeaways



# OHS Legislative reform

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OHS Act and Code review from 2020-2023

# Goals

Achieve OHS requirements that:

Protect the health  
and safety of workers  
in Alberta

Are easy to  
understand and apply

Empower work site  
parties and promote  
the internal  
responsibility system

Reduce unnecessary  
administrative  
burden

# Overview

- Changes to:
  - OHS Act, Regulation and Code
- Consolidated into OHS Act and Code:
  - Administrative Penalty Regulation
  - Farming and Ranching Exemption Regulation
  - Radiation Protection Act, Radiation Protection Regulation
  - Radiation Health Administration Regulation (under the *Government Organization Act*)
- In-force: December 1, 2021

# Key changes

Streamlining  
health & safety  
committees and  
representatives

Simplifying key  
processes

Incorporating  
radiation  
equipment


Clarifying work site  
party obligations

Greater flexibility  
in enforcement

Clarity, removing  
duplication

# Key changes

Streamlining  
health & safety  
committees and  
representatives



Clarifying work site  
party obligations

## HSC/HSR Highlights

- Framework resides in OHS Act
- Technical requirements in OHS Code
- Removed duplications with privacy legislation
- Focus on outcomes, not prescriptive rules

# Key changes

## Disciplinary action complaints

- Renamed “disciplinary” from “discriminatory”
- Process streamlined
  - Moved from legislation to operational policy
- 180-day time limit
- Collective agreement must be used

Simplifying key processes

Greater flexibility in enforcement

## Dangerous work refusals

- Process streamlined
- Moved from legislation to operational policy

“  
duplication”



# Key changes

## Radiation equipment

- The *Radiation Protection Act* and its regulations will be incorporated into the OHS Act and OHS Code
- Changes to radiation requirements will only be administrative or where alignment is needed
- Enforcement will transfer to OHS officers



Incorporating  
radiation  
equipment

Clarity, removing  
duplication

# Key changes

Streamlining  
health & safety  
committees and  
representatives

Clarifying work site  
party obligations



## Work site party obligations

- Consolidated in Part 1 of the OHS Act
- Added definitions and clarity, where needed

# Key changes

## Flexibility

- Shift to outcomes-based legislation
- Allow OHS officers to determine appropriate enforcement tool



Simplifying key processes

Incorporating radiation equipment

Greater flexibility in enforcement

Clarity, removing duplication

# Key changes

## Clarity, removing duplication

- Removed duplication within OHS legislation and with other legislation
- Significant editing to update definitions, fix wording, grammar

Incorporating  
radiation  
equipment

Clarity, removing  
duplication

# Potentially Serious Incidents

## No Change

### New

- Clearer process by including a definition of a PSI:
  - Likelihood of causing a serious injury or illness, and
  - Need for corrective action to prevent recurrence
- Initial notification to OHS no longer required

- Prime contractor, or if no prime contractor, the employer is still required to complete an investigation
- PSIs still have to be reported to OHS and the HSC/HSR (when the investigation is complete)
- Information from potentially serious incident reports will be used for information and education, and not inspections in most cases

# Red tape reduction (RTR) implications

- *Ensuring Safety and Cutting Red Tape Act, 2020* = 344 reductions to regulatory requirements
- Total RTR for OHS is 1.8% of the departments target
- Work continues to look for reductions in the OHS Code while maintaining outcomes

# Supports for stakeholders

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# Support for stakeholders

*OHS Legislation Changes*  
*Ensuring Safety and Cutting Red Tape Act, 2020*



*Alberta*

Classification: Protected A

## OHS Education and resources

Ask an expert, sign up for OHS updates, search employer records, or access statistics, publications, webinars and other resources.

### OHS Contact Center:

Phone: [780-415-8690](tel:780-415-8690) (Edmonton)

Toll free: [1-866-415-8690](tel:1-866-415-8690)

TTY: [780-427-9999](tel:780-427-9999) (Edmonton)

TTY: [1-800-232-7215](tel:1-800-232-7215)



# Webinars and bulletins

- Check our online resource portal at

<https://ohs-pubstore.labour.alberta.ca>

## Change highlights: the 2020 OHS Act

### Information for work site parties

This bulletin gives what's in the and Safety Act (C gives a detailed o

#### KEY INFORMATION

- Fundamental in place for a process.
- The 2020 act language, etc.
- New requirement

#### The purpose

Section 2 of the C not changed. Work protections, includ

- The right to know
- The right to participate
- The right to refuse
- The ability to take action for enforcement by OHS legislation

#### Work site parties

Work site party of principles of the OHS Act streamlines definitions, allow

- Self-employed
- The term "core employer"
- Information sharing party obligation
- Redundancies must comply with

Where needed to also introduced in

Change Highlights  
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Classification: Public

## Guide to OHS: Employers

This guide introduces you to Alberta's Occupational Health and Safety Act and the work site parties.

#### KEY INFORMATION

- Alberta's OHS law design health and safety parties.
- The employer has a responsibility to ensure a safe and sound work environment.
- A joint health and safety committee (JHSC) program, and hazard assessments are

#### Our shared goal – health and safety

OHS law is based on the internal responsibility system, where the employer, the worker, and the government share the responsibility for health and safety.

While each work site party may have a role in this by placing a common duty to co-operate.

#### The OHS Act and Code

Alberta's main OHS legislation is the Occupational Health and Safety Act and the Code.

The OHS Act sets general rules to protect workers from workplace hazards. The OHS Code specifies detailed technical requirements for equipment safety, first aid, and other workplace safety issues.

#### Does Alberta's OHS legislation apply to you?

- You are an employer if:
- You are self-employed.
  - You employ or engage one or more workers.
  - You are a designated employer under the Act.
  - You are responsible for overseeing workers.

The OHS Act and Code apply to all work sites in Alberta.

- Where federal jurisdiction applies. (For example, federal government workers, federal police, and federal broadcasters.)
- Certain farming and ranching operations.

#### Guide to OHS: Employers

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Classification: Public

#### COVID-19 INFORMATION

### COVID-19 as a workplace hazard

This bulletin addresses the hazard assessment as it relates to COVID-19. Employers must review and update their hazard assessment to address the changing conditions related to COVID-19.

#### Key information

- Hazard assessments must be reviewed and updated to reflect current conditions.
- Employers must protect the health and safety of workers at the work site and others at, or around, the work site.
- Hazards related to the COVID-19 virus must be considered during the hazard assessment.

#### Hazard assessment

Occupational Health and Safety (OHS) legislation requires employers to protect the health and safety of workers at the work site and others at, or around, the work site. This includes performing a hazard assessment to identify existing and potential workplace hazards.

The hazard assessment must address the potential for all types of hazards, including those related to the COVID-19 virus. Employers must involve affected workers when doing a hazard assessment.

Some factors to consider when assessing the potential hazards from COVID-19 are:

- any orders of the Chief Medical Officer of Health that are applicable to the workplace,
- active cases or symptomatic workers at your work site,
- active cases in the region,
- number of vaccinated workers, if available,
- presence of persons with health vulnerabilities,
- type and duration of interactions with other workers or the public,
- physical distancing at the workplace,
- type of work or activities performed, and
- any other hazards and controls at the work site might affect COVID-19 controls.

#### Hazard controls

Employers must address all identified hazards. Eliminate a hazard wherever reasonably possible. When a hazard cannot be eliminated, it must be controlled. There is a hierarchy of controls that must be followed.

**First choice: engineering controls.** These control a hazard at the source. Depending on the workplace and processes, examples might include ventilation systems or physical barriers.

**Second choice: administrative controls.** These change the way people work. Examples include worker training or hand hygiene, physical distancing, alternate work arrangements or regular workplace cleaning policies.

**Third choice: personal protective equipment (PPE).** PPE controls the hazard at the worker. PPE examples include gloves, eye protection, facemasks or respirators.

If the hazard cannot be controlled by a single control method, the employer must use a combination of engineering, administrative, and personal protective equipment to ensure worker protection.

#### Vaccination

Vaccination is an effective control to protect against the COVID-19 virus. The rollout of vaccines provides workers and all Albertans over the age of 12, an opportunity to be immunized. Current evidence indicates vaccines are effective in preventing illness due to a COVID-19 infection.

Employers should consider seeking legal advice on issues and laws relating to human rights, labour and employment, privacy, health information and occupational health and safety before asking for proof of vaccination or implementing mandatory vaccine requirements.

# Change highlights: the 2020 Occupational Health and Safety Act

Alberta Occupational Health and Safety  
December 2021



## Health and safety committees and representatives



Alberta Occupational Health and Safety  
December 2021

Classification: Public

Alberta

alberta.ca/covid19

Classification: Public

Alberta

Alberta

# Searchable Legislation

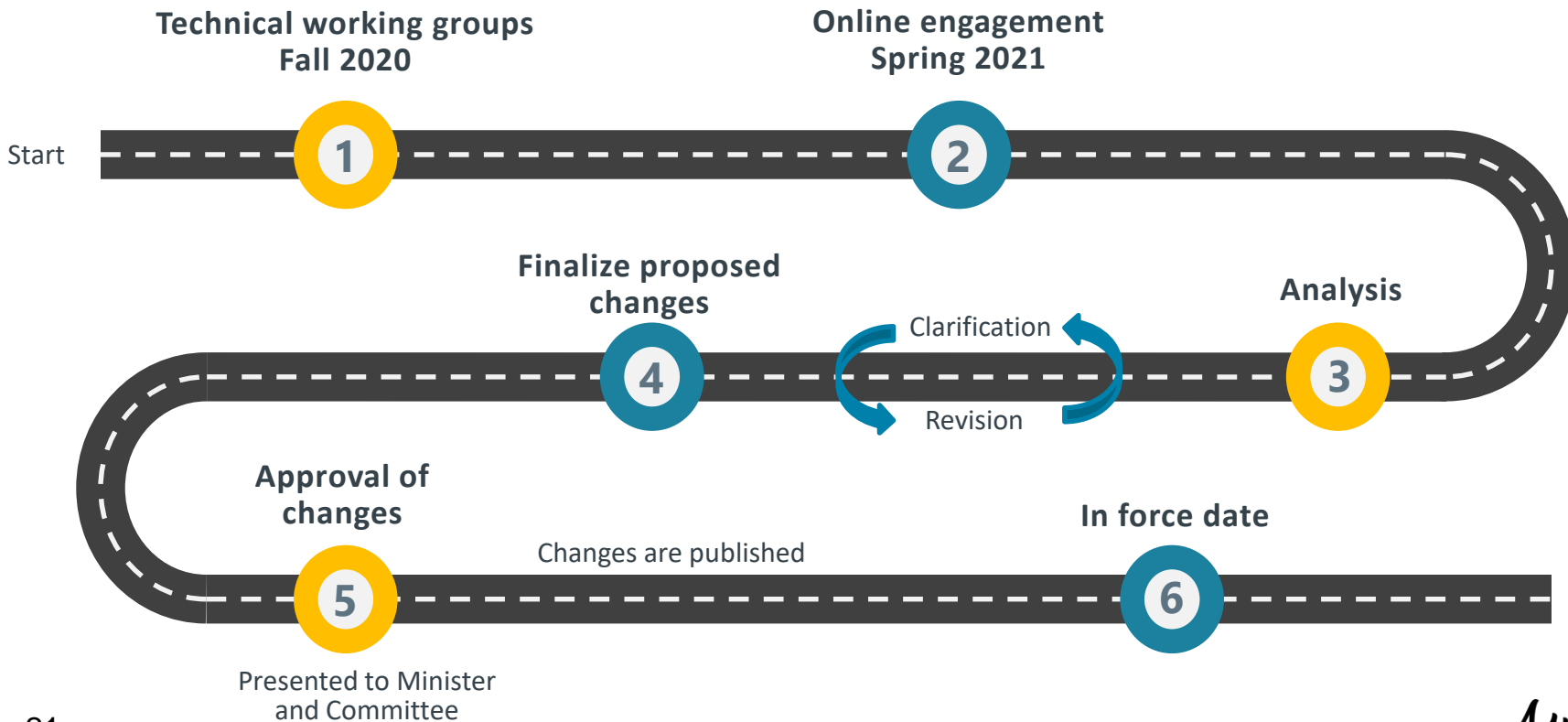
- Search for workplace health and safety rules under the Occupational Health and Safety Act, Regulation and Code
- View, download, email, print and manage a custom 'handbook'

# 2021 OHS Code Engagement and Analysis

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Content and Process

# OHS Code review roadmap



# Objectives of OHS Code review

- Protect the health and safety of workers in Alberta
- Easy to understand and apply
- Empower work site parties and promote the internal responsibility system
- Reduce unnecessary administrative burden

# What was consulted on?

Part 4: Chemical hazards, biological hazards and harmful substances

Part 6: Cranes, hoists, and lifting devices

Part 10: Fire and explosion hazards

Part 11: First aid

Part 13: Joint work site health and safety committees and health and safety representatives

Part 15: Managing the control of hazardous energy

# What was consulted on? (continued)

Part 16: Noise exposure

Part 17: Overhead power lines

Part 18: Personal protective equipment

Part 20: Radiation exposure

Part 33: Explosives

Part 36: Mining safety

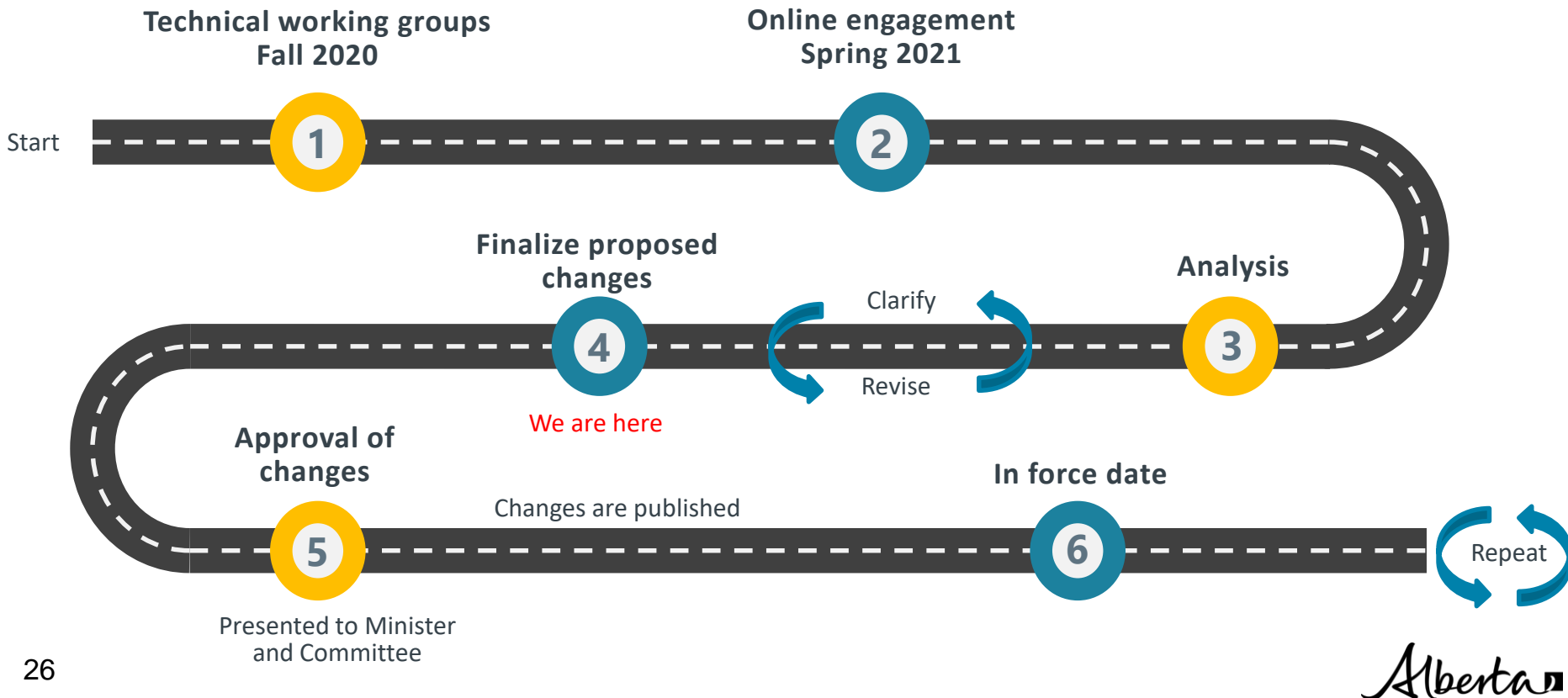
Part 37: Oil and gas



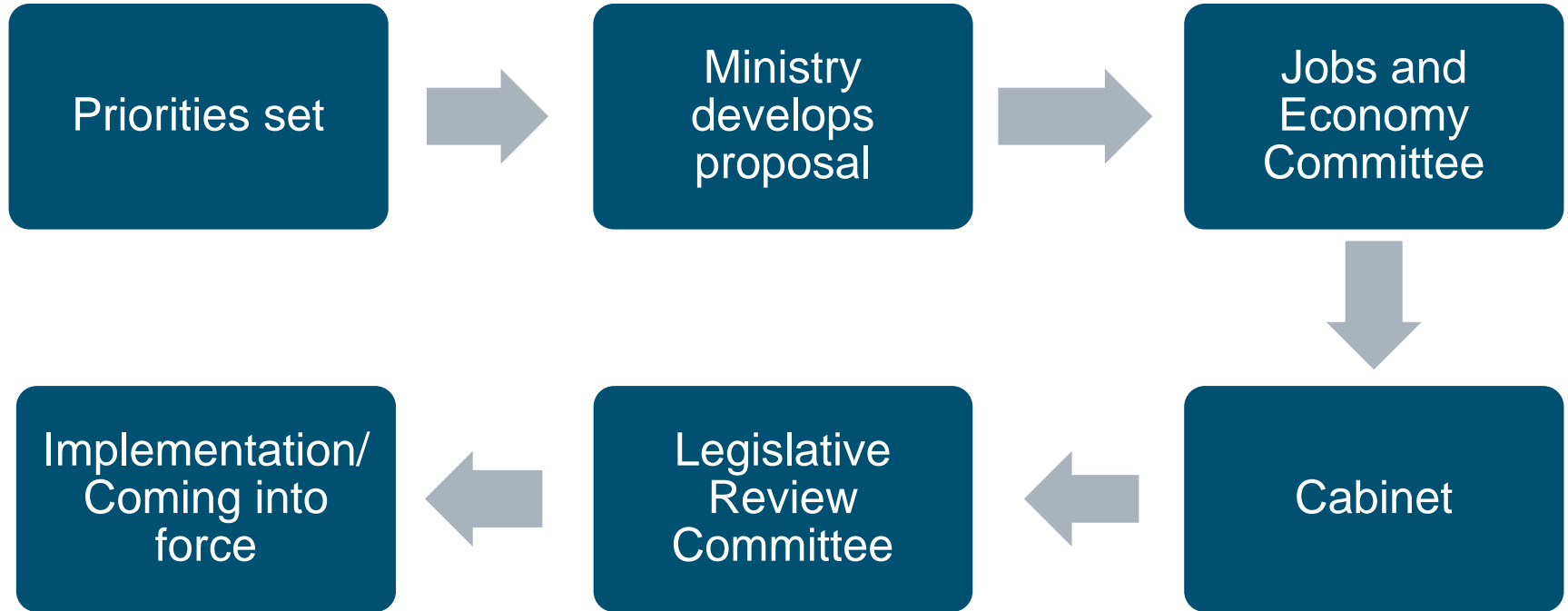
# How was the feedback analyzed?

- The multiple choice responses gave a percentage of support for each proposed change
- The free-text responses provided qualitative data and was analyzed by internal subject matter experts through a peer review process
- That analysis informed the further review with legal, policy, and technical lenses

# OHS Code review roadmap



# Approval process for OHS Code changes



# What's Next

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Looking ahead at the future of  
OHS Regulatory Reviews

# Looking forward

- Labour and Immigration has learned a lot from this review cycle of the OHS Code
- An “evergreen” OHS Code review process is in development
- Keep up to the innovations and changing realities of working in Alberta
- Ensure Albertans’ voices are a central part of that process

# What's important to you?

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Listen to the audience

slido



## What are your OHS Code priorities?

ⓘ Start presenting to display the poll results on this slide.

slido



**How do you want to be engaged?**

① Start presenting to display the poll results on this slide.



slido



**How often is it reasonable to update the Code?**

① Start presenting to display the poll results on this slide.

# How to evergreen OHS Regulation






- Some questions we're asking ourselves:
  - What works in our review process and what could be improved upon?
  - What works in other jurisdictions' OHS regulatory review processes?
  - What scope or volume of changes is optimal for the Department and for stakeholders to review?
  - What window of time is ideal for engagements?

# Key takeaways

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The last chance to take notes for the presentation to your team about this conference

# Key takeaways

-  Prescriptive to outcome-based
-  Removed duplication within OHS legislation and with other legislation
-  Red tape reduction
-  Support materials will be available
-  Routine work continues to update technical requirements of the OHS Code

# Thank you!

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We'd be happy to  
take any questions.

