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TEACHERS' NOTES

Employers and workers in Alberta need to know about:

- Occupational Health and Safety Act, Regulation and Code
- Workers' Compensation Act and Regulations
- Employment Standards Code and Regulation
- Other codes and standards

OVERHEAD 1

Whether they are planning to be a frontline worker or want to start their own business, students need to know their rights and responsibilities as workers as well as the legal requirements that employers must follow.

This chapter provides an overview of provincial legislation that impacts workers and employers in the workplace.

Being aware of workplace legislation is everyone's business.

In addition to basic worker knowledge, supervisors should have a good understanding of relevant workplace legislation to help ensure they and those they may supervise do the job in a healthy and safe manner.

This section covers seven pieces of Alberta legislation, including the:

- the *Occupational Health and Safety Act, Regulation and Code*
- the *Employment Standards Code and Regulation*
- the *Workers' Compensation Act and Regulations*.

In addition, there are other codes and standards that may apply to the work students do or the workplace where they work. Some of those will be highlighted as well.

A. Occupational Health and Safety (OHS) Act, Regulation and Code

The *OHS Act*, *Regulation* and *Code* are the pieces of legislation that set standards for workplace health and safety. Their main purpose is to prevent injuries, diseases and deaths, due to workplace hazards. This legislation is administered by Alberta Human Resources and Employment (AHRE) and is enforced by Occupational Health and Safety Officers. It describes specific requirements that must be met on the work site. If the requirements are not met, the Officer has the authority to order corrective action or to shut the work site down. Employers must comply or they may be subject to prosecution and penalties.

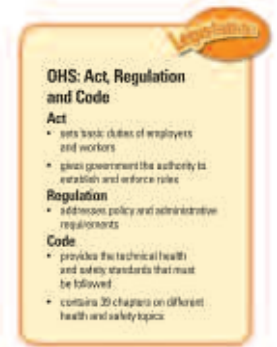
The ***OHS Act*** – sets out the basic duties of owners, employers, workers, contractors and suppliers. It gives the government power to make regulations and codes (i.e., rules) about health and safety at the workplace. The *OHS Act* sets standards to protect and support the health and safety of workers throughout the province and gives Officers the authority to visit work sites and enforce the requirements.

The ***OHS Regulation*** – addresses certain requirements related to government policy and administrative matters.

The ***OHS Code*** – specifies all the technical standards and rules that employers and workers must comply with to fulfill their obligations. The Code covers different topic areas, such as hazard assessment and control, general safety, noise, chemical hazards, violence in the workplace and first aid, to name a few. There are 39 parts (i.e., chapters) in the Code. These parts are listed on page 65 of the supplemental information. There are also several handouts in the supplemental information that include excerpts from the Code.

As a worker, students should be aware of the requirements of the *OHS Act*, *Regulation* and *Code* that apply to them at their workplace.

Refer to the *Workplace Health and Safety Teachers Toolkit* for:
OHS Act: An Employer's Guide
HS Act: A Worker's Guide.



OVERHEAD 2

Due Diligence

Due diligence is the level of judgement, care, prudence, determination and activity that a person would reasonably be expected to do under particular circumstances. Failure to prove that an employer or worker had been duly diligent in complying with the OHS legislation can result in significant penalties.

The *OHS Act* states:

- 2 (1) *Every employer shall ensure, as far as it is reasonably practicable for the employer to do so,*
- (a) *the health and safety of*
 - (i) *workers engaged in the work of that employer, and*
 - (ii) *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*
 - (b) *that the workers engaged in the work of that employer are aware of their responsibilities and duties under this Act and the regulations.*

In addition,

- Suppliers are responsible to ensure, as far as it is reasonably practicable to do so, that anything the supplier supplies complies with the Act, Regulation and Code.
- Contractors who direct the activities of another employer at a work site shall ensure, as far as it is reasonably practicable to do so, that that employer complies with the Act, Regulation and Code.

What Does “Reasonably Practicable” Mean?

At first glance, reasonably practicable looks like a pretty subjective way of determining guilt or innocence. However, “reasonably practicable” is a legally defined term that is assessed using the “reasonable person test.”

What would a dozen of your peers consider reasonable in a similar set of circumstances? Your peers would likely look at what you did and compare it against what they do. Some of them might do more, others less. Industry standards and practices would also be considered. The result would be a balanced and wise judgement that could be defended. Due diligence puts the onus on an employer and workers to ensure they are working in compliance with the *OHS Act, Regulation and Code*.

Refer to Handout 3 – Due Diligence (page 27).

Who Is not Covered by the *OHS Act*?

Alberta’s OHS legislation applies to most workers and employers in the province. The exceptions are:

- anyone who lives in a private dwelling and does work in, to or around that dwelling
- domestic workers, such as nannies or housekeepers, in a private dwelling
- farmers, ranchers and certain agricultural workers.

In addition, federal government employees and those who work in federally regulated industries, such as banking or telecommunications, fall under Part 2 of the *Canada Labour Code*. This Code has requirements similar to Alberta’s OHS legislation and is enforced by federal government officers.

OHS: Employer Responsibilities

- Protect the health and safety of workers.
- equipment properly maintained
- hazardous chemicals properly labelled and stored
- workers trained
- workers supervised to ensure they perform the work properly
- work site monitored to ensure hazards addressed quickly.
- Ensure workers know their health and safety obligations.

OVERHEAD 3

General Obligations

Employers

Under the *OHS Act*, employers are responsible for ensuring the health and safety of all workers at the work site. Specific requirements are outlined throughout the *OHS Act*, *Regulation* and *Code*, depending on the work that is to be done.

You meet the definition of employer if:

- you employ one or more workers
- you are designated to represent the employer
- you are a director or officer of a company whose responsibility is to oversee worker health and safety
- you are self-employed.

(*OHS Act*, Section 1, 2(1))

Employer responsibilities include making sure that:

- equipment is kept in safe working order
- dangerous chemicals are properly labelled and stored
- workers perform their duties, as required by the legislation
- workers have the training needed to do their jobs safely
- workers are informed of any hazards on the job site
- workers who may be exposed to certain hazards, e.g., chemicals, noise, are monitored.

Workers

OHS legislation sets out what a worker must or must not do and outlines specific duties.

Workers must:

- take reasonable care to protect the health and safety of themselves and other workers
- cooperate with their employer for purposes of health and safety.

(OHS Act, Section 2(2))

Worker responsibilities:

- do not perform work that may endanger themselves, others, if not competent to perform that work
- use or wear safety equipment the employer requires to be used or worn
- use safety devices, such as guards on machines, and never take them off or alter them
- report hazards to supervisor
- participate in training for safe equipment operation.

Worker Rights and Responsibilities

The OHS Act is in place to protect the health and safety of workers. It does this by establishing certain rights but it also sets out some expectations, i.e., responsibilities, that workers must follow.

The right to a safe workplace: employers are required to perform a hazard assessment to identify actual and potential hazards associated with a job. Once hazards are identified, they must be controlled so that workers do not become injured or ill. If possible, workers should be involved in this process.



OVERHEAD 4

The right to know: employers must provide information about the assigned job and any hazards in that job. If workers do not get training or are left with questions, there are some things they should ask:

- What hazards are there and how could they affect my health and safety?
- How do I do this job safely?
- What protection do I need so that I don't get injured or become sick?

The responsibility to refuse unsafe work: the *OHS Act* prohibits a worker from doing any work he or she feels poses a risk of **imminent danger**.

Section 35 outlines the workers' duty to refuse work in such a case.

"Imminent danger" means any danger that is not normal for the job or any dangerous conditions under which a worker would not normally carry out the work. If workers think their work may put them or another worker in imminent danger, they **must** refuse to do it.

Example #1

- A construction worker who has not been trained to handle explosives is being asked by his employer to destroy some explosives left behind at the work site by another employer. (Handling explosives is a danger normally present for blasters, who are trained and certified to safely handle them, but not for the construction worker.)
- The construction worker must refuse to carry out the work and inform his employer of his refusal and the reasons.
- The employer must investigate and take action to eliminate the imminent danger; e.g., the employer could require the blasting company to come back and dispose of its explosives.

Example #2

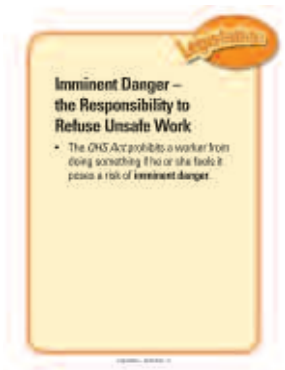
- A worker has been hired by a construction company to deliver parts and supplies to different job sites where the company has crews working. The worker has a valid driver's licence and demonstrated her competence in operating the company's trucks.
- One day, the worker discovers that the brakes are shot on one truck, making it unsafe to drive and she has been asked to make a delivery with this truck.
- She must refuse to make the delivery with this truck and inform the employer of her refusal and the reasons for it.
- The employer must investigate and take action to eliminate the imminent danger.

For example, the employer could:

- assign the worker to another vehicle
- fix the problem on the truck.

What to Expect if You Refuse to Work

The *OHS Act* requires that no worker shall carry out work if, on reasonable and probable grounds, the worker believes that there exists, or the work will cause to exist, an imminent danger to the health or safety of that worker or another worker present at the work site. Nor shall the worker operate any tool, appliance or equipment if, on reasonable and probable grounds, the worker believes that it will cause to exist an imminent danger to the health or safety of that worker or another worker present at the work site. In the event a worker is in such a situation, he or she must notify his or her employer of his or her refusal and the reason for the refusal.



OVERHEAD 5



OVERHEAD 6

The *OHS Act* requires that the employer then investigate and take action to eliminate the danger. During the investigation, the employer must ensure that no workers operate the equipment or do the work until the danger has been eliminated. Workers may be temporarily assigned to do something else until the situation has been resolved.

The employer must give the worker a report of the investigation outcome and what action was taken. If the worker believes that an imminent danger still exists, he or she may file a complaint with Workplace Health and Safety. An OHS Officer will be assigned to investigate and make a ruling on the situation and inform the worker and his or her employer of any action taken.



OVERHEAD 7

Protection against Reprisals

There are provisions under the *OHS Act* (Sections 36 and 37) to protect workers from reprisal. If a worker is terminated or disciplined for reporting a dangerous situation, for refusing to carry out imminent danger work or acting in compliance with with the OHS legislation in any other way, he or she can file a complaint with an OHS Officer.

Refer to Handout 4 – 10 Questions to Ask Your Employer (page 28).

Prime Contractor

On construction projects, there are often several employers, each with their own workers, equipment and jobs to do. If everything is not properly managed, the site can get confusing and people can be injured.

Therefore, if there are two or more employers involved in work at a work site, at the same time, there must be a prime contractor.

The purpose of a prime contractor is to, as far as it is reasonably practicable to do so, ensure the *OHS Act*, *Regulation* and *Code* are complied with at the work site.

Joint Work Site Health and Safety Committees (JWHSCs)

While many work sites in Alberta have a voluntary JWHSC, there are provisions in the legislation (Section 31 of the Act and Part 13 of the Code) to order a company, by Ministerial Order, to establish a JWHSC. If this is the case, there are specific requirements, clearly outlined in Part 13 of the Code, that must be met.

The purpose a JWHSC, whether voluntary or legislated, is to address health and safety concerns in the workplace. It is usually made up of equal representation from management and front-line workers. The committee will hold meetings and minutes will most likely be posted in a central location for the employees to read. Workers are encouraged to find out about their JWHSC and to read the minutes to stay abreast of health and safety concerns at their workplace. Workers may be asked to sit on the committee; this is a great opportunity to have a positive impact on the health and safety of the workplace.

Reporting Serious Injuries and Death at the Workplace

When an incident occurs that results in, or might have resulted in, a serious injury to a worker, the employer must notify the nearest Workplace Health and Safety office as soon as possible. There are five critical situations that must be reported:

- an injury or accident that results in death
- an injury or accident that results in a worker being admitted to a hospital for more than two days
- an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing a serious injury
- the collapse or upset of a crane, derrick or hoist
- the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.



OVERHEAD 8

If a worker is involved in or aware of a serious incident, he or she should report it immediately to a supervisor to ensure that it can be investigated. The purpose of an investigation is to determine what went wrong so that appropriate preventative measures are implemented to prevent recurrence. Failure to report an incident can result in a prosecution against the company or the employer.

(*OHS Act*, Section 18)

Refer to Handout 5 – Reporting Injuries and Incidents: Quick Facts (page 29).



OVERHEAD 9

Fines and Penalties

There are consequences that can be faced if the law is not followed. Under Section 41 of the *OHS Act*, a person who contravenes the Act, Regulations or Code, or who fails to comply with an Officer's order is guilty of an offence and liable of a fine up to \$500,000 or imprisonment up to six months or both. If there is a second offence, that individual may be liable of a fine up to \$1,000,000 and/or imprisonment up to 12 months. Judges may also order additional or alternative actions. For example, a company might be required to provide funding to create a new course or to support existing health and safety initiatives.

Reality Check

The following is an example of an actual penalty that was given to an employer where a worker died on the job:

- In Alberta, a construction company owner was fined in excess of \$138,000 for the death of his 14-year-old nephew when he failed to ensure the worker's health and safety on the work site.

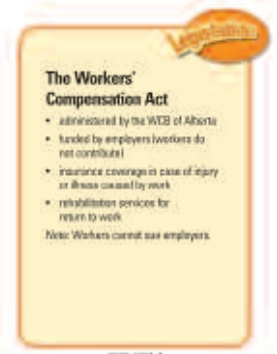
B. The Workers' Compensation Board (WCB) (*Workers' Compensation Act and Regulations*)

Most workplaces in Alberta are required to register and have an account with the WCB. Ask your employer if the company has coverage for its employees as it could potentially be an exempt industry described in WCB Regulations.

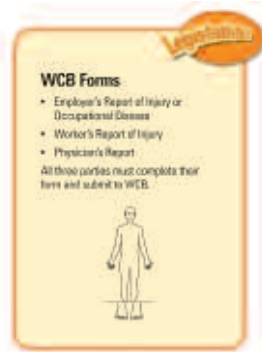
WCB legislation is an important law that was created to provide insurance or compensation benefits to workers who have been injured or made ill during the course of their employment and are required to lose time from work as a result of the injury or illness. This is essentially ***no-fault insurance coverage*** that the employer pays for to provide insurance coverage for the workers. In exchange, the worker gives up the right to take legal action against the company for a work-related incident. The amount of money for the temporary total disability paid by the WCB is based on the worker's income at the time of the injury. Benefits are 90% of net earnings and are calculated by the WCB, in accordance with the *WCB Act and Regulations*.

Temporary total disability benefits are payable for as long as the compensable temporary total disability lasts, generally until the:

- weight of medical evidence indicates the worker is considered fit to return to suitable employment
- remaining disability is considered to be permanent or
- worker dies.



OVERHEAD 10



OVERHEAD 11

If an Injury Occurs...

The *WCB Act*, Sections 32 and 33, stipulates the information that employers and workers must provide to each other and the WCB. This is essential if an injury occurs.

If you are injured while working, report the incident to your supervisor **immediately**, see the first aid provider at your workplace or visit your doctor and complete the appropriate WCB forms.

It is important to focus on getting back to work safely but also in a timely fashion. You may possibly be asked to return to a modified duty position until you have sufficiently recovered from your injury to return to your normal job duties. Always check with your attending doctor to ensure the modified duty is appropriate to accommodate your injury. If you are unable to work due to the injury, the WCB will pay compensation benefits until you are able to return to modified or regular job duties. If you are unable to return to your pre-injury duties, due to residual disability, the WCB may offer you rehabilitation services to assist you in returning to a job within your physical capabilities.

Forms, Forms, Forms!

If you are injured, you must complete a Worker's Report of Injury form (C-060) and send it to the WCB as soon as possible. Any other information, such as a list of witnesses, is also useful; please include this information with your Worker's Report of Injury form. Remember to include your name, Social Insurance Number, date of birth and employer's name. Your employer may also have additional forms for you to fill out, such as an Accident/Incident Report form and/or a first aid record form.

Your employer is also required to complete and submit an Employer's Report of Injury or Occupational Disease Form (C-040) to the WCB within 72 hours of you notifying them of the injury. If the employer fails to make a report to the WCB, it may be subject to an administrative penalty.

C. Employment Standards Code and Regulation

Alberta Human Resources and Employment also administers the *Employment Standards Code* (ESC) and *Employment Standards Regulation* (ESR). This is the law that contains Alberta's basic rules about working and employing people. Employees and employers have rights and responsibilities under the ESC and ESR. The *Employment Standards Code* and Regulation are enforced by Employment Standards Officers.

Some of the Employment Standards requirements include:

- Employees must receive a detailed written statement of earnings and deductions for their retention each pay period.
- No deduction can be made from an employee's earnings for
 - (i) faulty workmanship
 - (ii) cash shortages or loss of property if anyone other than the employee had access to the cash or property.

The ESC and Students

The ESC applies to students as long as they are employed, whether they work full-time or part-time for an Alberta employer, unless employed by the federal government or in an industry regulated by the Government of Canada, such as:

- post offices
- railways
- banks
- radio and television companies.

In that case, students are covered by the federal *Canada Labour Code*.

No one who is required to be in school (unless enrolled in an off-campus education program under the School Act) is permitted to be employed during normal school hours. Currently, this includes anyone under the age of 16.



OVERHEAD 12

Overtime and Pay

Overtime is defined as all hours worked in excess of eight hours in a day or 44 hours in a week.

- Specific industries have different overtime hours; e.g., ambulances, oil well services, trucking, taxi.
- One day of rest is required for each week worked.
- Rate of overtime pay is 1.5 times the regular rate.

OVERHEAD 13

Vacation and Pay

- Basic entitlement for salaried workers: two weeks vacation, with pay, after one year of employment.
- For part-time workers, four percent additional pay instead of paid vacation.

OVERHEAD 14

The ESC places various restrictions on persons under the age of 18, with respect to their hours of work, supervision and where they can work. If it is reported that an underage person is working at a work site in violation of the specified restrictions, an Employment Standards Officer will investigate.

Overtime pay starts, for most employees, after working eight hours in a day or 44 hours in any seven-day work week. The pay rate for any additional hours is one and one half times the regular wage (often referred to as time and a half).

Most employees who work in Alberta are entitled to a **vacation with pay**.

Employees are entitled to at least two weeks vacation after one year of working.

For part-time employees, vacation is based on the hours worked. There are certain rules and time guidelines employers must follow when deciding when to pay vacation pay.

What Are the Employee's Rights if He or She Loses His or Her Job?

If an employee is terminated, (or fired, let go, discharged, dismissed, or permanently laid off) and worked for more than three months, the employer is required, in most cases, to provide a notice of termination. This is a notice, in writing, that the employment is going to end permanently. If the employee doesn't receive any notice, the employee is entitled to termination pay in lieu of notice.

The length of notice an employer is required to give depends on the duration of employment and must be in writing. For example, employers must provide:

- one week of notice for employment of more than three months, but less than two years
- two weeks of notice for employment of two years, but less than four years.

An employer may choose to give pay for the required notice period instead of providing notice. A combination of written notice and pay in lieu of notice (i.e., termination pay) is also acceptable.

The employer must pay all wages, overtime, general holiday pay and vacation pay due to the employee within three days following termination of employment. However, there are some exceptions.

The *Employment Standards Code* prohibits an employer from dismissing an employee because the employee's wages are garnisheed (i.e., being collected to cover a debt) or when that employee is on maternity or parental leave.



OVERHEAD 15

D: Other Legislation and Standards

Safety Codes Act

Under the *Safety Codes Act*, the Ministry of Municipal Affairs is responsible for safety standards/rules in 10 areas:

- building
- fire
- electrical
- gas (i.e., natural and propane)
- plumbing
- private sewage treatment systems
- boilers and pressure vessels
- elevators/escalators
- amusement rides
- passenger ropeways (ski lifts).

In many cases, permits are required and inspections are carried out by municipalities or appointed agencies/corporations.

The *Human Rights, Citizenship and Multiculturalism Act* states:

“Whereas it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status,...”

In Alberta, it is against the law to discriminate against anyone with respect to:

- employment or the application for employment
- goods, services, accommodation or facilities customarily available to the public (e.g., restaurants, stores, hotels, provincial government services)
- tenancy (i.e., residential or commercial rentals)
- public statements, publications, notices, signs, symbols, emblems or other representations
- membership in trade unions, employers' organizations or occupational associations
- pay.

The *Human Rights, Citizenship and Multiculturalism Act* is administered by the Alberta Human Rights and Citizenship Commission.

The Apprenticeship and Industry Training Act

This Act sets standards for apprenticeship and trades and is administered by the Ministry of Advanced Education. The legislation provides the framework for the apprenticeship and training system. The Act requires government to provide training in designated trades and also regulates who can work in compulsory certification trades.

Standards

Canadian Standards Association (CSA) standards that relate to the workplace include office ergonomics, machine guarding, punch and brake press safety, fork truck safety and other standards for equipment like safety boots, hard hats, electrical appliances, ladders and fall protection. They are not laws themselves but sometimes are referred to, in Alberta legislation, as a standard for compliance with the requirements. The CSA marking on equipment gives users the assurance that it has been tested to meet tough Canadian standards.

What you should see in a Workplace

The Workers' Compensation Board, Workplace Health and Safety and Employment Standards all have posters that you may see posted at a work site. You may also see some of the following items:

- a Health and Safety policy
- first aid record forms
- copy of the *OHS Act, Code and Regulations*
- a copy of a Workplace Health and Safety inspection report or the employer's inspection reports
- Material Safety Data Sheets
- Employment Standards outlining rights and responsibilities
- WCB poster explaining reporting procedures
- Joint Work Site Health and Safety Committee meeting minutes.



OVERHEAD 16

E. Resource Contacts

No matter what your position at the workplace is, whether you are a:

- new worker
- long-time employee
- supervisor
- employer,

there comes a time when you need help and advice. It can be something as simple as finding out what a section of the legislation means or as complex as learning how to reduce welding fumes in the workplace.

The following are useful resources.

Workplace Health and Safety

The Workplace Health and Safety Province-wide Contact Centre is a good place to start (**1-866-415-8690**). The Contact Centre can assist with specialized information relevant to workplace health and safety. The workplace health and safety Web site is **www.worksafely.org** and is another useful resource. This Web site contains lots of publications on a variety of workplace health and safety topics, the OHS legislation, interactive eLearning tools and information about serious incidents, fatalities and prosecutions. This Web site also has a special section for young workers.

Employment Standards

If you have a question regarding Employment Standards, you can call toll free to 310-0000 and then dial 780-427-3731. Their Web site is found at www.gov.ab.ca/hre/employmentstandards. On this Web site are several tipsheets on topics, such as overtime, vacation pay and employing young workers.

Workers' Compensation Board

If you have a question regarding WCB, call 1-866-922-9221 in the Edmonton area, you can dial 498-3999. The WCB Web site is www.wcb.ab.ca. Information for employers and workers, forms and the legislation are all found here.

Other

Trade unions and health and safety associations are examples of other places that can offer information, advice and assistance.

REVIEW QUESTIONS

1. Which of the following acts affect the workplace?

- a. *Employment Standards Act*
- b. *Workers' Rights Act*
- c. *Workers' Compensation Act*
- d. a and c
- e. a and b

2. OHS stands for:

- a. Occupational Health Standards
- b. Occupational Health and Safety
- c. Occupational Hygiene and Safety
- d. Occupational High Standards

3. Which of the following workplaces are not covered by the *OHS Act*?

- a. farming operations
- b. television stations
- c. banks
- d. a and c
- e. all of the above

4. True or False? It is against the law for an employer to punish or fire a worker for refusing to do work that the worker thinks is unsafe.

5. True or False? The *OHS Act* requires workers to report hazards they are aware of to their employer.

6. True or False? A joint work site health and safety committee is mandatory in Alberta.

REVIEW QUESTIONS, WITH ANSWERS

1. Which of the following acts affect the workplace?

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- b. *Workers' Rights Act*
- c. *Workers' Compensation Act*
- d. **a and c**
- e. a and b

2. OHS stands for:

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- b. **Occupational Health and Safety**
- c. Occupational Hygiene and Safety
- d. Occupational High Standards

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- e. **all of the above**

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(answer T)

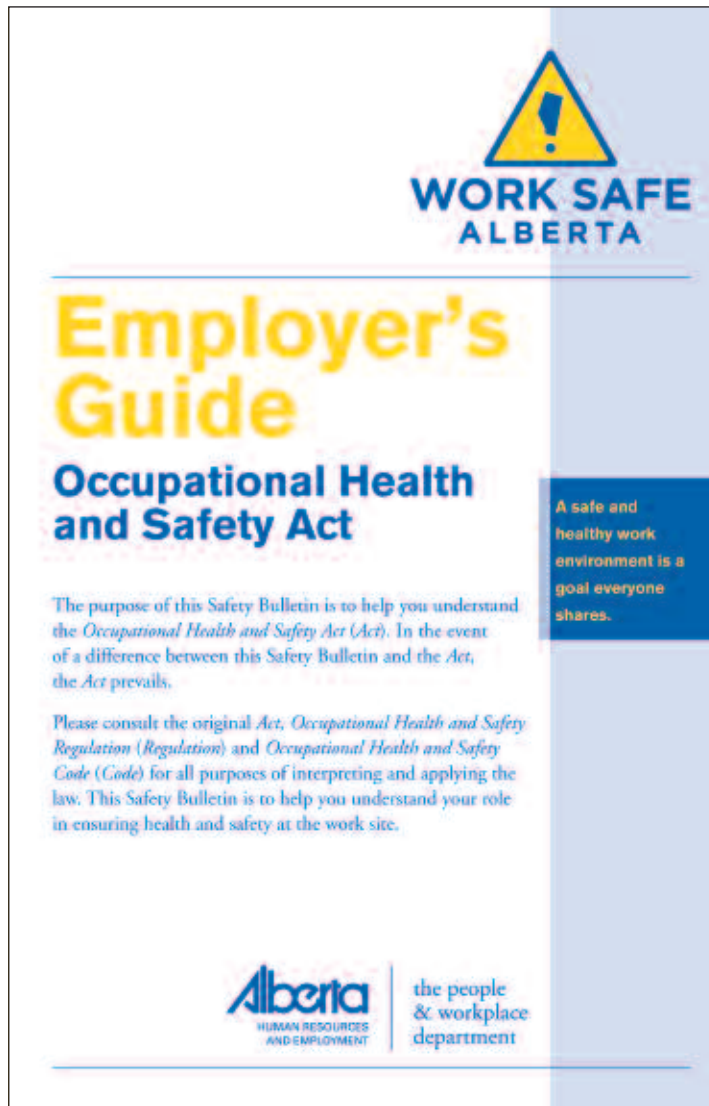
5. True or False? The *OHS Act* requires workers to report hazards they are aware of to their employer.

(answer T)

6. True or False? A joint work site health and safety committee is mandatory in Alberta.

(answer F)

HANDOUT 1

Occupational Health and Safety Act: An Employer's Guide

A copy of this document is available in the **Work Safe Workplace Health and Safety Teacher's Toolkit**.

A PDF version of the document may also be downloaded from www.worksafely.org.

HANDOUT 2

Occupational Health and Safety Act: A Worker's Guide

The image shows the cover of a document titled "Worker's Guide Occupational Health and Safety Act". At the top center is the "WORK SAFE ALBERTA" logo, which consists of a yellow triangle with a black exclamation mark inside. Below the logo, the title "Worker's Guide" is written in large, bold, yellow letters, and "Occupational Health and Safety Act" is written in smaller, bold, blue letters. To the right of the title, there is a yellow box with the text: "You have a responsibility to keep yourself and others healthy and safe at your workplace." Below the title, there are three paragraphs of text. The first paragraph states: "Health and safety in the workplace doesn't stop and start with you, your employer, safety associations, educators, the government or your community. It's everyone's responsibility." The second paragraph states: "The purpose of this Safety Bulletin is to help you understand the Occupational Health and Safety Act (OHS Act). It will also help you understand responsibilities for health and safety at your workplace — your responsibilities, and your employer's and co-workers' responsibilities." The third paragraph states: "It doesn't matter if you work for a large company or a small one. You have a responsibility to keep yourself and others healthy and safe at your workplace. By working together to promote safe and healthy workplaces, Albertans will continue to reduce injuries, incidents, lost-time claims and workplace fatalities." At the bottom left, there is the logo for the Alberta Human Resources and Employment department, which includes the word "Alberta" in a stylized font and "HUMAN RESOURCES AND EMPLOYMENT" in smaller letters below it. To the right of this logo is the text "the people & workplace department".


A copy of this document is available in the **Work Safe Workplace Health and Safety Teacher's Toolkit**.

A PDF version of the document may also be downloaded from www.worksafely.org.

HANDOUT 3

Due Diligence


Workplace Health and Safety Bulletin



Due Diligence

Consider the following situation:

You are awakened at 4 a.m. by a call from the Operations Manager at your workplace. A piece of machinery has collapsed, killing a worker. As Maintenance Manager you are required to answer a few questions from the investigating Occupational Health and Safety Officer. Some time later the investigating officer issues her report, saying the equipment collapsed because it was poorly maintained. You and the company are charged under the *Occupational Health and Safety Act* with failing to do everything reasonably practicable to protect the health and safety of workers. What do you do?




Why care about due diligence?

Commonly referred to as the “General Duty Clause”, every province and territory in Canada has similar occupational health and safety legislation that describes the obligations of employers and workers. Alberta’s clause reads as follows:

2(1) Every employer shall ensure, as far as it is reasonably practicable for the employer to do so,

- (a) *the health and safety of*
 - (i) *workers engaged in the work of that employer, and*
 - (ii) *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*
- (b) *that the workers engaged in the work of that employer are aware of their responsibilities and duties under this Act and the regulations.*



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L015 — Legislation
Revised May 2004

1

A copy of this document is available in the **Work Safe Workplace Health and Safety Teacher’s Toolkit**.

A PDF version of the document may also be downloaded from www.worksafely.org.




HANDOUT 4

10 Questions to Ask Your Employer

Workplace Health and Safety Bulletin

Ten Questions to Ask Your Employer



If you're thinking about working for a particular employer, getting ready for a job interview, or about to start a new job, ask these questions. Work isn't just about benefits, holidays and getting paid. Find out about how serious the employer will be about your safety. Here are ten questions you should ask, as well as the kind of answers you should expect to hear.

(1) What are the dangers of my job?


Your new employer is required by law to tell you about any hazards at the workplace that they know about. This includes such things as exposure to chemicals, situations in which you have to work at a height, or work activities around potentially dangerous equipment.

If you don't know what the hazards or dangers are, how can you take steps to protect yourself?

(2) Are there any other hazards (noise, radiation, chemicals) that I should know about?

In addition to obvious workplace hazards like falling from heights or unguarded machinery, the effects of some hazards take time to show up. Repeated exposures to high noise levels can cause hearing loss. Working repeatedly over a period of time with radiation, dusts and chemicals may increase your risk of diseases such as cancer.

GH611 — General Safety
Revised April 2004



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A copy of this document is available in the *Work Safe Workplace Health and Safety Teacher's Toolkit*.


A PDF version of the document may also be downloaded from www.worksafely.org.



HANDOUT 5


Reporting Injuries and Incidents: Quick Facts

Workplace Health and Safety Bulletin



Reporting Injuries and Incidents — Quick Facts

- The Occupational Health and Safety Act requires workplace injuries and incidents to be reported to the nearest Workplace Health and Safety Office if they
 - result in death
 - cause a worker to be admitted to hospital for more than 2 days
 - involve an unplanned or uncontrolled explosion, fire, or flood that causes or has a potential to cause a serious injury
 - involve the collapse or upset of a crane, derrick or hoist
 - involve the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.
- Report one of the above incidents as soon as possible. For an injury that is serious enough that it may cause a worker to stay in hospital for more than 2 days, report the incident right away and do not wait until after the 2 days.
- Don't disturb the scene of an incident involving one of these injuries or incidents unless
 - you're permitted to do so by an occupational health and safety officer or a peace officer
 - you have to attend to someone who has been injured or killed.
 - you have to prevent further injuries
 - you have to protect property that is endangered as a result of the incident.



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L1010.1 — Legislation
 Revised August 2004

A copy of this document is available in the *Work Safe Workplace Health and Safety Teacher's Toolkit*.

A PDF version of the document may also be downloaded from www.worksafely.org.

Employers and workers in Alberta need to know about:

- *Occupational Health and Safety Act, Regulation and Code*
- *Workers' Compensation Act and Regulations*
- *Employment Standards Code and Regulation*
- Other codes and standards.

OHS: Act, Regulation and Code

Act

- sets basic duties of employers and workers
- gives government the authority to establish and enforce rules

Regulation

- addresses policy and administrative requirements

Code

- provides the technical health and safety standards that must be followed
- contains 39 chapters on different health and safety topics

OHS: Employer Responsibilities

- Protect the health and safety of workers:
 - equipment properly maintained
 - hazardous chemicals properly labelled and stored
 - workers trained
 - workers supervised to ensure they perform the work properly
 - work site monitored to ensure hazards addressed quickly.
- Ensure workers know their health and safety obligations.

OHS: Worker Responsibilities

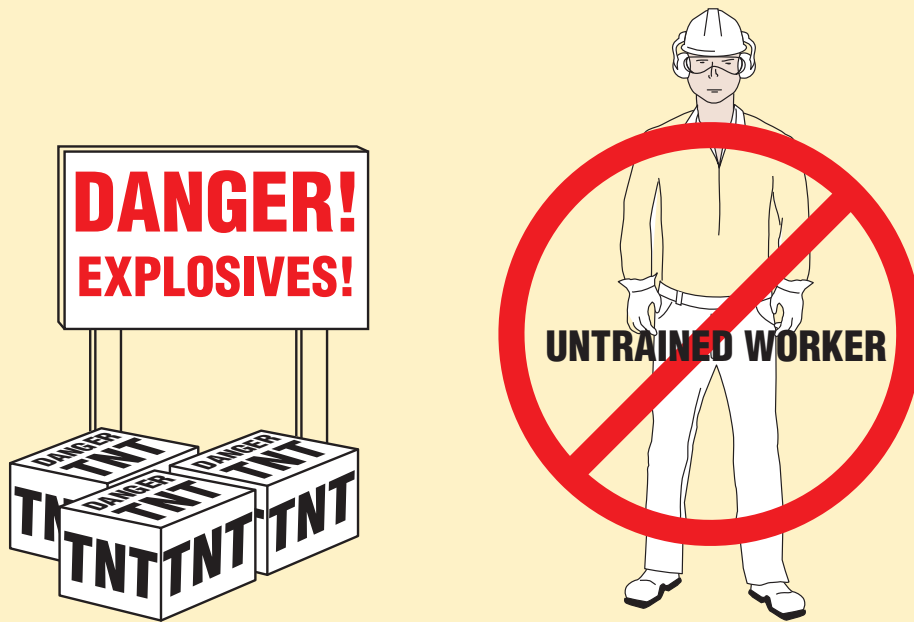
- Protect the health and safety of himself or herself and others.
- Cooperate with his or her employer regarding workplace health and safety; e.g.,
 - participate in training
 - follow safe work procedures
 - use safety devices
 - wear the gear
 - report hazards and incidents
 - never fool around.

Imminent Danger – the Responsibility to Refuse Unsafe Work

- The *OHS Act* prohibits a worker from doing something if he or she feels it poses a risk of **imminent danger**.

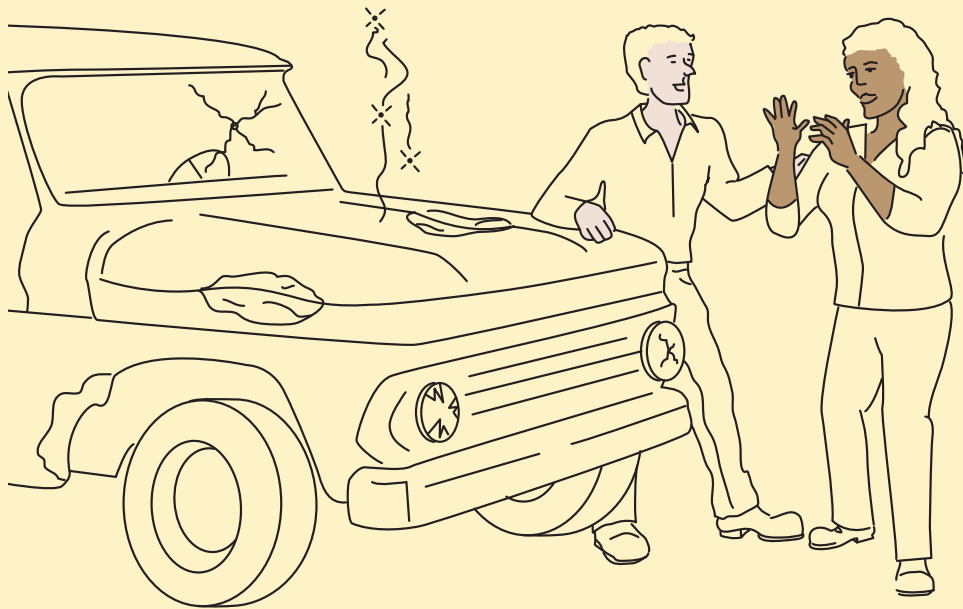
Imminent Danger

The worker was not properly trained to do a hazardous job, so could injure himself or herself or others.



Imminent Danger

Something is wrong with the equipment that makes it unsafe to use.

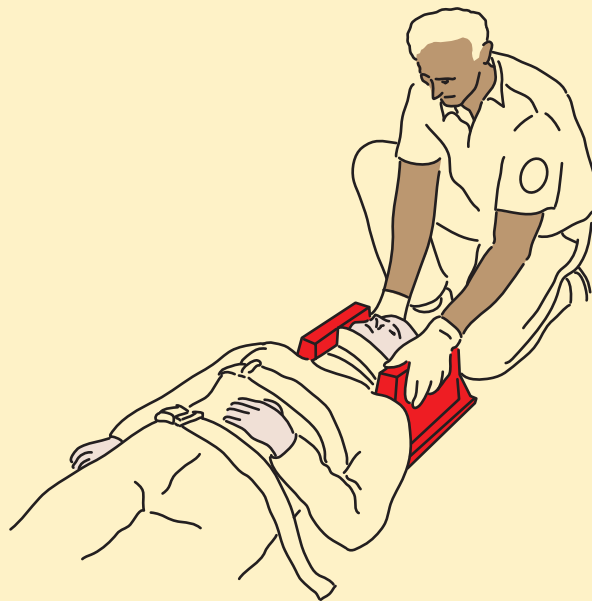


Reporting Injuries

Workers must report any injury or any incident that could have caused an injury to their supervisor.

Employers must:

- Report serious injuries to Workplace Health and Safety.
- Investigate incidents to find ways to improve.



Fines and Penalties

First Offence – up to

- \$500,000 and/or
- six months in jail

Subsequent Offences – up to

- \$1,000,000 and/or
- 12 months in jail



The Workers' Compensation Act

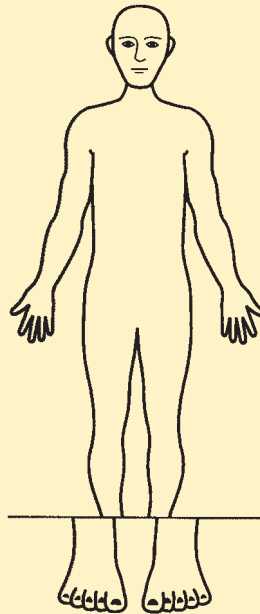
- administered by the WCB of Alberta
- funded by employers (workers do not contribute)
- insurance coverage in case of injury or illness caused by work
- rehabilitation services for return to work

Note: Workers cannot sue employers.

WCB Forms

- Employer's Report of Injury or Occupational Disease
- Worker's Report of Injury
- Physician's Report

All three parties must complete their form and submit to WCB.



Employment Standards

- Minimum standards of employment affect:
 - minimum wage
 - hours of work and overtime
 - vacation
 - termination
 - holidays
 - employing young workers (<18).

Overtime and Pay

Overtime is defined as all hours worked in excess of eight hours in a day or 44 hours in a week.

- Specific industries have different overtime hours; e.g., ambulance, oil well service, trucking, taxi.
- One day of rest is required for each week worked.
- Rate of overtime pay is 1.5 times the regular rate.

Vacation and Pay

- basic entitlement for salaried workers: two weeks vacation, with pay, after one year of employment
- for part-time workers, four percent additional pay instead of paid vacation

Other Legislation and Standards

- Fire Code
- Building Code
- Electrical Safety Code
- *Human Rights, Citizenship and Multiculturalism Act*
- *Safety Codes Act and Regulation*
- *Apprenticeship and Industry Training Act*
- *Transportation of Dangerous Goods Act*
- Canadian Standards Association

Additional Information

- Workplace Health and Safety
 - www.worksafely.org
 - 1-866-415-8690
- Workers' Compensation Board
 - www.wcb.ab.ca
 - 1-866-922-9221
- Employment Standards
 - www.gov.ab.ca/hre/employmentstandards
 - 780-427-3731

TEACHERS' NOTES

Since no one is expected to remember every detail in every law, students should know where they can find the legislation and get help interpreting it. The following will help take the mystery out of reading and understanding workplace legislation.

Workplace health and safety legislation in Alberta first came into effect in 1976 and, since then, has gone through several changes to stay current with changing hazards, technologies and societal expectations. The current version of the legislation came into effect in 2004.

A. Reading the Legislation – Removing the Mystery

Reading legislation can seem intimidating at first. However, with a little explanation and experience, it can soon become familiar and clear. Ideally, everyone in the workplace should know what legislation applies to his or her workplace, where he or she can find out what it says and where he or she can get copies or access it on the Internet.

Refer to Handout 1 – Taking the Mystery out of Reading Legislation (page 79).

There are three things to remember when reading legislation:

First Thing: Use of “and”, “or” and “shall”

And

Wherever you see the word “and”, it means that the contents of each clause must be complied with. For example:

Section 2 of the *OHS Act* says:

- (1) *Every employer shall ensure, as far as it is reasonably practicable for the employer to do so,*
- (a) *the health and safety of*
 - (i) *workers engaged in the work of that employer, and*
 - (ii) *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*
 - (b) *that the workers engaged in the work of that employer are aware of their responsibilities and duties under this Act, the regulations and the adopted code.*



OVERHEAD 17

- (2) Every worker shall, while engaged in an occupation,
- (a) take reasonable care to protect the health and safety of the worker and of other workers present while the worker is working, **and**
 - (b) co-operate with the worker's employer for the purposes of protecting the health and safety of
 - (i) the worker,
 - (ii) other workers engaged in the work of the employer, **and**
 - (iii) other workers not engaged in the work of that employer but present at the work site at which that work is being carried out.

This section states that the employer is responsible for the employer's workers **AND** other workers that are on the work site. This second group of workers could include salespersons, delivery persons, repair persons, contract workers or others who are employed by another employer.

This section also states that workers are responsible for their own health and safety **AND** other workers as well.

Note that, in clause 2(b), "and" only appears after 2(b)(ii). When a list of conditions is presented and there is an "and" between the second last and last clause, the reader should mentally put an "and" between each clause.

Or

The word "or" offers a choice. If any of the conditions exist, then the requirement must be followed. All the conditions do not have to exist for any action to be taken. Any single condition from the list will be enough to initiate the required action.

For example, Section 35 of the OHS Act says:

Existence of imminent danger

- (1) No worker shall
- (a) carry out any work if, on reasonable and probable grounds, the worker believes that there exists an imminent danger to the health or safety of that worker,
 - (b) carry out any work if, on reasonable and probable grounds, the worker believes that it will cause to exist an imminent danger to the health or safety of that worker or another worker present at the work site, **or**
 - (c) operate any tool, appliance or equipment if, on reasonable and probable grounds, the worker believes that it will cause to exist an imminent danger to the health or safety of that worker or another worker present at the work site.



OVERHEAD 18

In the previous example, notice that the word “or” only appears between clause ‘b’ and clause ‘c’. There is no “or” between clause ‘a’ and clause ‘b’. When a list of conditions is presented, and there is an ‘or’ between the last and second last clause, the reader should mentally place an “or” between all clauses. In this example, the “or” means that the worker is prohibited from doing **any** of these activities.

Shall

When the word “**shall**” is used, there are no options; the action must be done. In the following section from the *OHS Act*, the word “**shall**” is used.

Controlled product

- 30 *If a controlled product is used, stored, handled or manufactured at a work site, the prime contractor or, if there is no prime contractor, the contractor or employer responsible for that work site **shall** ensure that*
- (a) the controlled product is labelled in accordance with the adopted code,*
 - (b) a material safety data sheet for the controlled product, containing the information required by the adopted code, is made readily available to workers at the work site, **and***
 - (c) a worker who works with a controlled product or in proximity to a controlled product receives education, instruction or training with respect to the controlled product in accordance with the adopted code.*

Therefore, the employer **must** ensure that each of these three things is done.

Second Thing: Definitions

Sometimes, terms used in the legislation have a specific meaning that is not necessarily how we would think of them normally. If this is the case, these terms will be defined within the legislation (typically in the front). Readers will find terms defined in:

- *OHS Act*: Section 1
- *OHS Regulation*: Section 1
- *OHS Code*: Part 1; Section 1.

When words are not defined within the legislation, dictionary definitions apply.

Refer to Supplemental Handouts 2, 3 and 4 – Selected Sections of the *OHS Act, Regulation and Code* (pages 82-89).



OVERHEAD 19

Examples of words that are specifically defined in the OHS legislation include:

"contractor" means 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;

"competent", in relation to a worker, means adequately qualified, suitably trained and with sufficient experience to safely perform work without supervision or with only a minimal degree of supervision;

"employer" means

- (i) a person who is self-employed in an occupation,
- (ii) a person who employs one or more workers,
- (iii) a person designated by an employer as the employer's representative, or
- (iv) a director or officer of a corporation who oversees the occupational health and safety of the workers employed by the corporation;

"occupation" means every occupation, employment, business, calling or pursuit over which the Legislature has jurisdiction, except

- (i) farming or ranching operations specified in the regulations, and
- (ii) work in, to or around a private dwelling or any land used in connection with the dwelling that is performed by an occupant or owner who lives in the private dwelling or a household servant of the occupant or owner;

"officer" means a Director or a person appointed under section 5 as an occupational health and safety officer;

"owner" in respect of a work site means the person in legal possession of the work site or, if the person in legal possession does not request the work, the person with an ownership interest in the work site who requests that the work be done;

"supplier" means a person who rents, leases, erects, installs or provides any tools, appliances or equipment or who sells or otherwise provides any designated substance or hazardous material to be used by a worker in respect of any occupation, project or work site;

"worker" means a person engaged in an occupation;

"work site" means 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.

Legislation may have an index to help find the required section. Even seasoned veterans turn to the back to get help finding the information needed. In health and safety legislation, the index will have items, such as ladders, machine guarding and scaffolds listed.

Third Thing: Legislation Is Written in a Specific Structure

Legislation is always written in a specific structure, with sections and clauses. Each of these is numbered, using a consistent method, so that reference can be made to specific parts of the legislation without confusion.

29	(1)	(a)	(i)
Section	Subsection	Clause	Subclause

Following is an example from legislation that shows section, subsection, clause and subclauses.

- 267(1) *An employer must ensure that, if a powered mobile equipment operator's view of the equipment's path of travel is obstructed or cannot be seen directly or indirectly in a direction, the powered mobile equipment has*
- (a) *an automatic audible warning device that*
 - (i) *activates if the equipment controls are positioned to move the equipment in that direction, and*
 - (ii) *is audible above the ambient noise level,*
 - (b) *a warning device or method appropriate to the hazards of the work site, or*
 - (c) *an automatic system that stops the equipment if a worker is in its path.*
- (2) *If it is impractical to equip powered mobile equipment in accordance with subsection (1), the operator must ensure that the operator and other workers are protected from injury before moving the equipment by*
- (a) *doing a visual inspection on foot of the area into which the equipment will move,*
 - (b) *following the directions of a traffic control or warning system, or*
 - (c) *getting directions from a worker who*
 - (i) *has an unobstructed view of the area into which the equipment will move, and*
 - (ii) *is stationed in a safe position in continuous view of the operator.*

This excerpt is also included for students in Handout 1 (page 79).



OVERHEAD 20

Workplace-related Acts

Information about workplace legislation, including the *Occupational Health and Safety Act (OHS Act)*, was introduced in the basic information section of the legislation chapter. Teachers could begin this section by reviewing that material. It is essential that students know their basic rights and responsibilities under the *OHS Act* and the Employment Standards Code (ESC). In addition, the OHS Regulations and Code expand on the *OHS Act* and provide legislation on specific topics for particular types of workplaces or hazards.

The Worker and Employer's Guides to the OH&S Act, found in the *Workplace Health and Safety Teacher's Toolkit*, should be handed out and reviewed with students.

You may access a full copy of the workplace legislation on the Alberta Human Resources and Employment – Workplace Health and Safety Web site at www.worksafely.org. The site has links to workplace health and safety and employment standards. Printed copies can be purchased from the Alberta Queen's Printer at www.gov.ab.ca/qp or by calling 780-427-4952.

The Occupational Health and Safety Code is augmented with an Explanation Guide that can be purchased through the Queen's Printer or accessed at www.worksafely.org.

NOTE: Teachers may wish to have the students work through the interactive eLearning program, *Alberta Occupational Health and Safety Legislation*, that is available on the CD in the *Workplace Health and Safety Teacher's Toolkit* as well as on the Workplace Health and Safety Web site. This interactive program provides the basics on how to navigate legislation.

Optional Exercises: Sampling the OHS Code

There are 39 parts to the OHS Code; see page 65 for the complete list. Handouts 5 through 25 contain excerpts from several of these parts. On each handout, three questions are asked:

- What is the intent of these sections?
- What are the worker responsibilities?
- What are the employer responsibilities?

On the following pages, sample answers are given for seven of the excerpts:

- OHS Code: Part 2 Hazard Assessment, Elimination and Control (Handout 5)
- OHS Code: Part 8 Portable Ladders (Handout 7)
- OHS Code: Part 12 General Safety Precautions, Tire Servicing (Handout 9)
- OHS Code: Part 14 Lifting and Handling Loads (Handout 10)
- OHS Code: Part 18 Personal Protective Equipment, Eye Protection (Handout 13)
- OHS Code: Part 22 Safeguards (Handout 20)
- OHS Code: Part 35 Health Care and Industries with Biological Hazards (Handout 27)

Part 2 – Hazard Assessment, Elimination and Control – Questions and Answers (Handout 5)

1. What does this section of the OHS Code mean?

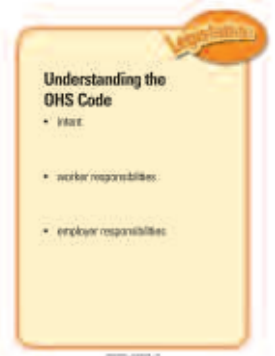
- The unsafe and unhealthy conditions at the work site must be identified and preventative measures put in place to ensure the health and safety of the worker.

2. What are the workers' responsibilities?

- Workers need to be informed of the hazards of the work site and to participate in the hazard assessment and in the control or elimination of the hazards identified.

3. What are the employer's responsibilities?

- Assess a work site and identify existing or potential hazards before work begins at the work site.
- Prepare a report of the results of the hazard assessment and the methods used to control or eliminate the hazards identified.
- If reasonably practicable, involve affected workers in the hazard assessment and in the control or elimination of the hazards identified.
- Ensure that workers affected by the hazards identified in a hazard assessment report are informed of the hazards and the methods used to control or eliminate the hazards.



OVERHEAD 21

Part 8 – Portable Ladders – Questions and Answers (Handout 7)

1. What does this section of the OHS Code mean?

- The top two rungs on a step ladder are not be used to perform work.
- Workers can work from the top two rungs if there is a railed platform on top or if there are specific manufacturer's specifications that provide for safe use.
- The ladder must be secured against movement and placed on a stable base.
- The base of an inclined portable ladder must be no further from the base of the wall than 1/4 of the height to where the ladder contacts the wall or structure.
- The siderails must extend at least one metre above a platform, landing or parapet if the ladder is used as a means of access to the platform, landing or parapet.
- If the worker is working from a portable ladder from which the worker may fall three metres or more, a personal fall arrest system must be used.

2. What are the workers' responsibilities?

- Ensure the ladder is safe to work on.
- Ensure fall protection is worn.
- Ensure the ladder cannot fall.

3. What are the employer's responsibilities?

- Provide training to the worker.
- Provide fall protection equipment and training.
- Provide the proper ladder for the job that needs to be done.

**Part 12 – General Safety Precautions, Tire Servicing – Questions and Answers
(Handout 9)**

1. What does this section of the OHS Code mean?

- Servicing tires can be very dangerous. If not properly trained or the proper controls are not in place and a tire explodes, someone could die.
The Code is very specific as to responsibilities when involved with this work.

2. What are the workers' responsibilities?

- Be competent and thoroughly trained to conduct tire servicing and inflating.
- Use the safety devices provided or do not do the job.
- Advise the supervisor immediately if there is a problem.

3. What are the employer's responsibilities?

- Ensure a competent worker services, inspects, disassembles and reassembles a tire or tire and wheel assembly, in accordance with the manufacturer's specifications.
- Ensure the wheel assembly is in a tire cage or is similarly restrained and that flying parts from split-rim or locking ring failure or tire rupture are contained.
- Ensure the worker uses an inline pressure gauge and positive pressure control and inflates the tire from a safe position out of the immediate danger area.

Part 14 – Lifting and Handling Loads – Questions and Answers (Handout 10)

1. What does this section of the OHS Code mean?

- The employer must find ways to minimize the risk of lifting and handling heavy or awkward loads so as not to cause injury to a worker.

2. What are the workers' responsibilities?

- Use the equipment provided for lifting, lowering, pushing, pulling, carrying, handling or transporting heavy or awkward loads, including supplies, persons and animals.

3. What are the employer's responsibilities?

- Provide, where reasonably practicable, appropriate equipment for lifting, lowering, pushing, pulling, carrying, handling or transporting heavy or awkward loads.
- Evaluate the hazards associated with manual lifting.
- Ensure that workers use the equipment provided.

Part 18, Section 229 – Personal Protective Equipment, Eye Protection – Questions and Answers (Handout 13)

1. What does this section of the OHS Code mean?

- Where there is a danger of an injury to the eyes, workers must wear appropriate eye protection that fits properly.

2. What are the workers' responsibilities?

- Wear the eye protection that is correct for the hazard, in accordance with the training and instruction received.
- Inspect the equipment before using it and, if damaged in any way, do not use it.

3. What are the employer's responsibilities?

- Provide training in the proper use, care, limitation and assigned maintenance of eye protection.
- Ensure the protective equipment is correct for the hazard and will protect the worker and does not endanger the worker in any way.
- Ensure workers wear the proper eye protection.

Part 22 – Safeguards – Questions and Answers (Handout 20)

1. What does this section of the OHS Code mean?

- I must be protected from the possibility of being hurt or coming into contact with any part of a machine that could cause an injury.

2. What are the workers' responsibilities?

- Do not remove or tamper with a safeguard on any equipment where it is not designed to be removed.
- Lock out, lock out and tag the machinery or render it inoperative if the safeguard has been removed or made ineffective.

3. What are the employer's responsibilities?

- Provide safeguards if a worker may accidentally or through the work process come into contact with anything that could cause injury to the worker.
- Provide training to the person operating the equipment.

Part 35 – Health Care and Industries with Biological Hazards – Questions and Answers (Handout 27)

1. What does this section of the OHS Code mean?

- Working with needles and sharps requires specific procedures to ensure the health and safety of the worker.

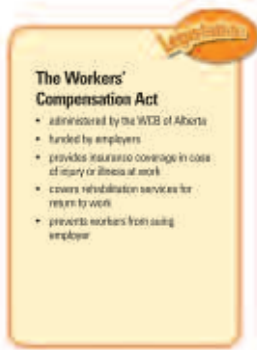
2. What are the workers' responsibilities?

- Workers need to be informed of the hazards of working with sharps and needles and must use the sharps container provided for proper disposal.

3. What are the employer's responsibilities?

- Provide sharps containers and ensure they are located as close as reasonably practicable to where sharps are used.
- Establish policies and procedures to store, handle, use and dispose of biohazardous materials as well as to manage post-exposure.
- Ensure workers are informed of the health hazards associated with exposure to biohazardous materials.
- Ensure that worker exposure to biohazardous materials is kept as low as reasonably practicable.

The Supplemental Handouts at the end of this section provide information on a variety of parts of the OHS Code. Please use them wherever it is applicable to your class.



OVERHEAD 22

B. Workers' Compensation Board (WCB)

Most workplaces in Alberta are required to register and have an account with the Workers' Compensation Board (WCB). The purpose of the Workers' Compensation legislation is to provide insurance benefits (compensation) to workers who:

- have been injured or become ill as a result of their employment
- lose time from work, as a result.

Workers' compensation is essentially a no-fault insurance program that employers pay into to provide coverage for their workers. Workers receive coverage if they are injured or become ill; however, they do not have the right to take legal action against their employer for a work-related incident. The amount of money paid by the WCB is based on the worker's income at the time of the injury. Benefits are 90% of net earnings and are calculated by the WCB, in accordance with the *Workers' Compensation Act* and regulations.

A self-employed person without employees is not required to have WCB coverage for himself or herself, but may opt for personal coverage. The same applies to directors/owners of a company. However, if they have employees, they must have coverage for them.

Not all businesses are required to have WCB coverage. Certain industries are exempt, such as:

- financial institutions; e.g., banks
- consulting services
- piano tuners
- travel agencies
- commercial feed lots
- advertising agencies.

Although employers in these industries are exempt, they may opt to have WCB coverage.

How Much Does a Workplace Pay in Premiums?

Following standard insurance principles, the WCB groups businesses in distinct groups called rate groups. The idea is to group businesses together, within similar types of activities and with comparable risks for injury/illness. Each employer within a rate group pays the same base premium for each \$100 paid to workers.

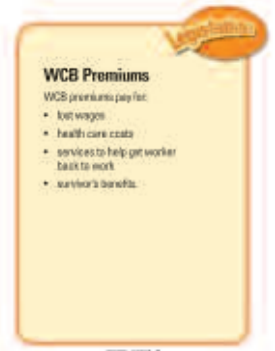
The group's premium rate is based on the cost of injuries and illnesses to workers in that group. The more injuries and illnesses, the higher the group's premium rate.

The WCB also has incentive programs where employers can get money back if they have a good injury/illness record. They can also be surcharged if they have a poor record. Companies with poor records are identified to Workplace Health and Safety who will visit the work site to encourage and work with the company to help it improve and strengthen the health and safety of the workplace.

Workers' Compensation Benefits

Workers' Compensation benefits include:

- money to replace lost wages
If a worker misses time from work because of a work-related injury, the amount of money for the temporary total disability paid by the WCB is based on his or her income at the time of the injury. Benefits are 90% of net earnings.
- payment for health care costs related to the workplace injury or illness, such as:
 - treatment by doctors, chiropractors, physiotherapists, dentists
 - hospitalization, surgery and emergency care
 - prescription drugs
 - prosthetics, orthotics, glasses, hearing aids, crutches, wheelchairs and other assistive devices
 - contracted services, such as an attendant, and other measures to help severely impaired workers live independently
 - travel costs related to the claim; e.g., travel to medical appointments
 - retraining for an injured worker who cannot return to his or her pre-injury occupation



OVERHEAD 23

- employer services to help get an injured worker back to work in a timely fashion
- assessment and return to work options to determine suitable work
- survivor's benefits to spouse and dependents.

What to Report

WCB must be notified of any injury or illness that:

- causes the worker to lose time from work
- has the potential to cause the worker to lose time from work
- requires the worker to work in a modified work position at less than regular pay
- would cause the worker to receive lower earnings for regular work.

Who Reports

The **employer** must complete and return an Employer's Report of Injury or Occupational Disease form to the WCB within 72 hours of being informed by the worker.

A **worker** who is injured must complete a Worker's Report of Injury form (available from the employer) and send it to the WCB as soon as possible. Any other information, such as a list of witnesses, is also useful and should be included with the Worker's Report of Injury form.

These WCB forms are available on the Web site at www.wcb.ab.ca. Samples are included in your *Workplace Health and Safety Teacher's Toolkit*.

(The **physician** must also complete a report if he or she considers that the injury is likely to disable the worker for more than the day of the injury or may cause a disablement in the future.)

C. Operating a Business

This section provides information for those students who may be contemplating starting their own business. As employers, there is an assortment of laws, regulations, bylaws and rules with which they must comply. Much of this has been addressed in the information covered to this point. However, this section will cover other specific information the student will need to know.

There are several important workplace laws that potential business owners should be familiar with because, as a business owner, they are responsible for the workplace and their employees. Not knowing is not a defence.

The previous material covered important concepts about workplace health and safety, employment standards and workers' compensation from a worker perspective. We will now look at the information from an employer's perspective.

The Employer and Workplace Health and Safety

As an employer in Alberta, your work site automatically comes under the jurisdiction of the *Alberta Occupational Health and Safety Act* (unless you are in one of the areas not covered by the Act, as previously discussed). Section 2 (1) states that an employer must ensure, as far as it is reasonably practicable to do so,

- (a) *the health and safety of*
 - i. *workers engaged in the work of that employer, and*
 - ii. *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*
- (b) *that the workers engaged in the work of that employer are aware of their responsibilities and duties.*

To enforce this, an Occupational Health and Safety Officer has the legal right to enter a work site without notice or permission. The Officer can conduct an inspection, review documents, interview workers or the employer, order workers or the employer to cease activities, shut the work site down and even recommend prosecution.

Therefore, it is very important to be aware of employer responsibilities under the *OHS Act, Regulation and Code*.

Health and Safety of your Employees

There are many sections in the legislation that directly impact the workplace and, while employers are not expected to be experts, they are expected to be aware the legislation exists and to comply with it to ensure they provide a healthy and safe workplace for employees. It is recommended that employers purchase a copy of the *OHS Act, Regulation and Code* and the *OHS Code Explanation Guide* from the Queen's Printer and become familiar with the expectations laid out in them.

For example,

- Part 2 of the Code establishes the requirement to conduct a hazard assessment of the work site and to implement measures to either eliminate the hazard or control the hazard so that employees or others who come onto the work site can work safely.
- Part 4 of the Code addresses chemical hazards that must be controlled to ensure workers are not overexposed.
- Part 7 of the Code requires that employers have an appropriate emergency preparedness and response plan in place, with worker input, that is appropriate to the hazards at each work site.
- Part 11 of the Code stipulates first aid requirements. If there is more than one person working at the site, there is a requirement to have trained first aid providers and adequate first aid supplies available.
- Part 27 of the Code addresses violence in the workplace as a hazard. Employers are required to develop policies and procedures respecting potential acts of violence.
- Part 28 of the Code addresses working alone as a hazard. An employer must provide effective means for communication between a worker who works alone and persons capable of assisting the worker in an emergency or if the worker is injured or ill.

These are just six parts of the Code that can impact the workplace. There are 39 parts in the Code, as listed on the following page.

Occupational Health and Safety Code

The following list summarizes all topics covered by the OHS Code (October 2003).

Part Topic

1	Definitions and General Application
2	Hazard Assessment, Elimination and Control
3	Specifications and Certifications
4	Chemical Hazards, Biological Hazards and Harmful Substances
5	Confined Spaces
6	Cranes, Hoists and Lifting Devices
7	Emergency Preparedness and Response
8	Entrances, Walkways, Stairways
9	Fall Protection
10	Fire and Explosion Hazards
11	First Aid
12	General Safety Precautions
13	Joint Work Site Health and Safety Committee
14	Lifting and Handling Loads
15	Locking Out
16	Noise Exposure
17	Overhead Power Lines
18	Personal Protective Equipment
19	Powered Mobile Equipment
20	Radiation Exposure
21	Rigging
22	Safeguards
23	Scaffolds and Temporary Work Platforms
24	Toilets and Washing Facilities
25	Tools, Equipment and Machinery
26	Ventilation Systems
27	Violence
28	Working Alone
29	Workplace Hazardous Materials Information System (WHMIS)
30	Demolition
31	Diving Operations
32	Excavating and Tunnelling
33	Explosives
34	Forestry
35	Health Care and Industries with Biological Hazards
36	Mining
37	Oil and Gas Wells
38	Residential Roofing
39	Tree Care Operations

Penalties

If a serious incident occurred at a work site or if there was a serious or persistent noncompliance with the OHS legislation, an OHS Officer might recommend prosecution.

Employers must be able to demonstrate they have practised **due diligence** in managing health and safety and preventing injury/illness. Due diligence is the level of judgement, care, prudence, determination and activity that a person would reasonably be expected to take. Failure to prove that the employer or worker had been duly diligent in complying with the OHS legislation can result in significant penalties.

Due diligence puts the onus on the employer and the workers to ensure they are working in compliance with OHS legislation.

Under the *OHS Act*, a person who contravenes the Act, Regulations or Code, or fails to comply with an Officer's order is guilty of an offence and liable to:

- a fine of up to \$500,000
- imprisonment up to six months
- both.

If there is a second offence, he or she may be liable to a fine of up to \$1,000,000 and/or imprisonment up to 12 months.

The judge may also award alternative penalties, such as ordering an organization to develop an appropriate course or industry practice.

For more information about workplace health and safety, contact Alberta Human Resources and Employment at 1-866-415-8690 or visit the Web site at www.worksafely.org.

The Employer and Employment Standards

Alberta Human Resources and Employment, Employment Standards administers the Employment Standards Code (ESC) and Employment Standards Officers enforce the Code. The Employment Standards Code is the law that contains Alberta's basic rules about working and employing people. Workers and employers have rights and responsibilities under the ESC.

Deductions from Employee Earnings

The Employment Standards Code allows certain deductions to be made from employee earnings. These include legal deductions for income tax, Canada Pension Plan, employment insurance and Alberta Health Care premiums as well as deductions resulting from a judgement or order of a court.

If an employer wants to make other deductions, written permission must first be obtained from the employees. Examples include deductions for company pension plans, dental plans and personal charges to company credit cards. Usually, these deductions are discussed and permissions are provided before the employee starts his or her job.

There are some deductions that are not allowed, even with written authorization from the employee. An employer cannot take deductions for faulty workmanship or deduct for cash shortages or loss of property where more than one person has access to the cash or property.

Reality Check

A gasoline service station company was prosecuted and fined \$23,000 under the Employment Standards Code on four counts of failing to pay employees within the required 10 days and for recovering cash or property shortages from its employees.

Statement of Employee Earnings

At the end of each pay period, the employer must provide a written statement to each employee that shows:

- regular and overtime hours of work
- wage rate and overtime rate
- earnings paid that show each component separately
- deductions from earnings and the reason for each deduction
- time off in lieu of payment of overtime
- statement period.

A statement of earnings is an important document and employees should be encouraged to check the accuracy of their statement as soon as they get it.

Daily Rest Periods

During each shift in excess of five consecutive hours of work, an employee is entitled to at least one 30 minute break, except where it is unreasonable or impossible. The break can be paid or unpaid, at the employer's discretion.

This means that where a shift is less than five hours in length, the employer is not obliged to provide a rest period. Where the shift is longer than five hours (e.g., eight or nine hours), the obligation of the employer is to provide at least 30 minutes of break time some time during the shift. The 30 minutes can be taken in one unbroken period or provided as two 15-minute or three 10-minute breaks.

This is the minimum standard. In practice, the amount of break time provided for a full day shift is frequently more than the minimum 30 minutes.

Weekly Rest Days

An employer must give an employee:

- one day of rest each week
- two consecutive days of rest in each period of two consecutive weeks
- three consecutive days of rest in each period of three consecutive weeks
- four consecutive days of rest in each period of four consecutive weeks.

After 24 consecutive days of work, employees **must** be provided with at least four consecutive days of rest.

There are many more requirements, such as compressed work week, overtime and overtime pay, overtime agreements and vacations and vacation pay. It is the employer's responsibility to be familiar with these requirements.

For more information about employment standards contact Alberta Human Resources and Employment by calling the province-wide toll free information line at 310-000 and dial (780) 427-3731 or visit the Web site at <http://www.gov.ab.ca/hre/employmentstandards>.

The Employer and Workers' Compensation

When you start a business in Alberta and will be hiring workers, you will, in all likelihood, need to register with the Workers' Compensation Board (WCB). Not all businesses are required to be registered but the WCB will inform you if this is the case. When you register and provide some business information, a WCB account will be created in your company name and you will be provided an employer account number. Directors/owners of a company may **opt** for coverage for themselves but they **must** ensure there is coverage for their employees. As an employer, you will have to pay the full cost for WCB coverage. **It is against the law to take deductions, directly or indirectly, from workers' earnings to pay the cost of WCB coverage.**

Workers' compensation is essentially no-fault insurance coverage and it protects workers, including:

- full-time employees
- temporary or casual employees
- part-time employees
- contract workers (unless they are covered by another employer's workers' compensation insurance)
- subcontractors who are considered by the WCB to be your workers.

When employers have WCB coverage, workers who get injured or ill at work will have some income to replace their loss of earnings while they are off work. WCB provisions also stipulate that employers cannot be sued by the injured worker.

There are three sections in the *Workers' Compensation Act* regarding the reporting of incidents to the WCB. The first is the worker's responsibility to report, the second is the employer's responsibility to report and the third section deals with responsibilities of physicians. If a worker is injured, the *Workers' Compensation Act* states that:

Notice by Worker

- 32 (1) *If a worker*
- (a) *suffers personal injury by an accident, or*
 - (b) *regardless of whether the worker is injured, is, as a result of an accident, entitled to medical aid under Part 5, the worker shall give notice of the accident as provided in subsection (2).*
- (2) *If subsection (1) applies, the worker shall, as soon as practicable after the accident, give notice of the accident in accordance with the regulations*
- (a) *to the employer, and*
 - (b) *to the Board, if the injury disables or is likely to disable the worker for more than the day of the accident.*
- (3) *If a worker suffers an accident that results in the worker's death, the worker's dependant shall, as soon as practicable after the accident, give notice of the accident in accordance with the regulations to the employer and to the Board.*

The worker is to be provided a Worker's Report of Injury form (C-060) that is to be completed by the worker and submitted to the WCB as soon as possible. If the worker requires medical aid, it must be documented and maintained on a confidential file at the workplace, whether there is lost work time or not.

When an employer is advised a worker has been injured while on the job and it results in time lost from work or has the potential for time loss beyond the day of the injury, the employer must report the incident to the WCB as follows:

Notice by Employer

The Act states that:

- 33 (1) *An employer who receives notice of an accident under section 32 or otherwise acquires knowledge of an accident or of an allegation of an accident*
- (a) *shall forthwith record the details of the accident as required by the regulations and forthwith provide a copy of that record to the worker,*
 - (b) *shall, if the accident disables or is likely to disable the worker for more than the day of the accident,*
 - (i) *give notice of the accident to the Board within 72 hours after acquiring knowledge of the accident or the allegation, and at the same time give a copy of that notice to the worker, and*
 - (ii) *if the employer acquires knowledge that the worker has returned to work or is able to return to work, give notice of that fact to the Board within 24 hours after the employer acquires knowledge of it,*
 - (c) *shall, if the accident is one to which section 32(1)(b) applies, except in those cases where only first aid, as determined by the Board, is rendered, give notice of the accident to the Board within 72 hours after the employer acquires knowledge of the accident or the allegation, and*
 - (d) *shall provide the Board with any other information it requires in connection with the accident.*
- (2) *If an employer or a person who, in the opinion of the Board, is or might be an employer fails to*
- (a) *provide any information as required by this section, or (b) reply to the Board's request for information within 30 calendar days after the date of that request, the Board may investigate the accident and may charge the costs of the investigation to the employer or other person.*

The employer must complete and return an Employer's Report of Injury or Occupational Disease form (C-040) to the WCB within 72 hours of being notified of the injury.

The employer and worker report forms are available on the Web site at www.wcb.ab.ca.

Failure to report, on the part of the employer, places him or her in contravention of the *Workers' Compensation Act* and, under Section 152.1(1), the employer could be assessed an administrative penalty of up to \$25,000 for each contravention or for each day or part of a day on which the contravention occurs and continues, as the case may be.

Using copies of the WCB reporting forms, split the group into pairs, one student being the employer and one student being the injured worker. Create a scenario and have the students complete an Employer's Report of Injury and Worker's Report of Injury.

How Business Is Classified

The WCB classifies businesses according to the industry in which they operate. Employers who have similar operations and share similar health and safety risks are grouped together for insurance premium rate setting purposes. This protects employers against extreme fluctuations in rates due to a single employer's poor injury experience record.

The type of business, not the individual occupations of workers, determines the rate group. For example, someone's occupation could involve digging trenches. This worker could work for a town, construction company or a pipeline company. These three industries are classified differently by the WCB even though they all employ workers who dig trenches.

The WCB collects premiums from employers to cover the costs of insuring work-related injuries. A premium rate is the amount the employer pays per \$100 of insurable earnings. It is set annually, based on the average injury costs in an industry and each company's injury experience.

Employers must renew WCB coverage annually and, as part of the renewal process, must report workers' insurable earnings for the past year and provide a reasonable estimate of their earnings for the current year. Insurable earnings include:

- wages, including overtime
- salaries
- piece work
- commissions
- training-on-the-job earnings
- bonuses
- holiday pay
- recorded tips and gratuities
- pay in lieu of notice
- taxable benefits.

Under the performance-based model used by the WCB, employers with poor injury experience pay higher premiums. Those employers with fewer incidents and injuries pay less.

For more information about the Workers' Compensation Board, call 1-866-922-9221 and then 780-498-3999 or visit their Web site at <http://www.wcb.ab.ca>.

Other Important Information

The following is a list of other agencies and legislation that employers must be aware of:

- *Corporations Act* and the *Partnership Act*
- *Municipal Government Act* and the *Planning Act*
- *Safety Codes Act*
- *Public Health Act*
- Development Compliance Branch of local town or city
- Municipal licensing bylaw in local town or city
- Provincial licensing – Alberta Government Services
- *Fair Trading Act*
- Canada Revenue Agency for taxation and G.S.T. registration
- Alberta Health Care.

If considering starting a business, it is advised to conduct research and be well informed as to employer rights and obligations. One place to obtain this information is through the Business Link Business Service Centre. They can be contacted at 1-800-272-9675 or through the Web site at <http://cbsc.org/alberta>.

REVIEW QUESTIONS

- 1. When you see the word “shall” in the OHS legislation, which of the following would be an example of what is required?**
 - a. An employer should do it
 - b. An employer must do it
 - c. An employer may do it
 - d. a and b

- 2. Match the correct sequence of labelling with the following reference in the legislation: 5 (1) (b) (iii)**
 - a. section, clause, subsection, subclause
 - b. clause, subclause, section, subsection
 - c. section, subsection, clause, subclause
 - d. section, subclause, subsection, clause

- 3. Which of the following type of workplace is not required to register with the Workers’ Compensation Board?**
 - a. financial institutions, such as banks
 - b. counselling services
 - c. piano tuners
 - d. a and c
 - e. all of the above

- 4. Which of the following are things that WCB insurance covers?**
 - a. replacement of lost wages
 - b. payment for health care costs
 - c. specialized services, such as those of a physiotherapist
 - d. burial expenses
 - e. all of the above

- 5. When an injury occurs, when do the WCB benefits begin?**
- a. a week after the injury
 - b. the day after the injury
 - c. five working days after the injury
 - d. depends on the type of injury
- 6. What issues are covered in the Employment Standards legislation?**
- a. hours of work
 - b. vacations
 - c. deductions from earnings
 - d. termination
 - e. all of the above
- 7. Under which legislation can a person be prosecuted?**
- a. Occupational Health and Safety
 - b. Workers' Compensation
 - c. Employment Standards
 - d. none of the above
 - e. all of the above

REVIEW QUESTIONS, WITH ANSWERS

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 - b. Workers' Compensation
 - c. Employment Standards
 - d. none of the above**
 - e. all of the above

HANDOUT 1

Taking the Mystery out of Reading Legislation

1. Watch “ands”, “ors” and “shalls”

The word “and” between two clauses means that both clauses must be complied with.

The word “or” between two clauses gives the reader a choice. One or the other of the choices must be complied with.

The word “shall” means the reader must do something. There is no choice.

2. Read Definitions

Commonly used words are often defined at the beginning of any piece of legislation. This clarifies what the words mean in the context of the legislation. Not understanding this can take readers off track in understanding what is meant.

3. Follow the Structure and Refer to Parts by Numbers

29	(1)	(a)	(i)
Section	Subsection	Clause	Subclause

- 267(1) *An employer must ensure that, if a powered mobile equipment operator’s view of the equipment’s path of travel is obstructed or cannot be seen directly or indirectly in a direction, the powered mobile equipment has*
- (a) *an automatic audible warning device that*
 - (i) *activates if the equipment controls are positioned to move the equipment in that direction, **and***
 - (ii) *is audible above the ambient noise level,*
 - (b) *a warning device or method appropriate to the hazards of the work site, or*
 - (c) *an automatic system that stops the equipment if a worker is in its path.*
- (2) *If it is impractical to equip powered mobile equipment in accordance with subsection (1), the operator must ensure that the operator and other workers are protected from injury before moving the equipment by*
- (a) *doing a visual inspection on foot of the area into which the equipment will move,*
 - (b) *following the directions of a traffic control or warning system, or*
 - (c) *getting directions from a worker who*
 - (i) *has an unobstructed view of the area into which the equipment will move, **and***
 - (ii) *is stationed in a safe position in continuous view of the operator.*

HANDOUT 1, continued

4. When in Doubt, ASK

Ask a supervisor. He or she should know what laws apply to the workplace and be able to provide information.

Ask Alberta Human Resources and Employment.

- For Workplace Health and Safety, call 1-866-415-8690.
- For Employment Standards, call 310-000, and then call 780-427-3731. In the Edmonton area, simply dial 427-3731.

Ask the Workers' Compensation Board about WCB legislation by calling 1-866-922-9221. In the Edmonton area, dial 498-3999.

HANDOUT 2

Selected Sections of the *OHS Act*

Section 1 – Definitions

This section outlines legal definitions of important terms used throughout the *OHS Act*. These definitions must be used; dictionary definitions are not applicable.

Section 2 – Obligations of Employers and Workers

This section outlines the responsibilities of stakeholders on a work site. This is the principal section of the *OHS Act* and defines the basic focus of all legislation.

Section 8 – Inspection

Section 9 – Order to Remedy Unhealthy or Unsafe Conditions

Section 10 – Danger to Persons at the Work Site

Section 11 – Order Stopping Use of Unsafe Equipment

Sections 8-11 provide authority to an OHS Officer to enter a work site and perform an inspection. The Officer can also write an order that must be complied with. The Officer has the authority to stop dangerous work or to shut down a work site until it is made safe and healthy.

Section 18 – Serious Injury and Accidents

This section outlines the employer's responsibility to report to OHS any deaths, injuries requiring hospitalization, major accidents, explosions or collapses.

Section 25 – Regular Inspection of Work Sites

This section requires an employer who has a project that has either a hazardous work site or workers engaged in hazardous occupations to regularly inspect and report to AHRE.

HANDOUT 2, continued

Section 31 – Joint Work Site Health and Safety Committees (JWSHSC)

This section prescribes the composition and features of a committee ordered by the Minister.

Section 32 – Written Health and Safety Policies

Section 33 – Code of Practice

Sections 32 and 33, if required by written order, regulation or code, direct an employer to write and communicate safe working procedures. If a code of practice is required, it must be made available to workers on the work site and all affected workers must be adequately trained in the contents of that code.

Section 35 – Existence of Imminent Danger

Section 36 – Where Disciplinary Action is Prohibited

Section 37 – Disciplinary Action Complaint

Section 35 requires a worker to refuse to work in a situation where imminent danger may exist. This is a right and a responsibility that the worker has to take seriously. Section 36 stipulates that an employer cannot discipline a worker for identifying imminent danger. Section 37 protects the worker if an employer takes wrongful disciplinary action.

Section 46 – Act Binds the Crown

This section states that the *OHS Act* applies to the government. In other words, all provincial government work sites and all government employees are covered by this legislation. (This is not usual with other legislation where government often exempts itself.)

HANDOUT 3

Selected Sections of the *OHS Regulation*

Section 1 – Definitions

This section outlines the legal definitions of important terms used throughout the Regulation.

These definitions must be used; dictionary definitions are not applicable.

Section 2 – Controlled Products

This section establishes what a controlled product is and creates the basics for WHMIS.

Section 3 – Hazardous Materials

Section 4 – Hazardous Occupations

Section 5 – Hazardous Work Site

Sections 3-5 define the terms: hazardous material, hazardous occupation and hazardous work site; examples of each of these are: explosives, asbestos worker, blasting area.

Section 9 – Posting Orders and Notices

This section outlines the information that must be posted at work sites and further states that workers must be informed of the notices.

Section 13 – General Protection of Workers

This is often referred to as the competency section. It outlines how work is to be undertaken by workers who are competent, how workers must be trained on new procedures, how workers are to be instructed on safety or protective equipment and how workers should be made aware of their responsibilities.

HANDOUT 3, continued

Section 14 – Duties of Workers

This section states that if a worker is not competent to perform a hazardous task, he or she must not perform it. The section also states that a worker must report any deficiencies in work processes or equipment.

Section 15 – Safety Training

This section specifically outlines the responsibility of the employer to train workers in the safe operation of equipment and to ensure that appropriate procedures are established if a worker is exposed to a harmful substance.

The section also requires workers to participate in training the employer provides and to apply the training in the performance of their tasks.

HANDOUT 4

Selected Parts of the OHS Code

Part 1 – Definitions and General Applications

This part includes an extensive list of legal definitions of important terms used throughout the Code. There is a complete list of industrial standards quoted in the Code. These definitions must be used; dictionary definitions are not applicable.

Part 2 – Hazard Assessment, Elimination and Control

This part requires the employer to perform and maintain a hazard assessment system. It encourages the participation of workers in the assessment, elimination and control of identified hazards. The employer may have to prepare and implement a health and safety plan.

Part 4 – Chemical Hazards, Biological Hazards and Harmful Substances

This part outlines employer requirements to control the exposure of workers to chemical and biological hazards. The section outlines procedures for measurement and analysis of samples, and codes of practice. The exposure limits for approximately 800 chemicals are provided in a large data table (Schedule 1 – Table 2) at the end of the Code.

Part 7 – Emergency Preparedness and Response

This part directs the employer to establish an emergency response plan for situations that may require rescue or evacuation.

Part 9 – Fall Protection

This part outlines procedures to protect against falls from heights. Items, such as anchors, harnesses, belts, lanyards, inspections and maintenance, are discussed.

HANDOUT 4, continued

Part 11 – First Aid

This part outlines first aid requirements, based on hazards, distance to medical care and number of workers on a shift. Several tables provide data on items, such as types of kits, levels of first aiders, transportation required and treatment records to be kept.

Part 12 – General Safety Precautions

This part discusses general aspects on a work site, such as cleanliness and housekeeping, lighting, storage, piping, internal structures, signaling, vehicle traffic and working on ice.

Part 13 – Joint Work Site Health and Safety Committee

This part discusses the features of a health and safety committee and includes membership, co-chairs, meetings, recording and posting of minutes, quorum and duties of the committee.

Part 16 – Noise Exposure

This part addresses the employer's obligation to reduce the noise levels at the work site. It also discusses audiometric testing, hearing protection and provides noise exposure limits.

HANDOUT 4, continued

Part 18 – Personal Protective Equipment

This part outlines the various options and standards for eye protection, flame resistant clothing, foot protection, head protection, life jackets, limb and body protection and respiratory protective equipment.

Part 22 – Safeguards

This part is a general section that covers items such as machinery guards, building shafts, floor openings, guard rails, hoppers and bins, push sticks, safety nets, toe boards and protection from falling objects.

Part 24 – Toilets and Washing Facilities

Drinking water, toilet facilities and adequate facilities for drainage, hand cleaning and waste must be provided. These facilities are required to be clean, operational and sanitary.

Part 27 – Violence

This part considers violence as a form of hazard. The employer must develop policies and procedures to address this hazard. The workers should then be trained on the practices to recognize and respond to workplace violence.

Part 28 – Working Alone

This part considers working alone as a form of hazard. The employer is required to develop policies and procedures for effective communication to address this hazard. The employer must provide precautions suitable to overcome the aspects of this hazard.

HANDOUT 4, continued

Part 29 – Workplace Hazardous Materials Information Systems (WHMIS)

This part provides the principal guidance to the work site about the WHMIS program and discusses items, such as training, labels, placards, availability of Material Safety Data Sheets (MSDSs), exemptions and confidentiality.

Part 32 – Excavating and Tunnelling

This part covers all aspects of excavations, such as tunnels and shafts, holes for wells, basement excavations for new homes, road maintenance and pipeline trenches. It discusses soil stability, access and egress, water hazards, exposing buried cable, methods of protection (i.e., cut backs and shoring), spoil piles and the responsibility of the employer to ensure safety as well as the responsibility of the worker to comply with accepted practices.

HANDOUT 5

OHS Code: Part 2 Hazard Assessment, Elimination and Control (Selected Sections)

Hazard Assessment

- 7 (1) *An employer must assess a work site and identify existing or potential hazards before work begins at the work site.*
- (2) *An employer must prepare a report of the results of a hazard assessment and the methods used to control or eliminate the hazards identified.*
- (3) *An employer must ensure that the date on which the hazard assessment is prepared or revised is recorded on it.*
- (4) *An employer must ensure that the hazard assessment is repeated*
- (a) at reasonably practicable intervals to prevent the development of unsafe and unhealthy working conditions,*
 - (b) when a new work process is introduced,*
 - (c) when a work process or operation changes, or*
 - (d) before the construction of a new work site.*

Worker Participation

- 8 (1) *If reasonably practicable, an employer must involve affected workers in the hazard assessment and in the control or elimination of the hazards identified.*
- (2) *An employer must ensure that workers affected by the hazards identified in a hazard assessment report are informed of the hazards and the methods used to control or eliminate the hazards.*

HANDOUT 5, continued

Hazard Elimination and Control

- 9 (1) *If an existing or potential hazard to workers is identified during a hazard assessment, an employer must take measures in accordance with this section to*
- (a) *eliminate the hazards, or*
 - (b) *if elimination is not reasonably practicable, control the hazard.*
- (2) *If reasonably practicable, an employer must eliminate or control a hazard through the use of engineering controls.*
- (3) *If a hazard cannot be eliminated or controlled under subsection (2), the employer must use administrative controls that control the hazard to a level as low as reasonably achievable.*
- (4) *If the hazard cannot be eliminated or controlled under subsections (2) or (3), the employer must ensure that the appropriate personal protective equipment is used by workers affected by the hazard.*
- (5) *If the hazard cannot be eliminated or controlled under subsections (2), (3) or (4), the employer may use a combination of engineering controls, administrative controls or personal protective equipment if there is a greater level of worker safety because a combination is used.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 6

OHS Code: Part 5 Confined Spaces (Selected Sections)

Code of Practice

- 44 (1) *An employer must have a written code of practice governing the practices and procedures to be followed when workers enter and work in a confined space.*
- (2) *The code of practice must*
- (a) *take into account and apply the requirements of this Part and section 169,*
 - (b) *be maintained and periodically reviewed, and*
 - (c) *identify all existing and potential confined space work locations at a work site.*
- (3) *A worker involved in any aspect of a confined space entry must comply with the requirements and procedures in the code of practice.*

Hazard Assessment

- 45 *If a worker will enter a confined space to work, an employer must appoint a competent person to*
- (a) *assess the hazards the worker is likely to be exposed to while in the confined space,*
 - (b) *specify the type and frequency of inspections and tests necessary to determine the likelihood of worker exposure to any of the identified hazards,*
 - (c) *perform the inspections and tests identified,*
 - (d) *specify the safety and personal protective equipment required to perform the work, and*
 - (e) *identify the personal protective equipment and emergency equipment to be used by a worker who undertakes rescue operations in the event of an accident or other emergency.*

HANDOUT 6, continued

Training

- 46 (1) An employer must ensure that a worker assigned duties related to confined space entry is trained by a competent person in
- (a) recognizing hazards associated with working in confined spaces, and
 - (b) performing the worker's duties in a safe and health manner.
- (2) An employer must keep records of the training given under subsection (1).
- (3) An employer must ensure that competence in the following is represented in the workers responding to a confined space emergency:
- (a) first aid;
 - (b) the use of appropriate emergency response equipment;
 - (c) procedures appropriate to the confined space.

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 7

OHS Code: Part 8 Portable Ladders (Selected Sections)

Prohibition

- 133 (1) *A worker must not perform work from either of the top 2 rungs, steps or cleats of a portable ladder unless the manufacturer's specifications allow the worker to do so.*
- (2) *Despite subsection (1), a worker may work from either of the top 2 rungs, steps or treads of a stepladder,*
- (a) *if the stepladder has a railed platform at the top, or*
- (b) *if the manufacturer's specifications for the stepladder permit it.*

Securing and Positioning

- 136 *A worker must ensure that*
- (a) *a portable ladder is secured against movement and placed on a base that is stable,*
- (b) *the base of an inclined portable ladder is no further from the base of the wall or structure than of the height to where the ladder contacts the wall or structure, and*
- (c) *the side rails of a portable ladder extend at least 1 metre above a platform, landing or parapet if the ladder is used as a means of access to the platform, landing or parapet.*

Fall Protection

- 137 (1) *An employer must ensure that a worker working from a portable ladder from which the worker may fall 3 metres or more uses a personal fall arrest system.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 8

OHS Code: Part 10 Fire and Explosion Hazards (Selected Sections)

Compressed and Liquefied Gas

- 171 (1) *An employer must ensure that*
- (a) *compressed or liquefied gas containers are used, stored and transported in accordance with the manufacturer's specifications,*
 - (b) *compressed or liquefied gas cylinders are secured, preferably upright, and cannot fall or roll,*
 - (c) *compressed or liquefied gas cylinders, piping and fittings are protected from damage during handling, filling, transportation and storage,*
 - (d) *compressed or liquefied gas cylinders are equipped with a valve protection cap if manufactured with a means of attachment, and*
 - (e) *oxygen cylinders or valves, regulators or other fittings of the oxygen using apparatus or oxygen distributing system are kept free of oil and grease.*

Handling Cylinders

- 174(1) *A worker must not insert or remove a compressed gas cylinder from a storage compartment by holding the valve or valve protection cap.*
- (2) *A worker must put on and secure to the valve outlet the valve protection cap or plug provided by the manufacturer of a compressed gas cylinder if the cylinder is not secured and connected to dispensing equipment.*
 - (3) *If a welding service vehicle is not in service for any reason, a worker must*
 - (a) *close compressed gas cylinder valves,*
 - (b) *remove regulators if they are not integral to the cylinder, and*
 - (c) *put on and secure the valve protection caps or plugs.*
 - (4) *A worker must shut off the cylinder valve and release the pressure in the hose if a compressed gas cylinder on a welding service vehicle is not in use or the vehicle is left unattended.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 9

OHS Code: Part 12 General Safety Precautions (Selected Sections)

Tire Servicing

- 193(1) *An employer must ensure that a competent worker services, inspects, disassembles and reassembles a tire or tire and wheel assembly in accordance with the manufacturer's specifications.*
- (2) *An employer must ensure that the manufacturer's service manuals for tires and wheels serviced by the employer are readily available to workers.*
- (3) *An employer must ensure that a competent worker inflates a tire mounted on a split-rim or locking ring wheel only if*
- (a) *the wheel assembly is in a tire cage or is similarly restrained, and*
 - (b) *flying parts from split-rim or locking ring failure or tire rupture are contained.*
- (4) *An employer must ensure that a worker uses a clamp-on type of connector to inflate split-rim and locking ring wheels.*
- (5) *If a clamp-on type of connector is used to inflate a tire, the employer must ensure that the worker*
- (a) *uses an in-line pressure gauge and positive pressure control, and*
 - (b) *inflates the tire from a safe position out of the immediate danger area.*
- (6) *A person must not inflate a tire with a clamp-on type of connector unless the person is in a safe position and out of the immediate danger area.*

Vehicle Traffic Control

- 194(1) *If vehicle traffic at a work site is dangerous to workers on foot, in vehicles or on equipment, an employer must ensure that the traffic is controlled to protect the workers.*
- (2) *An employer must ensure that a worker on foot and exposed to traffic wears a highly visible piece of clothing.*
- (3) *A worker on foot and exposed to traffic must wear a highly visible piece of clothing.*
- (4) *If a worker is designated by an employer to control traffic, the employer must ensure that the designated traffic controller wears a highly visible piece of clothing that*
- (a) *clearly identifies the worker as a designated traffic controller, and*
 - (b) *is retroreflective if the worker is controlling traffic in the dark or visibility is poor.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 10

OHS Code: Part 14 Lifting and Handling Loads (Selected Sections)

Equipment

- 208 (1) *An employer must provide, where reasonably practicable, appropriate equipment for lifting, lowering, pushing, pulling, carrying, handling or transporting heavy or awkward loads.*
- (2) *An employer must ensure that workers use the equipment provided under subsection (1).*
- (3) *Workers must use the equipment provided for lifting, lowering, pushing, pulling, carrying, handling or transporting heavy or awkward loads.*
- (4) *For the purposes of this section, a heavy or awkward load includes equipment, goods, supplies, persons and animals.*

Adapting Heavy or Awkward Loads

- 209 *If the equipment provided under section 208 is not reasonably practical in a particular circumstance or for a particular heavy or awkward load, the employer must take all practicable means,*
- (a) *to adapt the load to facilitate lifting, lowering, pushing, pulling, carrying, handling or transporting the load without injuring workers, or*
- (b) *to otherwise minimize the manual handling required to move the load.*

Assessing Manual Handling Hazards

- 210 *Before a worker manually lifts, lowers, pushes, pulls, carries, handles or transports a load that could injure the worker, an employer must perform a hazard assessment that considers*
- (a) *the weight of the load,*
- (b) *the size of the load,*
- (c) *the shape of the load,*
- (d) *the number of times the load will be moved, and*
- (e) *the manner in which the load will be moved.*

HANDOUT 10, continued

Musculoskeletal Injuries

- 211 *If a worker reports to the employer what the worker believes to be work related symptoms of a musculoskeletal injury, the employer must promptly*
- (a) review the activities of that worker, and of other workers doing similar tasks, to identify work-related causes of the symptoms, if any, and*
 - (b) take corrective measures to avoid further injuries if the causes of the symptoms are work related.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 11

OHS Code: Part 16 Noise Exposure (Selected Sections)

Hearing Protection

- 222 (1) *An employer must ensure that hearing protection equipment provided to workers exposed to excess noise*
- (a) *meets the requirements of CSA Standard Z94.2-02, Hearing Protection Devices – Performance, Selection, Care, and Use, and*
 - (b) *is of the appropriate class and grade described in Schedule 3, Table 2.*
- (2) *An employer must*
- (a) *provide workers with training in the selection, use and maintenance of hearing protection equipment required to be used at a work site in accordance with the manufacturer's specifications, and*
 - (b) *ensure that affected workers wear the hearing protection equipment required to be used.*
- (3) *Workers who are provided with hearing protection equipment must wear and use the equipment in accordance with the training provided by the employer.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 12

OHS Code: Part 18 Personal Protective Equipment (Selected Sections – General Obligation)

Duty to Use Personal Protective Equipment

- 228(1) *If the hazard assessment indicates the need for personal protective equipment, an employer must ensure that*
- (a) *workers wear personal protective equipment that is correct for the hazard and protects workers,*
 - (b) *workers properly use and wear the personal protective equipment,*
 - (c) *the personal protective equipment is in a condition to perform the function for which it was designed, and*
 - (d) *workers are trained in the correct use, care, limitations and assigned maintenance of the personal protective equipment.*
- (2) *A worker must*
- (a) *use and wear properly the appropriate personal protective equipment specified in this Code in accordance with the training and instruction received,*
 - (b) *inspect the personal protective equipment before using it, and*
 - (c) *not use personal protective equipment that is unable to perform the function for which it is designed.*
- (3) *An employer must ensure that the use of personal protective equipment does not itself endanger the worker.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 13

OHS Code: Part 18 Personal Protective Equipment (Selected Sections – Eye Protection)

Compliance with Standards

- 229(1) *If a worker's eyes may be injured or irritated at a work site, an employer must ensure that the worker wears properly fitting eye protection equipment that*
- (a) *is approved to*
 - (i) *CSA Standard Z94.3-99, Industrial Eye and Face Protectors, or*
 - (ii) *CSA Standard Z94.3-02, Eye and Face Protectors, and*
 - (b) *is appropriate to the work being done and the hazard involved.*
- (2) *If eye protection is required to be worn by a worker at a work site, prescription eyewear may be worn if it complies with subsection (1).*
- (3) *If a worker must wear a full face piece respirator and the face piece is intended to prevent materials striking the eyes, and employer must ensure that the face piece*
- (a) *meets the requirements of CSA Standard Z94.3-02, Eye and Face Protectors, or*
 - (b) *meets the impact and penetration test requirements of section 9 of ANSI Standard Z87.1-1989, Practice for Occupational Health and Educational Eye and Face Protection.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 14

OHS Code: Part 18 Personal Protective Equipment (Selected Sections – Flame Resistant Clothing)

Use of Flame Resistant Clothing

- 232 (1) *If a worker may be exposed to a flash fire or electrical equipment flashover, an employer must ensure that the worker wears flame resistant outerwear and uses other protective equipment appropriate to the hazard.*
- (2) *A worker must ensure that clothing worn beneath flame resistant outerwear and against the skin is made of flame resistant fabrics or natural fibers that will not melt when exposed to heat.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 15

OHS Code: Part 18 Personal Protective Equipment (Selected Sections – Foot Protection)

Footwear

- 233(1) *An employer must ensure that a worker uses footwear that is appropriate to the hazards associated with the work being performed and the work site.*
- (2) *If the hazard assessment identifies that protective footwear needs to have toe protection, a puncture resistant sole, metatarsal protection, electrical protection, chainsaw protection or any combination of these, the employer must ensure that the worker wears protective footwear that is approved to*
- (a) *CSA Standard CAN/CSA-Z195-M92 (R2000), Protective Footwear, or*
 - (b) *CSA Standard Z195-02, Protective Footwear.*
- (3) *Despite subsection (2), if a worker is likely to be exposed to a hazard other than those referred to in subsection (2), the employer must ensure that the worker uses footwear appropriate to the hazard.*
- (4) *If a worker is unable, for medical reasons, to wear protective footwear that complies with subsection (2), the worker may substitute external safety toecaps if the employer ensures that*
- (a) *the safety toecaps meet the impact force requirements of CSA Standard Z195-02, Protective Footwear,*
 - (b) *metatarsal protection is not needed to protect the feet from injury,*
 - (c) *the hazard assessment confirms that the worker will not be exposed to any sole penetration hazards, and*
 - (d) *wearing the safety toecaps does not itself create a hazard for the worker.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 16

OHS Code: Part 18 Personal Protective Equipment (Selected Sections – Head Protection)

Industrial Headwear

- 234(1) *Subject to sections 235, 236 and 237, if there is a foreseeable danger of injury to a worker's head at a work site and there is a significant possibility of lateral impact to the head, an employer must ensure that the worker wears industrial protective headwear that is appropriate to the hazards and meets the requirements of*
- (a) *CSA Standard CAN/CSA-Z94.1-92 (R1998), Industrial Protective Headwear, or*
 - (b) *ANSI Standard Z89.1-1997, American National Standard for Industrial Head Protection for Type II head protection.*
- (2) *Subject to sections 232, 233 and 234, if there is a foreseeable danger of injury to a worker's head at a work site and the possibility of lateral impact to the head is unlikely, an employer must ensure that the worker wears industrial protective headwear that is appropriate to the hazard and meets the requirements of*
- (a) *CSA Standard CAN/CSA-Z94.1-92 (R1998), Industrial Protective Headwear, or*
 - (b) *ANSI Standard Z89.1-1997, American National Standard for Industrial Head Protection.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 17

OHS Code: 18 Personal Protective Equipment (Selected Sections – ATVs, Mobile Equipment)

All-terrain Vehicles, Snow Vehicles, Motorcycles

- 236(1) *An employer must ensure that a worker riding an all-terrain vehicle, snow vehicle, motorized trail bike or motorcycle at a work site wears a safety helmet approved to one of the following*
- (a) *U.S.A. Federal Motor Vehicle Safety Standard FMVSS 218 Motorcycle Helmets 1993 OCT;*
 - (b) *BSI Standard BS 6658:85, Specification for Protective Helmets for Vehicle Users;*
 - (c) *the Snell Memorial Foundation Standard M2000, 2000 Standard for Protective Headgear for Use With Motorcycles and Other Motorized Vehicles.*
- (2) *Protective headwear in good condition that meets the requirements of an earlier version of a standard listed in subsection (1) may be used unless it is damaged.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 18

OHS Code: Part 18 Personal Protective Equipment (Selected Sections – Limb and Body Protection)

Limb and Body Protection

242 *If there is a danger that a worker's hand, arm, leg or torso may be injured, an employer must ensure that the worker wears properly fitting hand, arm, leg or body protective equipment that is appropriate to the work, the work site and the hazards identified.*

Skin Protection

243 *An employer must ensure that a worker's skin is protected from a harmful substance that may injure the skin on contact or may adversely affect a worker's health if it is absorbed through the skin.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 19

OHS Code: Part 18 Personal Protective Equipment (Selected Sections – Respiratory Protective Equipment)

Respiratory Dangers

- 244(1) An employer must determine the degree of danger to a worker at a work site and whether the worker needs to wear respiratory protective equipment if
- a worker is or may be exposed to an airborne contaminant or a mixture of airborne contaminants in a concentration exceeding their occupational exposure limits, or
 - the atmosphere has or may have an oxygen concentration of less than 19.5 percent by volume.
- (2) In making a determination under subsection (1), the employer must consider
- the nature of any contaminants,
 - the concentration or likely concentration of any airborne contaminants,
 - the duration or likely duration of the worker's exposure,
 - the toxicity of the contaminants,
 - the concentration of oxygen,
 - the warning properties of the contaminants, and
 - the need for emergency escape.
- (3) Based on a determination under subsection (1), the employer must provide and ensure the availability of the appropriate respiratory protective equipment to the worker at the work site.
- (4) A worker must use the appropriate respiratory equipment provided by the employer under subsection (3).

Questions

- Describe the intent of these sections.
- List the worker responsibilities.
- List the employer responsibilities.

HANDOUT 20

OHS Code: Part 22 Safeguards (Selected Sections – General Obligations)

Safeguards

- 310 (1) *This section does not apply to belts, ropes or chains operated from a cathead.*
- (2) *An employer must provide safeguards if a worker may accidentally, or through the work process, come into contact with*
- (a) *moving parts of machinery,*
 - (b) *points of machinery at which material is cut, shaped or bored,*
 - (c) *surfaces with temperatures that may cause skin to freeze, burn or blister,*
 - (d) *energized electrical cables,*
 - (e) *debris, material or objects thrown from equipment,*
 - (f) *material being fed into or removed from process equipment, or*
 - (g) *machinery or equipment that may be hazardous.*

Tampering with Safeguards

- 311 (1) *A person must not remove a safeguard from a machine that is operating if the safeguard is not designed to be removed when the machine is operating.*
- (2) *A person must not remove a safeguard or make it ineffective unless removing it or making it ineffective is necessary to perform maintenance, tests, repairs, adjustments or other tasks on equipment.*
- (3) *If a worker removes a safeguard or makes it ineffective, the worker must ensure that*
- (a) *alternative protective measures are in place until the safeguard is replaced,*
 - (b) *the safeguard is replaced immediately after the task is completed, and*
 - (c) *the safeguard functions properly once replaced.*
- (4) *If a safeguard for machinery is removed or made ineffective and the machinery cannot be directly controlled by a worker, the worker who removes the safeguard or makes it ineffective must lock out or lock out and tag the machinery or render it inoperative.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 21

OHS Code: Part 22 Safeguards (Selected Sections – Floor Openings and Guardrails)

Covering Openings

- 314(1) An employer must ensure that an opening or hole through which a worker can fall is protected by
- a securely attached cover designed to support an anticipated load, or
 - guardrails and toe boards.
- (2) If a person removes a cover, guardrail or toe board, or part of them, protecting an opening or hole for any reason, an employer must ensure a temporary cover or other means of protection replaces it immediately.
- (3) If a temporary cover is used to protect an opening or hole, an employer must ensure a warning sign or marking clearly indicating the nature of the hazard
- is posted near or fixed on the cover, and
 - is not removed unless another effective means of protection is immediately provided.

Guardrails

- 315 (1) An employer must ensure that a guardrail required by this Code has
- a horizontal top member installed between 920 millimetres and 1070 millimetres above the base of the guardrail,
 - a horizontal intermediate member spaced mid-way between the top member and the base,
 - vertical members at both ends of the horizontal members with intermediate vertical supports that are not more than 3 metres apart at their centres, and
 - are constructed of lumber that is 38 millimetres by 89 millimetres or material with properties the same as or better than those of lumber.
- (2) Despite subsection (1), a temporary guardrail does not require a horizontal intermediate member if it has a substantial barrier positioned within the space bounded by the horizontal top member, toe board and vertical members that prevents a worker's falling through the space.
- (3) An employer must ensure that a guardrail is secured so that it cannot move in any direction if it is struck or any point on it comes into contact with a worker, materials or equipment.

Questions

- Describe the intent of these sections.
- List the worker responsibilities.
- List the employer responsibilities.

HANDOUT 22

OHS Code: Part 22 Safeguards (Selected Section – Push Sticks or Blocks)

Push Stick or Block

319 *If a worker may be injured while feeding materials into cutting or shaping machinery, an employer must ensure the machine worker uses a push stick, push block or other similar means of feeding the material.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 23

OHS Code: Part 24 Toilets and Washing Facilities (Selected Sections)

Restrictions by Employer

354 *An employer must not place unreasonable restrictions on a worker's use of, or access to, any of the facilities required by this Part.*

Drinking Fluids

355(1) *An employer must ensure that an adequate supply of drinking fluids is available to workers at a work site.*

Toilet Facilities

357(1) *Subject to subsection (2), an employer must ensure that a work site has the number of toilets for each sex that are required by Schedule 7 in separate toilet facilities.*

- (2) *A work site may have only one toilet facility for the use of both sexes if*
- (a) *the total number of workers at the work site is never more than 10, and*
 - (b) *the door to the toilet facility can be locked from the inside.*

Supplies and Waste Receptacle

360 *An employer must ensure that a toilet facility at a work site has*

- (a) *toilet paper available at each toilet,*
- (b) *hand cleaning agents and single-use towels of cloth or paper or air hand drying equipment at each wash basin or hand cleaning facility, and*
- (c) *a covered disposal container for feminine hygiene products near each toilet used by women.*

Condition of Facilities

361(1) *An employer must ensure that a toilet, urinal, wash basin, hand cleaning facility, circular wash fountain or shower at a work site is*

- (a) *clean and sanitary, and*
- (b) *operational.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 24

OHS Code: Part 27 Violence

Hazard Assessment

389 *An employer must ensure that workplace violence is considered a hazard for the purposes of section 7.*

Policy and Procedures

390 *An employer must develop a policy and procedures respecting potential workplace violence.*

Instruction of Workers

391 *An employer must ensure that workers are instructed in*

- (a) how to recognize workplace violence,*
- (b) the policy, procedures and workplace arrangements that effectively minimize or eliminate workplace violence,*
- (c) the appropriate response to workplace violence, including how to obtain assistance, and*
- (d) procedures for reporting, investigating and documenting incidents of workplace violence.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 25

OHS Code: Part 28 Working Alone

Application

- 393(1) *This Part applies if*
- (a) *a worker is working alone at a work site, and*
 - (b) *assistance is not readily available if there is an emergency or the worker is injured or ill*
- (2) *Working alone is a hazard for the purposes of section 7.*

Precautions Required

- 394(1) *An employer must provide effective radio, telephone or other electronic communication between a worker who works alone and persons capable of assisting the worker in an emergency or if the worker is injured or ill.*
- (2) *Despite subsection (1), if effective electronic communication is not practicable or readily available at the work site, the employer must ensure that*
- (a) *the employer or another competent worker visits the worker, or*
 - (b) *the worker contacts the employer or another competent worker.*
- (3) *The visits or contact under subsection (2) must be at intervals of time appropriate to the nature of the hazards associated with the worker's work.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 26

OHS Code: Part 29 WHMIS (Selected Sections)

Application

- 395 (1) Subject to subsections (3), (4) and (5), this Part applies to controlled products at a work site.
- (2) An employer must ensure that a controlled product is used, stored, handled or manufactured at a work site in accordance with this Part.
- (3) This Part does not apply if the controlled product is
- (a) wood or a product made of wood,
 - (b) tobacco or a tobacco product,
 - (c) a hazardous waste, or
 - (d) a manufactured article,
 - (i) that is formed to a specific shape or design during manufacture,
 - (ii) that has a shape or design that determines its use in whole or in part, and
 - (iii) that, under normal use, will not release or otherwise cause a person to be exposed to chemicals emanating from it.
- (4) This Part does not apply if the controlled product is a dangerous good, under the Dangerous Goods Transportation and Handling Act, to the extent that its handling, offering for transport or transport is subject to that Act.
- (5) Sections 398, 403, 404, 405, 406, 407 and 408 do not apply if the controlled product is
- (a) an explosive governed by the Explosives Act (Canada),
 - (b) a cosmetic, device, drug or food governed by the Food and Drug Act (Canada),
 - (c) a product governed by the Pest Control Products Act (Canada),
 - (d) a nuclear substance governed by the Nuclear Safety and Control Act (Canada), or
 - (e) a product, material or substance packaged
 - (i) as a consumer product, and
 - (ii) in a quantity normally used by a member of the general public.

Hazardous Waste

- 396 If a controlled product is a hazardous waste generated at the work site, an employer must ensure that it is stored and handled safely using a combination of
- (a) any means of identification, and
 - (b) instruction of workers on the safe handling of the hazardous waste.

HANDOUT 26, continued

Training

- 397(1) *An employer must ensure that a worker who works with or near a controlled product or performs work involving the manufacture of a controlled product is trained in*
- the content required to be on a supplier label and a work site label and the purpose and significance of the information on the label,*
 - the content required to be on a material safety data sheet and the purpose and significance of the information on the material safety data sheet,*
 - procedures for safely storing, using and handling the controlled product,*
 - if applicable, the procedures for safely manufacturing the controlled product,*
 - if applicable, the methods of identification referred to in section 402,*
 - the procedures to be followed if there are fugitive emissions, and*
 - the procedures to be followed in case of an emergency involving the controlled product.*
- (2) *An employer must develop and implement the procedures referred to in subsection (1) in consultation with the joint work site health and safety committee if there is one.*

Label Required

- 398(1) *Subject to subsection (4), an employer must ensure that a controlled product or its container at a work site has a supplier label or a work site label on it.*
- (2) *An employer must not remove, modify or alter a supplier label on a container in which a controlled product is received from a supplier if any amount of the controlled product remains in the container.*

Decanted Products

- 400(1) *If a controlled product is decanted at a work site into a container other than the container in which it was received from a supplier, the employer must ensure that a work site label is applied to the container.*

Material Safety Data Sheet – Supplier

- 404(1) *An employer who acquires a controlled product for use at a work site must obtain a supplier material safety data sheet for that controlled product unless the supplier is exempted from the requirement to provide a material safety data sheet by section 9 or 10 of the Controlled Products Regulations (Canada) (SOR/88-66) and complies with that section.*

HANDOUT 26, continued

Material Safety Data Sheet – Employer

405(1) *An employer must prepare a material safety data sheet for a controlled product produced or manufactured at a work site.*

Information Current

406(1) *If the most recent supplier material safety data sheet for a controlled product at a work site is 3 years from its latest revision, an employer must, if possible, obtain an up-to-date supplier's material safety data sheet for the controlled product.*

Availability of Material Safety Data Sheet

407 *An employer must ensure that the material safety data sheet required by this Part is readily available at a work site to workers who may be exposed to a controlled product and to the joint work site health and safety committee if there is one.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

HANDOUT 27

OHS Code: Part 35 Health Care and Industries with Biological Hazards (Selected Sections)

Sharps Containers

- 526(1) *An employer must provide sharps containers and ensure that they are located as close as reasonably practicable to where sharps are used.*
- (2) *A worker must use the sharps container provided.*
- (3) *An employer must ensure that a sharps container has a clearly defined fill line and is sturdy enough to resist puncture under normal conditions of use and handling.*

Recapping Needles

- 527 *A person must not recap waste needles.*

Policies and Procedures

- 528(1) *An employer must establish policies and procedures dealing with storing, handling, using and disposing of biohazardous materials.*
- (2) *An employer must ensure that workers are informed of the health hazards associated with exposure to the biohazardous material.*

Limited Exposure

- 529 *An employer must ensure that worker exposure to biohazardous materials is kept as low as reasonably practicable.*

Post-exposure Management

- 530 *An employer must establish policies and procedures for the post-exposure management of workers exposed to biohazardous material.*

Questions

1. Describe the intent of these sections.
2. List the worker responsibilities.
3. List the employer responsibilities.

What does “and” mean?

An employer must ensure that racks used to store materials or equipment

(a) are designed, constructed and maintained to support the load placed on them **and**

(b) are placed on firm foundations that can support the load.

What does “or” mean?

..., an employer must ensure that

- (a) additional designated signallers are available to transmit signals **or**
- (b) a means of ensuring clear and complete communication, other than using designated signallers, is provided.

What does “shall” mean?

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

- (a) the health and safety of
 - (i) workers engaged in the work of that employer and...

Structure of Legislation

29 (1) (a) (i)



Section



Subsection



Clause



Subclause

Understanding the OHS Code

- intent
- worker responsibilities
- employer responsibilities

The Workers' Compensation Act

- administered by the WCB of Alberta
- funded by employers
- provides insurance coverage in case of injury or illness at work
- covers rehabilitation services for return to work
- prevents workers from suing employer

WCB Premiums

WCB premiums pay for:

- lost wages
- health care costs
- services to help get worker back to work
- survivor's benefits.