

HIGHLIGHTS: Occupational Health and Safety (OHS) Code and OHS Regulation Changes

Current requirement	Changes on June 1, 2018	Rationale
OHS Regulation		
Approvals for joint work site health and safety committees (HSCs) and health and safety representatives (representatives)		
New	<p>Clarity is provided on how an employer can request a statutory Director approval under section 16(4) or 17(1) of the new <i>OHS Act</i> for variation in HSC or representative requirements and the considerations a Director may use in granting such an approval.</p> <p>An employer must notify the Director in writing if there are changes to the information associated with an issued approval.</p>	<p>The new <i>OHS Act</i> set out general requirements for the establishment of HSCs and designation of representatives. An approval can be issued to vary from the form and function of a committee or to vary from the designation of a representative.</p> <p>The changes provide clarity as to the information the employer or prime contractor must provide and criteria a Director may consider when making a decision to grant an approval.</p>
Training for HSCs and health and safety representatives		
New	The Minister will establish the curriculum for training for HSC co-chairs and representatives.	Section 29(1) and (2) of the new <i>OHS Act</i> sets requirements for required training of HSC co-chairs and representatives.
New	The curriculum must include the roles and responsibilities, obligations of work site parties, the rights of workers and how the organization will address this in the training curriculum.	This change provides more clarity on who can provide training and minimum elements that should be included.
Roles and responsibilities of work site parties		
If a worker is required to use or wear specific equipment, the employer must ensure that the worker uses or wears the equipment at the work site.	If a worker is required to use or wear specific equipment, the employer and supervisor must ensure that the worker uses or wears the equipment at the work site.	Bill 30 redefined and introduced new work site parties under the <i>OHS Act</i> . Supervisor is a newly defined work site party. This section is being updated to reflect the supervisor's role. As this section is currently an OHS ticketable provision, both employers and supervisors would be subject to receiving OHS violation tickets (similar to a traffic ticket) in case of an infraction. This maintains existing OHS compliance practice.
Administrative changes		
New	Repeal of provisions in the OHS Regulation that were moved to the <i>OHS Act</i> , such as definitions, reporting and other provisions on information transfer in the workplace.	Removes redundancy from the legislation.

Current requirement	Changes on June 1, 2018	Rationale
New	Amend language to align with new provisions and terminology in the <i>OHS Act</i> . Also, section number references must be updated.	Ensures consistency of provisions in the OHS Regulation with those in the new <i>OHS Act</i> .
New	Amending provisions for acceptances and approvals. The new <i>OHS Act</i> contains changes to requirements for acceptances and approvals. The term “approve” (or variations of the term) is used in other contexts in the OHS Regulation so language was update.	Provisions in the OHS Code should reflect the amendments in the <i>OHS Act</i> for approvals and acceptances, as well as the use of the term “approved”.
OHS Code		
HSCs and health and safety representatives		
New	A HSC must establish a terms of reference that covers <ul style="list-style-type: none"> • Representation by members • Replacement of members • Dispute resolution processes • A process for coordinating with other HSCs established by the employer. 	Provides clarity as to how to comply with the requirement in section 16(3) of the new <i>OHS Act</i> that requires a HSC to establish rules of procedures for fulfilling its duties.
If the Minister has designated the work site to have a HSC it must inspect the work site at least once before each regularly scheduled meeting.	A HSC must inspect each work site at least once before each quarterly meeting to identify health and safety hazards that have not been controlled.	This expands on section 19(g) of the new <i>OHS Act</i> by providing more direction on the key function of HSCs and representatives to conduct work site inspections.
New	The HSC, its members, and representatives must not disclose personal or health information unless the disclosure is required by law.	The purpose of this provision is to enhance privacy protection. While the new <i>OHS Act</i> does not explicitly authorize the HSC and representative to collect personal information, a committee member in the course of exercising their duties (i.e. participation in inspection) may come across personal information.
New	The employer, contractor and prime contractor, if there is one: <ul style="list-style-type: none"> • Must consult and cooperate with all HSCs and representatives, or affected workers (where there is no HSC or representative) in the development of policies, procedures and codes of practice required under the OHS legislation 	New provisions expand on section 21 of the new Act requirements for employer, contractor and prime contractor duties to work with a HSC or representative. For these to be effective mechanisms for worker participation, the employer and prime contractor must ensure that the committee or representative has the necessary ability and information to

Current requirement	Changes on June 1, 2018	Rationale
	<ul style="list-style-type: none"> • Ensure that committee members and representatives are provided with reasonable opportunity to inform workers at the work site of health and safety matters • Provide committees and representatives access to information maintained under the OHS legislation • Distribute information or documents addressed to the committee or representative as soon as practicable after it is received, but does not include a discriminatory action report. 	<p>conduct their work</p> <p>The provision also clarifies that discriminatory action reports produced in accordance with Section 36 of the <i>OHS Act</i> are not to be shared with HSC and representative. This offers privacy for sensitive information of workers.</p>
New	Employers must ensure HSCs and representatives receive training by a designated organization to meet the requirements of subsections 29(1) and (2) of the new <i>OHS Act</i> .	The new provisions provide clarity to the employer as to how obligations for training under section 29(1) and (2) of the new <i>OHS Act</i> are to be met.
If the Minister has designated the work site to have a HSC, co-chairs or their designates may be present at an OHS officer's inspection, unless the officer asks them not to be due to special circumstances which would prevent proper inspection if they were present.	<p>An OHS officer shall request the HSC worker co-chair, or their designate, or a representative to be present when conducting an inspection of a work site, if it is feasible to do so.</p> <p>If an officer makes a request for a worker representative presence at an inspection, the employer must provide the person with time away from work to attend the inspection.</p>	The new provision clarifies the requirement in section 19 and 25 of the new <i>OHS Act</i> related to HSC and representative participation in OHS officer inspections of the work site.
Harassment and violence		
An employer must develop a policy and procedures respecting potential workplace violence.	Employers must develop and implement a violence prevention plan that includes a policy with prescribed elements as well as violence prevention procedures with prescribed elements. This must be done in consultation with the HSC or representative, if there is one. At work sites without a HSC or representative, the affected workers must be consulted.	This clarifies actions employers must take to meet their responsibilities to prevent violence in new <i>OHS Act</i> .
New	An employer must take reasonable steps to protect workers and other persons from domestic violence that occurs at a work site.	While the former definition of violence included "all forms of violence", the new <i>OHS Act</i> has an expanded definition of violence that specifies domestic violence is included. The new Act definition of violence is:

Current requirement	Changes on June 1, 2018	Rationale
		<p><i>“means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic of sexual violence”</i></p> <p>This provision clarifies employer responsibility for protecting workers from domestic violence that enters a work site.</p>
New	<p>Employers must develop and implement a harassment prevention plan that includes policy with prescribed elements as well as harassment prevention procedures with prescribed elements. This must be done in consultation with the HSC or representative, if there is one. At work sites without a HSC or representative, the affected workers must be consulted.</p>	<p>The new OHS Act defines harassment as:</p> <p><i>“means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker’s health and safety, and includes:</i></p> <p>(i) <i>Conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and</i></p> <p>(ii) <i>A sexual solicitation or advance,</i></p> <p><i>But includes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site”</i></p> <p>The Code specifies the employer and supervisor responsibilities to workers who are subjected to or participate in harassment at the work site. The changes clarify actions employers must take to prevent workplace harassment.</p>
New	<p>Violence and harassment prevention plans must be reviewed the sooner of:</p> <ul style="list-style-type: none"> • When an incident occurs • When recommended by the HSC or • Every three years. 	<p>For the plan to address the hazards, it must be reviewed on an ongoing basis to identify gaps in protections or new conditions that must be considered.</p>

Current requirement	Changes on June 1, 2018	Rationale
	Affected workers are consulted if there is no HSC or representative.	
<p>An employer must ensure that workers are instructed in</p> <ul style="list-style-type: none"> • How to recognize workplace violence • The policy, procedures and workplace arrangements that effectively minimize or eliminate workplace violence • The appropriate response to workplace violence, including how to obtain assistance, and • Procedures for reporting, investigating and documenting incidents of workplace violence. 	<p>Employers must ensure that workers are trained to</p> <ul style="list-style-type: none"> • Be aware of and recognize violence and harassment • Violence and harassment policies, procedures and arrangements for their workplace • How to respond to incidents and get assistance • How to report on, investigate and document incidents. 	<p>Alignment with worker right to know about hazards that can affect them and to ensure that workers meet their obligations under the new <i>OHS Act</i>.</p>
<p>An employer must ensure that a worker is advised to consult a health professional of the worker's choice for treatment or referral if the worker</p> <ul style="list-style-type: none"> • Reports an injury or adverse symptom resulting from workplace violence, or • Is exposed to workplace violence. 	<p>Employers must advise a worker exposed to violence or harassment to consult a health professional of the worker's choice for treatment or referral. If a worker receives treatment for work related violence or harassment, the employer must not make a deduction from the worker's pay or benefits for the time during which a worker attends the session.</p>	<p>This clarifies actions employers must take to meet their responsibilities to protect workers from violence or harassment under the new <i>OHS Act</i>.</p>
New	Cross-references on existing fuel and convenience store safety provisions are updated to align with the new content with no change in policy intent.	Alignment with newly added provisions for harassment and violence.
Workplace Hazardous Materials Information System (WHMIS)		
Provisions in the OHS Code reflect WHMIS 1988.	Update the provisions in the OHS Code for WHMIS 2015.	This aligns Alberta with the rest of Canada for WHMIS.
Administrative changes		
New	Change the name of the "OHS Code 2009" to the "OHS Code" to reflect the new mechanism for OHS Code updates.	Authority to make the Code was transferred to the Minister of Labour in Bill 30. The Code is now a ministerial regulation, rather than an adopted code.
Definitions and provisions in the OHS Code, (for example competent, harmful substance, equipment) and requirements	Repeal of provisions in the OHS Code that were moved to the <i>OHS Act</i> , such as definitions and hazard assessment	Removes redundancy from the legislation.

Current requirement	Changes on June 1, 2018	Rationale
for prime contractors and involving workers in hazard assessments.	provisions.	
New	Amend language to align with new provisions and terminology in the new <i>OHS Act</i> . Section number references must be updated.	Ensures consistency of provisions in the OHS Code with those in the new <i>OHS Act</i> .
There are provisions in the OHS Code where a statutory Director can issue an approval.	Amend provisions for acceptances and approvals in the OHS Code. Amendment of the term “approve” (or variations of the term) when used in other contexts in the OHS Code.	Alignment with new provisions for acceptances and approvals in sections 55 and 56 of the new <i>OHS Act</i> .