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WHAT YOU NEED TO KNOW ABOUT THE CHANGES TO OCCUPATIONAL HEALTH & SAFETY LAWS

Changes take effect June 1, 2018



AN IMPORTANT MESSAGE FROM AUPE'S
OCCUPATIONAL HEALTH & SAFETY COMMITTEE

1 Right to Refuse Dangerous Work

The new OH&S Act establishes a worker's right to decide if a task is dangerous to their health or safety. The right to refuse dangerous work is a worker's ultimate tool and the new rules have made a gigantic stride toward empowering the worker to do so. Under old legislation, the right to refuse "imminent danger" was weak and left many workers confused given the difficult definition of "a danger not normal for that occupation." If the employer cannot properly eliminate or control a hazard from affecting a worker, the worker may decide that the task is too dangerous for them to conduct, given the lack of proper safety controls. If the worker believes a dangerous condition exists, the worker must notify their supervisor immediately so that the employer can attempt to remove the dangerous condition.

2 Discriminatory Action Protection

Under the old OH&S legislation, a worker was protected from being "disciplined" when exercising their rights under OH&S. Under the new legislation, workers are being protected from "discriminatory action" which encompasses everything from intimidation and coercion, to changes in hours of work, demotion, and protection from discipline. Its goal is to encourage workers to exercise their rights to a healthy and safe work site.

3 Improvement to the Definition of Work Site Violence

The old OH&S legislation defined violence as physical in nature - whether threatened, attempted or actual conduct. The new legislation encompasses not only physical violence, but also psychological injury or harm, while including domestic and sexual violence. This significant advancement in legislation is aimed at better defining violence, and aimed at forcing employers to not only assess and recognize work site violence as a hazard to workers, but to put in place elimination or control measures to protect all workers.

4 Requirements to Work Site Parties

The new OH&S legislation provides better language and more defined obligations/responsibilities for multiple parties within a work site. Employers' obligations are better defined, as are workers' responsibilities. Brand new to OH&S legislation in Alberta is a defined list of responsibilities for Supervisors. Parties such as Suppliers, Contractors, Prime Contractors and Service Providers are also included and better defined in regards to their respective obligations. Should any party be found non-compliant in accordance with OH&S legislation, they may be liable for penalties as set out in the OH&S Act.

5 Mandatory Joint Work Site Health & Safety Committees

A major step forward in OH&S will be the changes to Joint Work Site Health and Safety Committees (JWSHSC). As of June 1, all work sites with over 20 workers, where the work will last more than 90 days, will be required by law to have a JWSHSC. These committees will be responsible for everything from receiving and resolving work site concerns, to participating in hazard assessment processes, promoting health and safety at the work site, to participating in investigations of serious incidents. JWSHSC members are permitted by legislation to receive a minimum of 16 hours of health and safety training per year to assist them in their 10 required duties. Employers will be required to respond to committee recommendation within 30 days, and committees will then be able to refer a matter to an OH&S Officer if they are still concerned. All committee work will also now be paid for by the employer at applicable rate of pay, recognizing the work that committees do on behalf of employers to promote a healthy and safe work site.

If you have questions or want more information on these or other changes included in Bill 30, email bill30@aupe.org or visit aupe.org/bill30