

POLICY:

It is CPP's policy to ensure that a current copy of the Alberta Occupational Health and Safety Act, Regulation and Code is provided at every CPP worksite and office location, either in paper form or an electronic copy (PDF). If a copy of the OH&S Act, Regulation and Code is not available at any CPP site or office location, a copy shall be available within fifteen (15) minutes to the worker if requested.

The OH&S legislation sets out obligations for employers, workers, suppliers, manufacturers, owners, contractors, and prime contractors. The legislation stipulates that these groups must be knowledgeable, and must follow the legislation on their work sites. The legislation describes performance standards, assigns responsibility, designates authority and sets out penalties.

It is the employer's responsibility to ensure that:

- *Workers are competent or work under the direct supervision of a competent worker.*
- *Workers are aware of their responsibility for their own safety and the safety of other workers as per legislation as outlined in the OH&S Guide and on the orientation form.*
- *Equipment is the correct type for the job.*
- *Workplace hazards are identified, evaluated and controlled.*

It is the worker's responsibility to:

- *Refuse work which presents an imminent danger to themselves, or other workers, which is not normal to their occupation or which would not normally be done.*
- *Co-operate with the employer for the purpose of protecting themselves and other workers.*

Other legislation that deals with specific aspects of safety may include but not be limited to:

- *The WCB Act and Regulation*
- *Employment Standards*
- *Safety Codes for building standards fire and electrical protection*
- *Traffic Safety Act and Regulation*
- *Transportation of Dangerous Goods Act and Clear Language Regulations*
- *Canadian Nuclear Safety and Control Act*
- *Environmental Protection Act and Regulations*
- *National Safety Code*
- *National Energy and Utility Board Legislation*

THE RIGHT TO REFUSE UNSAFE WORK;

A lot of employees and workers sometimes feel “uncomfortable” about the subject on “The Right to Refuse Work”. This does not mean if an employee/worker has a particular task to perform and they do not feel like doing it, that they can simply refuse. The right to refuse work in the OH&S Law states that if an employee/worker is being asked to perform a task and they feel that they do not have adequate training for that task, and/or feel that the task may have serious safety risks, they can refuse to perform that task until they are adequately trained or until all safety precautions have been made to secure that the task is deemed safe.

Procedures on Refusing Unsafe Work:

Report and remain on site until the Site Supervisor / Site Superintendent investigates. The worker’s priority is reporting immediately to both the Supervisor and the Health and Safety Representative on site, the refusal to work and the related safety concern.

Remaining on site for the shift, while taking every measure to report the refusal, minimizes complications down the road.

After being told about the refusal, the supervisor investigates the work and;

- *Mitigates the safety concern and makes the task safe, then presents a report on what was done to mitigate the safety hazard to the worker who refused the work and the health and safety representative on site.*
- *Designates another worker to perform the task in question who has been adequately trained to perform the task.*

After receiving the supervisor’s report on the task that has been made safe, a worker who believes the work is still unsafe can file a grievance with CPP’s Health and Safety Administrator.

CPP’s Health and Safety Administrator will then assess the situation with the site supervisor, and will come up with a resolution to the unsafe task that was presented.

If the resolution is still deemed unsatisfactory for the worker, the issue will then be presented to CPP’s Management along with the worker who made the right to refuse claim, the site supervisor and CPP’s Health and Safety Administrator. The situation will be addressed until a resolution is made.

Frequently Asked Questions (FAQ):

Will I be paid while I refuse unsafe work?

Yes. The worker can be assigned to do other tasks during the refusal, at no loss of pay.

Can my supervisor assign the refused work to another worker?

Yes, another worker can be assigned to perform the refused work, unless the work puts the other workers in danger.

Can I be fired or disciplined for refusing work I believe is unsafe?

No. It is illegal for a supervisor or employer in Alberta to discipline or dismiss a worker for refusing work he or she believes is dangerous.

PROMINENT POINTS - OH&S ACT;

Obligations of employers, workers, etc.

- 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, the regulations and the adopted code.
- (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.

Serious injuries and accidents.

18(1) If an injury or accident described in subsection (2) occurs at a work site, the prime contractor or, if there is no prime contractor, the contractor or employer responsible for that work site shall notify a Director of Inspection of the time, place and nature of the injury or accident as soon as possible.

- (2)** The injuries and accidents to be reported under subsection (1) are
- a) An injury or accident that results in death,
 - b) An injury or accident that results in a worker's being admitted to a hospital for more than 2 days,
 - c) An unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing a serious injury,
 - d) The collapse or upset of a crane, derrick or hoist, or
 - e) The collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.

Prominent Points - OH&S Act (cont.)

Existence of imminent danger.

35 (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 that work site.

(2) In this section, “imminent danger” means in relation to any occupation

- a) A danger that is not normal for that occupation, or
- b) A danger under which a person engaged in that occupation would not normally carry out the person’s work.

Where disciplinary action prohibited.

36 No person shall dismiss or take any other disciplinary action against a worker by reason of that worker acting in compliance with this Act, the regulations, the adopted code or an order given under this Act or the regulations.

Offences.

41 (1) A person who contravenes this Act, the regulations or an adopted code or fails to comply with an order made under this Act or the regulations or an acceptable issued under this Act is guilty of an offence and liable

- a) For a first offence,
 - i. To a fine of not more than \$500,000.00 and in the case of a continuing offence, to a further fine of not more than \$30,000.00 for each day during which the offence continues after the first day or part of a day, or
 - ii. To imprisonment for a term not exceeding 6 months,
 - iii. Or to both fines and imprisonment, and
- b) For a 2nd or subsequent offence,
 - i. To a fine of not more than \$1,000,000.00 and in the case of a continuing offence, to a further fine of not more than \$60,000.00 for each day during which the offence continues after the first day or part of a day, or
 - ii. To imprisonment for a term not exceeding 12 months,
 - iii. Or to both fines and imprisonment.

(2) Notwithstanding subsection (1), a person who fails to comply with an order made under section 10 or as varied under section 16 is guilty of an offence and liable to a fine of not more than \$1,000,000.00 or imprisonment for a term not exceeding 12 months or to both fine and imprisonment.

Prominent Points - OH&S Act (cont.)

- (3) A person who knowingly makes any false statement or knowingly gives false information to an officer or a peace officer engaged in an inspection or investigation under section 8 or 19 is guilty of an offence and liable to a fine of not more than \$1,000.00 or to imprisonment for a term not exceeding 6 months or to both fine and imprisonment.
- (4) A prosecution under this Act may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

PROMINENT POINTS - OH&S REGULATION;

Posting orders and notices.

- 9(1) An employer must post a copy of the following at a work site:
- a) an order made under the Act that is relevant to the work site;
 - b) a health and safety notice prepared by or for a Director concerning conditions or procedures at the work site.
- (2) The employer must post the copy at a conspicuous place at the work site as soon as the employer receives it.
- (3) The employer must keep an order under the Act posted until the conditions specified in the order are met.
- (4) Despite subsections (1) to (3), if the work site is mobile and posting is impracticable, the employer must ensure that the information in the order or the notice is brought to the attention of all workers at the work site.

Equipment.

- 12(1) An employer must ensure that all equipment used at a work site
- a) is maintained in a condition that will not compromise the health or safety of workers using or transporting it,
 - b) will safely perform the function for which it is intended or was designed,
 - c) is of adequate strength for its purpose, and
 - d) is free from obvious defects.
- (2) If a worker is required under the Act to use or wear specific equipment, the employer must ensure that the worker uses or wears the equipment at the work site.

Prominent Points - OH&S Regulation (cont.)

General protection of workers.

- 13(1)** If work is to be done that may endanger a worker, the employer must ensure that the work is done
- a) by a worker who is competent to do the work, or
 - b) by a worker who is working under the direct supervision of a worker who is competent to do the work.
- (2)** An employer who develops or implements a procedure or other measure respecting the work at a work site must ensure that all workers who are affected by the procedure or measure are familiar with it before the work is begun.
- (3)** An employer must ensure that workers who may be required to use safety equipment or protective equipment are competent in the application, care, use, maintenance and limitations of that equipment.
- (4)** If a regulation or an adopted code imposes a duty on a worker, the worker's employer must ensure that the worker performs that duty.

Duties of workers.

- 14(1)** A worker who is not competent to perform work that may endanger the worker or others must not perform the work except under the direct supervision of a worker who is competent to perform the work.
- (2)** A worker must immediately report to the employer equipment that
- a) is in a condition that will compromise the health or safety of workers using or transporting it,
 - b) will not perform the function for which it is intended or was designed,
 - c) is not strong enough for its purpose, or
 - d) has an obvious defect.
- (3)** If a regulation or an adopted code imposes a duty on a worker,
- a) the duty must be treated as applying to circumstances and things that are within the worker's area of occupational responsibility, and
 - b) the worker must perform that duty.

Prominent Points - OH&S Regulation (cont.)

Safety training.

- 15(1)** An employer must ensure that a worker is trained in the safe operation of the equipment the worker is required to operate.
- (2)** An employer must ensure that the training referred to in subsection (1) includes the following:
- a) the selection of the appropriate equipment;
 - b) the limitations of the equipment;
 - c) an operator's pre-use inspection;
 - d) the use of the equipment;
 - e) the operator skills required by the manufacturer's specifications for the equipment;
 - f) the basic mechanical and maintenance requirements of the equipment;
 - g) loading and unloading the equipment if doing so is a job requirement;
 - h) the hazards specific to the operation of the equipment at the work site.
- (3)** If a worker may be exposed to a harmful substance at a work site, an employer must
- a) establish procedures that minimize the worker's exposure to the harmful substance, and
 - b) ensure that a worker who may be exposed to the harmful substance
 - i. is trained in the procedures,
 - ii. applies the training, and
 - iii. is informed of the health hazards associated with exposure to the harmful substance.
- (4)** A worker must participate in the training provided by an employer.
- (5)** A worker must apply the training referred to in subsections (1) and (3).

PROMINENT POINTS - OH&S CODE;

Part 2 Hazard Assessment, Elimination and Control.

Hazard assessment.

- 7(1)** An employer must assess a work site and identify existing and potential hazards before work begins at the work site or prior to the construction of a new work site.
- 7(2)** An employer must prepare a report of the results of a hazard assessment and the methods to control or eliminate the hazards identified.
- 7(3)** An employer must ensure that the date on which the hazard assessment is prepared or revised is recorded on it.
- 7(4)** An employer must ensure that the hazard assessment is repeated
- at reasonably practicable intervals to prevent the development of unsafe and unhealthful working conditions,
 - when a new work process is introduced,
 - when a work process or operation changes, or
 - before the construction of significant additions or alterations to a work site.
- 7(5)** A prime contractor must ensure that any employer on a work site is made aware of any existing or potential work site hazards that may affect that employer's workers.

Worker participation.

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

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
- eliminate the hazards, or
 - if elimination is not reasonably practicable, control the hazard.
- 9(2)** If reasonably practicable, an employer must eliminate or control a hazard through the use of engineering controls.
- 9(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.
- 9(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.

Prominent Points - OH&S Code (cont.)

9(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.

Emergency control of hazard.

10(1) If emergency action is required to control or eliminate a hazard that is dangerous to the safety, or health of workers,

- a) only those workers competent in correcting the condition, and the minimum number necessary to correct the condition, may be exposed to the hazard, and
- b) every reasonable effort must be made to control the hazard while the condition is being corrected.

10(2) Sections 7(2) and 7(3) do not apply to an emergency response during the period that emergency action is required.

Health and safety plan.

11 If ordered to do so by a Director, an employer must prepare and implement a health and safety plan that includes the policies, procedures and plans to prevent work site incidents and occupational diseases at the work site.

Part 3 Specifications and Certifications.

Following specifications.

12 An employer must ensure that

- a) equipment is of sufficient size, strength and design and made of suitable materials to withstand the stresses imposed on it during its operation and to perform the function for which it is intended or was designed,
- b) the rated capacity or other limitations on the operation of the equipment, or any part of it, or on the supplies as described in the manufacturer's specifications or specifications certified by a professional engineer, are not exceeded,
- c) modifications to equipment that may affect its structural integrity or stability are performed in accordance with the manufacturer's specifications or specifications certified by a professional engineer, and
- d) equipment and supplies are erected, installed, assembled, started, operated, handled, stored, serviced, tested, adjusted, calibrated, maintained, repaired and dismantled in accordance with the manufacturer's specifications or the specifications certified by a professional engineer.

Prominent Points - OH&S Code (cont.)

Manufacturer's and professional engineer's specifications.

13(1) If this Code requires anything to be done in accordance with a manufacturer's specifications, an employer may, instead of complying strictly with the manufacturer's specifications, comply with modified specifications certified by a professional engineer.

13(2) If this Code requires anything to be done in accordance with manufacturer's specifications and they are not available or do not exist, an employer must

- a) develop and comply with procedures that are certified by a professional engineer as designed to ensure the thing is done in a safe manner, or
- b) have the equipment certified as safe to operate by a professional engineer at least every 12 calendar months.

Certification by a professional engineer.

14(1) If this Code requires that procedures or specifications be certified by a professional engineer, the certification must

- a) be in writing, and
- b) be stamped and signed by the professional engineer.

14(2) Unless the document states otherwise, certification by a professional engineer implies that the procedures or specifications certified are fit and safe for the workers affected by them.

Approved equipment.

15 If this Code requires equipment to be approved by a named organization, an employer must use best efforts to ensure that the seal, stamp, logo or similar identifying mark of that organization is on the equipment and legible.

Part 18 Personal Protective Equipment.

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.

228(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.

228(3) An employer must ensure that the use of personal protective equipment does not itself endanger the worker.