

Roles and Responsibilities

A presentation by Occupational Health
and Safety to the
Solid Waste Association of North
America Conference
May 12, 2016

Agenda

Occupational Health and Safety

**Legislative Roles and
Responsibilities**

**Employer
Employee
Supplier
Contractor
Prime Contractor**

Alberta

Occupational Health and Safety

Occupational Health and Safety

We Are:

- **Ministry of Labour**
- **Division of Safe, Fair and Healthy Workplaces**
- **Department of Occupational Health and Safety Delivery**

Occupational Health and Safety

Our Mission:

- **Alberta Labour will build a skilled resilient and protected workforce for today and the future that will enhance prosperity for the benefit of Albertans**

Occupational Health and Safety

Our Responsibility:

- **Ensure Alberta's workplaces are safe, healthy, fair, and productive for employees and employers.**

Our Vision:

- **Albertans have a fair, safe, and supportive environment in which to work and live.**

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Legislative Roles and Responsibilities

Legislative Roles and Responsibilities

Who is an “Employer”?

- **Employ one or more workers**
- **Designated to represent an employer**
- **Responsible to oversee workers’ health and safety for the company**
- **Self-employed**
- **exceptions**

Legislative Roles and Responsibilities

Exceptions

- **Domestic workers (such as nannies and housekeepers).**
- **Federal government employees.**
- **Workers in federally regulated industries (for example, banks, transportation companies with workers who cross provincial borders, and television and radio broadcasters).**

Legislative Roles and Responsibilities

What is a Work Site

- **“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**

Legislative Roles and Responsibilities

Employer Responsibilities

Occupational Health and Safety Act

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.

Legislative Roles and Responsibilities

Employer Responsibilities

Actions required to comply with Section 2 may include:

- **Hazard Assessments**
- **Equipment Maintenance**
- **Worker Training**
- **Etc.**

Legislative Roles and Responsibilities

Worker Responsibilities

Occupational Health and Safety Act

- 2(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.**

Legislative Roles and Responsibilities

Supplier Responsibilities

Occupational Health and Safety Act

2(3) Every supplier shall ensure, as far as reasonably practicable for the supplier to do so, that any tool, appliance or equipment that the supplier supplies is in safe operating condition.

2(4) Every supplier shall ensure that any tool, appliance, equipment, designated substance or hazardous material that the supplier supplies complies with this Act, the regulations and the adopted code.

Legislative Roles and Responsibilities

Contractor Responsibilities

Occupational Health and Safety Act

2(5) Every contractor who directs the activities of an employer involved in work at a work site shall ensure, as far as it is reasonably practicable to do so, that the employer complies with this Act, the regulations and the adopted code in respect of that work site.

Legislative Roles and Responsibilities

What is a Contractor

Occupational Health and Safety Act

1(b) "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

Legislative Roles and Responsibilities

Prime Contractor

Occupational Health and Safety Act

3(1) Every work site must have a prime contractor if there are 2 or more employers involved in work at the work site.

(2) The prime contractor for a work site is

- a) the contractor, employer or other person who enters into an agreement with the owner of the work site to be the prime contractor, or**
- b) if no agreement has been made or if no agreement is in force, the owner of the work site.**

(3) If a work site is required to have a prime contractor under subsection (1), the prime contractor shall ensure, as far as reasonably practicable to do so, that this Act, the regulations and code are complied with in respect of the worksite.

Legislative Roles and Responsibilities

Who is the Prime Contractor

- The owner of the worksite unless specific, alternative arrangements have been made
- Agreement with another party to transfer the prime contractor title and responsibilities to a person, a group of persons, or an employer.
 - In transferring this responsibility, the owner must be sure that the other party is capable of and likely to, fulfill the prime contractor responsibilities

Legislative Roles and Responsibilities

Who is the Owner

- **“owner” in respect to a worksite 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.**

Legislative Roles and Responsibilities

A work site within a work site

- **Two conditions should be met when partitioning a work site:**
 1. **The hazards at one work site should not impose or create a danger to workers at the other work site. (Clearly marked perimeter to prevent movement of workers equipment and material between sites.)**
 2. **There should be no work-related interaction between workers of the partitioned work sites**

Legislative Roles and Responsibilities

Prime Contractor Responsibilities

- **Specific duties**
 - **Serious Injury and Accident Investigation (s.18 Act)**
 - **Controlled Products (s.30 Act)**
 - **Extended Application (s.2 Code)**
 - **Hazard Assessment (s.7(5), Part 2, Code)**
 - **First Aid (s.178(2), Part 11, Code)**

Legislative Roles and Responsibilities

Prime Contractor Responsibilities

- The prime contractor has the overall responsibility for the health and safety at the work site
- The prime contractor must ensure that contractors and employers at the work site comply with the OHS, Act, Regulation and Code
- The OHS Act states that one way to achieve this is to establish and maintain a system or process

Legislative Roles and Responsibilities

Prime Contractor Responsibilities

- **An effective health and safety plan is one way of meeting the requirement under the Act – other equally effective alternatives may also be used.**
- **Coordinate independent, potentially incompatible internal responsibility systems.**
- **Recognition that a safety system is only as strong as its weakest link.**

Legislative Roles and Responsibilities

Prime Contractor Responsibilities

- **Obvious instances of non-compliance are considered to be a breakdown of the health and safety system**
- **The prime contractor is expected to intervene, correcting the situation and altering the health and safety system if necessary.**

Legislative Roles and Responsibilities

Benefits of being Prime

- Authority to act
- Control over the protection of resources
- Statutory recourse

Legislative Roles and Responsibilities

Liabilities

- Orders
- Administrative Penalties
- Prosecutions

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Questions?

The logo for the province of Alberta, featuring the word "Alberta" in a white, cursive script font with a small orange square to the right of the letter 'a'.

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Contact Us

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