

1976 Bill 39

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 39

THE OCCUPATIONAL HEALTH AND SAFETY ACT

THE MINISTER OF LABOUR

First Reading

Second Reading

Third Reading

BILL 39

1976

THE OCCUPATIONAL HEALTH AND SAFETY ACT

(Assented to _____, 1976)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. In this Act,

- (a) "Council" means the Occupational Health and Safety Council appointed under section 4;
- (b) "Director of Medical Services" means a physician appointed under section 3 as the Director of Medical Services;
- (c) "Director of Inspection" means a person appointed under section 3 as the Director of Occupational Health and Safety Inspection;
- (d) "Director of Occupational Hygiene" means a person appointed under section 3 as the Director of Occupational Hygiene;
- (e) "employer" means
 - (i) any person who employs one or more workers,
or
 - (ii) a person who is self-employed in an occupation;
- (f) "Minister" means the member of the Executive Council who is charged with the administration of this Act by the Lieutenant Governor in Council;
- (g) "occupation" includes any employment, business, calling or pursuit designated by the regulations as an occupation;
- (h) "occupational disease" means a disease or ill health arising out of and directly related to an occupation;
- (i) "officer" means a person appointed under section 3 as an Occupational Health and Safety Officer;
- (j) "principal contractor" means the person, partnership or group of persons primarily responsible for the carrying out of a project and includes the person, partnership or group of persons who own the thing in respect of which the project is being carried out;

Explanatory Notes

- (k) "project" means
 - (i) the construction, demolition, repair, alteration or removal of a structure, building, complex, street, road or highway, pipeline, sewage system or electrical, telecommunication or transmission line, or
 - (ii) the digging of, working in or filling of a trench or excavation, or
 - (iii) the installation, modification, repair or removal of any equipment, machinery or plant, or
 - (iv) the operation of a manufacturing, industrial or other process, or
 - (v) any work designated by the Director of Inspection as a project;
- (l) "supplier" means any person who rents, leases, erects or installs any tools, appliances or equipment to be used by a worker in respect of any occupation, project or work site,
- (m) "worker" means any person engaged in an occupation;
- (n) "work site" means any location where a worker is engaged in any occupation and includes any vehicle or mobile equipment used by a worker in an occupation.

2. (1) Every employer shall ensure, as far as it is reasonably practicable for him to do so, the health and safety of

- (a) workers engaged in the work of that employer, and
- (b) those workers not engaged in the work of that employer but present at the work site at which that work is being carried out.

(2) Every worker shall, while engaged in an occupation,

- (a) take reasonable care to protect the health and safety of himself and of other workers present while he is working, and
- (b) co-operate with his employer for the purposes of protecting the health and safety of
 - (i) other workers engaged in the work of the employer, and
 - (ii) other workers not engaged in the work of that employer but present at the work site at which that work is being carried out.

(3) Every supplier shall ensure, as far as it is reasonably practicable for him to do so, that any tool, appliance or equipment that he supplies

- (a) is in safe operating condition, and

2. Obligations of employers, workers, suppliers and principal contractors.

(b) complies with the standards, if any, prescribed or adopted by the regulations.

(4) Every principal contractor engaged in a project shall ensure, as far as it is reasonably practicable for him to do so, that every employer and every worker performing work in respect of that project complies with this Act and the regulations.

3. (1) In accordance with *The Public Service Act*, there may be appointed a Director of Occupational Health and Safety Inspection, a Director of Medical Services, a Director of Occupational Hygiene, Occupational Health and Safety Officers and such other employees as may be necessary for the administration of this Act.

(2) The Minister may, in writing, designate

(a) any employee of the Government as a person who may exercise all or part of the duties and responsibilities of the Director of Inspection, the Director of Occupational Hygiene or an officer, or

(b) any physician employed by the Government as a person who may exercise all or part of the duties and responsibilities of the Director of Medical Services.

4. (1) There shall be a council called the "Occupational Health and Safety Council" which shall consist of not more than 12 persons appointed by the Lieutenant Governor in Council.

(2) The Minister may designate one of the members of the Council as chairman and one or more of the members of the Council as vice-chairmen.

(3) The members of the Council shall be appointed for terms not exceeding three years.

(4) Upon the expiration of his term of office a member of the Council may be reappointed.

(5) The members of the Council shall be paid

(a) such remuneration as the Lieutenant Governor in Council may prescribe, and

(b) their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Council.

5. The Council shall

(a) advise the Minister on matters concerning this Act and the regulations and on matters concerning the health and safety of workers;

3. Staff.

4. Occupational Health and Safety Council.

5. Duties of the Council.

- (b) hear appeals in accordance with this Act;
- (c) perform any duties and functions assigned to it by the Minister with respect to the administration of this Act and the regulations.

6. (1) For the purpose of ensuring compliance with the provisions of this Act or the regulations or of any order made under this Act or the regulations, the Director of Inspection or an officer may

- (a) at any reasonable hour enter into or upon any work site and inspect that work site;
- (b) require the production of any records, books, plans or other documents which relate to the health or safety of workers and may examine them, make copies of them or remove them temporarily for the purposes of making copies;
- (c) inspect and take samples of any material, product, tool, appliance or equipment being produced, used or found in or upon the work site which is being inspected;
- (d) make tests and take photographs or recordings in respect of any work site.

(2) Where the Director of Inspection or an officer

- (a) removes any records, books, plans or other documents under subsection (1), clause (b), he shall
 - (i) give to the person from whom those items were taken a receipt for those items, and
 - (ii) forthwith make copies of, take photographs of or otherwise record those items and forthwith return those items to the person to whom the receipt was given,

or

- (b) takes samples of any material, product, tool, appliance or equipment under subsection (1), clause (c), he shall
 - (i) give to the person from whom those items were taken a receipt for those items, and
 - (ii) upon that person's request, return those items to that person when those items have served the purposes for which they were taken.

(3) Where a person refuses to allow the Director of Inspection or an officer to exercise any powers under subsection (1) or interferes or attempts to interfere with the Director or officer in the exercise of those powers, the Director may apply to the District Court by way of originating notice for an order restraining that person from preventing or interfering in any manner with the Director or officer in the exercise of those powers.

6. Inspection.

7. (1) Where the Director of Inspection or an officer is of the opinion that work is being carried out in a manner which is unhealthy or unsafe to the workers engaged in the work or present where the work is being carried out, the Director or the officer may in writing order the person responsible for the work being carried out

- (a) to stop the work which is specified in the order, and
- (b) to take measures as specified in the order that are, in the opinion of the Director or the officer, necessary to ensure that the work will be carried out in a healthy and safe manner,

or either of them, within the time limits specified in the order.

(2) Where the Director of Inspection is of the opinion that any of the provisions of this Act or the regulations are not being complied with, he may in writing order the person who, in his opinion, is not complying with that provision to take measures as specified in the order that are, in the opinion of the Director, necessary to ensure that the provisions of the Act or the regulations will be complied with, within the time limits specified in the order.

8. (1) Where the Director of Inspection or an officer is of the opinion that a danger to the health or safety of a worker exists in respect of that worker's employment, the Director or the officer may at any time enter into or upon any work site and do any or all of the following:

- (a) order the work or any part thereof that is taking place to be stopped forthwith;
- (b) order any worker or other person present to leave the work site forthwith;
- (c) in writing order the principal contractor or the employer to take measures specified by the Director or the officer, as the case may be, which he considers necessary for the purpose of removing the source of the danger or to protect any person from the danger.

(2) No person shall interfere with the Director of Inspection or an officer in the exercise of his duties under this section.

(3) Where requested to do so by the Director of Inspection or an Occupational Health and Safety Officer, a peace officer shall assist the Director or the Occupational Health and Safety Officer, as the case may be, in carrying out his duties under this section.

7. Order of the Director of Inspection.

8. Danger to persons on a work site.

9. (1) Where the Director of Inspection or an officer is of the opinion that any tool, appliance or equipment being used by a worker

(a) is not in safe operating condition, or

(b) does not comply with the standards prescribed or adopted by the regulations,

the Director or officer, as the case may be, may in writing order the worker to stop using that tool, appliance or equipment.

(2) Where the Director of Inspection or an officer is of the opinion that a supplier is supplying any tool, appliance or equipment that

(a) is not in safe operating condition, or

(b) does not comply with the standards prescribed or adopted by the regulations,

the Director or officer, as the case may be, may in writing order that supplier to stop supplying that tool, appliance or equipment for use by any worker.

(3) Where the Director of Inspection or an officer makes an order under this section, he may rescind that order upon being satisfied that the tool, appliance or equipment in respect of which the order was made

(a) has been repaired or modified so that it is in safe operating condition, or

(b) has been made to comply with the standards prescribed or adopted by the regulations,

as the case may be.

10. (1) Where a person has commenced or is about to commence a project and the Director of Inspection is of the opinion that the health and safety of any worker who is or will be present at the project is not being or will not be protected, the Director may in writing order that person to stop that project or to refrain from commencing that project, as the case may be.

(2) The Director of Inspection shall not rescind an order made under subsection (1) until he is satisfied that the person to whom the order was made has taken such measures as, in the opinion of the Director, will protect the health and safety of the workers concerned.

(3) The Director of Inspection may require any person who has commenced or is about to commence a project to furnish to the Director, within the time specified by the Director, such plans, drawings and specifications as are reasonably necessary for determining whether the health and safety of the workers concerned is being or will be protected.

Prohibiting the use of unsafe tools, appliances or equipment.

0. Protection of workers engaged on a project.

11. (1) Any person to whom an order is issued under section 7, 8, 9, 10, 20 or 26 may appeal the order to the Council.

(2) An appeal under subsection (1) shall be commenced by serving a notice of the appeal upon the Director of Inspection within 30 days from the date that the order being appealed from was served upon the person making the appeal.

(3) Upon considering the matter being appealed, the Council may by order confirm, revoke or vary the order being appealed.

(4) Where an appeal is made to the Council under subsection (1), the Council shall hear the appeal and render a decision as soon as practicable.

(5) An appeal lies to the Supreme Court of Alberta from an order of the Council upon a question of law or a question of jurisdiction and upon hearing the matter the Court may make such order, including the awarding of costs, as the Court considers proper.

(6) An appeal under subsection (5) shall be made by way of originating notice within 30 days from the date that the order of the Council is served upon the person appealing the order of the Council.

(7) Where an appeal is commenced under subsection (1), the commencement of that appeal does not operate as a stay of the order being appealed from except insofar as the chairman or a vice-chairman of the Council so directs.

(8) Where an appeal is commenced under subsection (5), the commencement of that appeal does not operate as a stay of the order of the Council being appealed from except insofar as a judge of the Supreme Court so directs.

12. (1) Where the Council hears appeals under section 11, it may, at the direction of the chairman, sit in one or more divisions and the divisions may sit simultaneously or at different times.

(2) For the purpose of hearing appeals under section 11, three members constitute a quorum of the Council or of a division of the Council.

(3) A division of the Council may exercise and perform all the jurisdiction, powers and duties of the Council with respect to the hearing of appeals under section 11 and an order of a division is an order of the Council and binds all members of the Council.

(4) The chairman may designate a member of a division of the Council to preside at any sitting of a division at which the chairman is not present.

11. Appeals.

12. Hearing of appeals by the Council.

(5) Where the Council or a division of the Council is hearing an appeal and one or more members of the Council or division, as the case may be, do not for any reason attend on any day or part of a day, the remaining members present may, if they constitute a quorum under this section, exercise and perform all the jurisdiction, powers and duties of the Council with respect to that hearing.

(6) A decision of a majority of the members of the Council or a division of the Council present and constituting a quorum is the decision of the Council or of the division and in the event that there is a tie vote the chairman or the presiding member, as the case may be, may cast a second vote.

(7) The Council may establish rules of procedure respecting the hearing of appeals before it or before a division.

13. (1) Every employer shall immediately notify the Director of Inspection of any accident that took place at or upon that employer's work site which

- (a) resulted in serious injury to or the death of a person, or
- (b) had reasonable potential of causing serious injury to or the death of a person.

(2) Every principal contractor engaged in a project shall immediately notify the Director of Inspection of any accident that occurred in respect of that project which

- (a) resulted in serious injury to or the death of a person, or
- (b) had reasonable potential of causing serious injury to or the death of a person.

(3) Except as otherwise directed by the Director of Inspection, an Occupational Health and Safety Officer or a peace officer, a person shall not disturb the scene of an accident reported under subsection (1) or (2) except insofar as is necessary in

- (a) attending to persons injured or killed,
- (b) preventing further injuries, and
- (c) protecting property which is endangered as a result of the accident.

14. (1) The Director of Inspection or an officer may, where practicable, attend upon the scene of an accident reported under section 13 and make such enquiries as are necessary to determine the cause of the accident and the circumstances relating to the accident.

(2) Every person present at an accident when it occurred or who has information relating to the accident shall, upon the request of the Director of Inspection or an officer, provide to the Director or the officer such information respecting the accident as the Director or officer requests.

13. Accidents.

14. Investigations of accidents.

(3) The Director of Inspection or an officer may, for the purpose of determining the cause of the accident, take samples of any substance, material, product, tool, appliance or equipment that was present at, involved in or related to the accident.

(4) Any statement given under this section is not admissible in evidence for any purpose in a trial, coroner's inquest or other proceeding arising out of the accident except to prove

- (a) non-compliance with this section, or
- (b) a contravention of subsection (6).

(5) Subject to subsection (4), nothing in this section precludes the Director of Inspection or an officer from attending at a trial, coroner's inquest or other proceeding and testifying in respect of any information obtained or samples taken under this section.

(6) Any person who knowingly makes any false statement or knowingly gives false information with respect to any inquiries or investigations under this section is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

15. The Director of Medical Services may, for the purposes of determining

- (a) the extent of any injury suffered by a worker injured in an accident that occurred in respect of that worker's occupation, or
 - (b) whether a worker is suffering from an occupational disease which is related to that worker's occupation,
- require that worker to be medically examined by the Director of Medical Services or other physician authorized by that Director to carry out that medical examination.

16. (1) A medical examination carried out under section 15 shall, where practicable, be performed during the hours of employment of the worker being examined.

(2) Where a worker is examined under section 15 and the time spent by that worker in being examined, going to or returning from that examination occurs during the hours of employment of that worker, the employer of that worker shall not deduct from that worker any wages, salary or other remuneration or benefits which that worker would have received for working during the time spent in being examined, going to or returning from that examination.

17. Where a physician, in the course of his practice as a physician, finds that a person examined by him is affected with or is suffering from an occupational disease designated by the regulations as an occupational disease to which

15. Medical examinations.

16. Time at which medical examinations may be carried out.

17. Requirement on physician to notify the Director of Medical Services of findings of occupational diseases.

this section applies, the physician shall, within seven days of the diagnosis of that disease, notify the Director of Medical Services in writing of the name, address and place of employment of that person and the name of the designated occupational disease.

18. Where

- (a) it comes to the attention of the Director of Medical Services that a physician attended a worker who became ill or was injured while engaged in an occupation, or
- (b) a physician has performed a medical examination under section 15 or 19,

that physician shall, upon the request of the Director, furnish to the Director such medical reports as that Director may require.

19. (1) Where a worker

- (a) is engaged in an occupation designated by the regulations as a hazardous occupation for the purposes of this section, or
- (b) works at a work site or class of work site designated by the regulations as a hazardous work site for the purposes of this section,

the employer of that worker shall, within 10 days of the commencement of that worker's employment, register with the Director of Medical Services the name of that worker and the location of the work site where that worker is engaged in his occupation.

(2) Where a person is registered under subsection (1), the Director of Medical Services may

- (a) require that person to have regular medical examinations,
- (b) prescribe the type and frequency of the medical examinations,
- (c) prescribe the form and content of medical records to be compiled with respect to that person, and
- (d) prescribe the period of time that those medical records must be maintained.

(3) Where a person registered under subsection (1) terminates his employment with his employer, the employer shall notify the Director of Medical Services of that termination within 30 days of that termination.

20. The Director of Occupational Hygiene may, by written order,

- (a) require a principal contractor or an employer to inspect regularly any work site under the control of that principle contractor or employer for health hazards, and
- (b) prescribe the manner, methods and procedures or any of them to be used for carrying out those inspections.

18. Medical reports from physicians.

19. Hazardous occupations and work sites.

**20. Regular inspection of work sites by principal contractors
or employers.**

21. The Minister may enter into an agreement with any person or government for the purpose of

- (a) carrying out research respecting the health and safety of workers;
- (b) establishing and operating training programs respecting the health and safety of workers;
- (c) establishing and operating programs to train persons in first aid and emergency medical services;
- (d) establishing and operating educational programs respecting the health and safety of workers.

22. (1) The Minister may engage the services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters respecting the health and safety of workers.

(2) A person whose services are engaged under subsection (1) shall

- (a) be paid such remuneration as the Minister prescribes, and
- (b) be paid his reasonable travelling and living expenses while absent from his ordinary place of residence and in the course of providing his services to the Minister.

23. The Minister may enter into agreements with the Workers' Compensation Board governing the exchange between the Minister and the Workers' Compensation Board of

- (a) any information or reports respecting
 - (i) any accident or injuries that occur at a work site, or
 - (ii) any occupational disease,
- (b) any statistical information respecting
 - (i) accidents or injuries occurring at work sites,
 - (ii) occupational diseases, and
 - (iii) assessments made by the Board under *The Workers' Compensation Act* and the cost of claims made under that Act,and
- (c) information respecting the measures taken by a principal contractor or employer to protect the health and safety of workers.

24. (1) Where any designated substance is used, stored or manufactured at or on a work site, the person responsible for that work site shall compile, in a manner and form approved by the Director of Occupational Hygiene, written information in respect of that substance which shall include

21. Agreements respecting the operation of research and educational programs.

22. Consultants.

23. Exchange of information between the Minister and the Workers' Compensation Board.

24. Written information on substances used, stored or manufactured on a work site.

- (a) the common name and chemical name of that substance,
- (b) the chemical composition and the physical and chemical properties of that substance,
- (c) the toxicological information respecting that substance,
- (d) the effect of exposure or contact on humans of that substance,
- (e) the protective measures used in respect of that substance,
- (f) the methods of disposal of that substance, and
- (g) such other information as the Director prescribes.

(2) Where a person compiles written information under subsection (1), he shall maintain that information on the work site in a location which is readily accessible to the workers and to other persons who are at that work site.

(3) Where a person compiles written information under subsection (1), that person shall, upon the request of the Director of Occupational Hygiene, furnish the Director with copies of that written information.

(4) In this section "designated substance" means a substance designated by the regulations as a substance to which this section applies.

25. (1) The Minister may, by order require that there be established at any work site a joint work site health and safety committee which shall

- (a) identify situations which may be unhealthy or unsafe in respect of the work site,
- (b) make recommendations to principal contractors, employers and workers for the improvement of the health and safety of workers at or upon the work site,
- (c) establish and maintain educational programs regarding the health and safety of workers at or upon the work site, and
- (d) carry out those duties and functions prescribed by the regulations.

(2) A joint work site health and safety committee shall consist of workers who represent the workers employed at the work site and of one or more persons who represent the principal contractor or the employer responsible for the work site.

(3) The number of persons representing the principal contractor or employer on a joint work site health and safety committee shall not exceed the number of workers representing the workers on that committee.

25. Joint work site health and safety committees.

(4) Where a joint work site health and safety committee is established, the employer shall post the names of the members of that committee in a location readily accessible to the workers at that work site.

(5) A joint work site health and safety committee shall hold its meetings and carry out its duties and functions during normal working hours.

(6) No disciplinary action shall be taken against a member of a joint work site health and safety committee by reason of that member performing duties and functions as a member of that committee.

(7) The Lieutenant Governor in Council may make regulations prescribing

- (a) the number of persons that may be appointed as members of a joint work site health and safety committee and their terms of office;
- (b) the method of electing or appointing persons to a joint work site health and safety committee and the method of appointing a chairman or co-chairmen of a committee;
- (c) the frequency of meetings of a joint work site health and safety committee;
- (d) the duties and functions to be performed by a joint work site health and safety committee.

26. (1) The Director of Inspection may in writing order a principal contractor or employer responsible for a work site to establish a code of practice specifying safe working procedures in respect of that work site.

(2) A code of practice shall be posted on the work site in a location where it is conspicuous to the workers and other persons at the work site.

(3) The Director of Inspection may from time to time require that the code of practice be revised.

27. (1) No worker shall

- (a) carry out any work where there exists an imminent danger to the health or safety of that worker, or
- (b) carry out any work that 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 that will cause to exist an imminent danger to the health or safety of that worker or another worker present at the work site.

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

26. Code of practice.

27. Imminent danger.

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

28. 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 or an order given under this Act.

29. (1) The Minister may, where he considers it in the public interest to do so, by order appoint a board of inquiry of one or more persons to inquire into

- (a) any matter concerning the health or safety of workers employed
 - (i) at a particular work site or at several work sites, or
 - (ii) by a particular employer or by a group of employers, or
 - (iii) in an industry,
- or
- (b) the circumstances surrounding and the causes of an accident.

(2) A person appointed to a board of inquiry under this section has all the powers of a commissioner appointed under *The Public Inquiries Act*.

30. (1) The cost of administering this Act shall be paid from moneys appropriated by the Legislature for the purpose.

(2) For the purpose of defraying part of the costs of administering this Act, the Minister may, in accordance with the regulations, make assessments upon employers.

(3) The Lieutenant Governor in Council may make regulations

- (a) authorizing assessments to be made against employers;
- (b) prescribing the amounts that may be assessed against employers;
- (c) prescribing the manner in which the assessments may be made.

(4) The Minister may enter into agreements with The Workers' Compensation Board allowing that Board to collect on behalf of the Crown in right of Alberta assessments made under this section.

31. (1) The Lieutenant Governor in Council may make regulations

1. designating any employment, business, calling or pursuit or any class thereof as an occupation;
2. prescribing health and safety standards to be maintained at a work site or at different classes of work sites;
3. prescribing standards for tools, appliances or equipment;
4. adopting, in whole or in part, any code of standards respecting any tools, appliances or equipment;
5. governing the regular inspection of work sites by the principle contractor or employer for health hazards;
6. governing the provision of potable water supplies at work sites;
7. governing washing and sanitary facilities at work sites;
8. governing facilities provided as eating areas or lunchrooms at work sites;
9. requiring medical facilities or first aid facilities to be located at work sites;
10. governing medical or first aid facilities located at work sites;
11. governing occupational health services to be provided at work sites;
12. governing the requirements to be met by persons
 - (i) providing medical or first aid at work sites, and
 - (ii) providing occupational health services at work sites;
13. governing the establishment and operation of courses to train persons in providing first aid and emergency medical services;
14. designating a disease as an occupational disease to which section 17 applies;
15. designating an occupation as a hazardous occupation for the purposes of section 19;
16. designating a work site or any class of work site as a hazardous work site for the purposes of section 19;
17. designating substances as substances to which section 24 applies;
18. prescribing the nature and frequency of medical examinations of workers or any classes of workers;

31. Regulations.

19. prescribing the form and content or either of them for a code of practice or classes of codes of practice established under section 26;
20. prescribing the forms or documents that must be completed by any person reporting any matter under this Act or the regulations and the method of forwarding those forms or documents to the Director of Inspection, the Director of Medical Services, the Director of Occupational Hygiene or an officer, as the case may be;
21. prohibiting any person who does not have the qualifications approved by the Director of Medical Services from undertaking biochemical or physiological examinations of workers;
22. prohibiting any person who does not have the qualifications approved by the Director of Occupational Hygiene from undertaking physical or chemical examinations of work sites;
23. designating for the purpose of the regulations any substance or material as a hazardous substance or material;
24. governing the examination, testing and labelling, or any of them, of materials or substances designated as being a hazardous substance or material;
25. governing the instruction, training or supervision of persons
 - (i) engaged in occupations designated as hazardous occupations, or
 - (ii) working on or upon work sites designated as hazardous work sites;
26. governing the method and manner of posting health and safety notices issued by the Director of Inspection and prohibiting the removal of those notices except in accordance with the regulations;
27. prescribing fees to be paid by the Government to physicians for services performed under this Act;
28. governing the supply, transportation, use, storage and disposal, or any of them, of a material or substance designated as a hazardous substance or material;
29. prohibiting any person other than those licensed by the Director from transporting, using, storing or disposing of a material or substance that is designated as a hazardous substance or material;
30. prescribing records, documents, plans, designs and reports that must be maintained by employers;

31. requiring the preservation of records, documents, plans, designs and reports that must be maintained by employers.

(2) The Director of Inspection may designate any work as a project.

32. (1) Any person who contravenes any provision of this Act or the regulations or fails to comply with an order made under this Act or the regulations is guilty of an offence and liable on summary conviction

(a) for a first offence,

(i) to a fine of not more than \$5,000 and in the case of a continuing offence, to a further fine of not more than \$1,000 for each day during which the offence continues after the first day or part thereof, or

(ii) imprisonment for a term not exceeding six months,

or to both fines and imprisonment, and

(b) for a second or subsequent offence,

(i) to a fine of not more than \$10,000 and in the case of a continuing offence, to a further fine of not more than \$2,000 for each day or part thereof during which the offence continues after the first day, or

(ii) to imprisonment for a term not exceeding 12 months,

or to both fines and imprisonment.

(2) Notwithstanding subsection (1), any person who fails to comply with an order made under section 8 or as varied under section 11 is guilty of an offence and liable on summary conviction to a fine of not more than \$15,000 or imprisonment for a term not exceeding 12 months or to both fine and imprisonment.

(3) A prosecution shall not be commenced under this Act without the consent of the Attorney General.

33. Where

(a) an order has been made under this Act or the regulations by the Director of Inspection, the Director of Medical Services, the Director of Occupational Hygiene, an officer or the Council, and

(b) the person to whom that order has been made is carrying on the work without complying with that order,

the Director of Inspection may, notwithstanding that the person to whom the order was made may or may not have

Application to the District Court.

been prosecuted under this Act for not complying with that order, apply by way of originating notice to the District Court for an order of the Court requiring that person to comply with the order made by the Director of Inspection, the Director of Medical Services, the Director of Occupational Hygiene, an officer or the Council, as the case may be.

34. Where an application is made under section 6, subsection (3) or section 33 or 35, the Court may make such award as to costs as it considers proper.

35. (1) Where an order is made in writing under this Act or the regulations, that order shall be served

- (a) by personal service upon the person to whom it is made, or
- (b) by double registered mail if the post office receipt for the envelope containing the order is signed by the person to whom the order is made, or
- (c) as directed by the District Court upon an application made by way of originating notice.

(2) An application under subsection (1), clause (c) may be made ex parte where the Court considers it proper to do so.

(3) Where an order is made verbally under section 8, subsection (1), clause (a) or (b), that order shall be deemed to have been served upon the person to whom it is made at the time that the verbal order is made to that person.

36. The Crown is bound by the provisions of this Act.

37. *The Department of Labour Act is amended by striking out sections 5.1 and 5.2.*

38. *The Alberta Health Care Insurance Act is amended as to section 25 by striking out subsection (1.1) and by substituting therefor the following:*

(1.1) A member of the Commission or an employee of the Commission authorized by a member may disclose or communicate information pertaining to the date on which basic health services were provided and a description of those services, the name and address of the person who provided the service, the benefits paid by the Commission for that service and the person to whom they were paid, the name and address of the person to whom the services were provided and any other information pertaining to the nature

34. Costs.

35. Service of orders.

36. Act applies to the Crown.

37. Amends chapter 35 of the Statutes of Alberta, 1972.

38. Amends section 25 of chapter 166 of the Revised Statutes of Alberta 1970 to permit the Director of Medical Services to obtain information from The Alberta Health Care Insurance Commission.

of the basic health services provided, to the Provincial Cancer Hospitals Board, The Workers' Compensation Board, the Alberta Hospital Services Commission, or the Division of Social Hygiene of the Department of Social Services and Community Health or the Director of Medical Services appointed under *The Occupational Health and Safety Act*, if

- (a) a member or officers of the Board or Commission, or an officer of the Division, or the Director of Medical Services, as the case may be, makes a written request therefor, and
- (b) the information required is necessary and relevant to a matter being dealt with by the Board, Division or Director of Medical Services.

39. *The Hospital Services Commission Act is amended as to section 26, subsection (2) by adding after clause (b) the following:*

- (b.1) to the Director of Medical Services appointed under *The Occupational Health and Safety Act*, or

40. *The Alberta Hospitals Act is amended*

(a) *as to section 35, subsection (5) by striking out the word "and" at the end of clause (a) and by adding after clause (a) the following:*

- (a.1) without written consent of the patient, divulge any diagnosis, record or information relating to the patient to the Director of Medical Services appointed under *The Occupational Health and Safety Act* where that information relates to an accident which took place at that patient's place of work or a disease which is related to that patient's employment, and

and

(b) *as to section 35, subsection (5.1), clause (a) by adding after subclause (i) the following:*

- (i.1) the Director of Medical Services appointed under *The Occupational Health and Safety Act*, or

41. *The Alberta Labour Act, 1973 is amended as to section 167 by striking out subsections (1) and (2).*

42. *The Workers' Compensation Act is amended*

(a) *by adding after section 19 the following:*

19.1 Any book or other record required to be made under *The Occupational Health and Safety*

39. Amends section 26 of chapter 45 of the Statutes of Alberta, 1971 to permit the Director of Medical Services to obtain information from The Alberta Hospital Services Commission.

40. Amends section 35 of chapter 174 of the Revised Statutes of Alberta 1970 to permit the Director of Medical Services to obtain information from hospital boards, physicians and The Alberta Hospital Services Commission.

41. Amends section 167 of chapter 33 of the Statutes of Alberta, 1973.

42. Amends chapter 87 of the Statutes of Alberta, 1973.

Act or the regulations thereunder to record all cases in which first aid treatment has been given to a worker for or in respect of any injuries suffered by the worker, shall be open at any and all times to inspection by the Board or any member or representative thereof or by an injured worker concerned or his representative.

(b) *by striking out section 58,*

(c) *by adding after section 62 the following:*

62.1 (1) Where an accident causing injury or death to a worker in respect of which compensation is payable has occurred and where, in the opinion of the Board, the injury or death was due entirely or mainly to the failure of an employer to comply with provisions of *The Occupational Health and Safety Act* or of the regulations or of an order made thereunder, the Board may levy and collect from the employer as a contribution to the Accident Fund, a sum of money not exceeding one-half of the costs of the claim in respect of the injury or death as set out in section 60, and the payment of that sum may be enforced in the same manner as the payment of an assessment may be enforced.

(2) In the case of the death of a worker the costs of the claim within the meaning of subsection (1) shall be deemed to be the average amount apportioned to the accident as directed by the provisions of section 41.

(d) *by adding after section 63 the following:*

63.1 Upon an agreement being made by the Board, under section 30 of *The Occupational Health and Safety Act* the Board has the power to include in its assessment upon employers an amount equal to the assessments made under *The Occupational Health and Safety Act* and to pay those amounts to the Provincial Treasurer for deposit in the General Revenue Fund.

(e) *as to section 64, subsection (17), clause (b) by striking out the words "the Act or regulations" and by substituting therefor the words "The Occupational Health and Safety Act or regulations thereunder",*

(f) *as to section 84, by striking out clause (i),*

(g) *by striking out Part 10.*

43. This Act comes into force on a date or dates to be fixed by Proclamation.