

1977 Bill 212

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 212

**AN ACT TO AMEND THE OCCUPATIONAL HEALTH AND
SAFETY ACT**

MR. NOTLEY

First Reading

Second Reading

Third Reading

Bill 212
Mr. Notley

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AN ACT TO AMEND THE OCCUPATIONAL HEALTH AND SAFETY ACT

(Assented to _____, 1977)

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

1. *The Occupational Health and Safety Act is hereby amended.*

2. *Section 2 is amended as to subsections (1), (3) and (4) by deleting the words "reasonably practical" and by substituting therefor the words "reasonably possible" wherever they occur.*

3. *Section 4 is amended as to subsection (1) by adding after the words "not more than 12 persons", the words "of whom at least six shall be workers".*

4. *The following section is added after section 10:*

10.1 Where an order is issued under sections 7, 8, 9, or 10, the employer shall be responsible for payment of any ordinary wages of a worker lost in consequence of the issuance of such order.

5. *Section 11 is amended*

- (a) by striking out subsections (5), (6) and (8), and*
- (b) as to subsection (7) by striking out the words "chairman or vice-chairman of the".*

6. *Section 20 is amended*

- (a) as to clause (a) by adding before the word "require" the words "where no joint work site health and safety committee exists", and*
- (b) by adding the following clause after clause (a)*
 - (a.1) where a joint work site health and safety*

Explanatory Notes

- 1.** Amends chapter 40, Statutes of Alberta 1976.

- 2.** Amends section 2.

- 3.** Provides 50% worker representation on the Occupational Health and Safety Council.

- 4.** Provides that employees shall not suffer economic loss as a consequence of the failure of an employer to fulfill his obligations under this Act.

- 5.** Removes appeal to the Supreme Court. Provides that only the full Council may order a stay of execution.

- 6.** Involves joint work site committees in regular inspections.

committee exists, require such committee to carry out an inspection or program of inspection and recommend methods of eliminating health hazards.

7. *Section 25 is amended*

(a) *as to subsection (1)*

- (i) *by striking out the words "The Minister may by order require that there be established at any work site" and substituting therefor the words: "In every work site at which ten or more workers are employed, the employer shall cause to be established",*
- (ii) *by striking out the word "and" at the end of clause (c), and*
- (iii) *by adding after clause (d) the following clauses:*
 - (e) *accompany the Director of Inspection or an officer during inspection of a work site, and*
 - (f) *carry out periodical inspection of the work site, and*

(b) *by adding after subsection (5) the following subsection*

- (5.1) *The Director of Inspection or an officer appointed by him shall provide a copy of every order, report or decision made in respect of a particular work site to the joint work site health and safety committee for that work site.*

8. *Section 27 is struck out and the following substituted therefor:*

- 27.(1) *A worker may refuse to do any act or to omit any act or order any other worker to do any act or omit any act at a work site where he has reasonable grounds to believe that the act or omission is unusually dangerous to his health or safety or the health and safety of any other person at the work site until sufficient steps have been taken to satisfy him otherwise, or until the joint work site health and safety committee or the Director of Inspection has investigated the matter and advised him otherwise in writing.*

7. Requires joint work site and health and safety committees for every work site having ten or more employees. Clarifies the role of such committees in the inspection process. Ensures the committee will be informed of decisions affecting them.

8. Strengthens and clarifies the right of a worker to refuse unsafe work. The "imminent danger" test, is replaced by a "reasonable grounds" test. The rights and responsibilities of employer and employee are clarified.

(2) No employer or contractor shall take any action which adversely affects a worker with respect to any terms or conditions of employment or opportunity for promotion or shall dismiss, layoff, suspend, demote, transfer, relocate, reduce the wage of, change the hours of work of or reprimand any worker by reason of the fact that he has exercised the right conferred by subsection (1).

(3) Subsection (1) shall not be deemed to place any liability or responsibility or duty of care upon any worker with respect to the exercise or non-exercise of his rights thereunder that would not otherwise exist.

(4) Where any action listed in subsection (2) is taken against a worker who within the previous year has exercised the right conferred by subsection (1), there shall be a presumption that such action was taken against him for that reason and the onus shall be on the employer or contractor to establish that the action was taken for good and sufficient other reason.

(5) Temporary assignment at no loss of pay to alternative work until the matter of complaint is resolved shall be deemed not to violate subsection (2).

(6) Where an employer or contractor is convicted of violating subsection (2), in addition to such other penalty as may be imposed the judge shall order the employer to revoke the discriminatory action and to re-instate the worker to his former employment under the same terms and conditions under which he has formerly been employed and shall order the employer to pay to the worker wages the worker would have earned had the action not been taken and shall order any reprimand or other reference to the matter in the employer's records relating to the worker to be erased.

9. Section 30 is amended as to subsection (2) by striking out the words "part of".

10. Section 31 is amended as to subsection (1), clause (5) by adding after the word "employer" the words " or a joint work site health and safety committee".

11. This Act comes into force on the day upon which it is assented to.

9. Ensures that the full cost of administering the program are payable by the employer.