

1994 BILL 48

---

Second Session, 23rd Legislature, 43 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 48

OCCUPATIONAL HEALTH AND SAFETY  
AMENDMENT ACT, 1994

---

THE MINISTER OF LABOUR

---

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

---

## BILL 48

1994

### OCCUPATIONAL HEALTH AND SAFETY AMENDMENT ACT, 1994

(Assented to , 1994)

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

Amends RSA  
1980 cO-2

1 *The Occupational Health and Safety Act is amended by this Act.*

2 *Section 1 is amended*

(a) *by adding the following after clause (a):*

(a.0001) "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;

(b) *by repealing clause (g) and substituting the following:*

(g) "occupation" means every occupation, employment, business, calling or pursuit over which the Legislature has jurisdiction, except

(i) farming or ranching operations specified in the regulations, and

(ii) work in, to or around a private dwelling or any land used in connection with the dwelling that is performed by an occupant or owner who lives in the private dwelling or a household servant of the occupant or owner;

(c) *by adding the following after clause (i):*

(i.01) "owner" in respect of a work site means the person in legal possession of the work site or, if the person in legal possession does not request the work, the

## **Explanatory Notes**

**1** Amends chapter O-2 of the Revised Statutes of Alberta 1980.

**2** Section 1(g) and (j) presently read:

*1 In this Act,*

*(g) "occupation" includes any employment, business, calling or pursuit designated by the regulations as an occupation;*

*(j) "principal contractor" means a person, partnership or group of persons who, pursuant to a contract, an agreement or ownership, direct the activities of 1 or more employers involved in work at a work site;*

person with an ownership interest in the work site who requests that the work be done;

*(d) by repealing clause (j) and substituting the following:*

(j) “prime contractor” means the prime contractor for a work site referred to in section 2.1;

*3 Section 2(5) is repealed and the following is substituted:*

(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 and the regulations in respect of that work site.

*4 The following is added after section 2:*

Prime  
contractor

**2.1(1)** Every work site must have a prime contractor if there are 2 or more employers involved in work at the work site at the same time.

**(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 it is reasonably practicable to do so, that this Act and the regulations are complied with in respect of the work site.

**(4)** One of the ways in which a prime contractor of a work site may meet the obligation under subsection (3) is for the prime contractor to do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Act and the regulations in respect of the work site.

Multiple  
obligations

**2.2(1)** In this section, “function” means the function of prime contractor, contractor, employer, supplier or worker.

**(2)** If a person has 2 or more functions under this Act in respect of one work site, the person must meet the obligations of each function.

**3** Section 2(5) presently reads:

*(5) Every principal contractor shall ensure, as far as it is reasonably practicable for the principal contractor to do so, that every employer under his direction and every worker of every such employer who is at a work site under the direction of the principal contractor complies with this Act and the regulations.*

**4** Establishes prime contractor responsibilities and responsibilities of persons who have more than one function under the Act.

5 Section 3(2)(b) is amended by adding “or any other physician” after “Government”.

6 Section 8(1)(c) is amended by striking out “principal” and substituting “prime contractor, the”.

7 Section 13 is amended

(a) by renumbering subsection (1) as subsection (1.2):

(b) by adding the following before subsection (1.2):

Serious  
injuries and  
accidents

**13(1)** If an injury or accident described in subsection (1.1) 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.

**(1.1)** 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.

**5** Section 3(2)(b) presently reads:

*(2) The Minister may, in writing, designate*

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

**6** Section 8(1)(c) presently reads:

*8(1) When 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 officer may at any time enter into or on any work site and do any or all of the following:*

*(c) in writing order the principal contractor or the employer to take measures specified by the officer which he considers necessary for the purpose of removing the source of the danger or to protect any person from the danger.*

**7** Section 13(1), (2) and (2.1) presently read:

*13(1) If a serious injury or an accident that has the potential of causing serious injury to a person occurs at a work site, the employer responsible for that work site shall*

*(a) forthwith notify a Director of Inspection as to the time, place and nature of the serious injury or accident,*

*(b) carry out an investigation into the circumstances surrounding the serious injury or accident,*

*(c) prepare a report in accordance with the regulations, outlining the circumstances of the serious injury or accident and the corrective action, if any, undertaken to prevent a recurrence of the serious injury or accident, and*

*(d) ensure that a copy of the report is readily available for inspection by an officer.*

*(2) For the purposes of subsection (1) "serious injury" has the meaning given to it in the regulations.*

*(2.1) The employer shall retain the report referred to in subsection (1) for 2 years after the serious injury or accident.*

*(c) in subsection (1.2)*

*(i) by striking out the words preceding clause (a) and substituting the following:*

**(1.2) If an injury or accident referred to in subsection (1.1) occurs at a work site or if any other serious injury or any other accident that has the potential of causing serious injury to a person 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**

*(ii) by repealing clause (a);*

*(iii) in clause (c) by striking out “in accordance with the regulations,”;*

*(d) by repealing subsection (2);*

*(e) by repealing subsection (2.1) and substituting the following:*

**(2.1) The prime contractor, contractor or employer who prepared the report referred to in subsection (1.2) shall retain the report for 2 years after the serious injury or accident.**

**8 Section 20(a) is repealed and the following is substituted:**

**(a) require a prime contractor, a contractor or an employer involved in work at a work site to regularly inspect the work site for occupational hazards, and**

**9 Section 23(a) is amended by striking out “principal” wherever it occurs and substituting “prime contractors,”.**



**8** Section 20(a) presently reads:

*20 A Director may, by written order,*

*(a) require a principal contractor or an employer to inspect regularly any work site under the control of that principal contractor or employer for occupational hazards, and*

**9** Section 23(a) presently reads:

*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 any or all of the following:*

*(i) any accidents or injuries that occur at work sites;*

*(ii) any occupational diseases;*

*10 Section 24.1 is amended by adding “prime contractor or, if there is no prime contractor, the contractor or” before “employer”.*

*11 Section 25 is amended*

- (a) in subsection (1)(b) by striking out “principal” and substituting “prime contractors,”;*
- (b) in subsection (2) by striking out “employer or principal contractor and employers, as the case may be, responsible for that work site” and substituting “prime contractor, contractors and employers involved in work at the work site”;*
- (c) in subsection (3) by striking out “employer or the principal contractor and employers, as the case may be,” and substituting “prime contractor, contractors and employers”.*

*12 Section 25.1 is amended by striking out “An employer or principal contractor” and substituting “A prime contractor, contractor or employer”.*

*13 Section 26 is amended*

- (a) in subsection (1) by striking out “principal contractor or employer responsible for” and substituting “prime contractor, contractor or employer involved in work at”;*
- (b) in subsection (2) by striking out “principal” and substituting “prime contractor,”.*

(iii) *any measures taken by principal contractors or employers to protect the health and safety of workers;*

(iv) *any matter concerning the operations of principal contractors or employers;*

**10** Section 24.1 presently reads in part:

*24.1 If a controlled product is used, stored, handled or manufactured at a work site, the employer responsible for that work site shall ensure that*

*(a) the controlled product is labelled in accordance with the regulations,*

**11** Section 25(1)(b), (2) and (3) presently read:

*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*

*(b) make recommendations to principal contractors, employers and workers for the improvement of the health and safety of workers at or on the work site,*

*(2) A joint work site health and safety committee shall consist of workers who represent the workers at the work site and persons who represent the employer or principal contractor and employers, as the case may be, responsible for that work site.*

*(3) The number of persons on a joint work site health and safety committee who represent the employer or the principal contractor and employers, as the case may be, shall not exceed in total the number of workers on the committee who represent the workers at the work site.*

**12** Section 25.1 presently reads in part:

*25.1 An employer or principal contractor, if required by regulation, shall*

*(a) state his policy in writing for the protection and maintenance of the health and safety of his workers on the work site,*

**13** Section 26(1) and (2) presently read:

*26(1) A principal contractor or employer responsible for a work site may be required*

*(a) by a written order of a Director, or*

*(b) by regulation*

*to establish a code of practice and to supply copies of it to a Director.*

*14 Section 26.1 is amended*

- (a) in subsection (1) by striking out “an employer or principal contractor” and substituting “a prime contractor, contractor or employer”;*
- (b) in subsection (4) by striking out “An employer or principal contractor” and substituting “A prime contractor, contractor or employer”.*

*15 Section 31 is amended*

*(a) in subsection (1)*

*(i) by repealing clause (a) and substituting the following:*

*(a) specifying farming and ranching operations for the purposes of section 1(g);*

*(ii) in clause (a.2) by striking out “an employer or principal contractor” and substituting “a prime contractor, contractor or employer”;*

*(iii) in clause (c) by striking out “principal” and substituting “prime contractor,”;*

*(iv) by repealing clause (l);*

*(v) by repealing clause (m.1) and substituting the following:*

*(m.1) requiring a prime contractor, contractor or employer to comply with section 25.1 or 26, or both;*

*(vi) in clause (z.7) by striking out “managers and principal” and substituting “managers, prime contractors and”;*

*(b) in subsection (1.1)*

*(2) A principal contractor or employer who establishes a code of practice pursuant to subsection (1) shall ensure that*

- (a) a copy of the code of practice is readily available to the workers and other persons at the work site, and*
- (b) all workers to whom the code of practice applies receive appropriate education, instruction or training with respect to the code so that they are able to comply with its requirements.*

**14** Section 26.1(1) and (4) presently read:

*26.1(1) A Director may, in accordance with the regulations, issue in writing an acceptance to an employer or principal contractor if, in his opinion, an alternative tool, appliance, equipment, work process, first aid service or first aid supplies or equipment at a work site provides equal or greater protection than that provided for by regulation to persons affected by the tool, appliance, equipment, work process, first aid service or first aid supplies or equipment.*

*(4) An employer or principal contractor who is issued an acceptance shall ensure that the acceptance is complied with.*

**15** Section 31(1)(a), (a.2), (c), (l), (m.1), (z.7) and (1.1) presently read:

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

- (a) designating any employment, business, calling or pursuit or any class thereof as an occupation;*
- (a.2) requiring an employer or principal contractor to ensure the availability of tools, appliances, equipment, protective clothing or materials for the use of workers;*
- (c) governing the regular inspection of work sites by the principal contractor or employer for occupational hazards to workers;*
- (l) defining "serious injury" for the purposes of section 13;*
- (m.1) requiring employers, classes of employers, principal contractors or classes of principal contractors to comply with section 25.1 or 26, or both;*
- (z.7) regulating the conduct, duties and responsibilities of workers, employers, managers and principal contractors at mines, quarries and work sites designated as hazardous work sites.*

*(1.1) Any regulation made under subsection (1) may be made to apply generally or to a particular work site, employer, principal contractor, supplier or worker or a class of work sites, employers, principal contractors, suppliers or workers.*

(i) *by striking out “principal contractor” and substituting “prime contractor, contractor”;*

(ii) *by striking out “principal contractors” and substituting “prime contractors, contractors”.*

*16 The Designation of Occupations Regulations (Alta. Reg. 288/76) and the Designation of Serious Injury and Accident Regulation (Alta. Reg. 298/81) are repealed.*

*17 This Act comes into force on Proclamation.*

**16** Repeals regulations replaced by these amendments.

**17** Coming into force.