Worker participation in health and safety

OHS information for workers, employers, and prime contractors, without health and safety committees or representatives

KEY INFORMATION

- **All workers have the right to participate in decision making on matters that affect their health and safety at work**
- **The internal responsibility system places mutual accountability for health and safety on employers and workers**
- **Hazard assessments allow workers to participate in health and safety activities**
- **An employer must involve affected workers in the hazard assessment and control or elimination of the hazards identified**

How do I participate in health and safety if there is no health and safety committee or worker representative at my workplace?

All employers are required to protect the health and safety of all parties at their work sites. All workers, regardless of number, also have health and safety rights and obligations. To protect workers from illnesses, injuries and diseases, workers are afforded three fundamental rights. Those rights are:

- the right to know (about hazards),
- the right to refuse (unsafe work), and
- the right to participate (in health and safety).

What is the right to participate?

The right to participate ensures workers have an opportunity to participate in decisions that affect their health and safety at work. For most of Alberta's workers, this participation is supported by a joint work site health and safety committee (HSC) or health and safety (HS representative). However, other workers may not have an HSC or HS representative, but they have options for how they can participate.

What are the obligations of work site parties?

The obligations of all work site parties are clearly defined in the *Alberta Occupational Health and Safety Act (OHS Act)*. These obligations create a mutual accountability among everyone at the work site and provides the foundation of the internal responsibility system.

What are the obligations of employers?

Employers are in control of the workplace, so they have the greatest responsibility for occupational health and safety and considerable influence over workplace culture.

Employers are responsible for the health, safety and welfare of:

- their workers,
- other workers at the work site, and
- other persons at or in the vicinity of the work site.

Employers are responsible for making their workers aware of the workers' rights and duties under the OHS legislation. Workers must also be made aware of any health and safety hazards at the work site. This awareness allows workers to actively participate in preventing and resolving OHS issues at the work site.

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LI041 – updated April – ISBN 978-1-4601-3823-6

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Employers are also required to make sure that workers are adequately trained in all matters necessary to protect their health and safety.

The employer is responsible for resolving work site health and safety issues brought forward by workers in a timely manner.

What are the obligations of supervisors?

Supervisors play an important role at every workplace and are often the first line of contact for worker participation in health and safety. Workers often look to their supervisors for guidance and support in their day-to-day job tasks. Employers rely on them to mentor, monitor, and help motivate their workers to do their work well and follow all OHS rules.

What are the obligations of workers?

Workers are responsible for taking reasonable care to protect their own health and safety, and the health and safety of other workers at the work site, as well as the health and safety of other persons at or in the vicinity of the work site while the worker is working.

Workers are responsible for cooperating with their supervisor or employer (or any other person) to protect themselves, their co-workers, and other workers present at the work site. The other workers, although they may not be directly involved in the primary work of the work site, may be affected by the actions of the worker and their co-workers.

Workers are responsible for reporting to the employer or their supervisor their concerns about any unsafe or harmful work site or work site condition. The employer or supervisor must take whatever actions are necessary to make it safe and healthy for workers to work.

What are the obligations of self-employed persons?

The self-employed person may have overlapping responsibilities from time to time as both a worker and an employer. The self-employed person is also expected to report incidents, injuries, and near misses. When doing so, the self-employed person is fulfilling an employer responsibility.

If a self-employed person becomes aware of an unsafe or harmful act or condition at a work site, they are required to report that situation to parties affected by the concerns. This means that the self-employed person must actively participate in identifying and helping to prevent work site issues.

If a self-employed person is working on a project or at a work site that has a prime contractor, the self-employed person needs to let the prime contractor know they are working on the project or at the work site. This helps the prime contractor manage the work site and coordinate the parties working there.

Hazard assessments

Hazard assessments provide an excellent opportunity for workers to participate in health and safety activities. Alberta's *Occupational Health and Safety Code (OHS Code)* requires employers to conduct hazard assessments, and to either eliminate the hazards identified or put controls in place to protect against them.

Hazard assessments and controls help build safe and healthy workplaces. They are at the core of every organization's occupational health and safety management system. The hazard assessment and control process provides a consistent approach for employers and workers to identify and control hazards in the workplace.

An employer must involve affected workers in the hazard assessment and in the control or elimination of the hazards identified.



OHS Code, Part 2, Section 8(1)

Workers are the individuals doing the work and are in the best position to provide insight. Affected workers must be given the results of the assessment once it is completed.

For self-employed workers or small crews who frequently work in remote locations or at different work sites, a site-specific or field-level hazard assessment is a possible way for the worker to participate in their own safety.

An employer must ensure that workers affected by the hazards identified in the hazard assessment report are informed of the hazards and the methods used to control or elimination of the hazards identified.



OHS Code, Part 2, Section 8(2)

Right to refuse work

Under the *OHS Act*, workers have the right to refuse any work they believe in good faith to be unusually dangerous. A work refusal is initiated by the worker and when initiated in good faith shall not result in discriminatory action by the employer.

Right to refuse

A worker may refuse to work or to do particular work at a work site if the worker believes on reasonable grounds that there is a dangerous condition at the work site or that the work constitutes a danger to the worker's health and safety.



OHS Act 31(1)

The various scenarios involving work refusals could involve several different parties at the work site. Where no HSC or HS representative exists, the following provides a brief summary of the steps the worker must take. For further guidance on the prescribed procedure, consult the *OHS Act*.

If a worker believes that the assigned work is dangerous, the refusal and the reason for the refusal is promptly reported to the employer or supervisor. If the dangerous condition is not remedied immediately, the condition is inspected by the employer, the worker, and another worker selected by the worker refusing to do the work.

On completion of the inspection, the employer will prepare a written report of the refusal, the inspection, and action taken. A copy of the report is provided to the worker.

The action taken as a result of the inspection could include measures to address any identified hazards, or if the dangerous condition still exists, the HSC co-chair, the worker, or any work site party may contact OHS for further advice.

Get Copies of *OHS Act*, *Regulation and Code*

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qp.gov.ab.ca

Occupational Health and Safety

work.alberta.ca/ohs-legislation

Contact Us

OHS Contact Centre

Throughout Alberta
- 1-866-415-8690

Edmonton & Surrounding area
- 780-415-8690

Deaf or hearing impaired:
- 1-800-232-7215 (Alberta)
- 780-427-9999 (Edmonton)

Website
work.alberta.ca/ohs-contact us

FOR MORE INFORMATION

Joint work site health and safety committees - OHS information for workers, employers, and prime contractors (LI036)

Do I need a joint work site health and safety committee or a health and safety representative? OHS information for workers, employers, and prime contractors (LI037)

Health and safety representatives - OHS information for workers, employers, and prime contractors (LI040)

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