

Participation in health and safety for small business owners and workers

OHS information for businesses with less than 20 workers

KEY INFORMATION

- Employers must involve workers in hazard assessment and control.
- Employers with five to 19 workers must designate a worker as a health and safety (HS) representative.
 - The worker can't be a manager or supervisor.
- Workers who are HS representatives are considered at work when carrying out their duties and attending training related to those duties.

Alberta's occupational health and safety (OHS) legislation is based on the internal responsibility system, which is a way of sharing responsibility between everyone in the workplace.

INTERNAL RESPONSIBILITY SYSTEM

The internal responsibility system gives everyone in the workplace accountability for health and safety, in proportion to their authority and control on the work site.

For more information, read [Occupational health and safety and the internal responsibility system](#).

Alberta's main OHS laws are the *OHS Act* and the OHS Code. Under the *OHS Act*, workers have the right to:

- **Know** about work site hazards and how to eliminate or control those hazards.
- **Participate** meaningfully in health and safety activities related to their work and work site.
 - This includes having the ability to express health and safety concerns.
- **Refuse** dangerous work.

Worker responsibilities

Worker responsibilities under OHS laws include their general duties in section 5 of the *OHS Act*. These are:

- Taking reasonable care to protect their own health and safety and the health and safety of others at the work site.

- Cooperating with their employer, supervisor or other persons to protect health and safety, or with any person carrying out a duty under OHS legislation.
- Wearing required personal protective equipment and using required health and safety devices or equipment.
- Refraining from causing or participating in harassment or violence.
- Reporting any concerns about unsafe or harmful situations at the work site to their supervisor or employer.
- Participating in health and safety training.
- Only performing dangerous work if they're competent to do so, or being supervised by a competent worker.

As well as their general duties, workers have other responsibilities under OHS laws.



Hazard assessment and control

The OHS Code states that all employers, regardless of the number of workers, must involve affected workers in hazard assessment and in the control or elimination of the hazards identified.

Hazard assessment and control is a process that allows employers and workers to identify and eliminate or control hazards in their workplace. By identifying hazards present at a work site, employers and workers can develop work procedures, emergency response plans, worker training and other controls specific to those hazards.

HS representatives

The *OHS Act* requires employers who regularly employ five to 19 workers to designate an HS representative. Employers with 20 or more workers must establish a joint health and safety committee (HSC).

An HS representative is a worker who works with the employer to address health and safety concerns.

- HS representatives must be workers who are employed by the employer.
- Supervisors, management or contracted service providers can't be an HS representative.

REGULARLY EMPLOYED

The OHS Regulation says unwaged workers (volunteers) are not included in the count of regularly employed workers for the purposes of determining if an HSC or HS representative is required.

VOLUNTEERS

Volunteers are workers with the same rights and protections under the OHS legislation. Although they don't count as regularly employed (see above), volunteers can still serve as an HSC member or an HS representative.

CONSULTATION

Employers must consult with unions representing their workers before putting a required HSC or HS representative in place.

Multi-employer work sites

If there are two or more employers at a work site, the employers may be required to work together to establish an HSC or designate an HS representative. Workers from any of the employers on site can be selected for these roles.

- If there are 20 or more regularly employed workers in total at the site, the employers must establish a work site HSC.
- If there are five to 19 regularly employed workers in total at the site, the employers must designate a work site HS representative.
- When there is a prime contractor at a work site, they must establish a system to ensure compliance with OHS laws and employer-worker cooperation on health and safety. The prime contractor must also designate a person to ensure cooperation and system implementation. An HSC or HS representative is not required.
 - Workers at a work site with a prime contractor can still access their employer-based HSC or HS representative.

HS representative duties

HS representatives perform the same duties as HSCs. However, they can modify these as needed, because they are one person (not a group).

The core duties of an HSC are in section 13(6) of the *OHS Act*. These include:

- The receipt, consideration and disposition of worker health and safety concerns.
- Participating in the employer's hazard assessment process.
- Making recommendations about worker health and safety to the employer.
- Reviewing the employer's work site inspection records.

Part 13 of the OHS Code contains additional requirements related to HSC and HS representatives. The requirements that apply directly to HS representatives are:

- HS representatives can call special meetings with an employer to deal with health and safety concerns at the work site.
- Employers must:
 - Keep a record of HS representative names and contact information.
 - Clearly post how to contact the HS representative at all applicable work sites. (Or share by another means, if the HS representative agrees.)
 - Ensure HS representatives are trained, per OHS Code requirements. (See below.)

HS representative training

Under the OHS Code, employers must ensure that HS representatives are trained in:

- The roles and responsibilities of co-chairs, HSC members and HS representatives.
- Work site party obligations.
- Workers' rights under the *OHS Act*.

Employers can develop and provide this training themselves, or use an outside training provider.

At work

Workers who are HS representatives are considered at work when they are performing their duties, functions or attending training related to those duties.

The *OHS Act* requires that HS representatives must carry out their duties and functions during normal working hours.

For more information on any of the topics in this section, read [Health and safety committees and representatives](#)



Voluntary HSCs or HS representatives

Although the legislation sets threshold requirements for HS representatives and HSCs, employers can exceed these requirements.

If a work site party or parties – an employer, employers, or prime contractor - puts an HS representative or HSC in place when one is not required, they can establish their own processes and rules for the voluntary HSCs or HS representatives. The rules about HSCs and HS representatives only apply when those are required under the *OHS Act* and Code.

A voluntary HSC can exist alongside, but can't replace, a required HS representative.

Contact us

OHS Contact Centre

Anywhere in Alberta

- 1-866-415-8690

Edmonton and surrounding area

- 780-415-8690

Deaf or hearing impaired

- 1-800-232-7215 (Alberta)
- 780-427-9999 (Edmonton)

Notify OHS of health and safety concerns

alberta.ca/file-complaint-online.aspx

Call the OHS Contact Centre if you have concerns that involve immediate danger to a person on a work site.

Report a workplace incident

alberta.ca/ohs-complaints-incidents.aspx

Website

alberta.ca/ohs

Get copies of the OHS Act, Regulation and Code

Alberta Queen's Printer

qp.gov.ab.ca

OHS

alberta.ca/ohs-act-regulation-code.aspx

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