

## ***Sweeping Changes to Alberta's Health and Safety Legislation***

Late in 2017, the government of Alberta introduced *Bill 30: An Act to Protect the Health and Well-being of Working Albertans* ("Bill") with the goal of modernizing health and safety legislation in the province and bringing it in line with other provinces across Canada. The Bill received Royal Assent on December 15, 2017 and is now law. The changes will come into effect throughout 2018.

The Bill is a review of the Occupational Health and Safety system and includes amendments to the *Occupational Health and Safety Act* and the *Workplace Compensation Act*, neither of which had been reviewed in decades. It seeks to provide better protection to employees at work.

Three basic rights of employees were captured in the Bill and will be enshrined in the *Occupational Health and Safety Act* ("Act").

1. The employee's **right to know** about workplace hazards will be written into the Act. All worksite parties (including contractors, suppliers, and service providers) will be required to provide onsite information relating to any hazards which may exist. Employers will be responsible for providing a safe workplace for their employees.
2. Employees will have the **right to refuse** dangerous work and employers will be prohibited from making any reprisals against an employee who exercises this right. Employers will be required to investigate the refusal and the employee will continue to be paid during the investigation.
3. Employees will be granted the **right to participate** in matters relating to health and safety. This right includes the requirement to form a joint worksite health and safety committee (more than 20 employees) or appoint a health and safety representative (5-19 employees) who will conduct workplace inspections, identify hazards, assist in the development of health and safety policies, procedures and training programs, make recommendations to the employer and facilitate discussions regarding health and safety concerns.

Other significant changes to the Act include:

- Employers will be responsible for ensuring their workers are not subjected to workplace violence or harassment, and will be required to

- provide training to ensure the prevention thereof. Supervisors will have legal responsibility for health and safety, including the prevention of violence and harassment. Similarly, employees will be obligated to refrain from causing or participating in workplace violence or harassment.
- Employers with 20 or more employees are required to develop a health and safety program in writing to be reviewed every 3 years at minimum. Smaller employers will be required to involve their employees in discussions related to the assessment of hazards and how to properly control them.
  - Employers will be required to report any injury which requires admission to the hospital as well as any near misses which had the potential to cause serious injury.
  - Medical assessments will be considered work time and can only take place with the consent of the employee.
  - Officers will be granted expanded powers to conduct inspections and investigations, and issue stop-work and stop-use orders.
  - Reviews and appeals of certain orders and/or decisions will move from the Occupational Health and Safety Council to the Director of Inspection or Labour Relations Board.
  - Types of offences will be expanded and creative sentencing options permitted. The fines and penalties under the Act, however, remain unchanged.
  - The various governing bodies in Alberta will share and publish more information on employers, orders issued, penalties and tickets issued, investigations completed, and injury claims and rates.

Bill 30 also outlines several changes to the *Workplace Compensation Act*, including an extension to the time to appeal a decision, the removal of the cap on insurable earnings, improved benefits for workers under 25 who sustain long-term injuries, improved benefits to the dependents of workers killed on the job, a guaranteed lump sum benefit to dependents of workers killed on the job, and improved benefits for injured workers who retire. Employees who suffer psychological injuries will also be provided with enhanced coverage. Additionally, employers will be required to continue health benefits for injured employees for up to one year after the injury and to support the employee's safe return to work. A Fair Practices Office will be established to provide resources to employees and assist workers in navigating the claim system. Most of these changes were implemented January 1, 2018.

As always, e2r® Advisors are here to help you to understand the changes to the legislation and the new or enhanced responsibilities for you, the employer.

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