

# Occupational Health and Safety Bulletin



## Occupational Health and Safety Regulation Amended in 2013 – Highlights

The Occupational Health and Safety (OHS) Regulation Amendment comes into effect on October 1, 2013. This Regulation was made after a comprehensive review with extensive public consultation.

The amendment regulation changes the OHS Regulation in the following five major ways:

- (1) *New requirements on taking action on unsafe work conditions added*
- (2) *Rules on delivering orders by electronic means or courier added*
- (3) *Rules on Board of Examiners and Mining Certification revised*
- (4) *Rules on blasters' permits and mining certificates harmonized*
- (5) *Definitions and Standards updated*

### **(1) Taking action on unsafe work conditions**

#### **What changed?**

- There is an additional requirement for workers to report all unsafe or harmful conditions to their employer.
- Employers are required to review their workers' reports on unsafe or harmful conditions and take any necessary corrective action.
- Section 13, 14 of the OHS Regulation.

### **Why was the change necessary?**

- Workplace health and safety is a shared responsibility.
- The Regulation only required workers to report any unsafe equipment to their employer.
- There were no specific requirements for the employer to follow-up when a worker reported unsafe equipment.

### **How will the change affect the employers and workers?**

- Workers will have greater responsibility to report unsafe work conditions.
- When workers report unsafe equipment, unsafe or harmful work site conditions to the employer, the employer must review the situation and take any necessary corrective action.

### **How will the change improve workplace health and safety?**

- When a worker identifies and reports an unsafe or harmful condition to the employer, the follow-up corrective action will prevent a workplace incident, and/or worker injury or illness.

## **(2) Delivering orders by electronic means or courier**

### **What changed?**

- Provisions have been added to the Regulation to set out the rules on how electronic means and courier can be used to deliver OHS documents such as compliance orders and administrative penalties.
- Section 11.1 of the OHS Regulation.

### **Why was the change necessary?**

- There were no provisions in the current regulation related to servicing orders and administrative penalty notices.
- New provisions in the regulation are required to ensure consistency with the *OHS Act*.
- The change will facilitate easier and faster communication with employers and workers.

### **How will the change affect employers and workers?**

- Employers and workers can receive documents by electronic means or by courier, as well as double registered mail and hand delivered by an OHS officer.
- Employers and workers may experience expedited service of OHS documents allowing them more time for any appropriate follow-up action.

### **How will the change improve workplace health and safety?**

- Effective and timely communications on corrective action required between an OHS officer and parties at a work site facilitate OHS compliance and reduce the risk of worker injury or illness.

## **(3) Board of Examiners and mining certification**

### **What changed?**

- The Minister has increased discretion to establish a Board of Examiners (BOE) and flexibility to appoint members to the BOE.
- The Director of Inspection is the sole decision maker for mining certification and the BOE is an advisory body to the Director of Inspection.
- Evaluation of engineer's qualifications will be based on the Professional Engineer designation rather than the current BOE evaluation.
- Section 24, 25, 30, 31, 32 of the OHS Regulation.

### **Why was the change necessary?**

- The rigid structure and composition of BOE were no longer appropriate to serve the functions of BOE.
- It was not clear whether the BOE or the Director of Inspection (who is the chair of BOE) was the decision-maker for mining certification.
- The evaluation of engineer's qualifications for mining certification was not transparent.

### **How will the change affect employers and workers?**

- Employers and workers will have a clearer and more transparent mining certification program.
- Employers and workers will have a better understanding of the certification process, requirements and responsibilities.

## **How will the change improve workplace health and safety?**

- An effective certification program facilitates the appointment of competent workers to key mining positions (e.g., underground coal mine manager). The competency of those individuals directly impacts health and safety of the mining operations.

## **(4) Blasters' permits and mining certificates**

### **What changed?**

- The suspension and cancellation rules for the non-mining blasters' permit program and the mining certification program in the regulation are harmonized.
- The authority to the Director of Inspection and Occupational Health and Safety Officers to cancel and suspend mining certificates and blasters' permits are revised and harmonized.
- The application and issuance fee for a provisional mining certificate is removed from the mining certification program.
- Section 16.1, 18, 19, 20, 26, 27, 28, 29, 30, 31, 32, 32.1, 32.2, 33, 34, 34.1, 36, 37-39, 40 of the OHS Regulation.

### **Why was the change necessary?**

- Suspension and cancellation rules for non-mining blasters' permit program and the mining certification program were not consistent.
- In the mining certification program, only applicants of a provisional mining certificate were required to pay the application and issuance fees.

### **How will the change affect the employer and workers?**

- The consistent rules will be less confusing to employers and workers.
- The applicants of a provisional certification will save money.

### **How will the change improve workplace health and safety?**

- Consistent rules are less confusing and are more effective rules for compliance and will improve health and safety in the workplace.

## **(5) Updating definitions and standards**

### **What changed?**

- The list of notifiable disease is expanded to include all types of asbestos-induced cancer.
- Definitions on “silica” and “lead-poisoning” are revised to reflect the current practices.
- Definitions for “professional engineer” and “working face” are added to the regulation.
- Requirements for a document “in writing” are revised to “a paper or downloaded electronic copy” of a document to reflect current technology.
- “Joint First Aid Training Standards Board” is redefined.
- Section 1, 5, 6, 8, 12, 16 of the OHS Regulation.

### **Why was the change necessary?**

- Notifiable diseases reported to the Director of Medical Services only include three common types of asbestos-induced cancer.
- Some definitions and standards were outdated and not aligned with current industry standards.
- It is important to have terminology consistent with the OHS Code.

### **How will the change affect employers and workers?**

- Employers and workers will have a clearer explanation reflecting current industry practice.
- Physicians will continue to be responsible to report notifiable diseases to the Director of Medical Services, Alberta Human Services.
- There will be more clarity and therefore less confusion related to definitions and standards.

### **How will the change improve workplace health and safety?**

- Standards that align with current industry standards and reflect current technology facilitate improved health and safety in the workplace.

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