

# Guidance for SECOR Element 3 Workplace Violence and Harassment

A Guide for SECOR Holders, SECOR Auditors, and Quality Assurance Reviewers

## PURPOSE

The purpose of this document is to provide guidance to the SECOR Element 3 for the 2022 SECOR audit tool regarding Workplace Violence and Harassment. The following sections will present, the applicable federal and provincial legislation. A review of the Element 3 question as well as best practice suggestions.

## GUIDANCE-WORKPLACE VIOLENCE AND HARASSMENT

Employers and employees require training to ensure they can do their jobs safely. Audits measure whether employers and employees (if applicable) can safely perform their assigned tasks. While the definitions below are different, they define what makes a worker, from the legislation's perspective, able to safely do the work.

## DEFINITIONS

Federal	Provincial
<b>Harassment and Violence</b> "any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment."  <b>Canada Labour Code Part II. 122 (1)</b>  The following is a non-exhaustive list: <ul style="list-style-type: none"> <li>• aggressive or threatening behaviour, including verbal threats or abuse</li> <li>• physical assault</li> <li>• spreading malicious rumors or gossip about an individual or a group</li> <li>• socially excluding or isolating someone</li> <li>• damaging, hiding or stealing someone's personal belongings or work equipment</li> <li>• persistently criticizing, undermining, belittling, demeaning or ridiculing someone</li> <li>• swearing at someone or using inappropriate language toward them</li> <li>• using the Internet to harass, threaten or maliciously embarrass someone</li> <li>• using the Internet to make sexual threats, or to harass or exploit someone sexually</li> <li>• abusing authority by publicly ridiculing or disciplining a subordinate</li> </ul>	<b>Harassment</b> "means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes (i) conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and (ii) a sexual solicitation or advance,  but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site;"
	<b>OHS Act Part 1, 1(n)</b>  <b>Violence</b> "whether at a work site or work-related, means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence"
<b>Excludes</b> Do not confuse workplace harassment and violence with normal workplace conflict and differences of opinion. It is appropriate for your supervisors to take the following	<b>OHS Act, Part 1, 1(rr)</b>  <b>Excludes</b> It does not include any reasonable conduct of an employer or supervisor related to the normal management of workers or a work site. Differences of

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<p>actions, as long as they act respectfully, professionally and in good faith:</p> <ul style="list-style-type: none"> <li>• directly supervise employees, including setting out performance expectations and providing constructive feedback about work performance</li> <li>• take measures to correct performance deficiencies, such as placing an employee on a performance improvement plan</li> <li>• take reasonable disciplinary actions</li> <li>• assign work, and direct how and when it should be done</li> <li>• request updates or status reports</li> <li>• approve or deny time off</li> <li>• request medical documents to support an absence from work</li> </ul>	<p>opinion or minor disagreements between coworkers are also not generally considered to be workplace harassment if steps are taken to resolve the conflict.</p>
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### APPLICABILITY

The legislation is applied to different organizations differently depending on the jurisdiction and size of the company.

Federal	Provincial
<p>The <b>workplace harassment and violence prevention policy</b> may vary from employer to employer. If your organization has:</p> <ul style="list-style-type: none"> <li>• up to 19 employees, you must develop the new policy with the health and safety representative</li> <li>• 20 to 299 employees, you must develop the new policy with the workplace committee</li> <li>• 300 or more employees, you must develop the new policy with the policy committee</li> </ul>	<p>Employers under the OHS legislation must develop a <b>violence prevention plan</b> which includes a violence prevention policy and procedures. OHS Code 390 (1)</p> <p>Employers under the OHS legislation must develop a <b>harassment prevention plan</b> which includes a harassment prevention policy and procedures. OHS Code 390.4 (1)</p> <p>These are often found in one document/policy.</p> <p>Employers with a Health and Safety Committee, they should be involved in the creation of the plan. The health and safety representative of a smaller company should be involved in the policy creation if applicable.</p>

### Legislated Requirements

The SECOR Audit tool asks if the company's policies and procedures meet the legislated requirements of their respective governing legislation. The federal labour program does not distinguish between violence and harassment, whereas the provincial program separates the two.

The auditor should ensure the following items are included in the company's policies and procedures. The below is the minimum, and the company may exceed the minimum standard.

### Questions

#### 3.5 Is there a written Violence and Harassment Prevention Plan as per legislated requirements?

Attach a copy of the written violence and harassment prevention plan. Ensure the plan meets legislated (Alberta and/or

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federal) requirements as applicable to the operation.

Federal	Provincial
<p><b>Hazard Prevention Program</b></p> <ul style="list-style-type: none"> <li>The employer shall, in consultation with and with the participation of the policy committee, or, if there is no policy committee, the work place committee or the health and safety representative, develop, implement and monitor a program for the prevention of hazards, including ergonomics-related hazards, in the work place that is appropriate to the size of the work place and the nature of the hazards and that includes the following components: <ul style="list-style-type: none"> <li>an implementation plan;</li> <li>a hazard identification and assessment methodology;</li> <li>hazard identification and assessment;</li> <li>preventive measures;</li> <li>employee training; and</li> <li>a program evaluation.</li> </ul> </li> </ul> <p><b>Implementation Plan</b></p> <ul style="list-style-type: none"> <li>The employer shall develop an implementation plan that specifies the time frame for each phase of the development and implementation of the prevention program;</li> <li>monitor the progress of the implementation of the preventive measures; and</li> <li>review the time frame of the implementation plan regularly and, as necessary, revise it.</li> </ul> <p><b>Canada Occupational Health and Safety Regulations SOR/86-304</b></p>	<p><b>Hazard assessment</b></p> <ul style="list-style-type: none"> <li>An employer must assess a work site and identify existing and potential hazards before work begins at the work site or prior to the construction of a new work site.</li> <li>An employer must prepare a report of the results of a hazard assessment and the methods used to control or eliminate the hazards identified.</li> <li>An employer must ensure that the date on which the hazard assessment is prepared or revised is recorded on it.</li> <li>An employer must ensure that the hazard assessment is repeated <ul style="list-style-type: none"> <li>at reasonably practicable intervals to prevent the development of unsafe and unhealthy working conditions,</li> <li>when a new work process is introduced,</li> <li>when a work process or operation changes,</li> <li>before the construction of significant additions or alterations to a work site.</li> </ul> </li> </ul> <p><b>Hazard elimination and control</b></p> <ul style="list-style-type: none"> <li>If an existing or potential hazard to workers is identified during a hazard assessment, an employer must take measures in accordance with this section to (a) eliminate the hazard, or (b) if elimination is not reasonably practicable, control the hazard.</li> <li>If reasonably practicable, an employer must eliminate or control a hazard through the use of engineering controls.</li> <li>If a hazard cannot be eliminated or controlled under subsection (2), the employer must use administrative controls that control the hazard to a level as low as reasonably achievable.</li> <li>If the hazard cannot be eliminated or controlled under subsection (2) or (3), the employer must ensure that the appropriate personal protective</li> </ul>

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	<p>equipment is used by workers affected by the hazard.</p> <ul style="list-style-type: none"> <li>If the hazard cannot be eliminated or controlled under subsection (2), (3) or (4), the employer may use a combination of engineering controls, administrative controls or personal protective equipment if there is a greater level of worker safety because a combination is used.</li> </ul> <p><b>Alberta OHS Code, Part 2</b></p>
<p><b>Harassment and Violence Prevention Policy</b></p> <ul style="list-style-type: none"> <li>The policy must contain the following elements:</li> <li>the employer's mission statement regarding the prevention of and protection against harassment and violence in the work place;</li> <li>a description of the respective roles of the employer, designated recipient, employees, policy committee, work place committee and health and safety representative in relation to harassment and violence in the work place;</li> <li>a description of the risk factors, internal and external to the work place, that contribute to work place harassment and violence;</li> <li>a summary of the training that will be provided regarding work place harassment and violence;</li> <li>a summary of the resolution process, including <ul style="list-style-type: none"> <li>the name or identity of the designated recipient, and</li> <li>the manner in which a principal party or witness may provide the employer or the designated recipient with notice of an occurrence;</li> </ul> </li> <li>the reasons for which a review and update of the work place assessment must be conducted under subsection 6(1);</li> <li>a summary of the emergency procedures that must be implemented when an occurrence poses an immediate danger to the health and safety of an employee or when there is a threat of such an occurrence;</li> <li>a description of the manner in which the employer will protect the privacy of persons who are involved in an occurrence or in the resolution process for an occurrence under these Regulations;</li> <li>a description of any recourse, in addition to any under the Act or these Regulations, that may be available to persons who are involved in an occurrence;</li> <li>(j) a description of the support measures that are available to employees; and</li> </ul>	<p><b>Violence Prevention Policy</b></p> <ul style="list-style-type: none"> <li>a statement that the employer is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of violence</li> <li>a statement that the employer will investigate any incidents of violence and take corrective action to address the incidents;</li> <li>a statement that the employer will not disclose the circumstances related to an incident of violence or the names of the complainant, the person alleged to have committed the violence and any witnesses, except <ul style="list-style-type: none"> <li>where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident,</li> <li>where necessary to inform workers of a specific or general threat of violence or potential violence, or</li> <li>as required by law;</li> </ul> </li> <li>a statement that the employer will disclose only the minimum amount of personal information under clause</li> <li>that is necessary to inform workers of a specific or general threat of violence or potential violence;</li> <li>a statement that the violence prevention policy is not intended to discourage a worker from exercising the worker's rights pursuant to any other law.</li> </ul> <p><b>Alberta OHS Code 390.1</b></p> <p><b>Violence Prevention Procedures must include</b></p> <ul style="list-style-type: none"> <li>the measures the employer will take to eliminate or, if that is not reasonably practicable, control the hazard of violence to workers;</li> <li>information about the nature and extent of the hazard of violence, including information related to specific or general threats of violence or potential violence;</li> </ul>

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<ul style="list-style-type: none"> <li>• (k) the name of the person who is designated to receive a complaint made under subsection 127.1(1) of the Act.</li> </ul> <p><b>Work Place Harassment and Violence Prevention Regulations (SOR/2020-130)</b></p>	<ul style="list-style-type: none"> <li>• the procedure to be followed by the employer when disclosing the information in clause (b), which must be in compliance with section 390.1(c) and (d);</li> <li>• the procedure to be followed by a worker to obtain immediate assistance when an incident of violence occurs;</li> <li>• the procedure to be followed by a worker when reporting violence;</li> <li>• the procedure to be followed by the employer when <ul style="list-style-type: none"> <li>○ documenting and investigating an incident of violence, and</li> <li>○ implementing any measures to eliminate or control the hazard of violence that have been identified as a result of the investigation;</li> </ul> </li> <li>• the procedure to be followed by the employer when informing the parties involved in an incident of violence of <ul style="list-style-type: none"> <li>○ the results of an investigation of the incident, and</li> <li>○ any corrective action to be taken to address the incident.</li> </ul> </li> </ul> <p><b>Alberta OHS Code 390.2</b></p>
	<p><b>Harassment Prevention Policy</b></p> <ul style="list-style-type: none"> <li>• a statement that the employer is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of harassment;</li> <li>• a statement that the employer will investigate any incidents of harassment and take corrective action to address the incidents;</li> <li>• a statement that the employer will not disclose the circumstances related to an incident of harassment or the names of the complainant, the person alleged to have committed the harassment and any witnesses, except <ul style="list-style-type: none"> <li>○ where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident, or</li> <li>○ as required by law;</li> </ul> </li> <li>• a statement that the harassment prevention policy is not intended to discourage a worker from exercising rights pursuant to any other law, including the Alberta Human Rights Act.</li> </ul> <p><b>Alberta OHS Code 390.5</b></p>

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	<p><b>Harassment prevention procedures</b></p> <ul style="list-style-type: none"> <li>the procedure to be followed by a worker when reporting harassment</li> <li>the procedure to be followed by the employer when documenting, investigating and preventing harassment;</li> <li>the procedure to be followed by the employer when informing the parties involved in an incident of harassment of <ul style="list-style-type: none"> <li>the results of an investigation of the incident, and</li> <li>any corrective action to be taken to address the incident</li> </ul> </li> </ul> <p><b>Alberta OHS Code 390.6</b></p>
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### REVIEW PROCESS

#### 3.6 Is there a policy/process for review of the Violence and Harassment Plans as per legislated requirements?

Attach the policy/process that verifies the violence and harassment plans are reviewed based on the legislated (Alberta and/or federal) criteria. The requirements for question 3.7 will vary depending on the legislation applied. The information below is taken directly from the applicable legislation.

Federal	Provincial
<p><b>Prevention and Protection Measures</b></p> <ul style="list-style-type: none"> <li>An employer and the applicable partner must jointly carry out a workplace assessment that consists of the identification of risk factors under section 8 and the development and implementation of preventive measures under section 9.</li> <li>An employer and the applicable partner must jointly monitor the accuracy of the workplace assessment and, if necessary, update it in order to reflect a change to the information set out in the assessment, including <ul style="list-style-type: none"> <li>a change to the risk factors identified under section 8; and</li> <li>a change that compromises the effectiveness of a preventive measure developed and implemented under section 9.</li> </ul> </li> <li>An employer and the applicable partner must jointly review the workplace assessment every three years and, if necessary, update it.</li> <li>An employer and the workplace committee or the health and safety representative must jointly review and, if necessary, update the workplace assessment if notice of an occurrence is provided under subsection 15(1) and</li> <li>If a review and update are being conducted under subsection (1) and notice is provided under</li> </ul>	<p><b>Review of plans -</b></p> <ul style="list-style-type: none"> <li>An employer must review the violence prevention plan and the harassment prevention plan, and revise the plans if necessary.</li> <li>The employer must carry out the review required by subsection (1) in consultation with <ul style="list-style-type: none"> <li>the joint health and safety committee or the health and safety representative, if the employer is required to establish a committee or designate a representative, or</li> <li>affected workers, if the employer is not required to establish a committee or designate a representative.</li> </ul> </li> <li>With respect to the violence prevention plan, the review required by subsection (1) must take place on the earliest of the following: <ul style="list-style-type: none"> <li>when an incident of violence occurs;</li> <li>if the joint health and safety committee or the health and safety representative, if applicable, recommends a review of the plan;</li> </ul> </li> </ul> <p><b>Alberta OHS Code, Part 27 Sect 390</b></p>

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<p>subsection 15(1) of another occurrence that involves substantially the same matters and for which a review and update are also required under subsection (1), those occurrences may be addressed together in the same review and update.</p> <ul style="list-style-type: none"> <li>• An employer and the applicable partner must jointly identify the risk factors, internal and external to the workplace, that contribute to harassment and violence in the workplace, taking into account <ul style="list-style-type: none"> <li>○ the culture, conditions, activities and organizational structure of the workplace;</li> <li>○ circumstances external to the workplace, such as family violence, that could give rise to harassment and violence in the workplace;</li> <li>○ any reports, records and data that are related to harassment and violence in the workplace;</li> <li>○ the physical design of the workplace; and</li> <li>○ the measures that are in place to protect psychological health and safety in the workplace.</li> </ul> </li> </ul> <p><b>Work Place Harassment and Violence Prevention Regulations (SOR/2020-130) Sect 5-15</b></p>	
<a href="https://www.laws-lois.justice.gc.ca/eng/regulations/SOR-2020-130/FullText.html">https://www.laws-lois.justice.gc.ca/eng/regulations/SOR-2020-130/FullText.html</a>	<a href="https://www.qp.alberta.ca/documents/OHS/OHSCode_December_2021.pdf">https://www.qp.alberta.ca/documents/OHS/OHSCode_December_2021.pdf</a>



# Guidance for SECOR Element 4 Health & Safety (HS) Representative

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## PURPOSE

The purpose of this document is to provide legislative guidance to the SECOR Element 4 questions for the 2022 SECOR audit tool [1]. The following sections will present, for each Element 4 question, the applicable federal [2] and provincial OHS legislation [3].

## GUIDANCE-ELEMENT 4 QUESTIONS

The following presents each question from Element 4 of the SECOR tool along with applicable federal and provincial OHS legislation references.

### 4.1 – Has a HS representative been designated as per legislated requirements?

#### Federal Legislation

In summary, HS representatives are required for employers with less than 20. There is no lower employer limit. This individual needs to be chosen by the employees, not management, and also needs to be an employee; the office term is 2 years. Specific requirements for very small companies such as one-person owner-operators are not addressed.

- Part II of the *Canada Labour Code*, R.S.C., 1985, c. L-2:
  - Section 136(1):
    - Every employer shall, for each work place controlled by the employer at which fewer than twenty employees are normally employed or for which an employer is not required to establish a work place committee, appoint the person selected in accordance with subsection (2) as the health and safety representative for that work place.
  - Section 136(2):
    - The health and safety representative for a work place shall be selected as follows:
      - (a) the employees at the work place who do not exercise managerial functions shall select from among those employees the person to be appointed; or
      - (b) if those employees are represented by a trade union, the trade union shall select the person to be appointed, in consultation with any employees who are not so represented, and subject to any regulations made under subsection (11).
- *Policy Committees, Work Place Committees and Health and Safety Representatives Regulations*, SOR/2015-164:
  - Section 11:
    - Employees who are not represented by a trade union must select their health and safety representatives by a majority of votes.
  - Section 12:
    - The term of office of a health and safety representative is two years.



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### Provincial Legislation

In summary, employers with 5 to 19 regularly employed workers must designate a worker with no management duties as the HS representative. It is the employer who chooses this individual.

- *Occupational Health and Safety Act, 2020 Chapter O-2.2:*
  - Section 14(1):
    - For the purposes of ensuring cooperation between the employer and workers in respect to health and safety, an employer shall, after consultation with any union that is a certified bargaining agent or has acquired bargaining rights on behalf of the employer's workers, designate a worker, who is not associated with the management of the employer, as the health and safety representative
      - (a) if that employer regularly employs 5 to 19 workers, or
      - (b) at any work site designated by a Director.

### 4.2 – Are assigned duties identified for the HS representative as per legislated requirements?

### Federal Legislation

The duties of the HS representative are laid out as below. Despite those duties, they are prohibited from participating in investigations related to workplace harassment and violence.

- Part II of the *Canada Labour Code*, R.S.C., 1985, c. L-2:
  - Section 136(5):
    - A health and safety representative, in respect of the work place for which the representative is appointed,
      - (a) shall consider and expeditiously dispose of complaints relating to the health and safety of employees;
      - (b) shall ensure that adequate records are maintained pertaining to work accidents, injuries, health hazards and the disposition of complaints related to the health and safety of employees and regularly monitor data relating to those accidents, injuries, hazards and complaints;
      - (c) shall meet with the employer as necessary to address health and safety matters;
      - (d) shall participate in the implementation and monitoring of the program referred to in paragraph 134.1(4)(c);
      - (e) where the program referred to in paragraph 134.1(4)(c) does not cover certain hazards unique to that work place, shall participate in the development, implementation and monitoring of a program for the prevention of those hazards that also provides for the education of employees in health and safety matters related to those hazards;

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- (f) where there is no policy committee, shall participate in the development, implementation and monitoring of a program for the prevention of hazards in the work place that also provides for the education of employees in health and safety matters;
  - (g) shall participate in all of the inquiries, investigations, studies and inspections pertaining to the health and safety of employees, including any consultations that may be necessary with persons who are professionally or technically qualified to advise the representative on those matters;
  - (h) shall cooperate with the Head;
  - (i) shall participate in the implementation of changes that may affect occupational health and safety, including work processes and procedures and, where there is no policy committee, shall participate in the planning of the implementation of those changes;
  - (j) shall inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year;
  - (k) shall participate in the development of health and safety policies and programs;
  - (l) shall assist the employer in investigating and assessing the exposure of employees to hazardous substances; and
  - (m) shall participate in the implementation and monitoring of a program for the provision of personal protective equipment, clothing, devices or materials and, where there is no policy committee, shall participate in the development of the program.
- Section 136(5.1):
    - Despite paragraph (5)(g), a health and safety representative shall not participate in an investigation, other than an investigation under section 128 or 129, relating to an occurrence of harassment and violence in the work place.

### Provincial Legislation

Alberta requires the HS representative to perform the same duties as the HS committee but altered as necessary to reflect the fact they are a single person.

- *Occupational Health and Safety Act*, 2020 Chapter O-2.2:
  - Section 14(4):
    - The health and safety representative shall, in cooperation with a representative of the employer, perform the same duties, with any necessary modifications, as set out for the joint health and safety committees in section 13(6).
  - Section 13(6) (the joint health and safety committee duties section):

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- (a) the receipt, consideration and disposition of concerns respecting the health and safety of workers;
- (b) participation in the employer's hazard assessment;
- (c) the making of recommendations to the employer respecting the health and safety of workers;
- (d) review of the employer's work site inspection documentation.

### 4.3 – Is the HS representative trained for their role as per legislated requirements?

#### Federal Legislation

Federal employers must train HS representatives:

- Part II of the *Canada Labour Code*, R.S.C., 1985, c. L-2:
  - Section 125(1)(z.01):
    - ensure that members of policy and work place committees and health and safety representatives receive the prescribed training in health and safety and are informed of their responsibilities under this Part;

The specific requirements for this training and requirements for review/update are found in a different regulation:

- *Policy Committees, Work Place Committees and Health and Safety Representatives Regulations*, SOR/2015-164:
  - Section 14:
    - (1) For the purposes of paragraph 125(1)(z.01) of the Act, training for members of policy and work place committees and health and safety representatives must be developed by the employer after consultation with the committees or representatives concerned and must include the following aspects:
      - (a) the Act and any regulations made under it;
      - (b) the means that allow the committee members and the health and safety representatives to fulfill their responsibilities under the Act;
      - (c) the rules of each of the committees; and
      - (d) the principles of consensus building regarding health and safety issues.
    - (2) The health and safety training program must be reviewed and updated at least once every three years, and whenever there is a change of circumstances that may affect the content of the training.

#### Provincial Legislation

The training requirements for HS representatives are as follows:

- *Occupational Health and Safety Code*, AR 191/2021:

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- Section 201:
  - An employer must ensure that members of a joint health and safety committee or a health and safety representative are trained in the following:
    - (a) the roles and responsibilities of co-chairs and members on joint health and safety committees and health and safety representatives;
    - (b) the obligations of work site parties;
    - (c) the rights of workers.

### 4.4 – Is the HS representative completing their duties as per legislated requirements?

#### Federal Legislation

Employer documentation would need to demonstrate the requirements listed in SECOR question 4.2 above are being met by the HS representative.

#### Provincial Legislation

Employer documentation would need to demonstrate the requirements listed in SECOR question 4.2 above are being met by the HS representative.

### 4.5 – Is there a system in place for the HS representative to address employee health and safety concerns/complaints and provide recommendations to the employer?

#### Federal Legislation

This question does not require specific legislation verification; it is instead verified through employer documentation (i.e., policies and procedures).

#### Provincial Legislation

This question does not require specific legislation verification; it is instead verified through employer documentation (i.e., policies and procedures).

### 4.6 – Are health and safety concerns/complaints resolved in a timely manner, as per legislated requirements?

#### Federal Legislation

In summary, employers must respond to health and safety hazard reports/complaints from employees as soon as possible. When the HS representative is involved, responses to the HS representative must be done, in writing, within 30 days after receiving them (this is for recommendations made by the HS representative and to requests from the HS representative for information).

- Part II of the *Canada Labour Code*, R.S.C., 1985, c. L-2:
  - Section 125(1)(z.02):

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- respond as soon as possible to reports made by employees under paragraph 126(1)(g);
- Section 125(1)(z.10):
  - respond in writing to recommendations made by the policy and work place committees or the health and safety representative within thirty days after receiving them, indicating what, if any, action will be taken and when it will be taken;
- Section 125(1)(z.18):
  - provide, within thirty days after receiving a request, or as soon as possible after that, the information requested from the employer [...] by a health and safety representative under subsection 136(6) or (7);
    - 136(6):
      - A health and safety representative, in respect of the work place for which the representative is appointed, may request from an employer any information that the representative considers necessary to identify existing or potential hazards with respect to materials, processes, equipment or activities.
    - 136(7):
      - A health and safety representative, in respect of the work place for which the representative is appointed, shall have full access to all of the government and employer reports, studies and tests relating to the health and safety of employees, or to the parts of those reports, studies and tests that relate to the health and safety of employees, but shall not have access to the medical records of any person except with the person's consent.

### Provincial Legislation

In summary, the employer needs to respond to worker and HS representative health and safety concerns in a timely manner.

- *Occupational Health and Safety Act*, 2020 Chapter O-2.2:
  - Section 3(1)(f):
    - that health and safety concerns raised by workers, supervisors and the joint health and safety committee, if there is one, or the health and safety representative, if there is one, are resolved in a timely manner.

### 4.7 Is health and safety representative contact information readily available to employees, as per legislated requirements?

### Federal Legislation

Federally regulated employers need to inform their employees of the HS representative's identify and contact information as follows:

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- Part II of the *Canada Labour Code*, R.S.C., 1985, c. L-2:
  - Section 125(1)(z.17):
    - post and keep posted, in a conspicuous place or places where they are likely to come to the attention of employees, the names, work place telephone numbers and work locations [...] of the health and safety representative;

### Provincial Legislation

Provincially regulated employers need to inform their employees of the HS representative's identify and contact information as follows:

- *Occupational Health and Safety Code*, AR 191/2021:
  - Section 199.1:
    - The employer must
      - (a) maintain a record of the names and contact information for the [...] health and safety representative, and
      - (b) conspicuously post contact information for the [...] health and safety representative at every work site where workers are represented by the [...] representative, or by another means as agreed to by the [...] health and safety representative.

### References

[1] Questions taken directly from the 2022 version of the SECOR audit tool.

[2] Specific federal legislation references will be provided for each question, when appropriate, directly in the body of the text.

[3] Specific federal legislation references will be provided for each question, when appropriate, directly in the body of the text.

# Guidance for SECOR Element 5 Qualifications, Orientations and Training

A Guide for SECOR Holders, SECOR Auditors, and Quality Assurance Reviewers

## PURPOSE

The purpose of this document is to provide guidance to the SECOR Element 5 for the 2022 SECOR audit tool [1]. The following sections will present, the applicable federal legislation. A review of the Element 5 question as well as best practice suggestions.

## GUIDANCE – DEFINING COMPETENCY

Employers and employees require training to ensure they can do their jobs safely. Audits measure whether employers and employees (if applicable) can safely perform their assigned tasks. While the definitions below are different, they define what makes a worker, from the legislation’s perspective, able to safely do the work.

In Alberta, the legislation focuses on qualifications, training, and experience and says with those requirements satisfied, the worker can do the work. This is considered competency. At the federal level, we are looking at knowledge, training and experience to be able to do the work.

**Table 1.1 - Competency as Defined by Legislation**

Provincial Legislation	Federal Legislation
<p><b>“Competent”</b> in relation to a person means adequately qualified, suitably trained and with sufficient experience to safely perform work without supervision or with only a minimal degree of supervision Alberta:</p> <p>Occupational Health and Safety Act Dec 1, 2021, s. 1(d)</p>	<p><b>“Qualified person”</b> means, in respect of a specified duty, a person who, because of his knowledge, training and experience, is qualified to perform that duty safely and properly;</p> <p>Canada Occupational Safety and Health Regulations, SOR/86-304, s.1.2</p>

In general, to be considered competent or a qualified person in health and safety, workers/employers will have to demonstrate a combination of the following.

1. be qualified because of *knowledge, training, and experience* to do the assigned work.
2. be knowledgeable of the hazards and risks associated with the work being performed.
3. know how to recognize, evaluate and control those hazards and risks.
4. know how to work safely and therefore protect themselves and others.
5. Know the relevant laws and regulations that apply to the work being done.

## Are workers adequately qualified (AB)/Knowledgeable (Fed)?

Depending on the job, the worker should have a formal qualification, certificate, ticket etc. usually provided through a formal educational program such as a certificate, diploma or degree issued by a college or university. Qualification may also be a formal training program/course.

**Examples of Qualifications:** Class 1 License, Journeyman Ticket such as a Heavy Duty Mechanic, Welder, Trailer Technician, Degree in Supply Chain Management, Certified Transportation Safety Professional (CTSP), Canadian Registered Safety Professional (CRSP). First Aid Certificates.



## Guidance for SECOR Element 5 Qualifications, Orientations and Training

### Are workers suitably trained?

The worker should be adequately trained for the tasks they are asked to perform, the equipment they will operate, and the policies/processes they must follow. This may be done through an internal training program and/or on-the-job training under the supervision of another competent worker. This training should be documented and signed and dated by the worker.

**Examples of Training:** New Hire Orientation, Toolbox Talks, Fire Drills, Hours of Service Training, ELD Training, Weights and Dimensions, Safety Orientation, In-house Driver Training, Mentoring Programs.

### Sufficient Experience

Determining whether a worker has sufficient experience to safely perform work is the employer's responsibility. Again it's important to document that a worker has sufficient experience. A best practice would be to complete a practical assessment to verify. Experience requirements depend on the employer's requirements. A competent worker should closely supervise new workers until such time that the worker is deemed competent by the employer.

**Examples Sufficient Experience:** Employers may schedule a final road test for a driver to complete before they are deemed capable of driving for that company. A yard worker should be able to pass a practical forklift test.

### **GUIDANCE – ELEMENT 5 QUESTIONS**

This section of the audit tool evaluates the employer's systems to develop and ensure employee competency through the review of documentation. The information below provides guidance on how to demonstrate compliance with the SECOR program with recognition of the relevant definitions in table 1.1.

#### **5.1 Do orientations cover individual OHS rights and critical health and safety information?**

Employees should complete a formal orientation program before the workers begin their regular duties. The orientation should be a formal program, documented and delivered consistently. Orientations should cover the following at a minimum.

1. The right to know
2. The right to participate
3. The right to know
4. Emergency response procedures
5. Top hazards
6. Hazard Identification and reporting
7. Incident reporting
8. Rules of enforcement

**Example Documents:** Safety Manual/handbook, PowerPoint slides, videos; quizzes, tests, training plans, orientation checklists

## Guidance for SECOR Element 5 Qualifications, Orientations and Training

### 5.2 Are employee orientations completed prior to starting regular duties?

Employers must ensure that employees sign off on their participation and the completion of the orientation program. The signed document should be added to their employee/training file or stored in an appropriate location. Employees should as a best practice be given a written test/quiz following the orientation.

**Example Documents:** (Signed and dated) Orientation checklists, tests, quizzes, attendance register, orientation completion form.

### 5.3 Is job-specific training completed?

An orientation is general to the company. Employees need to receive on-the-job training, under the supervision of a competent worker/qualified person. This on-the-job training should be planned, documented and signed off by the supervisors/managers as well as the worker with clear dates.

**Example Documents:** Orientation Checklist, Test, Quiz, Attendance register, Orientation completion form.

### 5.4 Does job-specific training include a practical demonstration by the trainee?

Job-specific training should be formalized with a practical assessment/test to ensure the worker is capable of performing the work safely. Again, documented, signed and dated as complete. The practical assessment/test should be the same test that all employees complete to be deemed competent.

**Example Documents:** Checklists, SOPs, equipment manuals, hazard assessments, safe work procedures, manufacturer training,

### 5.5 Are competency assessments completed when operational changes require them?

Competency assessment looks at how to perform the task and identifies the skills required to do so. The employees should, in turn, be trained to the target level. A competency assessment should take place when the work changes. For example, if a process requires a hand saw, but is changed to use a table saw, the employer must evaluate the competencies required to use the saw to ensure they are including these in their training program.

**Example Documents:** SOPs, equipment manuals, hazard assessments, safe work procedures, manufacturer training,

### 5.6 Is refresher training completed at set intervals or when operational changes require it?

Safety training is not one-time. Refresher training should be completed at reasonable or legislated intervals. For example, first aid tickets will expire, and refresher training is required.

**Example Documents:** Training Policy, Training Schedule, Updated certificates/tickets, Training records,

## Guidance for SECOR Element 5 Qualifications, Orientations and Training

### References

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A Guide for SECOR Holders, SECOR Auditors, and Quality Assurance Reviewers

## PURPOSE

The purpose of this document is to provide guidance to the SECOR Element 6 questions for the 2022 SECOR audit tool [1]. The following sections will present, for each Element 6 question, the applicable federal [2] and provincial OHS legislation [3] as well as best practice suggestions.

## GUIDANCE ELEMENT 6 QUESTIONS

The following provides guidance to each question from Element 6 of the SECOR tool. Specific legislated requirements will be listed along with trucking industry best practices so employers can craft a program that suits their needs while maintaining compliance.

### 6.1 Is a process in place to address the protection of others not under the employer's direction?

#### Federal Legislation

In summary, federally regulated employers of any size are required to consider the health and safety of all people who may enter their worksites. This includes providing them with any safety equipment required for their protection, training them to use it, monitoring them, and ensuring they are aware of all hazards present at the site.

- Part II of the *Canada Labour Code*, R.S.C., 1985, c. L-2:
  - 125(1):
    - (l) provide every person granted access to the work place by the employer with prescribed safety materials, equipment, devices and clothing;
    - (w) ensure that every person granted access to the work place by the employer is familiar with and uses in the prescribed circumstances and manner all prescribed safety materials, equipment, devices and clothing;
    - (y) ensure that the activities of every person granted access to the work place do not endanger the health and safety of employees;
    - (z.14) take all reasonable care to ensure that all of the persons granted access to the work place, other than the employer's employees, are informed of every known or foreseeable health or safety hazard to which they are likely to be exposed in the work place;

#### Provincial Legislation

In summary, provincially regulated employers of any size are obligated to make sure their health and safety program takes into consideration all people present at and near their worksite, not just their own workers.

- *Occupational Health and Safety Act*, 2020 Chapter O-2.2:
  - Section 3(1):
    - Every employer shall ensure, as far as it is reasonably practicable for the employer to do so,
      - (a) the health, safety and welfare of
        - (i) workers engaged in the work of that employer,

## Guidance for SECOR Element 6 Other Parties at or in the Vicinity of the Worksite

- (ii) those workers not engaged in the work of that employer but present at the work site at which that work is being carried out, and
- (iii) other persons at or in the vicinity of the work site whose health and safety may be materially affected by identifiable and controllable hazards originating from the work site,

### Best Practices

Regardless of how an employer is regulated, employers are responsible for the health and safety of people impacted by their operations. Federal legislation is more prescriptive than provincial on this topic. To ensure compliance, satisfy SECOR requirements, and demonstrate due diligence, employers should:

- Provide a documented orientation to all people visiting an employer's worksite or who may be involved in the employer's operations. This should be supplemented with more in-depth training as required.
  - This should include a written policy and procedure of what will be included in the orientation along with the names, signatures, and dates for those who go through the orientation and any training.
  - This orientation needs to cover:
    - Relevant hazards and their controls, along with instructions for any administrative procedures and personal protective equipment (PPE).
    - Relevant emergency response procedures, along with who to report to and how to evacuate.
  - Training needs to cover whatever is necessary to provide these individuals with protection from health and safety hazards.
  - The content of the training and orientation above needs to be documented so it is consistent and can be verified at a later date.
  - Information should be provided to visitors and contractors in advance so they can arrive prepared, especially when special clothing and supplies are required.
- Ensure site-specific hazard assessments consider the activities of visitors and other people not under the direct control of the employer; hazards identified during this process need to be communicated to these other individuals.
  - This should be written into the employer's policies and procedures for this activity.

### 6.2 Is there a process to ensure hazards and controls are communicated to external work site parties?

#### Federal Legislation

This would be a requirement for federally regulated employers under the same legislation referenced in question 6.1.

#### Provincial Legislation

This would be a requirement for provincially regulated employers under the same legislation referenced in question 6.1.

#### Best Practices

The orientation listed in question 6.1 can be the tool to accomplish this task. There can be different orientations depending on the target audience; for example, a simpler orientation may be given to a delivery driver than to someone who will be doing work at the worksite all day. If special PPE is required, training on the PPE's use will need to occur as well.

To demonstrate this hazard and control communication is taking place, there should be a policy explaining that the employer will provide these orientations along with how updates to hazards and controls will be communicated as necessary outside of and between orientations. There should also be a policy outlining how these orientations will be done and what they will cover. Finally, there will need to be documented proof this is taking place, like visitor sign-in logs and other communication records.

#### 6.3 Is a system in place for selecting other employers?

#### Federal Legislation

An employer cannot work with another employer if doing so will endanger their own workers.

- Part II of the *Canada Labour Code*, R.S.C., 1985, c. L-2:
  - Section 124:
    - Every employer shall ensure that the health and safety at work of every person employed by the employer is protected.

#### Provincial Legislation

The general legislation references in question 6.1 apply here in the sense that an employer cannot work with another employer if doing so will endanger their own workers.

#### Best Practices

Employers should have a policy about what their standard is for health and safety when deciding to work with other employers. The employer can set the standard. For example, they may decide to only work with other companies that have a SECOR, COR, or a customised list of minimum safety program requirements deemed appropriate to the employer. It could also take the form of searching for health and safety reports on the new employer on public websites, like Alberta OHS' employer records search, and conducting checks with their previous clients. When agreeing to work with another trucking company, this could be supplemented by requesting the summary page of a Carrier Profile (or pulling a public profile) and validating the other carrier's Safety Fitness Certificate and insurance.

An employer could also decide to operate under one health and safety program after reviewing each employer's program to see which is best for the work about to be done, like how a prime contractor coordinates health and safety on some joint work sites. If this is option is chosen, only move to a higher safety standard, not a lower one. This means do not use another employer's safety program

if it is not as good as the employer's original one. This is likely not a good option when the contracted employer is performing work separate from the original employer's workers and would be a better option when the two employers' workers are highly interconnected.

Employers should not get any more detailed than necessary into another employer's operations when verifying health and safety program contents. For example, if the original employer asks to see the entire contents of the contracted employer's health and safety program and audits it, they are taking on liability once the work starts. This is because, by requesting the safety program's contents as a prerequisite to work starting, the original employer has essentially become a service provider similar to an occupational health and safety consultant and would, under provincial legislation, then be required to fulfill the obligations of a service provider. Even if federally regulated, it could be found that this aspect of their operations falls under provincial legislation. Employers should not take on such a task unless they are willing to meet all obligations.

#### 6.4 Is a system in place to regularly monitor other employers?

##### Federal Legislation

The legislation presented in question 6.1 would apply here in the sense that the employer is responsible for the health and safety of those who are granted access to their site.

##### Provincial Legislation

The legislation presented in question 6.1 would apply here in the sense that the employer is responsible for all those on or in the vicinity of their worksite, regardless of if they are their own workers.

##### Best Practices

The employer should have policies and procedures in place for monitoring the health and safety of their own workers. These same policies and procedures can be extended, as appropriate, to other employer personnel. For example, if the employer has a working alone protocol, other people not directly under their control but still engaged in their work and on their site should be included in this protocol and trained as necessary. Another example is including these other individuals in site-specific hazard assessments, safety meetings, worksite inspections and observations, and training.

However, the employer should not be requesting information that would be inappropriate to request of those not under their employ. Employers should consult with an appropriate human resources advisor when building these policies and procedures. In addition, the employer should not be providing guidance and direction to other employers where it is not appropriate. For example, if the other employer has been contracted to perform a task the original employer is not able to do, the original employer should not be telling the contracted employer how to perform the task.



## References

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## A Guide for COR and SECOR Holders and Federal versus Provincial Legislation Comparison

### PURPOSE

The purpose of this document is to provide Small Employer Certificate of Recognition (SECOR) holders with a short, step-by-step guide to formal and site-specific hazard assessments. Employers need to involve their employees in the formal hazard assessment process. Those who are doing the work will have valuable feedback to guide the process.

It will also highlight the legislative requirements for both federally and provincially regulated employers. This legislation comparison section is meant as a resource for both employers and safety professionals.

### HOW TO CONDUCT FORMAL HAZARD ASSESSMENTS

Formal hazard assessment is a process employers use to identify hazards in their operations. It is a documented, independent activity that is the foundation of a company's safety system. The following steps outline how a SECOR company should do their formal hazard assessments. [1]

#### 1. List all the jobs

The first step is to list all the different jobs at the company. There may be more jobs than there are people; for example, a small employer may have a heavy-duty technician who is also a driver, or maybe the salesperson also dispatches and occasionally does some basic maintenance.

#### 2. Identify tasks and steps for each job

The tasks that make up each job then need to be identified. Tasks are specific activities that make up a job. For example, a dispatcher will have several tasks that make up that position, and these tasks may be computer work, making calls to customers, making calls to drivers, and being on-call. The job of driver will have different tasks such as performing a vehicle inspection, urban driving, highway driving, and tasks related to using auxiliary equipment like an end dump semi trailer.

#### 3. Identify hazards for every task

Once tasks have been identified for each job, the next step is to identify health and safety hazards for each task. Health hazards are things in the environment that can cause immediate and long-term health problems. Examples include airborne silica dust, exhaust fumes, and working with solvents. Safety hazards are things that can cause immediate injury. Examples include moving machinery, falling from heights, and vehicle collisions.

There are four categories of health and safety hazards that must be considered for each task. They are chemical (cleaners, solvents, fumes, etc.), physical (falling from heights, moving machine parts, heavy exertion, etc.), biological (bacteria, viruses, mould, etc.), and psychological (bullying, harassment, stress, etc.).

## 4. Rank hazards based on risk

Hazards need to be ranked based on risk once they have been identified. This should be done for each hazard and the risk ranking must be based on at least two factors, such as the severity of contacting a particular hazard and the likelihood someone will contact it.

## 5. Eliminate or control hazards

Regardless of risk, each identified hazard must be eliminated or controlled. In this step, the employer thinks of ways people can be protected from each hazard and records them. The best thing to do is eliminate a hazard; that way, it poses no risk to anyone. However, if this is not possible, controls need to be put in place to protect people. These controls can take the form of substitution (replacing whatever is causing the hazard with something less dangerous), engineering (redesigning the process or equipment to reduce the hazard's risk), administrative (training, procedures, and signs meant to direct people to behave in a safe manner), Personal Protective Equipment (PPE) (items worn by workers that protect them after they have contacted a hazard), and combinations of all of these.

## 6. Implement controls

Once controls have been identified for all hazards, the employer then needs to put them into place. This includes activities like training staff, providing PPE, and installing safety devices like guards, soundproofing, and ventilation.

## 7. Communicate hazards

Hazards must be communicated to all staff to make everyone aware of the hazards they face in their role and what controls are in place. The information gathered in the previous steps needs to be documented and available to everyone at any time and location.

## 8. Monitor controls for effectiveness

Controls need to be monitored after they are implemented so the employer can see if they are working and if any changes are needed. This step requires the employer to consciously monitor work from a health and safety perspective; it also requires the employer to respond to any health and safety concerns from staff.

## 9. Review and revise

Finally, employers need to review their formal hazard assessments on a regular basis and make any revisions and updates as needed. Employers should look at information from their company like site-specific hazard assessments and incident investigations as well as information from their industry like publicly-available incident reports.

## HOW TO CONDUCT SITE-SPECIFIC HAZARD ASSESSMENTS

Site-specific hazard assessments are hazard assessments done throughout the employer's operations on a frequent and regular basis to look for any unexpected and new hazards that may develop at a worksite. They do not replace formal hazard assessments; instead, they are done by work crews to specifically address their site- and shift-specific circumstances so safety adjustments

can be made to protect people. They are still documented and are valuable sources of hazard information when formal hazard assessments are being done. [2]

## 1. Determine tasks for the day/shift

The first step of a site-specific hazard assessment is to identify what work tasks will be done at the worksite over the course of the next shift. This needs to be done at the start of the shift itself so current conditions can be considered. All workers should provide input, so no tasks are missed.

## 2. Identify hazards

Once the tasks for the specific shift and worksite have been identified, identify the hazards present in each task the same way as would be done for a formal hazard assessment. Since this is being done at the worksite, the condition of the actual site can be examined. All workers should provide input.

## 3. Eliminate or control hazards

Next, all identified hazards need to be eliminated or controlled, just like for a formal hazard assessment. The person leading this step needs to be competent to do so and have the authority to make any necessary changes to the work (or even cancel certain activities). All staff should provide input as appropriate.

## 4. Communicate hazards and controls

Once controls have been decided upon and there is a plan to move forward, this information needs to be communicated to all people present at the site. This may require involving other employers, a prime contractor, or members of the public who are near the site.

## 5. Repeat when change(s) occurs

Finally, site-specific hazard assessments need to be repeated whenever the conditions at the worksite change. Examples of change include new equipment and people showing up on site, a significant change in the weather, and each change of shift.

### PROVINCIAL VERSUS FEDERAL HAZARD ASSESSMENT LEGISLATION

All employers in Alberta must have a system for hazard assessment, regardless of if they are federally or provincially regulated. This section will compare the provincial and federal legislation on this topic using the tables below [3].

**Table 1** presents the general, high-level legislative requirements for employers to assess health and safety hazards in their operations. For provincially regulated employers, these general requirements are found in Alberta's *Occupational Health and Safety Act*. For federally regulated employers, these general requirements are found in Part II of the *Canada Labour Code*.

**Table 2** presents the specific legislative requirements for an employer's hazard assessment system. For provincially regulated employers, these specific requirements are found in Alberta's *Occupational Health and Safety Code*. For federally regulated employers, these specific requirements are found in the *Canada Occupational Health and Safety Regulations*.

Table 1 – General Hazard Assessment Requirements	
<b>Provincial (Alberta) Legislation</b> <i>For provincially regulated employers in Alberta</i>  <i>Occupational Health and Safety Act</i> 2020, Chapter O-2.2	<b>Federal Legislation</b> <i>For federally regulated employers in Alberta</i>  Part II of the <i>Canada Labour Code</i> R.S.C., 1985, c. L-2
<p><b>Section 3(4):</b></p> <p><i>“Every employer shall keep readily available information related to work site hazards, controls, work practices and procedures and provide that information to</i></p> <p><i>(a) the joint health and safety committee, if there is one, or health and safety representative, if there is one, at the work site,</i></p> <p><i>(b) the workers, and</i></p> <p><i>(c) the prime contractor, if there is one.”</i></p> <p><b>Section 4(b):</b></p> <p><i>“advise every worker under the supervisor’s supervision of all known or reasonably foreseeable hazards to health and safety in the area where the worker is performing work”</i></p>	<p><b>Section 125(1)(s):</b></p> <p><i>“ensure that each employee is made aware of every known or foreseeable health or safety hazard in the area where the employee works”</i></p> <p><b>Section 125(1)(z.03):</b></p> <p><i>“develop, implement and monitor, in consultation with the policy committee or, if there is no policy committee, with the work place committee or the health and safety representative, a prescribed program for the prevention of hazards in the work place appropriate to its size and the nature of the hazards in it that also provides for the education of employees in health and safety matters”</i></p> <p><b>Section 125(1)(z.04):</b></p> <p><i>“where the program referred to in paragraph (z.03) does not cover certain hazards unique to a work place, develop, implement and monitor, in consultation with the work place committee or the health and safety representative, a prescribed program for the prevention of those hazards that also provides for the education of employees in health and safety matters related to those hazards”</i></p> <p><b>Section 125(1)(z.11):</b></p> <p><i>“provide to the policy committee, if any, and to the work place committee or the health and safety representative, a copy of any report on hazards in the work place, including an assessment of those hazards”</i></p> <p><b>Section 125(1)(z.14)</b></p> <p><i>“take all reasonable care to ensure that all of the persons granted access to the work place, other than the employer’s employees, are informed of every known or foreseeable health or safety hazard to which they are likely to be exposed in the work place”</i></p>

**Table 2 – Specific Hazard Assessment Requirements**

<p><b>Provincial (Alberta) Legislation</b> <i>For provincially regulated employers in Alberta</i></p> <p><i>Occupational Health and Safety Code</i> AR 191/2021</p>	<p><b>Federal Legislation</b> <i>For federally regulated employers in Alberta</i></p> <p><i>Canada Occupational Health and Safety Regulations</i> SOR/86-304</p>
<p><b>Part 2</b> <b>Hazard Assessment, Elimination and Control:</b></p> <p><b><i>Hazard assessment</i></b> 7(1) An employer must assess a work site and identify existing and potential hazards before work begins at the work site or prior to the construction of a new work site. 7(2) An employer must prepare a report of the results of a hazard assessment and the methods used to control or eliminate the hazards identified. 7(3) An employer must ensure that the date on which the hazard assessment is prepared or revised is recorded on it. 7(4) An employer must ensure that the hazard assessment is repeated (a) at reasonably practicable intervals to prevent the development of unsafe and unhealthy working conditions, (b) when a new work process is introduced, (c) when a work process or operation changes, or (d) before the construction of significant additions or alterations to a work site.</p> <p><b><i>Worker participation</i></b> 8(1) An employer must involve affected workers in the hazard assessment and in the control or elimination of the hazards identified.</p> <p><b><i>Hazard elimination and control</i></b> 9(1) If an existing or potential hazard to workers is identified during a hazard assessment, an employer must take measures in accordance with this section to (a) eliminate the hazard, or</p>	<p><b>Part XIX</b> <b>Hazard Prevention Program</b></p> <p><b><i>Hazard Prevention Program</i></b> 19.1 (1) The employer shall, in consultation with and with the participation of the policy committee, or, if there is no policy committee, the work place committee or the health and safety representative, develop, implement and monitor a program for the prevention of hazards, including ergonomics-related hazards, in the work place that is appropriate to the size of the work place and the nature of the hazards and that includes the following components: (a) an implementation plan; (b) a hazard identification and assessment methodology; (c) hazard identification and assessment; (d) preventive measures; (e) employee training; and (f) a program evaluation.</p> <p><b><i>Implementation Plan</i></b> 19.2 (1) The employer shall (a) develop an implementation plan that specifies the time frame for each phase of the development and implementation of the prevention program; (b) monitor the progress of the implementation of the preventive measures; and (c) review the time frame of the implementation plan regularly and, as necessary, revise it. (2) In implementing the prevention program, the employer shall ensure that ergonomics-related hazards are identified and assessed and that they are eliminated or reduced, if feasible, as required by subsection 19.5(1) and that any person assigned to identify and assess ergonomics-related hazards has the necessary instructions and training.</p>



Table 2 – Specific Hazard Assessment Requirements	
<b>Provincial (Alberta) Legislation</b> <i>For provincially regulated employers in Alberta</i>  <b>Occupational Health and Safety Code</b> AR 191/2021	<b>Federal Legislation</b> <i>For federally regulated employers in Alberta</i>  <b>Canada Occupational Health and Safety Regulations</b> SOR/86-304
<p><i>(b) if elimination is not reasonably practicable, control the hazard.</i></p> <p><i>9(2) If reasonably practicable, an employer must eliminate or control a hazard through the use of engineering controls.</i></p> <p><i>9(3) If a hazard cannot be eliminated or controlled under subsection (2), the employer must use administrative controls that control the hazard to a level as low as reasonably achievable.</i></p> <p><i>9(4) If the hazard cannot be eliminated or controlled under subsection (2) or (3), the employer must ensure that the appropriate personal protective equipment is used by workers affected by the hazard.</i></p> <p><i>9(5) If the hazard cannot be eliminated or controlled under subsection (2), (3) or (4), the employer may use a combination of engineering controls, administrative controls or personal protective equipment if there is a greater level of worker safety because a combination is used.</i></p> <p><b>Emergency control of hazard</b></p> <p><i>10(1) If emergency action is required to control or eliminate a hazard that is dangerous to the safety or health of workers,</i></p> <p><i>(a) only those workers competent in correcting the condition, and the minimum number necessary to correct the condition, may be exposed to the hazard, and</i></p> <p><i>(b) every reasonable effort must be made to control the hazard while the condition is being corrected.</i></p> <p><i>10(2) Section 7(2) and (3) do not apply to an emergency response during the period that emergency action is required.</i></p> <p><b>Additional places in the Code where employers have specific hazard assessment</b></p>	<p><b>Hazard Identification and Assessment Methodology</b></p> <p><i>19.3 (1) The employer shall develop a hazard identification and assessment methodology, including an identification and assessment methodology for ergonomics-related hazards, taking into account the following documents and information:</i></p> <p><i>(a) any hazardous occurrence investigation reports;</i></p> <p><i>(b) first aid records and minor injury records;</i></p> <p><i>(c) work place health protection programs;</i></p> <p><i>(d) any results of work place inspections;</i></p> <p><i>(e) any employee reports made under paragraph 126(1)(g) or (h) of the Act or under section 15.3;</i></p> <p><i>(f) any government or employer reports, studies and tests concerning the health and safety of employees;</i></p> <p><i>(g) any reports made under the Safety and Health Committees and Representatives Regulations;</i></p> <p><i>(h) the record of hazardous substances; and</i></p> <p><i>(i) any other relevant information, including ergonomics-related information.</i></p> <p><i>(2) The hazard identification and assessment methodology shall include</i></p> <p><i>(a) the steps and time frame for identifying and assessing the hazards;</i></p> <p><i>(b) the keeping of a record of the hazards; and</i></p> <p><i>(c) a time frame for reviewing and, if necessary, revising the methodology.</i></p> <p><b>Hazard Identification and Assessment</b></p> <p><i>19.4 The employer shall identify and assess the hazards in the work place, including ergonomics-related hazards, in accordance with the methodology developed under section 19.3 taking into account</i></p> <p><i>(a) the nature of the hazard;</i></p> <p><i>(a.1) in the case of ergonomics-related hazards, all ergonomics-related factors such as</i></p>



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<p><b>program requirements (depending on their operations):</b></p> <ul style="list-style-type: none"> <li>Part 4, section 41(2)(d), in reference to lead exposure control plans.</li> <li>Part 5, sections 45, 52(1), and 56(3)(d) in reference to work in confined spaces.</li> <li>Part 9, section 159(2)(a), in reference to fall protection procedures.</li> <li>Part 10, sections 162.1(1), 162.1(2), and 163(2), in reference to work site classifications and hazardous locations.</li> <li>Part 14, section 210, in reference to manually handling loads (material handling).</li> <li>Part 15, section 215.1(2), in reference to controlling hazardous sources of energy.</li> <li>Part 18, sections 228(1), 233(2), and 233(4) in reference to the use of personal protective equipment (PPE).</li> <li>Part 19, sections 269, 270(3), and 272(2) in reference to operator protection on powered mobile equipment.</li> <li>Part 27, section 389, in reference to violence and harassment prevention.</li> </ul>	<p>(i) the physical demands of the work activities, the work environment, the work procedures, the organization of the work and the circumstances in which the work activities are performed, and (ii) the characteristics of materials, goods, persons, animals, things and work spaces and the features of tools and equipment;</p> <p>(b) the employees' level of exposure to the hazard;</p> <p>(c) the frequency and duration of employees' exposure to the hazard;</p> <p>(d) the effects, real or apprehended, of the exposure on the health and safety of employees;</p> <p>(e) the preventive measures in place to address the hazard;</p> <p>(f) any employee reports made under paragraph 126(1)(g) or (h) of the Act or under section 15.3; and</p> <p>(g) any other relevant information.</p> <p><b>Preventative Measures</b></p> <p>19.5 (1) The employer shall, in order to address identified and assessed hazards, including ergonomics-related hazards, take preventive measures to address the assessed hazard in the following order of priority:</p> <p>(a) the elimination of the hazard, including by way of engineering controls which may involve mechanical aids, equipment design or redesign that take into account the physical attributes of the employee;</p> <p>(b) the reduction of the hazard, including isolating it;</p> <p>(c) the provision of personal protective equipment, clothing, devices or materials; and</p> <p>(d) administrative procedures, such as the management of hazard exposure and recovery periods and the management of work patterns and methods.</p> <p>(2) As part of the preventive measures, the employer shall develop and implement a preventive</p>

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<ul style="list-style-type: none"> <li>Part 28, section 393(2), in reference to working alone.</li> <li>Part 37, section 752(1), in reference to oil and gas operations.</li> </ul>	<p><i>maintenance program in order to avoid failures that could result in a hazard to employees.</i></p> <p><i>(3) The employer shall ensure that any preventive measure shall not in itself create a hazard and shall take into account the effects on the work place.</i></p> <p><i>(4) The preventive measures shall include steps to address</i></p> <p><i>(a) newly identified hazards in an expeditious manner; and</i></p> <p><i>(b) ergonomics-related hazards that are identified when planning implementation of change to the work environment or to work duties, equipment, practices or processes.</i></p> <p><i>(5) The employer shall ensure that any person assigned to implement ergonomics-related prevention measures has the necessary instruction and training.</i></p> <p><b><i>Employee Training</i></b></p> <p><i>19.6 (1) The employer shall provide each employee with health and safety training, including training relating to ergonomics, which shall include the following:</i></p> <p><i>(a) the hazard prevention program implemented in accordance with this Part to prevent hazards applicable to the employee, including the hazard identification and assessment methodology and the preventive measures taken by the employer;</i></p> <p><i>(b) the nature of the work place and the hazards associated with it;</i></p> <p><i>(c) the employee's duty to report under paragraphs 126(1)(g) and (h) of the Act and under section 15.3; and</i></p> <p><i>(d) an overview of the Act and these Regulations.</i></p> <p><i>(2) The employer shall provide training to an employee</i></p> <p><i>(a) whenever new hazard information in respect of a hazard in the work place becomes available to the employer; and</i></p>

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	<p>(b) shortly before the employee is assigned a new activity or exposed to a new hazard.</p> <p>(3) The employer shall review the employee training program, and, if necessary, revise it</p> <p>(a) at least every three years;</p> <p>(b) whenever there is a change in conditions in respect of the hazards; and</p> <p>(c) whenever new hazard information in respect of a hazard in the work place becomes available to the employer.</p> <p>(4) Each time training is provided to an employee, the employee shall acknowledge in writing that they received it and the employer shall acknowledge in writing that they provided it.</p> <p>(5) The employer shall keep a paper or electronic record of the training provided to each employee for a period of two years after the employee ceases to be exposed to a hazard.</p> <p><b>Program Evaluation</b></p> <p>19.7 (1) The employer shall evaluate the effectiveness of the hazard prevention program, including its ergonomics-related components, and, if necessary, revise it</p> <p>(a) at least every three years;</p> <p>(b) whenever there is a change in conditions in respect of the hazards; and</p> <p>(c) whenever new hazard information in respect of a hazard in the work place becomes available to the employer.</p> <p>(2) The evaluation of the effectiveness of the prevention program shall be based on the following documents and information:</p> <p>(a) conditions related to the work place and the activities of the employees;</p> <p>(b) any work place inspection reports;</p> <p>(c) any hazardous occurrence investigation reports;</p> <p>(d) any safety audits;</p>

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	<p><i>(e) first aid records and any injury statistics, including records and statistics relating to ergonomics-related first aid and injuries;</i></p> <p><i>(f) any observations of the policy and work place committees, or the health and safety representative, on the effectiveness of the prevention program; and</i></p> <p><i>(g) any other relevant information.</i></p> <p><b>Reports</b></p> <p><i>19.8 (1) If a program evaluation has been conducted under section 19.7, the employer shall prepare a program evaluation report.</i></p> <p><i>(2) The employer shall keep readily available every program evaluation report for six years after the date of the report.</i></p>

**Note:** these tables are only presenting legislation related to hazard assessment programs, not hazards in general. There are many other legislated requirements to be met regarding addressing hazards. Employers must familiarise themselves and comply with all OHS legislation applicable to their operations.

## References

- [1] Material for this section was largely taken from AMTA’s 2022 Health and Safety System Building course.
- [2] Material for this section was largely taken from AMTA’s 2022 Health and Safety System Building course.
- [3] References to specific legislation are included in the tables above.