

Protecting you and your business

What is your obligation as an Employer?

- S. 3 of OHS Act: “To ensure the health and safety of workers engaged in the employer’s work as far as **reasonably practicable.**”
- Ensuring workers are aware of their rights
- Adequately training workers
- Consulting and cooperating with JHSC or HSR
- Ensuring competent supervision
- Prevent violence and harassment
- Ensure workers are not engaged in dangerous work

Supervisor Obligations Under OHS Act

- Ensure own competence
- Take precautions to protect health & safety of workers
- Advise workers of all known or foreseeable hazards
- Ensure workers are not engaged in dangerous work
- Ensure workers use all hazard controls and PPE
- Report concerns about unsafe/harmful acts or conditions
- Prevent violence & harassment

Worker Rights Under OHS Act

- To be informed of workplace hazards and control measures
- To participate in health & safety matters and express concerns
- To refuse dangerous work; and
- To be free from discriminatory action (retaliation) for exercising an OHS right or duty

Worker Obligations Under OHS Act

- Take reasonable care to protect health & safety of themselves and others in the vicinity
- Cooperate with supervisors and employer
- Use hazard control devices and PPE
- Report concerns about unsafe/harmful acts or conditions
- Refrain from acts of violence and harassment

How is reasonable care defined?

- Reasonable care does not mean perfection; it means, what is reasonable in the circumstances
- COVID-19 is unprecedented so no comparable circumstances upon which to qualify reasonable care
- Where can you look to determine what is reasonable care?

- Government policies
- Industry standards
- Common sense
- The more safeguards you have in place, the stronger your argument for reasonable care
- **Where possible, go above and beyond the minimums**

Mitigating and managing risk in the workplace

Steps for workplace assessment

Step 1: Identify sources of risk in the workplace considering the following three types of vectors –

- Personal exposure
- Equipment or surface contact, and
- External vectors

Step 2: Evaluate and prioritize sources of risk

Step 3: Develop risk mitigation strategies

Step 4: Re-evaluate and update

Best practices

- Create written policies to implement risk mitigation strategies and provide supervisors and employees with training on those policies
- Create appropriate reporting and screening procedures for all employees
- Enforce social distancing throughout the workplace, eliminate tasks that require personal interactions if possible, and/or use phone, email, or video instead
- Provide employees with appropriate PPE and sanitize the workplace frequently
- Post appropriate signage throughout the workplace regarding distancing, hygiene, and reporting obligations

Summary

- Risk mitigation planning is essential for safe workplaces and economic recovery
- Once specific risk factors are identified redundant mitigation strategies should be implemented with priority placed on factors with the highest risk of transmission
- The risk mitigation plan should be documented and frequently updated
- Legal and/or medical expertise should be sought as appropriate

Resources and Links:

- McLennan Ross LLP <https://mross.com/law/ViewPage.action?ran=1146950499>
- Alberta Construction Safety Association - <http://www.youracsa.ca/>
- COAA - <https://www.coaa.ab.ca/>
- University of Alberta – Faculty of Engineering - <https://www.ualberta.ca/engineering/index.html>

COVID-19 – Best Practices Series: Alberta Employer Obligations–Safely Re-opening the Economy

For more information or if you have any questions, please reach out to Sarah Lockwood, Director, Member Services, at slockwood@pcac.ca or 780-880-8833

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