

Legal Issues in Sun Safety for Workplaces in Alberta

This fact sheet provides an overview of legal issues in sun safety for workplaces in Alberta. This covers jurisdiction-specific occupational health and safety (OHS) legislation for both solar UV radiation and heat stress. The focus is on OHS legislation, workers compensation legislation has not been covered. The purpose of the fact sheet is to provide an overview of the OHS laws as they apply to sun safety at the time of writing (August 2016), the purpose is not to provide legal advice or opinion. This jurisdiction-specific information should be read with our fact sheet on *Legal Issues in Sun Safety for Canadian Workplaces* which provides an introduction to legal issues associated with implementing a sun safety program.

The Alberta *Occupational Health and Safety Act* (AB OHS Act), RSA 2000, c O-2, has general duties for the employer and for workers. The words “supervisor” and “manager” are not used in the Act. Unlike other Canadian jurisdictions, a health and safety committee is required only if the Minister orders that one be established. Rather than a right to refuse unsafe or dangerous work, a worker has a duty to stop work where there is an “imminent danger”. The primary regulation under the AB OHS Act, *Occupational Health and Safety Regulation*, Alta Reg 62/2003, does not contain anything specific regarding sun safety, UV radiation, heat stress, or the provision of drinking water.

Key terms in the AB OHS Act:

- worker;
- worksite;
- prime contractor;
- officer; and
- order.

The AB OHS Act uses the term “worker” rather than “employee”. The term “work site” is used, not “workplace”. The words “supervisor” and “manager” are not used in the Act. A “contractor” directs the activities of one or more employers and ensures that the employer(s) complies with the OHS requirements. If a work site has two or more employers, then there must be a “prime contractor”, which could be the owner or a contractor. A prime contractor in Alberta is similar to a “constructor” in Ontario, except the role is not limited to construction. There is limited application to farming. Pits and quarries are covered.

The term “officer” is used, not “inspector”. Officers may issue “orders”, not “directions”. There are no definitions of risk terms such as hazard, danger, or safety. An officer can issue an order if there is “a danger to the health or safety of a worker” without the need to show a contravention of a regulation.

Employers have a general duty. It is phrased as “as far as it is reasonably practicable”. The duty extends to workers who are not employees but who are present. Workers have a personal general duty. It is phrased as “take reasonable care” to protect the worker and others workers

who are present. Neither “reasonably practicable” nor “reasonable care” are defined.

A “project” refers to a construction project, and a Director of the Ministry may issue a stop work order where the health and safety of a worker is not protected.

Serious injuries or accidents are to be reported to the Ministry, but this requirement would only capture sun safety events if there was a fatality or a worker was in hospital for more than two days.

Unlike other Canadian jurisdictions, a health and safety committee is required only if the Minister orders that one be established.

There is a regulation-dependent duty to have a written occupational health and safety policy and there must be a statement about the arrangements for the implementation of the policy.

Rather than a right to refuse unsafe or dangerous work, a worker has a duty to stop work where there is an “imminent danger”.

Harm from solar UV or heat stress would likely not be “notifiable diseases” under the AB OHSA.

Alberta Regulation 62/2003 does not contain anything specific regarding sun safety, UV radiation, heat stress, or the provision of drinking water.