

Occupational Health & Safety Code Summary of Changes, July 1, 2009

Below is a summary of the significant changes to Alberta's OH&S Code approved by the Minister of Employment and Immigration which take effect July 1, 2009. The changes arise out of recommendations from a Task Force of employer, labour and government representatives, with some government alterations.

The summary includes only major or significant amendments; administrative and minor changes have been omitted. Also, please note that all applicable external standards (e.g., CSA, ANSI, etc.) referenced in the Code have been fully updated to the most current citation.

Please consult the OHS Code for official wording of amended provisions. It can be accessed at:
http://employment.alberta.ca/documents/WHS/WHS-LEG_ohsc_2009.pdf.

Part 2: Hazard Assessment, Elimination and Control

Significant Changes	Effects on Workers
Additional responsibilities for Prime Contractors regarding hazard assessment (s. 7(1)(5))	Affects construction industry to ensure prime contractors don't evade their responsibilities.
Removal of "if reasonably practicable" from requirement to involve affected workers (s. 8(1))	Strengthens requirement to involve workers in the Hazard Assessment process. A good amendment.

Part 3: Specifications and Certifications **NO CHANGES**

Part 4: Chemical Hazards

Significant Changes	Effects on Workers
Introduction of concept of "as low as reasonably achievable" (s. 16(1))	A crucial wording change that adopts an internationally accepted approach to hazard reduction – that the responsibility is to get exposure as LOW AS POSSIBLE, regardless of any specific OEL.
New allowable procedures and methods for	Technical change

measuring concentration of harmful substances (s. 20)	
New requirement that clothes have been properly decontaminated before leaving worksite (s. 23)	Self-explanatory

Part 4: Chemical Hazards (cont.)

Significant Changes	Effects on Workers
New power to allow officers to require an employer to remove a worker from further lead exposure (s. 43(6))	New powers to protect workers
New requirement for employer to control worker exposure when mould exists or may exist (s. 43.1)	First time mould is included as a hazard in the Code. This is an important, yet still incomplete, change.

Part 5: Confined Spaces

Significant Changes	Effects on Workers
A more restrictive definition of Confined Space, plus a new concept of "Restricted Space" is introduced. A restricted space covers any space not designed for human occupancy with limited entry or exit. Confined space is when the environment in the space may be hazardous. Restricted spaces will not require codes of practice or entry permits. Sections have been changed to reflect this new division.	Effect on workers unclear. While the new concepts distinguish between the two types of restricted spaces, with the more hazardous requiring more protection, there are concerns employers may water down their procedures for "restricted spaces". The labour movement needs to monitor the impact of this change.

Part 6: Cranes, Hoists and Lifting Devices

Significant Changes	Effects on Workers
New requirement for employer to do a lift calculation before all lifts	New pre-lift precautions.
New sections clarifying requirements for load blocks, outriggers and cold weather operation	Important for the crane industry.

Part 7: Emergency Preparedness and Response

Significant Changes	Effects on Workers
Employer must now "involve" affected workers in	This should strengthen worker involvement in developing

the emergency response plan. Old wording was "consult with".	the plan. Involve implies a greater degree of engagement by workers.
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**Part 8: Entrances, Walkways, Stairways and Ladders
Minor Changes Only**

Part 9: Fall Protection

Significant Changes	Effects on Workers
Implementation of a hierarchy of controls for fall protection. Employers must first install a guardrail. If that is not reasonably practicable they must use a travel restraint system. If that is not practicable, they must use a fall arrest system. If that is not practicable, they must use another equally effective fall protection system.	This is a crucial new section. In the old code, an employer could choose the type of fall protection that suited their needs. Now, for first time, an employer must go with the best fall protection possible. They must JUSTIFY not using the most protective system. In other words – guardrails are the presumed norm, and less is only acceptable if they are not reasonable.
Additional considerations to be included in fall protection plan	More detail.
Additional external standards for fall protection equipment	To reflect evolving fall protection supply industry.
Overhaul of anchor requirements, including: <ul style="list-style-type: none"> • Reduction of maximum arresting force to 6 kilonewtons, down from 8 kilonewtons • Reduction in permanent anchor strength to 16 kilonewtons • Removes distinction between permanent travel restraint anchors and permanent fall arrest anchors • Temporary Anchors must have a minimum breaking strength of 8.75 kilonewtons, up from 3.5 kilonewtons • If a temporary anchor is used for fall arrest, it must have a strength of 16 kilonewtons • New rules around the use of anchors 	<p>The effect of the overhaul is to make rules around anchors more consistent and clear. Overall safety of anchors is maintained, or increased.</p> <p>A key change is making all types of permanent anchors fit the same higher standard. This means if it is permanent it is fall arrest.</p> <p>While the kilonewton numbers may be confusing, the end result is the same or higher level of protection for workers.</p>

Part 9: Fall Protection (Cont.)	
Significant Changes	Effects on Workers
New rules around fixed ladders and climbable structures by requiring an integral fall protection system. Applicable only to new structures built after enactment	This is a big step. For the first time, fixed ladders and things like utility towers will have to have adequate fall protection. Only applicable to new structures, not existing ones.
New rules governing fall protection on vehicles and loads, restricting workers climbing on top of vehicles or loads if fall protection is not available	Before the Code was silent about fall protection on vehicles or loads. This fills that hole.
New rules allowing "leading edge fall protection systems"	A new kind of protection system for construction. Now considered legal if used according to the Code.
New rules allowing employers to use "procedures" instead of protection equipment if nothing is practicable. This is only allowed for restricted activities, including installation of protection equipment, roof inspection, emergency repairs.	This is a slightly concerning change, allowing for procedure-based protection, but it has been restricted to very few circumstances, such as emergencies. In most cases, procedure-based is still not allowed.
New rules regulating the use of work positioning systems, ensuring proper fall protection is used in conjunction with work positioning when necessary.	Tightening of the rules to eliminate misuse of work positioning systems.

**Part 10: Fire and Explosion Hazards
Minor Changes Only**

Part 11: First Aid

Significant Changes	Effects on Workers
New requirements that ambulance services must be licensed under the Ambulance Services Act	To ensure proper ambulance services are used.
Other minor changes	

Part 12: General Safety Precautions

Significant Changes	Effects on Workers
New rules requiring roofing materials be placed more than 2 metres from the edge and be evenly distributed	A small issue that was lacking in old Code.

Part 13: Joint Worksite Health and Safety Committees **No Changes**

Part 14: Lifting and Handling Loads

Significant Changes	Effects on Workers
New provisions addressing patient/client handling, including: <ul style="list-style-type: none">• New facilities must be designed to handle lifting equipment• A safe handling program must be implemented	New health care facilities must now incorporate mechanized lifting equipment, and health care/homecare/social services employers must now think about how to handle patients safely. Not a perfect section, but a start.
Additional details and obligations to address Musculoskeletal injuries. If a worker is suspected of having MSI, the employer must take steps to reduce exposure to the risk factor.	Part of the continued effort to strengthen protection against MSI.

Part 15: Managing the Control of Hazardous Energy **Minor Changes Only**

Part 16: Noise Exposure **Minor Changes Only**

Part 17: Overhead Power Lines **Minor Changes Only**

Part 18: Personal Protective Equipment

Significant Changes	Effects on Workers
Addition of "airborne biohazards" to list of dangers for which respiratory protection is required	The old Code did not address hazards such as SARS and other serious airborne viruses. All employers must now consider the hazards of biohazards.
Addition of "biohazardous material" in things to be considered by employer when determining appropriate respiratory protection	An attempt to address problems during the SARS epidemic. NOTE: The government watered down the consensus recommendations of the Task Force, which had called for a minimum of N-95-type respirators when the risks were unknown.
Other minor changes	

Part 19: Powered Mobile Equipment

Significant Changes	Effects on Workers
Clarification that a "designated signaler" is required to provide directions to an operator, if other protections are not practical	Clarification of what was a confusing section.
New requirements for operation of "concrete pump trucks"	
Other minor changes	

Part 20: Radiation

No Changes

Part 21: Rigging

Significant Changes	Effects on Workers
More detailed requirements for the breaking strength of rigging and limits on pull tests for slings	Addresses concerns about improper testing of slings, which can lead to their damage.

Part 22: Safeguards

Minor Changes Only

Part 23: Scaffolds and Temporary Work Platforms

Significant Changes	Effects on Workers
More detailed limitations on the dimensions of a scaffold platform	Clarification.
Other minor changes	

Part 24: Toilets and Washing Facilities

Significant Changes	Effects on Workers
Addition of lunch room and change room to list of areas that must be kept clean and sanitary	Addresses an oversight from old Code. Ensuring lunch and change rooms are also kept clean and sanitary.

Part 25: Tools, Equipment and Machinery

Significant Changes	Effects on Workers
Repeal of specific requirements dealing with robots already covered by referenced CSA standard	

Part 26: Ventilation Systems

No Changes

Part 27: Violence

No Changes

Part 28: Working Alone

Significant Changes	Effects on Workers
Changes to require employer to BOTH supply effective electronic communication and conduct regular check-ins with workers working alone	An important improvement to the Working Alone rules. Before an employer could choose EITHER electronic communication or a check-in. Now BOTH are required.

Part 29: WHMIS

No Changes

**Part 30: Demolition
Minor Changes Only**

**Part 31: Diving Operations
Minor Changes Only**

Part 32: Excavating and Tunnelling

Significant Changes	Effects on Workers
Addition of "concrete-embedded" facilities to requirements for dealing with buried facilities	Addresses concerns about hitting utility facilities buried in concrete during demolition and construction projects.
Other minor changes	

**Part 33: Explosives
Minor Changes Only**

**Part 34: Forestry
No Changes**

Part 35: Health Care

Significant Changes	Effects on Workers
New rules governing medical sharps, including their use, that there is training for workers and that they are safety-engineered. NOTE: This section comes into effect July 1, 2010.	Additional rules to reduce sharps hazards. NOTE: Due to pressure from health care employers, the government delayed implementation of this section until 2010.

Part 36: Mining

Extensive technical changes to rules governing the operation of mines in Alberta. For more information, contact the AFL office.

Part 37: Oil and Gas Wells

Significant Changes	Effects on Workers
Reduction of inspection rotation for rigs to every 7 th day, lowered from 30	
Other minor changes	

Part 38: Residential Roofing

This section expired and is no longer in force. Residential roofers must now fully comply with the Fall Protection sections of the Code.

Part 39: Tree Care Operations

Minor Changes Only

Part 40: Utility Workers

Minor Changes Only

Part 41: Work Requiring Rope Access

Significant Changes	Effects on Workers
Changes to anchor strength and load capacity limits to harmonize with Fall Protection sections	Self-explanatory.
Other minor changes	

Schedule 1: Chemical Substances

A substantial overhaul of the Occupational Exposure Limits. Hundreds of chemicals now have new OELs. Most were adjusted to reflect the 2006 ACGIH TLVs, but there are some exceptions. Rather than list hundreds of chemicals, the AFL advises anyone concerned to consult the new OEL table to see if there are changes to chemicals of interest.

Here are a few noteworthy changes:

Substances deviating from 2006 ACGIH TLV:

- Acetic Anhydride 5 mg/m³ (ceiling)
- Butylated Hydroxytoluene 10 mg/m³
- Chromium, Hexavalent Chromium .5 mg/m³ (Soluble) 0.01 mg/m³ (insoluble)
- Formaldehyde 0.75 ppm. And 1 ppm (ceiling)
- HCFC-123(1,1,1-trifluoro-2, 2-dichloroethane) 50 ppm
- Ozone 0.1 ppm and 0.3 ppm (STEL)
- Polymethylene polyphenyl isocyanate (PAPI) 0.005 ppm
- Sulphur 10 mg/m³
- Sulphuric Acid 1 mg/m³ and 3 mg/m³ (STEL)
- Wood Dust - 5 mg/m³
 - oak, beech, birch, mahogany, teak, walnut 1mg/m³

Other noteworthy Substances:

- Asphalt 0.5 mg/m³ (was 5 mg/m³)
- Benzene 0.5 ppm, STEL: 2.5 ppm (was 1 and 5 ppm)
- Coal Dust 0.4 (Anthracite) / 0.9 (Bituminous) mg/m³ (was 2)
 - **NOTE: Due to pressure from the coal industry, the government has delayed implementation of new Coal Dust OEL until July 1, 2010.**
- Flour Dust 0.5 ppm (was 3 ppm-respirable)
- Natural Gas 1000 ppm (new)
- Diesel Fuel 100 ppm (new)
- Cobalt .02 mg/m³ (was .05)
- Styrene 20 ppm/40 ppm ceiling (was 50/100)

Schedules 2 – 11
No Changes

