

# Do I need a health and safety program?

## *OHS information for workers, employers, and prime contractors*

### KEY INFORMATION

- Employers with 20 or more workers must have a health and safety program (OHS program)
- The OHS program must be developed in conjunction with the joint work site health and safety committee or health and safety representative
- Employers with fewer than 20 employees must involve workers in hazard assessment and the elimination or control of hazards

### What is a health and safety program (OHS program)?

An OHS program is a coordinated system of procedures and processes designed to promote continuous improvement in occupational health and safety.

Employers, workers and other work site parties are responsible for their own health and safety and the health and safety of others on or in the vicinity of their work site. Implementing a health and safety program helps ensure the health, safety and well-being of people at or near the work site.

These programs promote worker and employer cooperation in identifying and solving health and safety concerns at the work site. Health and safety programs also promote awareness of and interest in health and safety.



For more information on the OHS program requirements, please see *Occupational Health and Safety Programs: OHS information for workers, employers, and prime contractors* (LI042)

### Do I need an OHS program?

Employers with 20 or more workers must have an OHS program. Each full-time and part-time worker counts as one worker. “Workers” includes workers hired from temporary staffing agencies.

The number of workers employed by the employer is determined by the average number of workers on a daily basis on each working day:

- over the previous 12 months (if operations began at least 12 months prior),
- since the operations began (if operations began less than 12 months prior), or
- expected to be present over the duration of a new operation lasting 90 days or more but less than 12 months.

Some examples are included in the attached table.

### What if I have multiple work sites?

If an employer has multiple work sites, the total number of workers at all work sites counts towards the 20 workers.

The OHS program at each work site can be the same – e.g. an employer can establish one program – but some aspects may need to be adjusted based on the work site. For example, hazard assessments, emergency response plans, work site inspections, and health and safety training may all be unique to each work site. There may be additional OHS program elements that need to be adjusted for each work site. The unique requirements for the multiple sites should be accounted for in the employer's OHS program.

Some examples are included in the attached table.

### What if there are multiple employers or self-employed persons at one work site?

Each employer with an OHS program must have procedures to be followed to protect health and safety when another employer or self-employed person is involved in work at the work site.

If a work site has multiple employers or self-employed persons and there is a prime contractor, the prime contractor must coordinate the OHS programs of the employers and self-employed persons for that work site.

Some examples are included in the attached table.



An employer with 20 or more workers must establish a health and safety program. The number of workers must be determined by the average number of full-time and part-time workers employed on a daily basis on each working day, averaged over:

- the previous 12 months, or
- since the operations began, if operations began less than 12 months prior, or
- the expected number of workers over the duration of a new operation lasting 90 days or more.

*OHS Act, s.37(1) and (3)*

Example	Health and safety program required?
Employer with 20 workers at one work site.	Yes
Employer with 20 workers, distributed between two different work sites.	Yes
Work site with 30 workers from three different employers, no prime contractor. Each employer with workers at this work site has more than 20 workers total, distributed across multiple work sites.	Yes – each employer must have its own OHS program for their operations. The employers should work together to coordinate their OHS programs and communicate the coordinated OHS program for that work site to all of the employers, self-employed persons and workers.
Work site with 100 workers from five different employers and there is a prime contractor. Each employer has more than 20 workers total.	Yes – each employer must have its own OHS program for their operations. The prime contractor must coordinate the OHS programs of all of the employers and communicate the coordinated OHS program for that work site to all of the employers and workers.
<p>Work site controlled by one employer (who has more than 20 workers), where other employers are coming to do work.</p> <p>(e.g. an office location where contractors are coming in to do renovations and the contractors are each bringing their own workers to the site)</p>	Yes – the OHS program of the employer who controls the work site is in place. As part of that OHS program, the employer must have procedures for coordinating with other employers who will have workers on the work site and for communicating the OHS program to all of the workers.
Employer with 10 workers at one work site and no other workers at any other work site.	No – workers must still be involved in health and safety through hazard assessment and control.
Employer with 15 workers, distributed between three work sites and no other workers at any other work site.	No – workers at all work sites must still be involved in health and safety through hazard assessment and control.
<p>Employer with variable numbers of workers throughout the year</p> <p>An employer’s workforce varies in number over the year as follows. Workers work a six-day work week.</p> <ul style="list-style-type: none"> <li>• 40 workers for 16 weeks (96 working days)</li> <li>• 10 workers for 24 weeks (144 working days)</li> <li>• 20 workers for 12 weeks (72 working days)</li> </ul>	<p>Calculate the average number of workers per day</p> <p>Average workers/day</p> $= [(40 \text{ workers} \times 96 \text{ days}) + (10 \text{ workers} \times 144 \text{ days}) + (20 \text{ workers} \times 72 \text{ days})] / (96 + 144 + 72) \text{ days}$ $= (3840 + 1440 + 1440) / 312$ $= 21.5 \text{ average workers/day}$ <p>Yes – an OHS program is required.</p>

Example	Health and safety program required?
<p>An employer is starting a new operation that will last 150 working days. The number of workers at the operation will ramp up and ramp down as follows:</p> <ul style="list-style-type: none"> <li>• 10 workers for the first 30 working days</li> <li>• 50 workers during the next 100 working days</li> <li>• 20 workers for the final 20 working days</li> </ul>	<p>Calculate the average number of workers per day</p> <p>Average workers/day            = [(10 workers x 30 days) + (50 workers x 100 days) + (20 workers x 20 days)]            / (30 + 100 + 20) days            = (300 + 5000 + 400) / 150            = 38 average workers/day</p> <p>Yes – an OHS program is required.</p>
<p>An employer with 18 full time staff hires 5 workers from a temporary staffing agency for 6 months every year. Workers' have a 5-day work week, so there are 260 working days in the year.</p>	<p>Calculate the average number of workers per day</p> <p>Average workers/day            = [(18 workers x 260 days) + (5 workers x 130 days)]            / (260)            = (4680 + 650)/260            = 20.5 average workers</p> <p>Yes – an OHS program is required.</p>

## Contact Us

### OHS Contact Centre

Throughout Alberta

- 1-866-415-8690

•

Edmonton & Surrounding area

- 780-415-8690

Deaf or hearing impaired:

- 780-427-9999 (Edmonton)
- 1-800-232-7215 (Alberta)

### Website

[work.alberta.ca/ohs-contact](http://work.alberta.ca/ohs-contact)

## FOR MORE INFORMATION:

Health and Safety Programs: OHS information for workers, employers, and prime contractors (LI042)

### Get Copies of *OHS Act*, Regulation and Code

#### Alberta Queen's Printer

[qp.gov.ab.ca](http://qp.gov.ab.ca)

#### Occupational Health and Safety

[work.alberta.ca/ohs-legislation](http://work.alberta.ca/ohs-legislation)

© 2018 Government of Alberta

This material is for information only. The information provided in this material is solely for the user's information and convenience and, while thought to be accurate and functional, it is provided without warranty of any kind. The Crown, its agents, employees or contractors will not be liable to you for any damages, direct or indirect, arising out of your use of the information contained in this material. If in doubt with respect to any information contained within this material, or for confirmation of legal requirements, please refer to the current edition of the *Occupational Health and Safety Act*, Regulation and Code or other applicable legislation. Further, if there is any inconsistency or conflict between any of the information contained in this material and the applicable legislative requirement, the legislative requirement shall prevail. This material is current to May 2018. The law is constantly changing with new legislation, amendments to existing legislation, and decisions from the courts. It is important that you and keep yourself informed of the current law. This material may be used, reproduced, stored or transmitted for non-commercial purposes. The source of this material must be acknowledged when publishing or issuing it to others. This material is not to be used, reproduced, stored or transmitted for commercial purposes without written permission from the Government of Alberta.