

Applying for an occupational health and safety (OHS) approval

OHS information for employers and prime contractors

- In some cases the *OHS Act*, regulation or OHS Code allow a statutory Director to approve a process, equipment, standard, course or training agency.
- To make the request as efficient as possible, follow all steps and include all the items listed.

What is an approval?

An approval allows for a statutory Director to approve a process, equipment, standard, course or training agency, or an alternative to strict compliance with a specific legislated provision. Section 56 of the *OHS Act* covers approvals.

Sections of the *OHS Act*, regulation and code provide specific criteria for approvals. In cases where the criteria for assessing the approval request are not in legislation, a Director considers factors appropriate to the application, the circumstances, any submissions, documents, or reports, and feedback from consultation to evaluate the application.

A statutory Director is an employee of the Government of Alberta, who has the legislative power to issue an approval. Directors include the Director of Inspection, Director of Occupational Hygiene and Director of Medical Services.

Who can apply for an approval?

Worksite parties who can apply for an approval include prime contractors, employers, self-employed persons, suppliers, service providers, owners, or a group of one or more of these persons. This allows a group dealing with the same issue to apply jointly for the same approval.

Who can an approval be issued to?

Approvals can be issued to prime contractors, contractors, employers, self-employed persons, suppliers, service providers, owners, or a group of one or more of these persons.

How to apply for an approval

Applicants may first want to contact the OHS Contact Centre to answer any questions, including questions about approvals and acceptances. In some cases applicants will be referred directly to a Director (see the Contact Us section on the last page).

The application for an approval must be made in writing and include the “**Approval Application**” form.

Step 1 - Fill out the Approval Application form.

- Identify the specific section(s), subsection(s), clause(s) or sub-clause(s) of the *OHS Act*, the regulations, or OHS Code for which the approval is being requested.
- In writing, provide the reason for the approval and describe why it is necessary.
- The location(s) of the affected work sites to which the approval applies and the work being performed.
 - If a physical address does not apply, include longitude and latitude information (e.g. oil well site)

- Indicate how long the approval needs to be in place. Include specific dates and time periods, if known (an approval cannot be requested for longer than five years).
- Be sure to provide all supporting information required to assess the application.
 - This may include photographs, technical reports, proposed work procedures, sketches and drawings.
 - If applicable, a copy of the relevant hazard assessment that was conducted with the involvement of the affected workers, and identifies the methods used to eliminate or control the identified hazards.
 - Certification of any alternatives by a professional engineer or other appropriate professional is often helpful. In some cases, the Director may request this before granting the approval.

Step 2 – Mail or email the application for approval.

- The application is addressed to either a Director of Occupational Hygiene; Director of Medical Services or; a Director of Inspection (select as appropriate).

Any missing or incomplete information may delay processing of the application. The application and accompanying documentation must be sent by regular mail or email to:

Director of: Occupational Hygiene or Medical Services or Inspections – Approvals
 J.G. O’Donoghue Building
 Main Floor, 7000 – 113 Street
 Edmonton, AB T6H 5T6

E-Mail: lbr.ohsaccept@gov.ab.ca

For mining-related requests:

Director of Inspections for Mining
 J.G. O’Donoghue Building
 Main Floor, 7000 – 113 Street
 Edmonton, AB T6H 5T6

Email: LBR.OHSMining@gov.ab.ca

What to expect after submitting a request

Receipt of the application will be supplied to the applicant, typically within a few days. The applicant may be contacted during the assessment process to answer questions or provide additional information.

While the application is being processed and assessed, all existing requirements of the OHS legislation must continue to be met.

Requests are considered on a case-by-case basis. Timelines for a Director to review and consider approval vary and typically take a number of weeks. Requests should be made well in advance of critical project deadlines where possible.

A Director may either grant or deny a request, in whole or in part, after considering all the information provided.

When considering an approval request, the Director must consult, as appropriate, or require the applicant to consult, the joint work site health and safety committee or health and safety representative, and individual workers or other persons respecting the application, if applicable.

If the request is granted

If the request for an approval is granted, the Director's decision is provided in writing. The decision:

- may include terms and conditions that must be met as part of the approval, and
- is in effect only during the time period specified in the Director's granting letter.

An approval is specific to the work site party or group of work site parties to which it is granted and applies to the work site(s) listed in the Director's granting letter. The approval is not transferable to other work site parties and locations other than those listed in the granting letter.

A Government of Alberta OHS officer may visit the work site(s) to confirm that work site parties are complying with the terms and conditions of the granting letter.

Validity – An approval is in effect for a maximum of five years from the date it is granted, subject to the terms and conditions listed in the granting letter. An approval can be renewed or extended by submitting a written request to a Director explaining the reason(s) for the renewal, or extension and including a copy of the Director's original granting letter, if there is no substantial change. The applicant is responsible for requesting a renewal before the original granting letter expires.

If circumstances change – If the circumstances of the original application change, such as work site conditions or the project going beyond the end date specified in the granting letter, the applicant is responsible for notifying the Director. Depending on the nature of the change(s), the Director may amend, suspend, or revoke the approval.

If the request is denied

The Director must provide the applicant with written reasons for their decision. If the request is denied, there is no appeal mechanism. The applicant is free to revise their application to address any stated concerns and re-apply.

How is an approval different from an acceptance?

An acceptance is for an alternative approach that offers equal or greater protection to workers than the requirements outlined in the OHS Regulation or OHS Code. For example, the OHS Code requires that workers use protective eyewear approved to a specific standard. However, because of the nature of the work, a worker may be better protected by alternative eyewear approved to a different standard.

If the applicant can demonstrate that an alternative standard provides workers with an equal or greater level of protection, then the acceptance can be issued and the worker can use the alternate eyewear.

Contact Us

OHS Contact Centre

Throughout Alberta

- 1-866-415-8690

Edmonton & Surrounding area

- 780-415-8690

Deaf or hearing impaired:

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

PSI Online Reporting Service

alberta.ca/report-potentially-serious-incidents.aspx

Website

alberta.ca/occupational-health-safety.aspx

FOR MORE INFORMATION

Approval application form (LI030-1TMP)

ohs-pubstore.labour.alberta.ca/LI030-1TMP

Joint work site health and safety committee and health and safety representative approval requests (LI030-2)

ohs-pubstore.labour.alberta.ca/LI030-2

Applying for an OHS acceptance (LI030)

ohs-pubstore.labour.alberta.ca/LI030

Get Copies of OHS Act, Regulation and Code

Alberta Queen's Printer

qp.gov.ab.ca

Occupational Health and Safety

alberta.ca/ohs-act-regulation-code.aspx

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