

**MINISTRY OF LABOUR**  
**WRITTEN RESPONSES TO QUESTIONS RAISED AT THE**  
**STANDING COMMITTEE ON PUBLIC ACCOUNTS**

**Alberta Hansard (Transcript No. 29-3-6)**

**May 23, 2017**

**PA-431**

**Mr. Fildebrandt:**

So we've seen an increase in the number of investigators working in the department in the last four years, but the number of investigations has gone down. Can you speak to why that's the case?

**Answer:**

- o OHS investigates all reported incidents.
- o The number of incidents being reported has decreased. This could be due to factors such as the change in the economy, increase in safety performance, etc.

**PA-432**

**Mr. Gotfried:**

What barriers are preventing the development and implementation of the more strategic approach to program enhancement, objectives, oversight, and, really, I think, compliance at the end of the day?

**Mr. Gotfried:**

A response in writing just around the strategy issue would be greatly appreciated.

**Answer:**

- o In response to the Office of the Auditor General (OAG) recommendations the department has developed an evaluation framework that went into effect April 1, 2017.
- o The framework was developed as a result of a number of activities including:
  - mapping of current and future evaluations needs of Occupational Health and Safety (OHS) programs;
  - reviewing relevant theory-based evaluation frameworks;
  - consultations with internal stakeholders; and
  - stakeholder validation of the evaluation framework.

- The department has also developed 32 key performance indicators that align with the strategic goals of the OHS program. It is anticipated that some of these indicators will be developed into performance measures in time.
- The evaluation framework will help improve the effectiveness and impact of the OHS program. The framework will help ensure information obtained from evaluations is used in planning, budgeting, organizational improvement, policy review, as well as ongoing program and project management, to improve performance.
- Strategic proactive programs have been developed and implemented, using a four-measure index which allows OHS to focus resources where needed, on employers exhibiting the worst performance.
- OHS also conducts shorter-term, focused inspection programs based on emerging trends such as the safety of fuel and convenience store workers and vulnerable workers.
- Along with the introduction of new tools such as ticketing and administrative penalties, OHS is reviewing the effective use of all compliance tools and introduced a quality assurance and training unit to provide oversight and continuous improvement.

**PA-436**

**Mr. Gotfried:**

How much effort is put towards not just the enforcement and having your inspectors out but also empowering and educating employers and employees?

**Answer:**

- When OHS officers encounter employers that are not in compliance, they engage the employer in order that the employer initiates measures and controls to gain compliance in an effective and useful manner given the work being performed and the hazards it presents.
- It is this combination of fair, yet firm compliance, along with employer engagement that leads to an educated workforce.
- OHS officers direct employers to industry best practices and educational materials.
- Roughly 50 per cent of the workforce is currently employed by employers who hold a valid certificate of recognition (COR). COR is a voluntary program supported by Alberta Labour, industry and the Workers' Compensation Board (WCB) which recognizes an employer's commitment to a culture of health and safety at their work site(s) and the fact that they have passed an audit of their health and safety management system. Employers who achieve COR have staff who have participated in mandatory OHS training from Certifying Partners.

**PA-440**

**Mr. Gotfried:**

OHS officers can issue compliance orders, stop use orders, stop work orders, 10(1)(c) orders, and then above that are director's orders. Can you give us a breakdown of what percentage of site visits result in any form of order?

**Answer:**

- o In 2016/2017, 8,648 OHS inspections and 3,618 re-inspections were conducted resulting in the issuance of 7,848 OHS orders to employers to meet and comply with safety and/or health standards as set out in the OHS Act, Regulation and Code.

**Supplementary**

Can you provide a breakdown of what percentage of the total number of orders issued falls into each respective order category?

**Answer:**

Type	Number in 2016/2017
Compliance orders	6,786 (86.5%)
Stop use orders	113 (1.5%)
Stop work orders	949 (12%)
<b>Total</b>	<b>7,848</b>

**Supplementary**

What does it take to have an issue elevated to a Director's Order?

**Answer:**

- o Where compliance has not been met by the required date or where the recipient is not actively attempting to comply, the officer will consult with his or her manager with respect to other means of enforcement. This could include a Director's Order.
- o An example could be where an OHS officer has found multiple, serious, blatant, non-compliance issues at an employer's work site and they have not been rectified within the time period given.
- o Another example could be a situation where an employer had significant incidents or non-compliance on a previous project.

## Supplementary

When a ticket is issued on site by an OHS officer to an employee or crew, are they always sent home, or work suspended, or is it up to the discretion of the OHS officer?

### Answer:

- Although OHS officers have the authority to make someone leave a work site, they very seldom do so. When a ticket is written to a worker, as long as compliance is achieved, the worker can return to work.

## Supplementary

How many administrative penalties were issued last year? And, what was the total dollar figure for those penalties?

### Answer:

- In 2016/2017, five administrative penalties totalling \$85,500 were issued to employers.

## Supplementary

What is the process and in what cases are time extensions issued to employers who have stop-work or stop-use orders?

### Answer:

- Extensions for these orders are never given; rather, the order is either left in place or lifted when the safety concerns have been addressed.

## Supplementary

How does OHS identify employers most in need of OHS attention?

### Answer:

- Engaging in proactive activities with employers through initiatives generated from the OHS Index, including industry specific programs and emerging trends.
  - OHS Index is a tool, which uses four metrics to model employer health and safety performance over a four-year period. These metrics include disabling injury rate, lost-time claim rate, days lost frequency rate and fatality count.
- Built on the framework of internal responsibility, the Proactive Strategic Programs:
  - focus compliance efforts with employers whose workers have experienced significant injury and illness; and
  - focus on industries with high risks, demonstrated historical need and/or evidence of poor compliance with legislative requirements.
- Proactive Strategic Programs use a variety of education, compliance and enforcement tools when dealing with Alberta work sites to ensure legislated health and safety standards are met by the parties engaged at the work sites.

- In 2016/2017, as part of this proactive strategic approach, approximately 680 employers with the highest OHS Index rankings were selected.
  - 100 Residential Construction employers;
  - 100 Commercial and Industrial Construction employers;
  - 100 Health Care Facilities;
  - 75 Manufacturing Employers;
  - 25 Oil and Gas Employers;
  - 200 From Other Industries; and
  - 80 Small businesses.
- Throughout the year, OHS may also identify emerging trends that would benefit from more intensive inspection focus. The emerging trends may be industry specific or hazard specific. The purpose of this type of focused inspections is to raise awareness of known workplace hazards, and to ensure compliance with the OHS Act, Regulation and Code.
- OHS Proactive Strategic Program emerging trend Priorities for the 2017 funding cycle are:
  - Vulnerable Workers;
  - Care Workers Violence Prevention; and
  - Asbestos Exposed Workers.

### **Supplementary**

Are they notified they are on your "watch list" and how are site visits conducted for those identified i.e. randomly, scheduled or with notice? And, how do they end up being removed from your "watch list"?

#### **Answer:**

- These employers receive a letter from OHS advising that they will receive visits from an OHS officer to inspect and identify areas for improvement.
- They remain on the list until such time that their scores improve and they are no longer amongst the top numbers identified.
- High-risk industry sectors are also identified for OHS proactive programs. Employers in these sectors receive random, unannounced inspections.

## **Supplementary**

How many breaches, possibly those resulting in incident or injury, have been elevated beyond orders and penalties to charges and/or prosecution?

### **Answer:**

- In 2016/2017, 13 charges (11 in 2015/2016) were prosecuted for the most serious occupational health and safety infractions , resulting in monetary fines totaling \$1.6 million (\$1.5 million in 2015/2016).
- Individual fines ranged from \$11, 500 to \$402,500.

## **Supplementary**

When will the WCB Review be released to the public?

### **Answer:**

- The WCB Review panel is currently conducting its work to provide recommendations to the government. Once the panel is done, it will submit its report to the Minister. Once received, the government will analyze the recommendations and determine next steps.

## **PA-440**

### **Mr. Panda:**

Do the current performance measures, which include surveys, in the ministry's annual reports help the department assess whether or not its occupational health and safety programs are effective?

### **Answer:**

- In the 2017-2020 Business Plan the performance measure which utilized a survey was discontinued.
- Effective performance measurement helps to ensure credible and objective evidence is used in planning, budgeting, organizational improvement and policy review for OHS programs as well as ongoing program and project management and to improve performance.
- As a result of the OAG's recommendation, the Department of Labour has taken steps to enhance its measurement of the OHS program.
- In the 2017-2020 Business Plan, one new performance measure was added – the number of OHS inspections – which demonstrates the Ministry's efforts to enforce compliance with provincial legislation and promote safe and healthy workplaces. The results for this measure will be reported on in the 2017/2018 Ministry Annual Report.
- In addition to our public facing performance measures, the ministry has also established an internal evaluation reporting schedule. This evaluation reporting schedule includes 32 performance indicators for key programs that align with the strategic goals of the OHS program.

- Data for a number of the new indicators is currently available and data development is underway for the remaining indicators, which will be phased in over the next couple years.

### **Supplementary**

In particular, how is the lost-time claim rate calculated?

#### **Answer:**

- Lost-Time Claim (LTC) – A claim that was accepted in the calendar year for an occupational injury or disease that causes the worker to have time away from work beyond the day of the injury. Included are claims receiving reimbursement of full or partial lost wages due to occupational illness or injury, or payment for permanent loss of function.
- The measure provides the number of lost-time claims per 100 person-years worked to indicate increases or decreases in a worker's risk of injury or disease.
- One person-year is equivalent to one full-time worker working for one year, or 2,000 hours worked.
- The results for this performance measure are by calendar year and the objective is to attain the lowest rate possible.

### **Supplementary**

To what extent does the lost-time claim rate evaluate OHS programs?

#### **Answer:**

- The LTC rate is a measure of the workplace incidence of injury and disease.
- The LTC rate is a broad performance measure which encompasses the actions of government, WCB, employers, workers. Hence, the LTC rate is not solely affected by actions of Alberta Labour; however, it is impacted by legislation and compliance which is the sole purview of government.

### **Supplementary**

When staff found deficient workplaces, why were extensions to employers to improve conditions not being approved using proper procedures and best practices? Is this simply a case where you lacked robust procedures and sign-offs, or was it a lack of sufficient training and knowledge within the program and its staff?

**Answer:**

- Extensions are never issued for stop-work or stop-use orders. A stop-work or stop-use order remains in place until the employer demonstrates the equipment or work site is safe and workers are not in danger.
- The OAG found instances where extensions to employers to improve conditions were not being properly recorded in the compliance management information system.
- In response, OHS officers have since received training on how to properly document approvals for extensions in the system.

**PA-441**

**Mr. Gotfried:**

Does the Ministry have any programs or funding which will help educate people early on in their work careers and help them to identify the rights and responsibilities they have as employees, to ensure that the workplaces that they're in are safe, and that they have the empowerment to ask the right questions and to refuse work that they feel is unsafe?

**Answer:**

- Labour's website includes a number of resources developed to support:
  - young workers (information regarding legislation, job tips and information on how to talk to your supervisor about health and safety concerns);
  - parents ( information about employment standards legislation, video and campaigns, tip sheets on how to prevent injury);
  - employers (information regarding responsibilities, online e-learning programs; and
  - educators (resources for the classroom).
- The resources include information on workers' rights and responsibilities, workplace hazards, employer responsibilities, information on employment standard legislation and also various tip sheets.
- Labour also supports education and awareness by funding projects through the OHS Innovation and Engagement Grants Program. For example, Labour funded *Putting Safety Into the Palm of Your Hands*, a project of the Board of Trustees of Elk Island Public Schools Regional Division No. 14, which supports the development and production of safety videos and posters addressing safety needs for high schools students and teachers in Career and Technologies Studies.