

OHS Regulation

Definitions

Section 1 Definitions

In this Regulation,

- a. **acceptance** means an acceptance issued under section 34 of the Act;
- b. **Act** means the *Occupational Health and Safety Act*;
- c. **asbestos** includes all forms of asbestos;
- d. **blaster's permit** means a permit referred to in section 17;
- e. **blasting area**, except at a mine site, means the area extending at least 50 metres in all directions from any place in which explosives are being prepared, fired or destroyed or in which armed charges are known or believed to exist;
- f. **coal dust** means dust that
 - i. results from the mining, transporting or processing of coal,
 - ii. is of a pure or mixed carboniferous, mineralogical composition, and
 - iii. contains 10% or less of free silica calculated by weight;
- g. **competent** in relation to a worker, means adequately qualified, suitably trained and with sufficient experience to safely perform work without supervision or with only a minimal degree of supervision;
- h. **direct supervision** means under the supervision of a competent worker who is
 - i. personally and visually supervising the other worker, and
 - ii. able to communicate readily and clearly with the other worker;

- i. **equipment** means a thing used to equip workers at a work site and includes tools, supplies, machinery and sanitary facilities;
- j. **explosive** means a chemical compound or mixture that by fire, friction, impact, percussion or detonation, may cause a sudden release of gases at a pressure capable of producing destructive effects to adjacent objects or of killing or injuring a person;
- k. **harmful substance** means a substance that, because of its properties, application or presence, creates or could create a danger, including a chemical or biological hazard, to the health and safety of a worker exposed to it;
- l. **lead** includes inorganic and organic compounds of lead;
- m. **mine** means a working, other than a drill hole made while exploring for a mineral, from which coal, metals, precious or semi-precious minerals, industrial minerals, oil sands or any other material could be extracted, whether commercially or otherwise;
- n. **mine site** means a location at which a facility for extracting a mineral by underground, strip, open pit or quarry operations exists or is to be developed, and includes
 - i. a mineral processing plant, storage facility or discard disposal facility that exists or is to be developed in connection with a mine, and
 - ii. all connected access roads;
- o. **mining certificate** means a certificate issued under Part 2;
- p. **restricted area** means an area of a work site where there is a reasonable chance that the airborne concentration of asbestos, silica, coal dust or lead exceeds the occupational exposure limit under an adopted code;
- q. **silica** means crystalline silicon dioxide, including quartz, cristobalite, tridymite and tripoli;
- r. **surface mine** means a mine worked by strip mining, open pit mining or other surface method, including auger mining;
- s. **underground mine** means a mine other than a surface mine.

Part 1 General

Section 2 controlled product

For the purposes of section 1(c) of the Act, a product, material or substance specified by the *Controlled Products Regulations* made pursuant to paragraph 15(1)(a) of the *Hazardous Products Act* (Canada) to be included in any of the classes listed in Schedule II to the *Hazardous Products Act* (Canada) is designated as a controlled product.

Section 3 Hazardous Material

For the purposes of section 1(l) of the Act, an explosive is designated as a hazardous material.

Section 4 Hazardous occupation

For the purposes of section 1(m) of the Act, the occupation of a person who works with asbestos, silica, coal dust or lead is designated as a hazardous occupation.

Section 5 Hazardous work site

For the purposes of section 1(n) of the Act, a restricted area and a blasting area are each designated as a hazardous work site.

Section 6 Notifiable diseases

The following diseases are notifiable diseases for the purpose of section 22 of the Act:

- a. asbestosis;
- b. mesothelioma;
- c. asbestos-induced lung cancer;
- d. asbestos-induced laryngeal cancer;
- e. asbestos-induced gastrointestinal cancer;
- f. coal worker's pneumoconiosis;
- g. silicosis;

- h. lead poisoning; and
- i. noise-induced hearing loss.

Section 7 Availability of specifications

1. If the Act, a regulation or an adopted code requires work to be done in accordance with a manufacturer's specifications or specifications certified by a professional engineer, an employer must ensure that
 - a. the workers responsible for the work are familiar with the specifications, and
 - b. the specifications are readily available to the workers responsible for the work.
2. If the Act, a regulation or an adopted code refers to a manufacturer's or employer's specifications or specifications certified by a professional engineer, an employer must ensure that, during the period of time that the matters referred to in the specifications are in use, a legible copy of the specifications is readily available to workers affected by them.
3. An employer must ensure that the original of the document setting out manufacturer's or employer's specifications or specifications certified by a professional engineer is available in Alberta for inspection by an officer.

Section 8 Critical documents available

1. If an employer is required to make a report or a plan under the Act, it must be in writing and available to the workers at the work site affected by it.
2. If an employer is required to develop procedures or to put procedures in place under the Act, the procedures must be in writing and available to the workers at the work site affected by them.

Section 9 Posting orders and notices

1. An employer must post a copy of the following at a work site:
 - a. an order made under the Act that is relevant to the work site;
 - b. a health and safety notice prepared by or for a Director concerning conditions or

procedures at the work site.

2. The employer must post the copy at a conspicuous place at the work site as soon as the employer receives it.
3. The employer must keep an order under the Act posted until the conditions specified in the order are met.
4. Despite subsections (1) to (3), if the work site is mobile and posting is impracticable, the employer must ensure that the information in the order or the notice is brought to the attention of all workers at the work site.

Section 10 Acceptance

1. An application for an acceptance must provide the specific details about the alternative tool, appliance, equipment, work process or first aid service, supplies or equipment that a Director needs to determine if the alternative gives workers equal or greater protection than the original requirement.
2. An employer must ensure that a copy or a record of an acceptance that applies at a work site is
 - a. posted at the work site,
 - b. if applicable, secured to or kept with the equipment to which the acceptance applies,
or
 - c. otherwise communicated to the workers who may be affected by the acceptance.

Section 11 Notice to a Director

If a regulation or an adopted code requires a person to give notice to a Director, the person must use the quickest practical means of communication available.

Section 12 Equipment

1. An employer must ensure that all equipment used at a work site

- a. is maintained in a condition that will not compromise the health or safety of workers using or transporting it,
 - b. will safely perform the function for which it is intended or was designed,
 - c. is of adequate strength for its purpose, and
 - d. is free from obvious defects.
2. If a worker is required under the Act to use or wear specific equipment, the employer must ensure that the worker uses or wears the equipment at the work site.

Section 13 General protection of workers

1. If work is to be done that may endanger a worker, the employer must ensure that the work is done
 - a. by a worker who is competent to do the work, or
 - b. by a worker who is working under the direct supervision of a worker who is competent to do the work.
2. An employer who develops or implements a procedure or other measure respecting the work at a work site must ensure that all workers who are affected by the procedure or measure are familiar with it before the work is begun.
3. An employer must ensure that workers who may be required to use safety equipment or protective equipment are competent in the application, care, use, maintenance and limitations of that equipment.
4. If a regulation or an adopted code imposes a duty on a worker, the worker's employer must ensure that the worker performs that duty.

Section 14 Duties of workers

1. A worker who is not competent to perform work that may endanger the worker or others must not perform the work except under the direct supervision of a worker who is competent to perform the work.
2. A worker must immediately report to the employer equipment that

- a. is in a condition that will compromise the health or safety of workers using or transporting it,
 - b. will not perform the function for which it is intended or was designed,
 - c. is not strong enough for its purpose, or
 - d. has an obvious defect.
3. If a regulation or an adopted code imposes a duty on a worker,
- a. the duty must be treated as applying to circumstances and things that are within the worker's area of occupational responsibility, and
 - b. the worker must perform that duty.

Section 15 Safety training

1. An employer must ensure that a worker is trained in the safe operation of the equipment the worker is required to operate.
2. An employer must ensure that the training referred to in subsection (1) includes the following:
 - a. the selection of the appropriate equipment;
 - b. the limitations of the equipment;
 - c. an operator's pre-use inspection;
 - d. the use of the equipment;
 - e. the operator skills required by the manufacturer's specifications for the equipment;
 - f. the basic mechanical and maintenance requirements of the equipment;
 - g. loading and unloading the equipment if doing so is a job requirement;
 - h. the hazards specific to the operation of the equipment at the work site.
3. If a worker may be exposed to a harmful substance at a work site, an employer must
 - a. establish procedures that minimize the worker's exposure to the harmful substance,

and

- b. ensure that a worker who may be exposed to the harmful substance
 - i. is trained in the procedures,
 - ii. applies the training, and
 - iii. is informed of the health hazards associated with exposure to the harmful substance.
4. A worker must participate in the training provided by an employer.
5. A worker must apply the training referred to in subsections (1) and (3).

Section 16 Joint First Aid Training Standards Board

If the Minister establishes a Joint First Aid Training Standards Board under section 7 of the *Government Organization Act*, the Board must include members representative of each of the 4 national first aid training standard setting agencies.

Part 2 Permits and Certificates

Section 17 Issuer of blasters permit

1. A worker who handles, prepares, fires, burns or destroys an explosive must hold a blaster's permit issued for that specific type of blasting operation as stated on the permit.
2. A blaster's permit may be issued by
 - a. a Director of Inspection, or
 - b. an organization that is authorized by a Director of Inspection.
3. A worker may apply for a blaster's permit in a form approved by a Director of Inspection.
4. An applicant for a blaster's permit must

- a. have successfully completed a course and examination acceptable to the Director of Inspection,
 - b. have qualifications acceptable to the Director of Inspection, or
 - c. provide the Director of Inspection with written proof that the applicant
 - i. has, within the previous 36 months, at least 6 months experience in handling, preparing, firing, burning or destroying explosives as a blaster or an assistant to a blaster, and
 - ii. is, in the opinion of the applicant's employer, competent to carry out the blasting operation.
5. A Director of Inspection may issue a blaster's permit if the applicant
- a. is 18 years of age or older, and
 - b. complies with subsection (4).

Section 18 Expiry

A blaster's permit expires 5 years from its date of issue.

Section 19 Suspension, cancellation

1. A Director of Inspection may suspend or cancel a blaster's permit if the holder
 - a. contravenes the Act, the regulations or an adopted code,
 - b. is or was the holder of a permit from another jurisdiction of the same type as the blaster's permit and that permit is suspended or cancelled, or
 - c. provided false information to obtain, or assist others to obtain, a blaster's permit.
2. If a Director of Inspection suspends or cancels a blaster's permit, the suspension or cancellation applies only to the handling, preparation, firing, burning and destruction of explosives in Alberta.
3. If a Director of Inspection suspends or cancels a blaster's permit issued by an

organization referred to in section 17(2)(b), the Director of Inspection must notify the organization of the suspension or cancellation.

4. A Director of Inspection who suspends or cancels a blaster's permit must give written reasons for the suspension or cancellation to the worker and the worker's employer.
5. The holder of a blaster's permit must surrender it immediately to a Director of Inspection if it is suspended or cancelled.

Section 20 Effect at work site

If a Director of Inspection suspends or cancels a blaster's permit held by a worker at a work site where explosives are used, all other blaster's permits held by workers at the same work site are suspended until the employer gives the Director proof in writing acceptable to the Director that action has been taken to correct the conditions that led to the initial suspension or cancellation.

Section 21 Employer records of blaster permits

An employer must ensure that a current list of the blasters employed by the employer, listing each blaster's name, the issuer of the permit, permit number and permit expiry date is maintained and readily available for reference by an officer.

Section 22 Amendment of permit

1. A Director of Inspection may amend a blaster's permit.
2. If a holder of a blaster's permit applies to a Director of Inspection to amend the terms of the blaster's permit to include the experimental use of explosives not otherwise covered by the blaster's permit, the application must include a description of the experimental use including
 - a. the explosive to be used,
 - b. the detonator and method of detonation,

- c. details of the transportation, handling, preparation and loading of the explosives and detonators,
- d. the name of the supervisor in charge of the operation,
- e. the name of the blaster, blaster's permit number and the issuer of the permit, and
- f. any other information a Director of Inspection requires.

Section 23 Possession of blasters permit

The holder of a blaster's permit must have the original, valid blaster's permit at the work site while a blasting operation is in progress.

Section 24 Board of Examiners

1. The Board of Examiners is continued and consists of a Director of Inspection and members appointed by the Minister from the following groups:
 - a. workers who do not perform managerial functions, have at least 5 years of underground mining experience and are currently employed at an underground coal mine;
 - b. workers who perform managerial functions at an underground mine and are the holders of underground coal mine manager's certificates issued under this Part;
 - c. consultants, academics or training professionals who have underground coal mining experience;
 - d. other groups of persons.
2. The Director is the chair of the Board of Examiners.
3. The appointment of a person to the Board of Examiners must be for a term set by the Minister.
4. The fees and expenses payable to a person serving on the Board of Examiners must be in an amount determined by the Minister.

5. The chair and at least one half of the number of appointed members constitute a quorum of the Board.

Section 25 Duties

1. The Board of Examiners must
 - a. determine the eligibility and qualification requirements for candidates applying for a mining certificate,
 - b. conduct examinations of candidates seeking mining certificates, and
 - c. recommend to a Director of Inspection the candidates to whom a mining certificate should be issued.
2. The Board of Examiners may recommend to a Director of Inspection that a mining certificate be issued to a candidate who holds a similar document granted by another jurisdiction if the Board is satisfied that the standard of training and examination required to receive that document is equivalent to that required for the issuance of the mining certificate.

Section 26 Underground mine blasters certificate

1. A worker who handles, prepares, fires, burns or destroys an explosive or handles misfires at an underground mine site must hold an underground mine blaster's certificate issued by a Director of Inspection.
2. A worker may apply for an underground mine blaster's certificate in a form approved by a Director of Inspection.
3. An applicant for an underground mine blaster's certificate must
 - a. have not less than 3 years' experience in underground mining,
 - b. produce written evidence that the applicant has received adequate instruction and training in underground mine blasting by a worker competent in underground mine blasting, and
 - c. satisfy the Director that the applicant is competent to hold an underground mine

blaster's certificate.

4. A Director of Inspection may issue an underground mine blaster's certificate to a worker who complies with this section.

Section 27 Surface mine blasters certificate

1. A worker who handles, prepares, fires, burns or destroys an explosive or handles misfires at a surface mine site must hold a surface mine blaster's certificate issued by a Director of Inspection.
2. A worker may apply for a surface mine blaster's certificate in a form approved by a Director of Inspection.
3. An applicant for a surface mine blaster's certificate must
 - a. have not less than 3 years' experience in surface mining,
 - b. produce written evidence that the worker has received adequate instruction and training in surface mine blasting by a worker competent in surface mine blasting, and
 - c. satisfy the Director that the applicant is competent to hold a surface mine blaster's certificate.
4. A Director of Inspection may issue a surface mine blaster's certificate to a worker who complies with this section.

Section 28 Certificate expires

An underground or surface mine blaster's certificate expires 5 years from its date of issue.

Section 29 Suspension, cancellation

1. An officer may suspend a surface or underground mine blaster's certificate if the officer

has reason to believe that the holder of the mine blaster's certificate

- a. has contravened the Act, the regulations or an adopted code, or
- b. has otherwise used explosives, detonators or equipment in a manner that constitutes a hazard to the holder or other workers.

2. A mine blaster's certificate may be

- a. suspended by an officer for a period of up to 72 hours, or
- b. suspended by a Director of Inspection for any period of time.

3. A Director of Inspection may cancel a surface or underground mine blaster's certificate if the Director of Inspection has reason to believe that the holder of the mine blaster's certificate

- a. has contravened the Act, the regulations or an adopted code, or
- b. has otherwise used explosives, detonators or equipment in a manner that constitutes a hazard to the holder or other workers.

4. The person who suspends or cancels a mine blaster's certificate must give written reasons for the suspension or cancellation to the worker and the worker's employer.

5. If a mine blaster's certificate is suspended or cancelled, the worker named in the certificate must, on request, surrender it to an officer.

Section 30 Underground coal mine managers certificate

1. A person may apply in a form approved by a Director of Inspection for an underground coal mine manager's certificate.

2. A Director of Inspection may issue an underground coal mine manager's certificate to a worker who complies with subsections (3) and (4).

3. An applicant must have

- a. first aid certification approved under an adopted code and training and knowledge in underground mine rescue procedures, or
- b. other training and experience in first aid and underground mine rescue acceptable to the Board of Examiners.

4. An applicant must

- a. be a graduate in mining engineering from a university or college recognized by the Board of Examiners and have experience in underground coal mining totalling not less than 5 years, including one year in work at the working face, or
- b. have 10 years of experience in underground coal mining, including 2 years of work at the working face.

Section 31 Underground coal mine foremans certificate

1. A person may apply in a form approved by a Director of Inspection for an underground coal mine foreman's certificate.
2. A Director of Inspection may issue an underground coal mine foreman's certificate to a worker
 - a. with experience totalling not less than 5 years in an underground coal mine, including one year of working at the working face or its equivalent,
 - b. who is knowledgeable about blasting procedures,
 - c. who holds a standard first aider certificate from a training agency, and
 - d. who has
 - i. training and qualifications in underground mine rescue procedures, or
 - ii. other training and experience acceptable to the Board of Examiners.
3. For the purposes of this section, training agency means a person or organization that enters into an agreement to deliver first aid training with the Director of Medical Services under the Act.

Section 32 Underground coal mine electrical superintendents certificate

1. A person may apply in a form approved by a Director of Inspection for an underground coal mine electrical superintendent's certificate.
2. A Director of Inspection may issue an underground coal mine electrical superintendent's certificate to

- a. a worker who is a graduate in electrical engineering from a university or college recognized by the Board of Examiners and has experience in underground mining totalling at least 2 years,
- b. a worker who holds a trade certificate in the trade of electrician under the *Apprenticeship and Industry Training Act* or a certificate in the trade of electrician issued by another jurisdiction in Canada bearing an interprovincial standards red seal and has
 - i. 3 years of electrical experience in underground coal mining or its equivalent, or
 - ii. 4 years of electrical experience, including one year in underground coal mining,
- or
- c. a worker who has other training and experience acceptable to the Board of Examiners.

Section 33 Expiry and suspension

1. The holder of an underground coal mine manager's certificate, an underground coal mine foreman's certificate or an underground coal mine electrical superintendent's certificate must demonstrate, every 5 years to the satisfaction of the Board of Examiners, the holder's knowledge of the Act, the regulations and adopted codes as they relate to mines.
2. If the holder of an underground coal mine manager's certificate, an underground coal mine foreman's certificate or an underground coal mine electrical superintendent's certificate does not satisfy the Board of Examiners under subsection (1), a Director of Inspection may suspend the certificate until the Board is satisfied.

Section 34 Provisional certificates

1. A Director of Inspection may grant a provisional certificate to a worker who
 - a. applies for a mining certificate under this Part,
 - b. is qualified to apply for an examination for that mining certificate, and

- c. satisfies the Director regarding the worker's knowledge of the Act, regulations and adopted codes as they apply to the type of mining certificate applied for.
- 2. A provisional certificate
 - a. is valid for a period of not more than 18 months from the date of its issue,
 - b. is subject to cancellation at any time by a Director of Inspection, and
 - c. is valid only at the mine specified on the certificate.
- 3. A provisional certificate cannot be renewed after the expiry date unless the holder satisfies a Director of Inspection that
 - a. the worker is progressing through a course of study to the satisfaction of the Director, or
 - b. the worker was unable, because of exceptional circumstances, to be present at the scheduled examination referred to in subsection (1)(b) related to the certification.

Section 35 Blasters permit

The fee to apply for a blaster's permit

- a. is \$50, or
- b. is \$75 if the applicant requests that the application be processed by a Director of Inspection in one work day.

Section 36 Mining certificate

- 1. The fee to apply for a provisional certificate is \$10.
- 2. The fee for the issue of a provisional certificate is \$50.
- 3. The application fee to sit for or challenge an examination listed in this section is \$50.
- 4. If an application is accepted by a Director of Inspection, the following fees to sit and write an examination are payable:

- a. underground coal mine manager's certificate
 - i. Paper 1 Legislation \$100
 - ii. Paper 2 Gases, Shot Firing and Explosives \$150
 - iii. Paper 3 Ventilation Theory and Practice \$150
 - iv. Paper 4 Practical \$150
 - v. Paper 5 Machinery \$150
 - vi. Paper 6 Surveying, Levelling and Geology \$150
- b. underground coal mine foreman's certificate
 - i. Paper 1 Legislation \$100
 - ii. Paper 2 Practical \$150
- c. underground coal mine electrical superintendent's certificate
 - Paper 1 Legislation and Practical \$200
- d. mine blaster's certificate
 - Paper 1 Legislation and Practical \$100

Part 3 Transitional, Coming into Force and Expiry

Section 37 Transitional

1. A blaster's permit issued under the *Explosives Safety Regulation* (AR 272/76) to a worker by a Director of Inspection before this section comes into force continues as a valid blaster's permit issued under this Regulation and with the same terms and conditions and the same expiry date.
2. A mining certificate issued under the *Mines Safety Regulation* (AR 292/95) to a worker issued before this Regulation comes into force continues as a valid mining certificate issued under this Regulation and with the same terms and conditions and the same expiry date.
3. An acceptance issued under the Act that has a term affected by a change under the Act

continues with the same terms and conditions.

Section 38

(This section amends the Mines Safety Regulation (AR 292/95); the amendments have been incorporated into that Regulation.)

Section 39 Coming into force

This Regulation comes into force on March 31, 2003.

Section 40 Expiry

For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2013.