

Audit Question Legislation Guidance 2025

The following audit questions rely on the auditor to ensure an employer's HSMS adheres to Alberta OHS legislation. Each question below specifies the legislation that the employer's program should comply to and can assist in auditors quantifying the percentage of positive indicators awarded for each question. Please note that this document has been updated to take into account December 4, 2024 changes to the violence and harassment legislation which take effect March 31, 2025. Please contact audits@amhsa.net should you have any additional questions.

1.11 Is current health and safety legislation readily available at all work sites?

Verified through observation at work sites.

The current occupational health and safety legislation (e.g., federal and/or provincial) appropriate to the operation of the work site(s) must be readily available. Points are awarded based on 100% positive indicators from observations. Provide details/examples.

Current printed and online copy available should be with amendments in force as of December 10, 2024.

3.11 Does the Violence and Harassment Prevention Plan meet legislated requirements?

Verified by review of documentation.

Documentation must confirm the employer's Violence and Harassment Prevention Plan meets legislated requirements (Alberta) or Federal legislation for federally regulated employers.

Points are awarded based on 100% positive indicators Provide details/examples.

Auditors must refer to the Alberta OHS Legislation, **Code Part 27, Section 390(1) and 390(2)** to ensure the Violence and Harassment Prevention Plan meets legislated requirements. **(Total 6 criteria)**

390(1)

An employer must develop and implement a violence and harassment prevention plan that includes the following:

- (a) measures to eliminate or, if that is not reasonably practicable, control the hazards of violence and harassment to workers;
- (b) any applicable requirements referred to in section 392.2;
- (c) procedures to inform workers of the nature and extent of the hazard of violence and harassment, including information related to specific or general threats of violence or harassment that exist or may exist;
- (d) procedures to report violence or harassment;
- (e) procedures to investigate complaints and incidents of violence or harassment;
- (f) provisions to protect the confidentiality of all parties involved in a complaint or incident, except where disclosure is
 - (i) necessary to
 - (A) investigate the complaint or incident,
 - (B) take corrective action, or

- (C) inform the parties involved in the complaint or incident of the results of the investigation and of any corrective action to be taken to address the complaint or incident,
- (ii) necessary to inform workers of a specific or general threat of violence or potential violence, or
- (iii) required by law.

390(2)

When developing and implementing a violence and harassment prevention plan, an employer must consult with

- (a) the joint health and safety committee, if there is one,
- (b) the health and safety representative, if there is one, or
- (c) affected workers, as far as reasonably practicable to do so, if there is no joint health and safety committee or health and safety representative

3.12 Has the Violence and Harassment plan been reviewed as per legislated requirements?

Verified by review of documentation

The violence and harassment plans must be reviewed as per legislated requirements (Alberta) or Federal legislation for federally regulated employers.

Points are awarded based on 100% positive indicators

Auditors must refer to the Alberta OHS Legislation, **Code Part 27, Section 390.7** to ensure the Violence and Harassment Prevention Plan meets legislated requirements. **(Total 6 criteria)**

390.7(1)

An employer must review the violence and harassment prevention plan required by section 390(1) in any of the following circumstances:

- (a) when an incident of violence or harassment indicates a review is required;
- (b) where there is a change to the work or work site that could affect the potential for violence or harassment to occur;
- (c) if the joint health and safety committee or the health and safety representative requests a review;
- (d) at least every 3 years.

390.7(2)

When carrying out the review required by subsection (1), the employer must consult with

- (a) the joint health and safety committee, if there is one,
- (b) the health and safety representative, if there is one, or
- (c) affected workers, as far as reasonably practicable to do so, if there is no joint health and safety committee or health and safety representative.

390.7(3)

The employer must revise the violence and harassment prevention plan as necessary following a review required under subsection (1).

4.01 Do the terms of reference for the HSC include all legislated requirements?

Verified by review of documentation.

Documentation must confirm a terms of reference is in place for the HSC and includes all legislated requirements (Alberta) or Federal legislation for federally regulated employers.

Points are awarded based on 100% indicators from documentation.

If the employer is only required to have a HS representative(s), this question may be marked not applicable (n/a).

Provide justification. Provide details/examples.

Auditors must refer to the Alberta OHS Legislation. **Code Part 13, Section 197** to ensure the TOR meets legislated requirements. **(Total 8 criteria)**

197

An employer must ensure each joint health and safety committee develops written terms of reference

(a) outlining the process to select co-chairs,

(b) outlining the process for selecting worker members to the committee to ensure worker members are representative of the workers for that employer,

(c) establishing a term of office for committee members,

(d) outlining the frequency for regular committee meetings and how meeting records will be maintained,

(e) outlining processes for conducting meetings, and forwarding health and safety concerns to the attention of the employer,

(f) establishing a process to replace a member during the member's term of office,

(g) establishing a dispute resolution process for when the committee cannot agree on a recommendation to the employer, and

(h) outlining processes to address circumstances where committee members are not fulfilling their duties.

4.03 Has a HS representative been designated as per legislated requirements?

Verified by employee interviews.

An employer needs to designate a HS representative as per legislated requirements (Alberta) or Federal legislation for federally regulated employers. Employees need to be informed if this process has occurred. Points are awarded based on the percentage of positive responses. If the employer is only required to have an HSC, this question may be marked not applicable (N/A). Provide details/examples.

If the employer employs 20 or more workers or less than 5 workers, this audit question is not applicable in most circumstances. An auditor may come across a situation where the employer has decided to have a Health and Safety Committee instead of designating a Health and Safety Representative which is permitted under the **Act Section 14(6)**.

In these cases, the auditor must reference Health and Safety Committee legislated requirements and this question would become not applicable.

Auditors must refer to the Alberta OHS Legislation, **Act Section 14 (1)** to ensure that the employer has designated a Health and Safety Representative according to legislated requirements.

14(1)

For the purposes of ensuring cooperation between the employer and workers in respect to health and safety, an employer shall, after consultation with any union that is a certified bargaining agent or has acquired bargaining rights on behalf of the employer's workers, designate a worker, who is not associated with the management of the employer, as the health and safety representative

- (a) if that employer regularly employs 5 to 19 workers, or
- (b) at any work site designated by a Director

4.04 Have duties been written for the HSC and/or HS representative(s)?

Verified by review of documentation.

Documentation must confirm that duties of the HSC and/or HS representative(s) have been written as per legislated requirements (Alberta) or Federal legislation for federally regulated employers.

Points are awarded based on 100% positive indicators from documentation. Provide details/examples.

Auditors must refer to the Alberta OHS Legislation, **Act, Part 2, Section 13(6) [HSC] or 14(4) [HSR]** to ensure the duties meet legislated requirements. **(4 criteria)**

13(6)

The duties of a joint health and safety committee include the following:

- (a) the receipt, consideration and disposition of concerns respecting the health and safety of workers;
- (b) participation in the employer's hazard assessment;
- (c) the making of recommendations to the employer respecting the health and safety of workers;
- (d) review of the employer's work site inspection documentation.

14 (4)

The health and safety representative shall, in cooperation with a representative of the employer, perform the same duties, with any necessary modifications, as set out for the joint health and safety committees in section 13(6).

4.05 Have the HSC members and/or the HS representative(s) been trained in their duties and responsibilities?

Verified by review of documentation.

Review training records for committee members and/or the HS Representative(s) to ensure they are trained as per legislated requirements (Alberta) or to Federal legislation for federally regulated employers.

Points are awarded based on percentage of positive indicators. Provide details/examples.

Auditors must refer to the Albert OHS Legislation. **Code Part 13, Section 201** and ensure the HSC and/or HSR are trained as per legislated requirements. **(3 criteria)**

201

An employer must ensure that members of a joint health and safety committee or a health and safety representative are trained in the following:

- (a) the roles and responsibilities of co-chairs and members on joint health and safety committees and health and safety representatives;
- (b) the obligations of work site parties;
- (c) the rights of workers.