

For Immediate Distribution to NASC, SASC, CITIES

LEGISLATION INTERPRETATION FOR MUNICIPALITIES

At the April 4, 2019 joint meeting of the Northern and Southern Alberta Safety Councils, a town reported a concern related to an OHS officer's interpretation of legislation – specifically municipalities issuing development permits being considered “service providers,” leading them to be responsible for ensuring those applying for development permits had conducted hazardous materials surveys before issuing the permits.

At the end of April, AMHSA submitted an explanation about our concerns for our industry about the implications and validity of this legislation interpretation to the OHS policy group. We are happy to report that we have already received a response, indicating that municipalities issuing permits **will not be considered a service provider** in this scenario under the OHS legislation.

The complete response from OHS Feedback:

Section 1 of the Act defines “service provider” as follows:

“Service provider” means a person who provides training, consulting, testing, program development or other services in respect of any occupation, project or work site;

For further clarification:

Work site parties retain service providers such as consultants when they require specialized services that they are unable or otherwise do not wish to provide themselves. These services can include training, occupational hygiene surveys for chemical exposure, engineering assessments, and health screenings. The service provider must ensure, as far as reasonably practicable to do so, that the services they provide comply with the legislation. For example, an officer writes an order for the employer to conduct an assessment and the employer hires a consultant to perform the work. The consultant must ensure their services are completed by competent workers, so the employer is able to meet this obligation.

The service provider is also responsible for ensuring that no person is endangered in the process of the services being provided. For example, an engineer providing site services must be competent, perform a hazard assessment before work begins, take steps to control the hazards, use all appropriate personal protective equipment, and perform their work while following all the rules of the OHS legislation.

Given the definition and examples provided, no, the municipality issuing permits would not be considered a service provider under the OHS legislation.

OHS Feedback team

Thank you to Angela Ross from the Town of Hinton for sharing her experience at the member meeting and bringing this important issue to AMHSA's attention. The email address to use when you have questions about OHS legislation is LBR.OHSFeedback@gov.ab.ca.



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