



April 9, 2018

Via Email: [lbr.review@gov.ab.ca](mailto:lbr.review@gov.ab.ca)

Honourable Christina Gray  
Minister of Labour  
Minister Responsible for Democratic Renewal  
Government of Alberta  
OHS System Review - Written Submission  
8th Floor, Labour Building  
10808 99 Avenue  
Edmonton, AB T5K 0G5

Dear Minister Gray:

**Re: Workplace Harassment, Violence and JWHSC Response**

Thank you for the opportunity to provide input on *Alberta's occupational health and safety proposed regulation content for workplace harassment and violence and Joint Work Site Health and Safety Committees (JWHSCs) and health and safety representatives | A Discussion Guide*. Energy Safety Canada will be providing input from the perspective of a funded safety association representing workers and employers of Alberta's oil and gas industry.

Energy Safety Canada continues to feel strongly that the retention of performance-based/non-prescriptive regulation remains of critical importance. A system of performance-based legislation allows industry organizations to set standards, best suited to their operations, based on best practices in consultation with employers, regulators, safety and industry associations and subject matter experts.

The proposed regulatory content for harassment and violence has the employer working in consultation with the JWHSC or health and safety representative on the development and implementation of the harassment/violence prevention plan. This potentially presents a serious privacy concern, and the lines between the human resources and/or legal departments and committee representatives need to be clearly drawn and adhered to. The JWHSCs may have some role in harassment/violence policy development and/or review, however, should never be in a position where they are potentially exposed to confidential information. The regulation needs to be written in such a way to allow employers to maintain adequate separation of the human resources/legal and committee functions.

Many employers in the oil and gas industry offer an Employee Assistance Program (EAP) as a benefit to their workers. An employer should be able to offer a worker subjected to an incident of workplace harassment/violence treatment through the company EAP rather than having the worker visit a health professional of the worker's choice. The proposed regulations should reflect this option.



The proposed functions of the JWHSCs and safety representative must consider privacy implications as indicated above. The committee members cannot be privy to information that would be considered, in any way, confidential, such as an individual's medical or WCB claim information. Even providing a committee or representative with aggregate injury data must be cautioned against; in small companies with limited claims, it may be easy to ascertain who the injured employee is from the data provided. This is a potential privacy concern. Furthermore, the committees should not be a mechanism to deal with labour relations issues.

Training for the JWHSCs should ultimately be left to industry and not be overly prescriptive. Due to the potentially sensitive nature of some of the information that the JWHSCs and safety representatives may be exposed to, some potential proposed topics for training could include: ethics, confidentiality in the workplace, and conflict of interest.

Many employers in Alberta are small employers; the development of a suite of harassment/violence and JWHSC tools would be useful. The Government of Alberta could support employers, specifically, small employers, by developing tools such as: sample policies, templates, training guides for supervisors, de-escalation training, committee training, tool-box talks, etc. and making them freely available.

Thank you for the opportunity to provide input on the proposed regulation content. We appreciate your continued engagement of stakeholders in the effort to protect Alberta's workers from injury and illness.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Elliott". The signature is fluid and cursive.

Murray Elliott, P. Eng.  
President

*About Energy Safety Canada*

*Energy Safety Canada is the national safety association for the oil and gas industry. Representing workers and employers, Energy Safety Canada was formed through a merger of Enform Canada (Enform) and Oil Sands Safety Association (OSSA) in October 2017. Energy Safety Canada's focus is to develop and support common industry safety standards, ensure effective learning systems, share data analysis and safety expertise with workers and employers, and advocate for worker health and safety. The not-for-profit association has offices in Calgary, Fort McMurray and Nisku, Alberta and works with many partners to deliver safety training and services across the country.*