

## Alberta Wildfires and Workplace Health and Safety: What Employers Need to Know

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As wildfires across Alberta continue, Environment Canada has issued special air quality statements (SAQS)<sup>1</sup> indicating that there is a high risk of poor air quality in the majority of the province due to smoke. As Albertans are encouraged to remain indoors, employers of outdoor workers must be mindful of their obligations to provide a safe workplace.

The Alberta *Occupational Health and Safety Act* (OHSA) requires employers to identify hazards in the workplace and implement controls to address such hazards. This obligation extends to:

1. workers engaged in the work of that employer,
2. those workers not engaged in the work of that employer but present at the work site at which that work is being carried out, and
3. other persons at or in the vicinity of the work site whose health and safety may be materially affected by identifiable and controllable hazards originating from the work site.<sup>2</sup>

While the legislation does not include specific sections relating to employer obligations relating to outdoor air quality, the OHSA sets out technical requirements concerning chemical and biological hazards, and harmful substances.<sup>3</sup> These requirements include keeping workers' exposure to harmful substances as low as reasonably practicable and below their occupational exposure limits (OELs) (which are the minimum standards for worker health protection).

In April of 2022, the government of Alberta issued a bulletin titled "Working in Smoky Environments – OHS Information for Employers and Workers"<sup>4</sup> providing health and safety information regarding exposure risks and hazards when working in smoky environments (the Bulletin). The Bulletin clarified that hazardous substances in the air due to wildfire activity typically do not exceed the OELs established in the OHSA and, as such, are usually only a serious concern for workers who are close to the fires. However, the Bulletin noted that outdoor workers who have pre-existing health conditions or who are engaged in strenuous outdoor work may face increased risk. Alberta employers with outdoor workers are thus well-advised to assess the potential hazards presented by wildfire smoke and, where appropriate, take measures to address the hazard.

The Bulletin also provides some practical suggestions for eliminating or reducing the potential hazards of working in a smoky outdoor environment, including:

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- Relocating or rescheduling outdoor work;
- Scheduling short shifts and ensuring that workers take breaks in clean air areas;
- Providing personal protective equipment (PPE)<sup>5</sup>;
- Provide training to workers on what to do if someone exhibits adverse symptoms potentially related to smoke inhalation; and
- Ensuring that workers can stay hydrated while working.

Employers can also advise their employees to refer to the Government of Alberta webpage “MyHealth.Alberta.ca” for information and recommendations in respect Air Quality and wildfire smoke.

It is essential that employers comply with the OHSA requirements not only for the health and safety of workers, but to avoid penalty as well. Failing to provide workers with a safe workplace can result in a fine up to \$500,000 and/or up to 6 months in prison per violation. If the convicted party(s) continues the first offence, they can get an extra fine of up to \$30,000 per day.<sup>6</sup> Alberta employers with outdoor workers are encouraged to review their worksites to assess potential hazards and consider appropriate controls to mitigate risk for their personnel. The Cassels Employment & Labour Group will continue to monitor the situation and provide an update if the Alberta government issues a new health and safety bulletin in response to the 2023 wildfire situation.

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<sup>1</sup> Weather Alerts for Canada

<sup>2</sup> *Occupational Health and Safety Act*, S.A. 2020, c. O-2.2, s. 3.

<sup>3</sup> *Occupational Health and Safety Code*, Alta Reg 191/2021, Part 4.

<sup>4</sup> Working in Smoky Environments

<sup>5</sup> Where PPE is required, OHSA mandates that such PPE meet the standards established by the Canadian Standards Association:

<https://www.scc.ca/en/standardsdb/standards/18348>.

<sup>6</sup> *Occupational Health and Safety Act*, S.A. 2020, c. O-2.2, s. 48.