

In a Flash



December 21, 2017

Key Changes to Alberta's WCB and OHS Laws to Take Effect in 2018 - Bill 30 Receives Royal Assent

On December 15, 2017 [Bill 30: An Act to Protect the Health and Well-being of Working Albertans](#), received Royal Assent. The Bill is now law. The following amendments were made at second reading:

- The definition of “occupation” being clarified in the context of domestic workers and the exceptions that apply under the *Occupational Health and Safety Act* (OHSA);
- Section 98 of the OHSA (dealing with the application of the Code(s)) now takes effect on June 1, 2018;
- Enlarging the scope of the presumption for post-traumatic stress disorder to include correctional officers and emergency dispatchers under the *Workers' Compensation Act* (WCA); and
- The provision setting maximum wages for assessment purposes under the WCA was repealed.

Please see our previous article summarizing the key changes set out in Bill 30 [here](#)

DETAILED WORDING OF THE AMENDMENTS

Amendments	Bill 30 – 2017 Third Session, 29 th Legislature	Amendments to Bill 30 – December 12, 2017	Commentary
Amendment “A” – S. 1(hh)(ii) to Schedule 1 (OHS Act)	(hh) “occupation” means every occupation, employment, business, calling or pursuit over which the Legislature has jurisdiction, except [...] (ii) work in, to or around a private	(hh) “occupation” means every occupation, employment, business, calling or pursuit over which the Legislature has jurisdiction, except [...] (ii) work in, to or around a private	<ul style="list-style-type: none">• Amendment clarifies the exception to the definition of “occupation”

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	dwelling or any land used in connection with the dwelling that is performed by an occupant or owner who lives in the private dwelling;	dwelling or any land used in connection with the dwelling that is performed by an occupant or owner who lives in the private dwelling; (a) the work is performed for an employer who is not an occupant or owner who lives in the private dwelling, or (b) the work is performed by a person who lives in the private dwelling and is employed by or on behalf of an occupant or owner who lives in the private dwelling;	
Amendment “B” – S. 10(1) to Schedule 1 (OHS Act)	10(1) Every construction and oil and gas work site or a work site designated by a Director must have a prime contractor if there are 2 or more employers or self-employed persons, or one or more employers and one or more self-employed persons involved in work at the work site.	10(1) Every construction and oil and gas work site or a work site or class of work site designated by a Director must have a prime contractor if there are 2 or more employers or self-employed persons, or one or more employers and one or more self-employed persons involved in work at the work site.	<ul style="list-style-type: none"> Indicates that Director may designate entire “class” of work sites required to have a prime contractor
Amendment “C” – S. 95(2) which amends proposed section 1.2(1)(b) to Schedule	95(2) The following is added after section 1.1:	95(2) The following is added after section 1.1:	<ul style="list-style-type: none"> This is likely to add further clarity to amendments to the definition of Occupation as

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1 (OHS Act)	<p>Domestic workers</p> <p>1.2(1) In this section,</p> <p>(a) “domestic work” means the normal household work, tasks or chores that are the type routinely performed by members of a household;</p> <p>(b) “domestic worker” means a person directly employed to perform domestic work within a private dwelling by an occupant or owner who lives in the private dwelling.</p> <p>(2) Except as expressly provided in this Code, this Code does not apply to domestic workers.</p>	<p>Domestic workers</p> <p>1.2(1) In this section,</p> <p>(a) “domestic work” means the normal household work, tasks or chores that are the type routinely performed by members of a household;</p> <p>(b) “domestic worker” means a person employed to perform domestic work within a private dwelling by or on behalf of an occupant or owner who lives in the private dwelling.</p> <p>(2) Except as expressly provided in this Code, this Code does not apply to domestic workers.</p>	<p>above (S.1(hh)(ii))</p>
Amendment “D” – S. 102 to Schedule 1 (OHS Act)	<p>Coming into force</p> <p>102 This Act, except for sections 38, 39, 93, 94, 96, 97 and 98, comes into force on June 1, 2018.</p>	<p>Coming into force</p> <p>102 This Act, except for sections 38, 39, 93, 94, 96, 97 [98 Deleted], comes into force on June 1, 2018</p>	<ul style="list-style-type: none"> Section 98 now comes into force on June 1, 2018 <p>Transitional — regulations, OHS codes and adopted codes</p> <p>98(1) Any regulation, OHS code or adopted code under the previous Act, as that regulation, OHS code or adopted code read immediately before the coming into force of this section is deemed</p>

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			<p>to have been made or adopted under this Act.</p> <p>(2) Notwithstanding section 1(w) of this Act, a regulation deemed to have been made under this Act by subsection (1), while still in force, is included in the term “the regulations” so far as it is not inconsistent with the regulations under section 85(1) of this Act.</p>
<p>Amendment “E” – S. 17(1) which proposes amendments to S. 24.2 to Schedule 2 (Workers’ Compensation Act)</p>	<p>Presumption re EMTs, etc.</p> <p>24.2[...]</p> <p>(2) If a first responder or any other class of worker prescribed by the regulations is or has been diagnosed with post-traumatic stress disorder by a physician or psychologist, the post-traumatic stress disorder shall be presumed, unless the contrary is proven, to be an injury that arose out of and occurred during the course of the worker’s employment.</p>	<p>Additional positions are added to be covered by the presumption re: post-traumatic stress disorder:</p> <p>(a) “correctional officer” means a peace officer referred to in section 10 of the <i>Corrections Act</i>,</p> <p>(a.1) “emergency dispatcher” means an emergency dispatcher for a first responder.</p> <p>[...]</p> <p>(2) If a first responder, correctional officer, emergency dispatcher or any other class of worker prescribed by the regulations is or has</p>	<ul style="list-style-type: none"> • Amendment enlarges scope of presumption re: post-traumatic stress disorder to include correctional officers and emergency dispatchers

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		<p>been diagnosed with post-traumatic stress disorder by a physician or psychologist, the post-traumatic stress disorder shall be presumed, unless the contrary is proven, to be an injury that arose out of and occurred during the course of the worker's employment.</p>	
<p>Amendment “F” – s. 41 to Schedule 2 (Workers’ Compensation Act)</p>	<p>41 Section 104 is amended by striking out “section 56(4)” and substituting “section 56”.</p>	<p>41 Section 104 is repealed</p>	<ul style="list-style-type: none"> Section 104 is repealed: <p>Maximum wages</p> <p>104 Where the assessment is based on the payroll of the employer and the payroll shows in a year gross earnings in respect of any worker in excess of the amount established under section 56(4), for that year, the excess amount shall be deducted from the amount of the payroll before it is used as a basis for assessment.</p>

If you have questions regarding the impact of these changes, or steps you can take to reduce their impact, please do not hesitate to contact a Mathews Dinsdale lawyer in our [Alberta office](#).

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