

# Notice to Produce

## Occupational Health and Safety

Occupational Health and Safety Contact Centre 1-866-415-8690 (24 hrs)

<b>Legal Name:</b> CALGARY PROGRESSIVE LIFESTYLES FOUNDATION operating as CALGARY PROGRESSIVE LIFESTYLES FOUNDATION	<b>Employer Representative/Title:</b> Sharon Ng / Case Manager
<b>Work Site Party Name Provided:</b> CALGARY PROGRESSIVE LIFESTYLES FOUNDATION	<b>Phone Number:</b> (403) 971-8167
<b>Work Site Address:</b> 140 - 1935 32 AVENUE NE, CALGARY, ALBERTA	<b>Email Address:</b> sharon.ng@cplf.ca
<b>Site Name / Description:</b> Office / Community Centre	<b>Completed By:</b> Alireza Khodashenas; Deborah Goodwin

### Contact Activities

Item	Details	Date
Request for Documentation	On the noted date and location, the Occupational Health & Safety officer and the OHS Occupational Ergonomist met with the Case Manager and the Community Support worker employed by Calgary Progressive Lifestyles Foundation and performed an inspection (OHS-239929-WSP-01-CD-01). The inspection also included an observation of the employer's health and safety documents.	October 06, 2021

### Notice to Produce Issued

NOTICE TO PRODUCE ARE ISSUED UNDER THE AUTHORITY OF THE OCCUPATIONAL HEALTH AND SAFETY ACT AND TAKE EFFECT IMMEDIATELY ON ISSUANCE.

Item	Details	Date
Notice to Produce Open 01	<b>OBSERVATION(S)/FINDING(S):</b> The OHS officer and the OHS Occupational Ergonomist viewed some of the employer's occupational health and safety documents but some of the documents were not readily available to observe.  <b>REQUIREMENT:</b> The employer must submit the following information to the OHS officers: - Worker orientation training content; - Course outline for the contracted lift and transfer training for workers, with details of what is theory taught and what has a hands-on practical component; - Report of the worker hazard assessments;  <b>APPLICABLE OHS LEGISLATION:</b> <b>Compliance and Enforcement - Inspection 51</b> 51(1) For the purposes of this Act, an officer may (a) at any reasonable hour and without warrant, enter into or on any work site and inspect that work site except for a premises used as a private dwelling, (b) subject to section 48(6), require the production of any records, books, plans or other documents, including electronic documents, that relate to the health and safety of workers and may examine them, make copies of them or remove them temporarily for the	<b>Compliance Date</b> October 12, 2021

purpose of making copies,

- (c) use data storage, information processing or retrieval devices or systems that are used by an employer in order to examine records, books, plans or other documents,
- (d) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information,
- (e) inspect, seize or take samples of any material, product, equipment or other thing being produced, used or found in or on the work site that is being inspected,
- (f) cause any article, substance or sample taken pursuant to clause (e) to be dismantled or subjected to any process or test, but not in such manner as to damage or destroy it, unless under the circumstances damage or destruction thereto is unavoidable or necessary,
- (g) bring along equipment or materials needed and be accompanied and assisted by a person who has special, expert or professional knowledge of a matter relevant to the inspection,
- (h) make tests and take photographs, measurements or recordings in respect of any work site,
- (i) require the employer or a person designated by the employer to demonstrate the use of any machinery, equipment, appliance or thing at a work site, and
- (j) interview and obtain statements from persons at the work site or persons not located at the work site who have information related to the health and safety of workers at the work site.

(2) Notwithstanding subsection (1)(a), an officer may enter and examine a room or place used as a private dwelling that is a work site only if

- (a) the owner or person in possession of it consents to the entry and examination, or
- (b) the entry and examination is authorized by a judge under subsection (3).

(3) Where a judge of the Provincial Court is satisfied on an officer's evidence under oath that there are reasonable grounds for an officer to exercise a power under this section and that

- (a) in the case of a room or place actually used as a private dwelling, the officer cannot obtain consent under subsection (2)(a), or
- (b) having obtained consent under subsection (2)(a), the officer has been obstructed or interfered with,

the judge may make any order the judge considers necessary to enable the officer to exercise the powers under this section.

(4) When an officer

- (a) removes any records, books, plans or other documents under subsection (1)(b), the officer shall
  - (i) give to the person from whom those items were taken a receipt for them, and
  - (ii) forthwith make copies of, take photographs of or otherwise record those items and forthwith return them to the person to whom the receipt was given,
- or
- (b) seizes or takes samples of any material, product, equipment or other thing under subsection (1)(e), the officer shall
  - (i) give to the person from whom those items were seized or taken a receipt for them, and
  - (ii) on that person's request, return those items to that person when they have served the purposes for which they were seized or taken.

(5) If a person refuses to allow an officer to exercise any powers under subsection (1) or interferes or attempts to interfere with the officer in the exercise of those powers, a Director of Inspection may apply to the Court of Queen's Bench for an order restraining that person from hindering or interfering in any manner with the officer in the exercise of those powers.

(6) A statement given under this section is not admissible in evidence for any purpose in a trial, public inquiry under the Fatality Inquiries Act or other proceeding except

- (a) to prove non-compliance with this section in an action or proceeding under this Act,
- (b) to prove the commission of an offence under section 74(3) in an action or proceeding under this Act,
- (c) to prove the giving of contradictory evidence in an action or proceeding under this Act, or
- (d) as evidence in
  - (i) a review under section 70(1),
  - (ii) an appeal to the appeal body through a referral of a matter under section 70(5)(c) to the appeal body, or
  - (iii) an appeal under section 71(2)(a), (c), (d) or (e).

This Notice to Produce was delivered electronically to: Sharon Ng / Penny Tataryn on October 06, 2021

Issued by Occupational Health and Safety

To obtain a copy of Alberta's Occupational Health and Safety legislation, visit: [www.qp.alberta.ca](http://www.qp.alberta.ca)

To stay current on all COVID-19 information, including guidelines for workplaces, visit <https://www.alberta.ca/guidance-for-workplaces.aspx>

Orders put in place by the Chief Medical Officer of Health can be viewed at <https://www.alberta.ca/covid-19-orders-and-legislation.aspx>