

Topic: Inspections

Nova Scotia

28 (1) Where(a) twenty or more employees are regularly employed by an employer other than a constructor or contractor:

- (b) twenty or more employees are regularly employed directly by a constructor or contractor, not including employees for whose services the constructor or contractor has contracted; or
- (c) the regulations require an occupational health and safety program, the employer shall establish and maintain a written occupational health and safety program, in consultation with the committee or representative, if any, that is adapted to the circumstances of the organization for the purpose of implementing the employer's policy, this Act and the regulations.

(2) The program shall include:

- (a) provision for the training and supervision of employees in matters necessary to their health and safety and the health and safety of other persons at the workplace;
- (b) provision for the preparation of written work procedures required to implement safe and healthy work practices, including those required pursuant to this Act, the regulations or by order of an officer, and identification of the types of work for which the procedures are required at the employer's workplace;
- (c) provision for the establishment and continued operation of a committee required pursuant to this Act, including maintenance of records of membership, rules of procedure, access to a level of management with authority to resolve health and safety matters and any information required under this Act or the regulations to be maintained in relation to a committee;
- (d) provision for the selection and functions of a representative where required pursuant to this Act, including provision for access by the representative to a level of management with authority to resolve health and safety matters;
- (e) a hazard identification system that includes;
 - (i) evaluation of the workplace to identify potential hazards,
 - (ii) procedures and schedules for regular inspections,
 - (iii) procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and
 - (iv) identification of the circumstances where hazards must be reported by the employer to the committee or representative, if any, and the procedures for doing so.
- (f) a system for workplace occupational health and safety monitoring, prompt follow-up and control of identified hazards;

- (g) a system for the prompt investigation of hazardous occurrences to determine their causes and the actions needed to prevent recurrences;
- (h) maintenance of records and statistics, including reports of occupational health and safety inspections and occupational health and safety investigations, with provision for making them available to persons entitled to receive them pursuant to this Act; and
- (i) provision for monitoring the implementation and effectiveness of the program.

(3) The employer shall make available a copy of the program 13:

- (a) to the committee or representative, if any; and
- (b) on request, to an employee at the workplace.

1996, c. 7, s. 28.

FUNCTIONS OF COMMITTEES

31 (1) It is the function of the committee to involve employers and employees together in occupational health and safety in the workplace and, without restricting the generality of the foregoing, includes:

- (a) the co-operative identification of hazards to health and safety and effective systems to respond to the hazards;
- (b) the co-operative auditing of compliance with health and safety requirements in the workplace;
- (c) receipt, investigation and prompt disposition of matters and complaints with respect to workplace health and safety;
- (d) participation in inspections, inquiries and investigations concerning the occupational health and safety of the employees and, in particular, participation in an inspection referred to in Section 50;
- (e) advising on individual protective devices, equipment and clothing that, complying with this Act and the regulations, are best adapted to the needs of the employees;
- (f) advising the employer regarding a policy or program required pursuant to this Act or the regulations and making recommendations to the employer, the employees and any person for the improvement of the health and safety of persons at the workplace;
- (g) maintaining records and minutes of committee meetings in a form and manner approved by the Director and providing an officer with a copy of these records or minutes on request; and
- (h) performing any other duties assigned to it;
 - (i) by the Director,
 - (ii) by agreement between the employer and the employees or the union, or
 - (iii) as are established by the regulations.

1996, c. 7, s. 31.

HEALTH AND SAFETY REPRESENTATIVES

33 (6) It is the function of the representative to be involved, on behalf of the employees together with the employer, in occupational health and safety in the workplace and, without restricting the generality of the foregoing, includes:

- (a) the co-operative identification of hazards to health and safety and effective systems to respond to the hazards;
- (b) the co-operative auditing of compliance with health and safety requirements in the workplace;
- (c) receipt of and co-operation with the employer in the investigation and prompt disposition of matters and complaints with respect to workplace health and safety;
- (d) participation in inspections, inquiries and investigations concerning the occupational health and safety of the employees and, in particular, participation in an inspection referred to in Section 50; ety Representatives.

ACCOMPANIMENT DURING INSPECTIONS

50 (1) For the purpose of this Section, "inspection" means a physical inspection of a workplace, or any part or parts of a workplace, pursuant to the powers conferred upon an officer pursuant to Section 47.

(2) Where an officer conducts an inspection:

- (a) the employer shall give the representative or an employee member of the committee, if any; and
- (b) a representative of the employer shall have, the opportunity to accompany the officer during the officer's inspection.

(3) Where there is no committee member representing employees or representative available, the officer may select one or more employees who shall accompany the officer during the officer's inspection.

(4) Where a representative or employee member of the committee is unavailable to accompany the officer during the officer's inspection, the officer shall endeavour to consult with a reasonable number of employees during the inspection.

(5) For greater certainty, where:

- (a) a person referred to in clause (2)(a) or (b) is unavailable to accompany an officer during the officer's inspection; and
- (b) in the officer's opinion it is necessary to proceed with the inspection without accompaniment, the officer may conduct the inspection without accompaniment.

(6) Notwithstanding subsections (2) and (3) and subject to subsection (7), an officer

may question any person who is or was in a workplace either separate and apart from another person or in the presence of any other person regarding anything that is or may be relevant to the officer's inspection, examination, investigation, inquiry or test.

(7) The individual who is questioned pursuant to subsection (6) may request to be accompanied and may be accompanied by another person during the questioning.

(8) Subject to subsection 43(4), time spent by a committee member, representative or employee in accompanying or consulting with an officer during an inspection is deemed to be work time for which the committee member, representative or employee shall be paid by the employer at the applicable rate.

1996, c. 7, s. 50.

The four pieces of legislation I would like to highlight is Sec. 31 (1)(d) where there is more than twenty workers employed. The employer needs a program in consultation with the joint health and safety committee, in reference to sec. 28 (1). This program must have a hazard identification system that includes procedures for regular inspections, sec. 31(1)(d) and the maintenance of inspection reports, sec. 28(2)(h). In smaller workplaces, worker representatives in inspections sec. 33(6)(d). Two sections referred to sec. 50 what is also shown.

Newfoundland

SPECIFIC DUTIES OF EMPLOYERS

5 Without limiting the generality of section 4, an employer:

- (a) shall, where it is reasonably practicable, provide and maintain a workplace and the necessary equipment, systems and tools that are safe and without risk to the health of his or her workers;
- (b) shall, where it is reasonably practicable, provide the information, instruction, training and supervision and facilities that are necessary to ensure the health, safety and welfare of his or her workers;
- (c) shall ensure that his or her workers, and particularly his or her supervisors, are made familiar with health or safety hazards that may be met by them in the workplace;
- (d) shall, where it is reasonably practicable, conduct his or her undertaking so that persons not in his or her employ are not exposed to health or safety hazards as a result of the undertaking;
- (e) shall ensure that his or her workers are given operating instruction in the use of devices and equipment provided for their protection;
- (f) shall consult and co-operate with the occupational health and safety committee, the worker health and safety representative or the workplace health and safety designate, where the employer is not the workplace health and safety designate,

on all matters respecting occupational health and safety at the workplace;

- (f.1) shall respond in writing within 30 days to a recommendation of;
- (i) the occupational health and safety committee at the workplace,
 - (ii) the worker health and safety representative at the workplace, or
 - (iii) where the employer is not the workplace health and safety designate, the workplace health and safety designate at the workplace indicating that the recommendation has been accepted or that it has been rejected, with a reason for the rejection.
- (f.2) shall provide periodic written updates to;
- (i) the occupational health and safety committee at the workplace,
 - (ii) the worker health and safety representative at the workplace, or
 - (iii) where the employer is not the workplace health and safety designate, the workplace health and safety designate at the workplace on the implementation of a recommendation accepted by the employer until the implementation is complete.
- (f.3) shall consult with;
- (i) the occupational health and safety committee at the workplace,
 - (ii) the worker health and safety representative at the workplace, or
 - (iii) where the employer is not the workplace health and safety designate, the workplace health and safety designate at the workplace about the scheduling of workplace inspections that are required by the regulations, and ensure that the committee, the worker health and safety representative or the workplace health and safety designate participates in the inspection, and
- (g) shall co-operate with a person exercising a duty imposed by this Act or regulations.

1978 c23 s5; 1999 c28 s2;
2001 c10 s25;
2004 c52 s1

In Newfoundland and Labrador the act speaks to inspections in sec. 5(f) and 5(f.3), which is further supported in the regulations sec, 18(1). (The article is Safety Inspections). Further found in the regulations sec. 12 (1)(g) and 12(1)(g)(ii) a system to recognize, evaluate and control of hazards that include regular workplace inspections. Sec. 12(1)(k) speaks to maintenance of the inspection reports.

Newfoundland and Labrador Regulation 2009

OCCUPATIONAL HEALTH AND SAFETY PROGRAM

12 (1) An occupational health and safety program required under section 36.1 of the Act shall be signed and dated by the employer and by the person or persons responsible for the management of the employer's operations in the province and shall include:

- (a) a statement of the employer's commitment to cooperate with the occupational health and safety committee and workers in the workplace in carrying out their

- collective responsibility for occupational health and safety;
- (b) a statement of the respective responsibilities of the employer, supervisors, the occupational health and safety committee and workers in carrying out their collective responsibility for occupational health and safety;
- (c) procedures to identify the need for, and for the preparation of written safe work procedures to implement health and safety practices, including practices required by the Act and the regulations, or as required by an officer;
- (d) written work procedures appropriate to the hazards and work activity in the workplace;
- (e) a plan for orienting and training workers and supervisors in workplace and job-specific safe work practices, plans, policies and procedures, including emergency response, that are necessary to eliminate, reduce or control hazards;
- (f) provisions for establishing and operating an occupational health and safety committee, including provisions respecting:
 - (i) maintenance of membership records,
 - (ii) procedural rules,
 - (iii) access by the committee to management staff with the authority to resolve health and safety issues and to information about the employer's operations required under the Act and the regulations, and
 - (iv) a plan for training committee members as required under the Act.
- (g) a system for the recognition, evaluation and control of hazards that includes:
 - (i) evaluation and monitoring of the workplace to identify potential hazards and the associated risks,
 - (ii) procedures and schedules for regular inspections by management and committee members,
 - (iii) procedures for the identification, reporting and control or correction of hazards,
 - (iv) procedures for the prompt investigation of hazardous occurrences to determine the cause of the occurrence and the actions necessary to prevent a recurrence,
 - (v) identification of the circumstances where the employer is required to report hazards to the committee and the procedures for doing so, and
 - (vi) measures for the accountability of persons responsible for the reporting and correction of hazards.
- (h) a plan for the control of biological and chemical substances handled, used, stored, produced or disposed of at the workplace and where appropriate, the monitoring of the work environment to ensure the health and safety of workers and other persons at or near the workplace;
- (i) a system to ensure that persons contracted by the employer or for the employer's benefit comply with the program developed under this section and the Act and regulations;
- (j) an emergency response plan;
- (k) maintenance of records and statistics, including occupational health and safety committee minutes, reports of occupational health and safety inspections and investigations, with procedures to allow access to them by persons entitled to receive them under the Act; and

(l) provision for monitoring the implementation and effectiveness of the program.

SAFETY INSPECTIONS

18 (1) Regular inspections of all buildings, excavations, structures, machinery, equipment, work practices and places of employment shall be made by the employer or his or her representative at intervals to ensure that safe working conditions are maintained and that unsafe conditions found as a result of the inspection are remedied without delay.

(2) Where an unsafe condition is discovered by a person, it shall be reported as soon as practicable to a supervisor who shall ensure that appropriate action is taken, without delay, to prevent a worker from being injured.

(3) Where emergency action is required to correct a condition that constitutes an immediate threat to workers, only those qualified and properly instructed workers necessary to correct the unsafe condition shall be exposed to the hazard and every possible effort shall be made to control the hazard while the corrective action is taking place.

Occupational Health and Safety Act

DUTIES OF REPRESENTATIVE

44 (1) A worker health and safety representative or the workplace health and safety designate has the same duties as those imposed upon a committee under section 39, where that is reasonably practicable.

(2) A worker health and safety representative or the workplace health and safety designate, where the workplace health and safety designate is not the employer, shall consult with his or her employer while performing his or her duties under subsection (1).

(3) Where the workplace health and safety designate is the employer, he or she shall consult with the workers while performing his or her duties under subsection (1).

1978 c23 s42; 2004 c52 s10

The Health and Safety Representative has the same duties as prescribed for committee as to the inspections of the workplace as stated in the above section.

New Brunswick

9 (1) Every employer shall:

- (a) take every reasonable precaution to ensure the health and safety of his employees;
- (b) comply with this Act, the regulations and any order made in accordance with this Act or the regulations; and
- (c) ensure that his employees comply with this Act, the regulations and any order made in accordance with this Act or the regulations.

(2) Without limiting the generality of the duties under subsection (1), every employer shall:

- (a) ensure that the necessary systems of work, tools, equipment, machines, devices and materials are maintained in good condition and are of minimum risk to health and safety when used as directed by the supplier or in accordance with the directions supplied by the supplier;
- (a.1) ensure that the place of employment is inspected at least once a month to identify any risks to the health and safety of his employees;
- (b) acquaint an employee with any hazard in connection with the use, handling, storage, disposal and transport of any tool, equipment, machine, device or biological, chemical or physical agent;
- (c) provide such information, instruction, training and supervision as are necessary to ensure an employee's health and safety;
- (d) provide and maintain in good condition such protective equipment as is required by regulation and ensure that such equipment is used by an employee in the course of work;
- (e) co-operate with a committee, where such a committee has been established, a health and safety representative, where such a representative has been elected or designated, and with any person responsible for the enforcement of this Act and the regulations.

15 A committee may :

- (a) make recommendations for the establishment and enforcement of policies involving health and safety practices;
- (b) participate in the identification and control of health and safety hazards at the place of employment;
- (c) inform employees and the employer of existing or potential hazards at the place of employment and of the nature of the risks to their health and safety;
- (d) establish and promote health and safety programs for the education and information of the employer and employees;
- (e) receive, consider and make recommendations to the employer regarding complaints respecting the health and safety of the employees at the place of employment;

- (f) maintain records respecting the receipt of, the consideration of and recommendations respecting complaints;
- (g) obtain information from the employer respecting the identification of existing or potential hazards of conditions, tools, equipment, devices and machines at the place of employment;
- (h) carry out monitoring and measuring procedures by trained committee members where the Commission has determined there is a need for regular monitoring and measuring at the place of employment and has directed the committee to carry out such monitoring and measuring;
- (i) investigate any matter referred to in paragraph (e);
- (j) participate in all inspections, inquiries and investigations concerning the health and safety of employees, and in particular the investigation of any matter referred to in section 43;
- (k) perform any other duties that;
 - (i) the Commission may assign to a committee,
 - (ii) (ii) may be assigned to a committee by agreement between the employer and the employees, or
 - (iii) are prescribed by this Act or the regulations Sec. 9(2)(a.1) inspections at least once a month sec. 15(j) joint committee(or representative in smaller workplaces) may participate in inspections.

Prince Edward Island

PROGRAM

23 (1) Where 20 or more workers are regularly employed:

- (a) by an employer other than a constructor or contractor; or
- (b) directly by a constructor or contractor, the employer, constructor or contractor shall establish, and review at least annually, a written occupational health and safety program, in consultation with the committee or representative, if any.

(2) For the purposes of subsection (1), a worker is not regularly employed directly by a constructor or contractor if the worker works with the constructor or contractor as an independent contractor.

(3) An occupational health and safety program shall include:

- (a) provisions for the training and supervision of workers in matters necessary to their occupational health and safety and the occupational health and safety of other persons at or near the workplace;
- (b) provisions for;
 - (i) the preparation of written work procedures for the implementation of occupational health and safety work practices, required by this Act, the regulations or by order of an officer, and

- (ii) the identification of the types of work for which the procedures are required at the employer's workplace.
- (c) provisions for the establishment and continued operation of a committee required by this Act, including maintenance of records of membership, rules of procedure, access to a level of management with authority to resolve occupational health and safety matters, and information required by this Act or the regulations;
- (d) provisions for the selection and functions of a representative where required by this Act, including provision for access by the representative to a level of management with authority to resolve occupational health and safety matters;
- (e) a hazard identification system that includes:
 - (i) evaluation of the workplace to identify potential hazards,
 - (ii) procedures and schedules for regular inspections,
 - (iii) procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and
 - (iv) identification of the circumstances where hazards shall be reported by the employer to the committee or representative, if any, and the procedures for doing so.
- (f) a system for workplace occupational health and safety monitoring, prompt follow-up and control of identified hazards;
- (g) a system for the prompt investigation of hazardous occurrences to determine their causes and the actions needed to prevent recurrences;
- (h) the maintenance of records and statistics, including reports of occupational health and safety inspections and investigations, with provision for making the reports available to persons entitled to receive them under this Act; and
- (i) provisions for monitoring the implementation and effectiveness of the program.

DUTIES OF REPRESENTATIVES

26 (6) A representative shall be involved on behalf of the workers, together with the employer, in occupational health and safety issues in the workplace and shall:

- (a) cooperate to identify hazards to occupational health and safety in the workplace and effective systems to respond to the hazards;
- (b) receive, investigate and promptly deal with issues respecting occupational health and safety;
- (c) participate in inspections, inquiries and investigations respecting the occupational health and safety of workers in the workplace;
- (d) advise the employer on individual protective equipment, devices and safety features that are best suited to the needs of the workers, within the provisions of this Act and the regulations;
- (e) advise the employer regarding a policy or program required by this Act; and
- (f) make recommendations to the employer, the workers and any other persons for the improvement of the occupational health and safety of persons at the workplace.

2004,c.42,s.26.

Section 23 (3)(e)(ii) speaks to a schedule for regular inspections, with sec. 23(3)(h) speaking on these reports must be maintained.

With sec. 26(6)(c) having the worker representative participate in smaller workplaces.

Quebec

78 The functions of a health and safety committee are:

(1) to choose, in accordance with section 118, the physician in charge of health services in the establishment.

(2) to approve the health program prepared by the physician in charge under section 112.

(3) to establish, within the prevention program, training and information programs in matters of occupational health and safety.

(4) to select the individual protective devices and equipment which, while complying with the regulations, are best adapted to the needs of the workers of the establishment.

(5) to take cognizance of the other components of the prevention program and to make recommendations to the employer.

(6) to participate in the identification and assessment of the risks connected with certain jobs and certain kinds of work, and the identification of contaminants and dangerous substances connected with certain jobs, for the purposes of section 52.

(7) to keep registers of work accidents, occupational diseases and incidents that could have caused them.

(8) to send to the Commission the information required by it and an annual report of activities, in accordance with the regulations.

(9) to receive copy of notices of accident and to inquire into incidents that have caused or could have caused a work accident or an occupational disease and to submit the appropriate recommendations to the employer and the Commission.

(10) to receive suggestions and complaints from the workers, the certified association and the employer relating to occupational health and safety, and to examine, record, and answer these suggestions and complaints.

(11) to receive and study the reports of inspections made in the establishment.

(12) to receive and study the statistical data produced by the physician in charge, the agency and the Commission.

(13) to carry out any other task the employer and the workers or their certified association entrust to it under an agreement.

1979, c. 63, s. 78; 1992, c. 21, s. 304; 2005, c. 32, s. 308.

90 The functions of a safety representative are:

(1) to inspect workplaces.

(2) to receive copies of accident notices and investigate incidents that have caused or could have caused an accident.

(3) to identify situations that may be a source of danger to workers.

(4) to make such recommendations to the health and safety committee as he deems appropriate or, if there is no such committee, to the workers or their certified association and the employer.

(5) to assist workers in the exercise of their rights under this Act and the regulations.

(6) to accompany the inspector on visits of inspection.

(7) to intervene in the cases where a worker exercises his right of refusal.

(8) to submit complaints to the Commission.

(9) to participate in the identification and assessment of risks connected with certain jobs and with the kinds of work performed by the workers, and the identification of contaminants and dangerous substances connected with certain kinds of work for the purposes of section 52.

92 A safety representative may take time off work as necessary to exercise the functions contemplated in paragraphs 2, 6 and 7 of section 90.

The health and safety committee, taking into account the regulations, shall determine how much time the safety representative may devote to the exercise of his other functions. If the committee fails to agree, the representative may devote the minimum time fixed by regulation to these functions.

1979, c. 63, s. 92.

DIVISION II – MINIMUM AMOUNT OF TIME THAT A SAFETY REPRESENTATIVE IN AN ESTABLISHMENT MAY DEVOTE TO EXERCISING SOME OF HIS FUNCTIONS

2 The health and safety committee shall determine the amount of time that one or all of

the safety representatives of an establishment may devote to exercising the functions listed in paragraphs 1, 3, 4, 5, 8 and 9 of section 90 of the Act.

Where there is disagreement within the committee or where there is no committee, the time that one or all of the safety representatives of an establishment described in Schedule 1 may devote to those functions is as follows:

- (1) 2 hours per week if the establishment has 20 workers or fewer and if a health and safety committee has been established under the second paragraph of section 69 of the Act.
- (2) 3 hours per week if the establishment has 21 to 50 workers.
- (3) 6 hours per week if the establishment has 51 to 100 workers.
- (4) 10 hours per week if the establishment has 100 to 200 workers.
- (5) 15 hours per week if the establishment has 201 to 300 workers.
- (6) 18 hours per week if the establishment has 301 to 400 workers.
- (7) 21 hours per week if the establishment has 401 to 500 workers.

For establishments with more than 500 workers, 4 hours per week are added for each additional 100 workers.

Where a time allowance prescribed in a collective agreement to one or more workers' representatives for the purposes of occupational health and safety is equivalent or more advantageous, it is deemed to have been determined by the health and safety committee.

The hours prescribed in the Regulation may not be added to those prescribed in the collective agreement or vice versa.

Sec. 78(11) states we receive a copy of the inspection report, where sec .90(1) states we inspect workplaces (6) we can be present when an inspector inspects the Workplace. Then sec. 92 speaks to time needed to do our duties. Which the is supported by the regulations sec. 2.

I wish this language was in every province/territory.

Ontario

In Ontario we have two specific sec to refer to sec. 8 and sec.9. Sec. 8 is workplaces

that have less than 20 workers but more than five. In these workplaces there is a health and safety representative. Whereas sec.9 speaks to workplaces with more than 20 workers. Both have the right to inspect the workplace monthly but there is a catch? Sec.9 (27) says if it is not practical part of the workplace can be done once a month with the whole workplace being inspected at least once a year. We fall in to an argument here as the employer uses this to do some workplaces over the year instead of monthly inspections. Stating there is not enough time to do this in a month.

INSPECTIONS

(23) Subject to subsection (24), the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the workplace.

R.S.O. 1990, c. O.1, s. 9 (23).

IDEM

(24) If possible, the member designated under subsection (23) shall be a certified member.

R.S.O. 1990, c. O.1, s. 9 (24).

IDEM

(25) The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection.

R.S.O. 1990, c. O.1, s. 9 (25).

IDEM

(26) Unless otherwise required by the regulations or by an order by an inspector, a member designated under subsection (23) shall inspect the physical condition of the workplace at least once a month.

R.S.O. 1990, c. O.1, s. 9 (26).

IDEM

(27) If it is not practical to inspect the workplace at least once a month, the member designated under subsection (23) shall inspect the physical condition of the workplace at least once a year, inspecting at least a part of the workplace in each month.

R.S.O. 1990, c. O.1, s. 9 (27).

SCHEDULE OF INSPECTIONS

(28) The inspection required by subsection (27) shall be undertaken in accordance with a schedule established by the committee.

R.S.O. 1990, c. O.1, s. 9 (28).

INSPECTIONS

(29) The constructor, employer and the workers shall provide a member designated under subsection (23) with such information and assistance as the member may require for the purpose of carrying out an inspection of the workplace.

R.S.O. 1990, c. O.1, s. 9 (29).

INSPECTIONS

(9) The constructor, employer and workers shall provide a health and safety representative with such information and assistance as the member may require for the purpose of carrying out an inspection of the workplace.

R.S.O. 1990, c. O.1, s. 8 (9).

Manitoba

WORKPLACE SAFETY AND HEALTH PROGRAM

ESTABLISHMENT OF WORKPLACE SAFETY AND HEALTH PROGRAM

7.4 (1) An employer shall establish a written workplace safety and health program for each workplace where 20 or more workers of that employer are regularly employed.

CONTENT OF PROGRAM

7.4 (5) A workplace safety and health program must include:

- (a) a statement of the employer's policy with respect to the protection of the safety and health of workers at the workplace;
- (b) the identification of existing and potential dangers to workers at the workplace and the measures that will be taken to reduce, eliminate or control those dangers, including procedures to be followed in an emergency;
- (c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency at the workplace;
- (d) a statement of the responsibilities of the employer, supervisors and workers at the workplace;
- (e) a schedule for the regular inspection of the workplace and of work processes and procedures at the workplace;
- (f) a plan for the control of any biological or chemical substance used, produced, stored or disposed of at the workplace;
- (g) a statement of the procedures to be followed to protect safety and health in the workplace when another employer or self-employed person is involved in work at the workplace that includes:
 - (i) criteria for evaluating and selecting employers and self-employed persons to be involved in work at the workplace, and
 - (ii) procedures for regularly monitoring employers and self-employed persons involved in work at the workplace.
- (h) a plan for training workers and supervisors in safe work practices and procedures;
- (i) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43;

- (j) a procedure for worker participation in workplace safety and health activities, including inspections and the investigation of accidents, dangerous occurrences and refusals to work under section 43;
- (k) a procedure for reviewing and revising the workplace safety and health program at intervals not less than every three years or sooner if circumstances at a workplace change in a way that poses a risk to the safety or health of workers at the workplace; and
- (l) any other requirement prescribed by regulation.

DUTIES OF COMMITTEE

40 (10) The duties of a committee include:

- (a) the receipt, consideration and disposition of concerns and complaints respecting the safety and health of workers;
- (b) participation in the identification of risks to the safety or health of workers or other persons, arising out of or in connection with activities in the workplace;
- (c) the development and promotion of measures to protect the safety and health and welfare of persons in the workplace, and checking the effectiveness of such measures;
- (d) co-operation with the occupational health service, if such a service has been established within the workplace;
- (e) co-operation with a safety and health officer exercising duties under this Act or the regulations;
- (f) the development and promotion of programs for education and information concerning safety and health in the workplace;
- (g) the making of recommendations to the employer or prime contractor respecting the safety and health of workers;
- (h) the inspection of the workplace at regular intervals;
- (i) the participation in investigations of accidents and dangerous occurrences at the workplace;
- (j) the maintenance of records in connection with the receipt and disposition of concerns and complaints and the attendance to other matters relating to the duties of the committee; and
- (k) such other duties as may be specified in this Act or prescribed by regulation.

WORKPLACE SAFETY AND HEALTH REPRESENTATIVE

DUTIES OF REPRESENTATIVE

41(5) The worker representative shall, in co-operation with a representative of the employer, perform the same duties as set out for the workplace safety and health committees in section 40.

Sec. 7 speaks to having a program sec .7.4 (5)(e) speaks to a schedule for regular inspections of the workplace. Sec. 7.4(5)(j) has the worker participating in the workplace

inspections. Then sec. 40(10)(h) has the committee to inspect the workplace at regular intervals. Sec. 41(5) gives the same duty to a health and safety representative of smaller workplaces.

Saskatchewan

Regulations

OCCUPATIONAL HEALTH AND SAFETY PROGRAM

22 (1) Subject to subsection (2), an occupational health and safety program required by section 13 of the Act must include:

- (a) a statement of the employer's policy with respect to the protection and maintenance of the health and safety of the workers;
- (b) the identification of existing and potential risks to the health or safety of workers at the place of employment and the measures, including procedures to respond to an emergency, that will be taken to reduce, eliminate or control those risks;
- (c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency;
- (d) a statement of the responsibilities of the employer, the supervisors and the workers;
- (e) a schedule for the regular inspection of the place of employment and of work processes and procedures;
- (f) a plan for the control of any biological or chemical substance handled, used, stored, produced or disposed of at the place of employment and, where appropriate, the monitoring of the work environment;
- (g) a plan for training workers and supervisors in safe work practices and procedures, including any procedures, plans, policies or programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the work of the workers and supervisors;
- (h) a procedure for the investigation of accidents, dangerous occurrences and refusals to work pursuant to section 23 of the Act at the place of employment;
- (i) a strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of accidents, dangerous occurrences and refusals to work pursuant to section 23 of the Act; and
- (j) a procedure to review and, where necessary, revise the occupational health and safety program at specified intervals that are not greater than three years and whenever there is a change of circumstances that may affect the health or safety of workers.

(2) On and after January 1, 1998, the places of employment set out in Table 7 of the Appendix with 10 or more workers are prescribed for the purposes of section 13 of the Act.

(3) An employer at a place of employment mentioned in subsection (2) shall establish an occupational health and safety program that meets the requirements of subsection (1) not later than:

- (a) in a place of employment with 100 or more workers, January 1, 1998;
- (b) in a place of employment with 21 or more workers but not more than 99 workers, January 1, 1999; and
- (c) in a place of employment with 10 or more workers but not more than 20 workers, January 1, 2000.

INSPECTION OF PLACE OF EMPLOYMENT

28 (1) An employer, contractor or owner shall enable members of a committee or a representative to inspect a place of employment at reasonable intervals determined by the committee or the representative and employer.

(2) On written notice by the committee or the representative of an unsafe condition or a contravention of the Act or any regulations made pursuant to the Act, the employer, contractor or owner shall:

- (a) take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected or the contravention is remedied;
- (b) as soon as possible, take suitable actions to correct the unsafe condition or remedy the contravention; and
- (c) inform the committee or the representative in writing of:
 - (i) the actions that the employer, contractor or owner has taken or will take pursuant to clause (b), or
 - (ii) if the employer, contractor or owner has not taken any actions pursuant to clause (b), the employer's, contractor's or owner's reasons for not taking action.

This province has regulations that specifically speak to the inspection. This supports the committees' role in establishing a program.

Alberta

INSPECTION

8 (1) For the purposes of this Act, an officer may:

- (a) at any reasonable hour enter into or on any work site and inspect that work site.

REGULAR INSPECTION OF WORK SITES

25 A Director may, by written order:

- (a) require a prime contractor, a contractor or an employer involved in work at a work site to regularly inspect the work site for occupational hazards; and
- (b) prescribe the manner, methods and procedures or any of them to be used for carrying out those inspections.

RSA 1980 cO-2 s20;
RSA 1980 c15(Supp) s18;
1994 c43 s8

With sec. 8(1) it shows us that the Alberta occupational health and safety officer inspect workplaces. Where as in Sec 25 it speaks to a Director may order an employer to regularly inspect the work site for hazards and prescribe the methods for the inspections.

British Columbia

DUTIES AND FUNCTIONS OF JOINT COMMITTEE

130 A joint committee has the following duties and functions in relation to its workplace:

- (a) to identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations;
- (b) to consider and expeditiously deal with complaints relating to the health and safety of workers;
- (c) to consult with workers and the employer on issues related to occupational health and safety and occupational environment;
- (d) to make recommendations to the employer and the workers for the improvement of the occupational health and safety and occupational environment of workers;
- (e) to make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with this Part and the regulations and to monitor their effectiveness;
- (f) to advise the employer on programs and policies required under the regulations for the workplace and to monitor their effectiveness;
- (g) to advise the employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers;
- (h) to ensure that accident investigations and regular inspections are carried out as required by this Part and the regulations;
- (i) to participate in inspections, investigations and inquiries as provided in this Part and the regulations;
- (j) to carry out any other duties and functions prescribed by regulation.

WORKER HEALTH AND SAFETY REPRESENTATIVE

139 (1) A worker health and safety representative is required:

- (a) in each workplace where there are more than 9 but fewer than 20 workers of the employer regularly employed; and
- (b) in any other workplace for which a worker health and safety representative is required by order of the Board.

(2) The worker health and safety representative must be selected in accordance with section 128 from among the workers at the workplace who do not exercise managerial functions at that workplace.

(3) To the extent practicable, a worker health and safety representative has the same duties and functions as a joint committee.

(4) Sections 133 to 136 apply in relation to a worker health and safety representative as if the representative were a joint committee or member of a joint committee.

Health and Safety Regulations

CONTENTS OF PROGRAM

The occupational health and safety program must be designed to prevent injuries and occupational diseases, and without limiting the generality of the foregoing, the program must include:

- (a) a statement of the employer's aims and the responsibilities of the employer, supervisors and workers;
- (b) provision for the regular inspection of premises, equipment, work methods and work practices, at appropriate intervals, to ensure that prompt action is undertaken to correct any hazardous conditions found;
- (c) appropriate written instructions, available for reference by all workers, to supplement this Occupational Health and Safety Regulation;
- (d) provision for holding periodic management meetings for the purpose of reviewing health and safety activities and incident trends, and for the determination of necessary courses of action;
- (e) provision for the prompt investigation of incidents to determine the action necessary to prevent their recurrence;
- (f) the maintenance of records and statistics, including reports of inspections and incident investigations, with provision for making this information available to the joint committee or worker health and safety representative, as applicable and, upon request, to an officer, the union representing the workers at the workplace or, if there is no union, the workers at the workplace; and
- (g) provision by the employer for the instruction and supervision of workers in the safe performance of their work.

[B.C. Reg. 185/99, s. 12]

WORKPLACE INSPECTIONS

GENERAL REQUIREMENT

3.5 Every employer must ensure that regular inspections are made of all workplaces, including buildings, structures, grounds, excavations, tools, equipment, machinery and work methods and practices, at intervals that will prevent the development of unsafe working conditions.

SPECIAL INSPECTIONS

3.7 A special inspection must be made when required by malfunction or accident.

[B.C. Reg. 185/99, s. 16]

PARTICIPATION OF THE COMMITTEE OR REPRESENTATIVE

3.8 An inspection required by section 3.5 and a major inspection required by section 3.7 must, where feasible, include the participation of members of the joint committee or the worker health and safety representative, as applicable, but:

- (a) if there is no committee or worker health and safety representative the employer must designate an employer representative and the union must designate a worker Representative; or
- (b) if there is no union the employer must invite the workers to designate one of their number.

[B.C. Reg. 185/99, ss. 17, 18]

The Act in sec. 130 (h)(i) speak of regular inspections of the workplace and the worker participation.

This is supported by the regulations, 3.3 is maintenance of the inspection reports. Sec 3.5 says must ensure regular inspections take place, with sec. 3.7 has a special inspection when required. Sec.3.8 identifies health and safety member to participate in the inspections. The act also in sec.139(3) has representatives out of smaller workplaces with the same duties.

Federal Sector

To inspect each month all or part of the workplace, so that it is inspected in its entirety at least once each year (s.135(7)(k)).

This in the Canada Labour Code Part II smaller workplaces the representative participates in the inspections.

Northwest Territories and Nunavut

The Chief Safety Officer may direct the establishment of a joint health and safety committee at a work site. Yet it is the employer who must conduct regular inspections.

Yukon

SEC. 12

(9) The health and safety representative may:

- (a) inspect the physical condition of the workplace or part thereof for which they have been selected once each month or at those intervals that the chief industrial safety officer or chief mines safety officer may direct.

SEC.13

(5) A health and safety representative may:

- (a) inspect the physical condition of the workplace or part thereof for which they have been selected once each month or at any intervals the chief industrial safety officer or chief mines safety officer may direct.

In the Yukon the chief safety officer identifies once a month or at intervals determined by them.

Sec. 12 speaks to larger workplaces with joint health and safety committees and sec. 13 speaks to health and safety representatives in smaller workplaces.

Comments

In reviewing the inspection provisions across each province I came to realize that as workers are treated very differently depends where we live. My thoughts are if we could cherry pick the best practice, would we then be deemed having a safe workplace? I think when we look at the way we do business we have to have hands on training for those who will be inspecting our workplaces. There has to be different timelines to have any concerns dealt with and no saying "we can't afford it." Larger fines and better enforcement would also help in securing a safer workplace. As activist we need to get together to identify our needs and wishes so all workers can go home to their families.

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