

# TIP SHEET FOR DEALING WITH GOVERNMENTAL HEALTH AND SAFETY INSPECTORS

## INTRODUCTION

Occupational Health and Safety legislation across Canada is based on the idea that employers and workers are best placed to resolve hazards and dangers at the workplace. This is known as the *internal responsibility system*. This system works best when employers and workers are able to work together to meet or exceed the minimum health and safety standards required by law.

Sometimes employers and workers disagree on what the law requires or how to fix a workplace hazard. When this happens, either party may seek intervention from a government inspector. The job title of these inspectors varies across jurisdictions. However, they all work to ensure compliance with occupational health and safety laws and related regulations.

Involving an inspector is often an effective strategy to advance worker safety rights. However, there are important considerations to keep in mind to ensure a successful outcome.

## RESOLVE THE DISPUTE INTERNALLY, IF POSSIBLE

Unless the circumstances present an imminent danger, inspectors will usually not intervene until the internal responsibility process has been exhausted. The first step of this process typically involves raising your concern to the health and safety committee. The committee then explores how to mitigate the hazard and makes recommendations to the employer. Once the committee has reviewed the hazard and the employer has made their response, you will be in a better position to determine if an inspector should be called.

## DOCUMENTATION

Make sure you have all the information to support your claim before calling in your complaint. The document can include:

- first aid/accident/near-miss reports (while ensuring the confidentiality of those involved),
- workers compensation claims information,
- inspection records,
- minutes from health and safety committee meetings,

- emails,
- previous governmental inspector field visit reports,
- a copy of your jurisdiction's health and safety act and regulations.

You can also use resources from reliable sources, including [CUPE Health and Safety](#), the [Canadian Centre for Occupational Health and Safety](#), the [Occupational Health Clinics for Ontario Workers](#), the [Institute for Work and Health](#), and the [Centre for Research Expertise in Occupational Disease](#), among others.

## ROLES AND POWERS OF AN INSPECTOR

Inspectors enforce compliance with occupational health and safety laws and regulations. Although inspectors have a certain level of autonomy, they are guided by their own set of rules for their job (frequently called internal operating procedures). An inspector can provide resources and guidance to the joint health and safety committee and representatives and help the employers and workers come to an agreement.

Inspectors can conduct proactive inspections of a workplace without a warrant. They also conduct investigations into complaints, work refusals or stoppages, incidents involving fatalities, critical injuries and notices of occupational illness.

When conducting inspections or investigations, the inspector has a broad range of powers, including but not limited to:

- speaking with workers (without the presence of a supervisor/employer),
- observing the work and taking photographs,
- using, operating or examining any machinery, equipment or device,
- examining or requiring the employer to produce any plans, reports, records,
- conducting tests of any chemical/biological agent or thing,
- taking materials, reports or equipment from the workplace.

Although there are slight variations across Canadian jurisdictions, when a contravention of the *Occupational Health and Safety Act* or regulations is observed, an inspector **may**:

- stop work and barricade off an area of the workplace.
- issue an order to the employer, supervisor, owner, etc. to comply with the OHSA or the regulations.
- require an employer to obtain a certificate from a professional engineer that the building or part thereof is up to code or safe from structure collapse.

- refer a matter to the provincial labour relations board for labour related complaints (for example, when a worker has alleged a reprisal).
- issue “on the spot” tickets or follow up with administrative penalties to workers and supervisors for failing to comply with the OHSA or the regulations.
- order workplace inspection more frequently.
- order the employer to assess or reassess the risks of workplace violence.
- order the employer to ensure an investigation into complaints of workplace harassment is conducted by an impartial person (e.g., an external third party).

## HOW TO FILE A COMPLAINT

Complaints can be made over the phone or in writing. You can find information on how to make a complaint in your jurisdiction on the following websites:

JURISDICTION	WEBSITE
Federal	<a href="#">Complaints – Occupational Health and Safety (CLC)</a> <a href="#">Occupational health and safety in federally regulated workplaces - Canada.ca</a>
Alberta	<a href="#">Report an OHS concern   Alberta.ca</a>
British Columbia	<a href="#">Prohibited action complaints - WorkSafeBC</a>
Manitoba	<a href="#">Report Unsafe Work   Workplace Safety and Health   Labour   Labour and Immigration   Province of Manitoba</a>
New Brunswick	<a href="#">WorkSafeNB   Your Rights</a>
Newfoundland and Labrador	<a href="#">Occupational Health and Safety Division - Digital Government and Service NL</a>
Nova Scotia	<a href="#">Health and Safety   novascotia.ca</a>

Ontario	<a href="#">Filing a workplace health and safety complaint   ontario.ca</a>
PEI	<a href="#">File a Formal Complaint under the PEI Employment Standards Act (Non-Union)   Government of Prince Edward Island</a>
Quebec	<a href="#">How to file a complaint   Commission des normes de l'équité de la santé et de la sécurité du travail - CNESST</a>
Saskatchewan	<a href="#">Safety in the Workplace   Information for Saskatchewan Businesses and Industry   Government of Saskatchewan</a>

### MAKING A COMPLAINT

Make sure to state the nature of your health and safety concerns. If you know the section of the Act or the regulation that has been violated, include it in your report. Give your name and contact information so the inspector will know who to contact when conducting their investigation.

**You have the right to make a complaint anonymously, but we don't recommend it.** When an anonymous complaint is made, the inspector may choose to only speak with the employer or supervisor when investigating. This means they might not get the full picture.

### WORK REFUSAL AND WORK STOPPAGES

Workers have the right to refuse unsafe work. When an employer cannot resolve a work refusal, inspectors are called in to investigate. Inspectors may also investigate whether circumstances are dangerous enough to warrant a work stoppage. In both cases, an internal process based on the rules of the jurisdiction must be followed before calling an inspector.

CUPE has summarized the work refusal processes here:

[Refusing unsafe work: A step by step guide | Canadian Union of Public Employees](#)



## INVESTIGATIONS INTO FATALITIES, CRITICAL INJURIES, OR OCCUPATIONAL ILLNESS

Inspectors must be notified immediately when a fatality or serious injury occurs in the workplace. When such an event occurs, an inspector will be called to the workplace to investigate. They may also choose to investigate incidents that have not been defined as critical or severe.

In most jurisdictions, the health and safety committee also has a duty to conduct an investigation when a critical or serious injury has occurred.

## WHO CAN ACCOMPANY AN INSPECTOR DURING A PHYSICAL INSPECTION OF THE WORKPLACE?

With the exception of a critical incident investigation, members of the health and safety committee are usually able to attend inspections of the workplace by an inspector.

## WHAT TO DO WHEN THE INSPECTOR ARRIVES TO INVESTIGATE OR MAKES AN UNSCHEDULED INSPECTION AT THE WORKPLACE?

- Introduce yourself if you are a member of the health and safety committee or the person who made the complaint.
- Do not hinder, interfere or obstruct the inspector during their investigation/inspection.
- Be truthful when the inspector asks you questions.
- Provide the inspector with copies of your documentation.
- If necessary, request to speak with the inspector alone.
- Make sure to put all your hazard concerns and recommendations before the inspector. This is important if the inspector doesn't write an order.
- Review the inspector's field visit report. Point out any errors or omissions before signing it.
- Make sure the field visit report is shared with the health and safety committee or representative.
- Make sure the field visit report and any orders are posted in a place that will come to the attention of workers (like the health and safety board).
- Share the field visit report with the local.

## WHAT TO DO IF THE INSPECTOR ISSUES AN ORDER?

- Laws around appealing the failure to issue an order vary in each jurisdiction. Contact your local to determine if the lack of an order or an order that doesn't go far enough can (or should) be appealed.

An inspector coming to the workplace can be stressful. But remember: we need them to help us make the workplace safer. Be respectful, and make sure that you clearly explain the issues happening in your workplace to the inspector so that they can help resolve the situation.

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