



# OHS Compliance

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No one wants a safety inspector to appear at their door—but it's likely to happen to every workplace at some point.

# Inspectors

## 6 Tips for Properly Handling OHS Inspections

*Every jurisdiction has an agency in charge of regulating and enforcing the OHS laws. And these agencies use safety officers or inspectors to fulfill those duties, including inspecting workplaces for violations and investigating safety incidents when they occur. No one wants a safety inspector to appear at their door—but it's likely to happen to every workplace at some point. And workplaces in particularly hazardous industries or engaged in especially dangerous activities will have to deal with inspectors even more frequently. How your company responds when an inspector shows up can have many repercussions, some good and some bad. So here are six tips on how to properly deal with safety inspectors.*

## SAFETY INSPECTORS 101

The *OHS Insider* held a webinar on managing the risks when an OHS inspector shows up at your workplace. The speaker was OHS lawyer Jeremy Warning of Heenan Blaikie LLP. (You can watch a [recording of the webinar](#) and [download the slides](#) from the presentation at [OHSInsider.com](#).) According to Warning, there are basically six reasons why a safety inspector may appear in your workplace:

- An anonymous complaint of an unsafe situation or safety concern;
- A complaint from the JHSC or union;
- A work refusal or certified member “stop work” situation that can’t be resolved internally;
- A routine compliance audit;
- The filing of a required notice or registration; and
- A workplace safety incident.

Once safety inspectors are in your workplace, they have very broad powers. For example, they can request various documents, such as training records, and test or use your machinery or equipment. And they may be able to enter your workplace to exercise these powers at any reasonable time, including days and nights. In fact, Ontario announced a [new pilot program](#) for inspecting construction sites seven days a week, including early mornings, evenings and weekends. (See the chart on the right for when inspectors are allowed to inspect in each jurisdiction.)

Responding poorly when an inspector appears could have serious consequences,

KNOW THE LAWS: When OHS Inspectors Can Enter Workplaces	
According to the OHS law in each jurisdiction, safety inspectors are permitted to enter workplaces or worksites to carry out their duties:	
Jurisdiction	Law(s)
FED	At any reasonable time [ <a href="#">Canada Labour Code</a> , Sec. 141(1)].
AB	At any reasonable hour [ <a href="#">OHS Act</a> , Sec. 8(1)(a)].
BC	1) At a reasonable hour of the day or night; or 2) At any other time if the officer has reasonable grounds for believing that a situation exists that is or may be hazardous to workers [ <a href="#">Workers' Compensation Act</a> , Sec. 179(2)].
MB	1) At any reasonable time; or 2) Where in the safety and health officer's opinion a situation exists that is or may be dangerous at any time [ <a href="#">Workers' Compensation Act</a> , Sec. 24(1)].
NB	At any reasonable hour [ <a href="#">OHS Act</a> , Sec. 28(1)(a)].
NL	At a reasonable hour [ <a href="#">OHS Act</a> , Sec. 26(1)(a)].
NT/NU	At any reasonable time [ <a href="#">Safety Act</a> , Sec. 9(3)].
NS	At a reasonable hour of the day or night [ <a href="#">OHS Act</a> , Sec. 47(a)].
ON	At any time [ <a href="#">OHS Act</a> , Sec. 54(1)(a)].
PE	At any reasonable time [ <a href="#">OHS Act</a> , Sec. 7(1)(a)].
QC	At any reasonable hour of the day or night [ <a href="#">An Act respecting occupational health and safety</a> , Sec. 179].
SK	At any reasonable time of day or night [ <a href="#">OHS Act</a> , Sec. 72(1)(a)].
YT	At any reasonable time [ <a href="#">OHS Act</a> , Sec. 32(2)(a) and 33(1)].

including facing compliance or stop work orders, being charged with OHS violations or even facing obstruction charges.

## 6 TIPS FOR DEALING WITH OHS INSPECTIONS

Here are six tips from Warning's presentation for properly dealing with OHS inspections:

### Tip #1: Designate a Contact Person

You should designate a member of management as the regular contact person for all safety inspectors. That person should be knowledgeable about the

OHS program and workplace safety. So designating the safety coordinator or director would be a good choice.

But that person should also be agreeable and work well with others. Don't appoint someone who's adversarial or who might express productivity concerns as overriding issues. You want this representative to show the company's commitment to safety. You also want them to build a professional and cooperative relationship with the safety inspector, especially if you regularly deal with one particular inspector.

**Tip #2:  
Have a Response Plan**

Having a response plan in place to deal with key safety inspector related issues is critical to good management, says Warning. That plan should include who the designated contact person is as well as a back-up contact person for when the “first string” contact is unavailable due to vacation, illness, etc. The plan should also explain the powers safety inspectors have under the OHS laws and what do when the inspector exercises those powers, such as by issuing orders, requesting documents, requiring engineering or expert reports, etc. And it should include contact information for the company’s lawyers in case it’s necessary to get them involved, such as if the inspector requests documents you think may be protected by privilege. (For more on privilege, see [“Using ‘Privilege’ to Keep Incident Investigation Reports Confidential.”](#))

**Tip #3:  
Ask Inspector for ID**

When someone claiming to be a safety inspector appears at your workplace, ask them for identification. You want to both confirm that the person is who he says he is and also get his name. In some jurisdictions, safety inspectors may, in fact, be required to show you their identification anyway. But if not, you should still make this reasonable request. Of course, if the inspector is one who you deal with regularly and are familiar with, you don’t need to ask for ID.

**Tip #4:  
Ask for Representative  
During Formal Questioning**

A safety inspector will likely have questions as he goes about conducting his inspection and you should generally cooperate and answer those questions. But if the inspector wants to conduct a formal interview, such as of a worker who witnessed a safety incident, ask him for a representative to be present when that interview is conducted. Warning notes that the inspector might refuse but you lose nothing by politely making this request.

**Tip #5:  
Be Cooperative**

Dealing with safety inspectors can be very frustrating, especially if they’re heavy-handed. For example, the inspector may be quick to arrive at conclusions about what happened and assume that the company is guilty of violating the OHS law. The worst thing you can do is respond to this type of inspector by ignoring them or being adversarial. Always maintain a cooperative stance, advises Warning. Make it clear that you take any safety concerns they’ve raised seriously. And never say no to the inspector—even if you disagree with his order or believe a request is beyond the scope of his powers. Instead, tell the inspector that you need to consult management or legal counsel to, say, confirm that you can provide him with the requested documents. *Bottom line:* Comply now, complain later.

Remember that you have the right to challenge or appeal an inspector’s order through the appropriate process. So there’s

no reason to pick a fight with the inspector on the spot. But there are ways to professionally influence the inspector while he’s there. For example, you can firmly request an opportunity to discuss any orders, directions or decisions to present positive information on the company’s behalf to “get the order right,” suggests Warning. You can also try to negotiate a reasonable compliance time frame for any order issued, he adds.

**Tip #6:  
Take Detailed Notes**

During the safety inspector’s visit, take detailed notes on what the inspector looks at, does, says and requests. You should also [take your own photographs, measurements, etc.](#) This information could be very useful if an issue arises later, such as whether the inspector’s visit was an inspection or an investigation, which can have significant consequences. (For more on this distinction, see [“Winners & Losers: Is a Government Action an ‘Inspection’ or an ‘Investigation’?”](#))

**BOTTOM LINE**

Across Canada, OHS regulators are becoming more proactive and aggressive about conducting safety inspections—just look at the regular OHS inspection blitzes conducted by Ontario’s Ministry of Labour. So now more than ever, it’s likely that you’ll find a safety inspector at your door at some point. Handle this encounter properly and you’ll be able to effectively manage any risks involved. Botch it and the consequences for the company and individuals could be very serious.



Even if your company is fully compliant with the OHS laws, an inspection can result in charges if you mishandle the inspection itself

# Inspections

## 3 Mistakes to Avoid When Dealing with Safety Inspectors

*No company is ever comfortable when a safety or other government inspector shows up for a surprise inspection, which is understandable. Even if your company is fully compliant with the OHS laws, an inspection can result in charges if you mishandle the inspection itself. In fact, workers and other company representatives tend to panic when faced with an inspector and make costly errors that land them—and the company—in court. Here are three mistakes that individuals can make during an inspection and what you can do to prevent the people in your workplace from making them. You may think these mistakes are obvious and that nobody at your company would ever do anything so foolish. But foolish inspection mistakes do happen. If you don't believe it, just look at the cases on the next page.*

**Mistake #1:  
Refusing to Let Inspectors in**

OHS and other regulatory laws typically give inspectors broad powers to conduct inspections, including the right to enter a workplace, take samples, install measuring equipment, examine company property and review records. And unless they've come to conduct a criminal investigation, they don't need a search warrant to do any of these things. In addition, companies are obligated to cooperate and refrain from obstructing inspectors when they perform their duties. So if an inspector shows up at your workplace to do a routine inspection and you refuse to let him in the door, you and the company could very well face obstruction charges.

*Example:* Government inspectors showed up at an Ontario auto body shop for an unannounced inspection. But the shop's owner wouldn't let them in. In addition to denying the inspectors entry, the owner verbally abused and tried to intimidate them. The owner was convicted of obstruction and sentenced to seven days in jail and six months' probation [*Ace Automotive*, Govt. News Release, Sept. 22, 2005].

**Mistake #2:  
Ordering Inspectors to Leave**

If refusing to let inspectors into your workplace is bad, it's even worse to throw them out once they're inside. You might think that nobody in his right mind would order a government inspector to leave. But they do—especially when they think the inspector is exceeding his authority or making demands he has no right to make. An

inspector's authority is subject to limits, of course. But you need to be very careful about how you respond if you think an inspector is going too far—and even if you doubt that he's an inspector at all. Tossing the inspector out the door or even asking him politely to leave will almost certainly lead to obstruction charges.

*Example:* An inspector in Nova Scotia who was investigating a reported oil spill approached the site's general manager, introduced himself as an environmental inspector and handed over his business card. The inspector asked about some drums that appeared to be the source of the oil spill. He then asked about a few items that suggested the presence of an underground petroleum storage tank. At that point, the general manager became upset, yelled "Your inspection is over," and ordered the inspector to leave. For his own safety, the inspector left the site.

The general manager was convicted of obstruction. The court didn't believe his claim that he thought the inspector was an intruder. The inspector had clearly identified himself as an inspector and provided his business card. Also, the subject matter of his conversation with the general manager was consistent with his stated position. If the general manager had any doubts about the inspector's identity, he could simply have called the number on the inspector's card to verify it, the court noted. But the general manager didn't take this "common sense approach" [*R. v. O'Hara*, [1993] N.S.J. No. 595, Jan. 15, 1993].

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*An inspection can be a stressful experience—especially if the inspector indicates that there's some sort of a problem.*  
.....”

**Mistake #3:  
Threatening Inspectors**

An inspection can be a stressful experience—especially if the inspector indicates that there's some sort of a problem. But if you lose your cool and threaten the inspector, whatever problem the inspector found will pale in comparison to the problems you and the company will now probably face.

*Example:* During a timber harvest inspection, Newfoundland conservation officers found that a logging operation lacked sufficient firefighting equipment. When the inspectors told the brothers who owned the operation that they'd have to shut down, the brothers threatened to kill the inspectors. They were each convicted of threatening a peace officer and sentenced to 60 days in jail plus 18 months' probation. In addition, they were barred from possessing firearms for three years [*Smith*, Govt. News Release, Feb. 2, 2007].

**BOTTOM LINE**

It's critical that everyone keeps a cool head when a government inspector shows up. But that's often easier said than done. To avoid the above traps, you should make sure your company has a policy on handling inspections and trains workers, supervisors and other company personnel on what to do—and not do—during a government inspection.



If your company disagrees with safety orders, the OHS laws allows it to challenge them.

# Orders

## How to Appeal an Order from a Safety Inspector

*If a safety inspector or other safety official issues an order to your company requiring it to take certain action, such as halt operations or install guards on a piece of machinery, it should promptly comply if it thinks the order's valid. But safety inspectors aren't perfect and not every order they issue is justified or reasonable. If your company disagrees with safety orders, the OHS laws allows it to challenge them. However, it can't take the law into its own hands and unilaterally decide that orders are invalid and thus can be ignored. Deliberately disobeying or ignoring a safety order is itself an OHS violation—and a very serious one. The government often goes out of its way to punish defiance harshly.*

So what option *does* a company have when a safety official issues an order it thinks is unreasonable or unnecessary? The company may appeal the order to get an official ruling that it doesn't have to comply with the order. We'll explain what the OHS laws say about appealing safety orders and what you need to know to navigate the appeals process.

### **Defining Our Terms**

The OHS laws use various terms to describe actions by safety officials that are subject to appeal, including "orders," "decisions," "determinations" and "directions." For simplicity's sake, we'll use the term "safety order" to describe these actions.



## WHAT THE LAW SAYS

The Canadian OHS laws address the consequences of endangering workers' health and safety. For example, they state that companies can be prosecuted and fined for safety violations. These laws also give safety officials the power to compel companies to take specific steps to address potential threats to workers' health and safety. For example, safety officials may:

- Require companies to correct any violations of the OHS law, such as install guards on machinery;
- Order companies to take measures to address a hazard or condition in the workplace that could endanger workers, such as excessive heat;
- Conduct tests of equipment or conditions, such as noise levels; and
- Stop work at a workplace until the company takes certain steps to correct a serious health and safety problem.

Officials exercise these powers by issuing safety orders—that is, written documents that typically identify the perceived violation or hazard, the steps the company must take to address the violation or hazard and the deadline by which it must do so.

Safety orders can be extremely disruptive and complying with them can be expensive. So the basic legal principles of fairness apply to safety orders. That is, it would be unfair to let safety officials order companies to take certain actions without giving those companies some mechanism to challenge those orders. Thus, every jurisdiction's

OHS law allows for appeals of safety orders. Although there are some variations between jurisdictions, the section of the OHS law that addresses appeals generally covers the following areas:

- Who may appeal a safety order;
- The deadline for filing an appeal;
- Who's empowered to hear the appeal;
- The various elements of the appeals proceeding, such as calling of witnesses and production of documents;
- The status of the safety order during appeal; and
- Whether the side that loses the appeal can file another appeal.

## HOW TO APPEAL

Why might your company want to appeal a safety order? There are several reasons. For example, you might believe that the order is unnecessary because your current safety measures adequately protect workers from that hazard. Or complying with the order's requirements might be so expensive that the company can't afford to do so. Regardless of the reasons, once your company makes the decision to appeal a safety order, you need to navigate the appeals requirements set out in your jurisdiction's OHS laws. Here are the key questions you need to answer to do so effectively:

### 1. Who May Appeal a Safety Order?

With one exception, every jurisdiction specifies who has the right to appeal a safety order. (Newfoundland's OHS

laws simply state which orders may be appealed without stating who has the right to initiate the appeal). The jurisdictions take two basic approaches:

**General approach.** Several jurisdictions simply state that any person who's "aggrieved," directly affected by or the subject of an order may appeal it.

**Specific approach.** Other jurisdictions spell out the specific individuals or organizations that may appeal a safety order, such as:

- Employers;
- Workers;
- Unions;
- Contractors;
- Sub-contractors; and
- Constructors.

Nova Scotia's approach is a sort of hybrid. Its OHS law says that "an aggrieved person" may appeal an order. But it also defines "aggrieved person" to include a specific list of individuals, including employers, constructors, contractors, workers, self-employed persons, owners, suppliers, architects, engineers and unions.

### 2. When Must the Appeal Be Initiated?

To appeal a safety order, you must generally file a written request for an appeal. The OHS laws spell out strict—and fairly tight—deadlines for such filings. In general, you must appeal a safety order within a set number of days from the issuance of that order, ranging from seven days to 90 days with 30 days being the most common deadline.

### 3. Who Will Hear the Appeal?

The person or body that hears appeals of safety orders varies by jurisdiction. Appeals of safety orders are initially heard by a designated *individual*, such as a government official or adjudicator. For example, the director of workplace safety hears appeals in MB and NS, while a review officer hears appeals in BC. In contrast, a designated *body* hears appeals of safety orders in other jurisdictions. For example, in Ontario, the Labour Relations Board hears appeals of safety orders, while the workers' comp board hears such appeals in PEI, QC and YT.

### 4. What Happens in an Appeal?

The OHS laws generally give the individual or body that hear appeals of safety orders broad powers to handle such appeals. For example, such powers typically include the authority to:

- Conduct investigations;
- Summon witnesses and compel them to testify or produce documents;
- Examine documents and records; and
- Decide the appeal without conducting a hearing.

The decision maker typically must issue a written decision on the appeal, confirming the safety order, revoking it or changing its terms. In addition, they may have the power to issue new orders.

### 5. Can the Losing Side File an Additional Appeal?

What if your company loses the appeal? Is the process over? In many jurisdictions, the company gets one and only one shot at appealing a safety order. The

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*Don't be lulled into thinking that your company doesn't have to comply with the challenged order while the appeal is pending.*  
 .....

OHS laws in three jurisdictions—Fed, ON and YT—specifically state that appeals of safety orders are final and can't be further appealed. For example, the *Canada Labour Code* says that an “appeals officer's decision is final and shall not be questioned or reviewed in any court” [Sec. 146.3].

But the OHS laws in the other 11 jurisdictions permit further appeals of safety orders. For example, in BC, the decision of a review officer may be appealed to the Workers' Compensation Appeal Tribunal. But there may be limits on the scope of further appeals. For instance, in Saskatchewan, decisions of an adjudicator may be appealed to a Court of Queen's Bench on a question of law or jurisdiction only.

#### **Insider Says:**

The government can also appeal the adjudicator's decision if a safety order is revoked or changed.

### 6. What's the Status of Safety Orders During Appeal?

Don't be lulled into thinking that your company doesn't have to comply with the challenged order while the appeal is pending. In fact, the OHS laws of most jurisdictions specifically state that appealing a safety order does not automatically “stay,” cancel or suspend it. In other words, your company has

to comply with the order until the appeal is decided.

However, the OHS law does give the individuals or bodies that hear appeals of safety orders the power to suspend such orders while an appeal is pending, either on the company's request or by their own initiative. So if your company doesn't want to comply with the order until the appeal is done, it can ask the appeals individual or body to suspend the order. For example, if your company is appealing a safety order demanding the production of certain documents, producing the documents while the appeal is ongoing defeats the purpose of the appeal, making it moot. In such situations, it makes sense to ask for a suspension of the order—and you're likely to get it. But your company is unlikely to get a suspension of a safety order pending appeal if there's a chance that suspending it would endanger workers. For example, the individual or body hearing the appeal may not suspend an order requiring your company to install machine guards or institute safe work procedures for a certain job.

### **BOTTOM LINE**

When a company is hit with a safety order, it's likely to look to its safety coordinator to decide how to respond. If the company opts to appeal the order, the safety coordinator will play a key role in the appeals process. So it's crucial for you to be up-to-speed on the law in your jurisdiction on appealing safety orders. Armed with this knowledge, you should be able to help your company successfully navigate the appeals process.

# Around the Provinces

## Inspection Powers of Government Inspectors

*Although government inspectors (sometimes called health and safety officers) have broad authority to take certain actions necessary to enforce the OHS laws, their powers aren't unlimited. To protect your company's legal rights during an inspection without inadvertently obstructing the inspection, you need to understand what inspectors are allowed to do under your jurisdiction's laws. This chart shows the powers government inspectors in each part of Canada may exercise when conducting inspections under the OHS law:*

<b>POWERS OF GOVERNMENT INSPECTORS:</b> While conducting inspections, government inspectors are authorized to:	
Jurisdiction	Law(s)
<b>FED</b>	<p>Canada Labour Code, Sec. 141(1):</p> <ol style="list-style-type: none"> <li>1) conduct examinations, tests, inquiries, investigations and inspections or direct the employer to conduct them;</li> <li>2) take or remove for analysis, samples of any material or substance or any biological, chemical or physical agent;</li> <li>3) be accompanied or assisted by any person and bring any equipment that they deem necessary to carry out their duties;</li> <li>4) take or remove for testing material or equipment if there's no reasonable alternative to doing so;</li> <li>5) take photographs and make sketches;</li> <li>6) direct the employer to ensure that any place or thing specified by them isn't disturbed for a reasonable period pending an examination, test, inquiry, investigation or inspection in relation to the place or thing;</li> <li>7) direct any person not to disturb any place or thing specified by them for a reasonable period pending an examination, test, inquiry, investigation or inspection in relation to the place or thing;</li> <li>8) direct the employer to produce documents and information relating to the health and safety of the employer's workers or the safety of the work place and to permit them to examine and make copies of or take extracts from those documents and that information;</li> <li>9) direct the employer or a worker to make or provide statements, in the form and manner that they may specify, respecting working conditions and material and equipment that affect workers' health or safety;</li> <li>10) direct the employer or a worker or a designated person to accompany them while they're in the work place; and</li> <li>11) meet with any person in private or, at the request of the person, in the presence of the person's legal counsel or union representative.</li> </ol>
<b>AB</b>	<p>OHS Act, Sec. 8(1):</p> <ol style="list-style-type: none"> <li>1) require the production of any records, books, plans or other documents that relate to the health or safety of workers and may examine them, make copies of them or remove them temporarily for the purpose of making copies;</li> <li>2) inspect, seize or take samples of any material, product, tool, appliance or equipment being produced, used or found in or on the work site that's being inspected;</li> <li>3) make tests and take photographs or recordings as to any work site; and</li> <li>4) interview and obtain statements from people at the work site.</li> </ol>
<b>BC</b>	<p>Workers' Compensation Act, Sec. 179(3):</p> <ol style="list-style-type: none"> <li>1) bring any equipment or materials required for the inspection and be accompanied and assisted by a person who has special, expert or professional knowledge of a matter relevant to the inspection;</li> <li>2) inspect works, materials, products, tools, equipment, machines, devices or other things at the place;</li> <li>3) take samples and conduct tests of materials, products, tools, equipment, machines, devices or other things being produced, used or found at the place, including tests in which a sample is destroyed;</li> <li>4) require that a workplace or part of a workplace not be disturbed for a reasonable period of time;</li> <li>5) require that a tool, equipment, machine, device or other thing or process be operated or set in motion or that a system or procedure be carried out;</li> <li>6) inspect records that may be relevant and, on giving a receipt for a record, temporarily remove it to make copies or extracts;</li> <li>7) require a person to produce within a reasonable time records in the person's possession or control that may be relevant;</li> <li>8) question persons with respect to matters that may be relevant, require persons to attend to answer questions and require questions to be answered on oath or affirmation;</li> <li>9) take photographs or recordings of the workplace and activities taking place in the workplace;</li> <li>10) attend a relevant employer's training program; and</li> <li>11) exercise other powers that may be necessary or incidental to the carrying out of their functions and duties under the Act or the regulations.</li> </ol>

<b>POWERS OF GOVERNMENT INSPECTORS:</b> While conducting inspections, government inspectors are authorized to:	
<b>Jurisdiction</b>	<b>Law(s)</b>
<b>MB</b>	<p>Workplace Safety &amp; Health Act, Sec. 24(1):</p> <ol style="list-style-type: none"> <li>1) take with them any other person, and such equipment and materials, as they need to assist them and arrange with the employer or someone in charge of the place or premises for that other person to re-enter alone to perform specified duties;</li> <li>2) make examinations and investigations as they deem necessary for determining the cause and particulars of any incident or illness occurring to a worker, or self-employed person, and arising out of or in connection with activities in the workplace, or for the prevention of incidents or illnesses arising out of or in connection with workplace activities;</li> <li>3) take measurements and photographs, make tests and recordings and take samples of articles or substances found in the place or premises, or of the atmosphere in or near the place or premises as they deem necessary;</li> <li>4) test or cause to be tested any equipment in the place or premises, or for the purposes of testing, require the equipment to be removed;</li> <li>5) require the employer or a person designated by the employer to demonstrate the use of any machinery, equipment, appliance or thing at a workplace;</li> <li>6) cause any article, substance or sample taken 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 is unavoidable or necessary;</li> <li>7) in the case of any article, substance or equipment taken and/or tested, to take possession thereof and detain it for as long as necessary for use as evidence in any proceedings or prosecution under the Act;</li> <li>8) require any documents, books or records that relate in any way to the safety and health of workers, or self-employed persons, to be produced for inspection and to make copies of or take extracts from those documents, books or records;</li> <li>9) require any person to provide them with facilities or assistance with respect to any matters or things within that person's control or to which that person has responsibilities;</li> <li>10) in conducting any inspection, inquiry, investigation or examination, require any person, whom they have reasonable cause to believe to possess any information on the conditions of workplace safety, health and welfare, to attend an interview and to provide full and correct answers, either orally or in writing, to such questions as they think fit to ask;</li> <li>11) direct that any workplace, part of a workplace or anything in a workplace be left undisturbed for such time as is reasonably necessary for any of the above purposes; and</li> <li>12) do such other things as may be authorized by the minister.</li> </ol>
<b>NB</b>	<p>OHS Act, Secs. 28(1) and (2):</p> <ol style="list-style-type: none"> <li>1) conduct any tests, take photographs, make recordings, take any samples and make any examinations that they consider necessary or advisable;</li> <li>2) require the production of, inspect and take copies of any records, books, plans or other documents;</li> <li>3) upon giving receipts, remove any material referred to above that relates to the purpose of the inspection to make a copy of it, if such copying is carried out with reasonable dispatch and the material in question is promptly returned to the person being inspected;</li> <li>4) inspect and take samples of any material, product, tool, equipment, machine or device being produced, used or found at the place of employment for which they shall be responsible until the material, product, tool, equipment, machine or device is returned to the person being inspected;</li> <li>5) make such examinations and inquiries as they consider necessary for the purpose of ascertaining whether the provisions of this Act, the regulations or an order are being complied with;</li> <li>6) make such investigation as they consider necessary into the cause and particulars of any incident, accident or occupational disease occurring at a place of employment, and in conducting such investigation examine any person who in their opinion has knowledge of the incident, accident or disease that has occurred;</li> <li>7) order that the place of employment, or part thereof, or anything therein, be left undisturbed for such time as is reasonably necessary for any of the purposes specified above; and</li> <li>8) be accompanied by a technical expert who may carry out such examinations and inspections and take such samples as directed by them.</li> </ol>
<b>NL</b>	<p>OHS Act, Secs. 26(1) and (2):</p> <ol style="list-style-type: none"> <li>1) require the production of records, books, plans or other documents that relate to the health and safety of workers or self-employed persons, examine them and remove them temporarily for the purposes of making copies;</li> <li>2) conduct tests and take photographs or recordings of the work place and an activity taking place at the workplace;</li> <li>3) inspect and take samples of a material, product, tool, appliance or equipment being produced, used or found in or upon the workplace;</li> <li>4) make examinations and conduct investigations that they consider necessary in order to determine the cause and particulars of an incident or illness occurring to a worker or self-employed person that appears to them as having been caused as a result of a workplace activity; and</li> <li>5) compel the attendance of witnesses and the production of books, documents and things, and to take evidence under oath or affirmation.</li> </ol>
<b>NT/NU</b>	<p>Safety Act, Secs. 9(1), (2) and (3):</p> <ol style="list-style-type: none"> <li>1) require an employer to make or provide full and correct statements about the conditions of work affecting the health or safety of any or all workers and the materials and equipment used by them in their employment;</li> <li>2) take or remove for analysis samples of materials and substances used or handled by workers, subject to the employer or its representative being notified that the samples or substances are being taken or removed for analysis;</li> <li>3) inspect, examine and take extracts from or make copies of all books and records relating to conditions of work that may affect the health or safety of any person employed on or in connection with any establishment;</li> <li>4) require any person employed on or in connection with any establishment to make full disclosure, production and delivery to them of all records or documents or copies of them, or other information, orally or in writing, that the person has in his or her possession or under his or her control and that relates to the conditions of work affecting the health or safety of the worker or other workers in his or her or their employment; and</li> <li>5) question any worker apart from his or her employer.</li> </ol>

<b>POWERS OF GOVERNMENT INSPECTORS:</b> While conducting inspections, government inspectors are authorized to:	
Jurisdiction	Law(s)
<b>NS</b>	<p>OHS Act, Sec. 47:</p> <ol style="list-style-type: none"> <li>1) conduct tests and make such examinations as they consider necessary or advisable;</li> <li>2) require the production of records, drawings, specifications, books, plans or other documents in the possession of the employer that relate to the workplace or the health and safety of workers or other persons at the workplace and remove them temporarily for the purpose of making copies;</li> <li>3) require the production of documents or records that may be relevant to the investigation of a complaint or grievance and remove them temporarily for the purpose of making copies;</li> <li>4) take photographs or recordings of the workplace and any activity taking place in the workplace;</li> <li>5) make any examination, investigation or inquiry as they consider necessary to ascertain whether there's compliance with the Act and the regulations and any order;</li> <li>6) inspect, take samples and conduct tests of samples, including tests in which a sample's destroyed, of any material, product, tool, equipment, machine or device being produced, used or found at the workplace for which they shall be responsible, except for a sample that has been destroyed, until the material, product, tool, equipment, machine or device is returned to the person being inspected;</li> <li>7) examine a person with respect to matters pursuant to the Act or the regulations;</li> <li>8) summon to give evidence and administer an oath or affirmation to a person;</li> <li>9) be accompanied and assisted by or take with them a person having special, expert or professional knowledge of any matter; and</li> <li>10) exercise such other powers as may be necessary or incidental to the carrying out of their functions under to the Act or the regulations.</li> </ol>
<b>ON</b>	<p>OHS Act, Sec. 54(1):</p> <ol style="list-style-type: none"> <li>1) take up or use any machine, device, article, thing, material or biological, chemical or physical agent or part thereof;</li> <li>2) require the production of any drawings, specifications, licence, document, record or report, and inspect, examine and copy the same;</li> <li>3) upon giving receipts, remove any drawings, specifications, licence, document, record or report inspected or examined to make copies or take extracts from, and upon making copies or taking extracts, shall promptly return the same to the person who produced or furnished them;</li> <li>4) conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace and for such purposes, take and carry away such samples as may be necessary;</li> <li>5) require in writing an employer to cause any tests described above to be conducted or taken, at the employer's expense, by a person possessing such special expert or professional knowledge or qualifications as are specified by them and to provide, at the employer's expense, a report or assessment by that person;</li> <li>6) be accompanied and assisted by or take with them any person or persons having special, expert or professional knowledge of any matter, take photographs, and take with them and use any equipment or materials required;</li> <li>7) make inquiries of any person who is or was in a workplace either separate and apart from another person or in the presence of any other person that are or may be relevant to an inspection, examination, inquiry or test;</li> <li>8) require that a workplace or part thereof not be disturbed for a reasonable period of time for the purposes of carrying out an examination, investigation or test;</li> <li>9) require that any equipment, machine, device, article, thing or process be operated or set in motion or that a system or procedure be carried out that may be relevant to an examination, inquiry or test;</li> <li>10) require in writing an employer to have equipment, machinery or devices tested, at the employer's expense, by a professional engineer and to provide, at the employer's expense, a report from the professional engineer stating that the equipment, machine or device isn't likely to endanger a worker;</li> <li>11) require in writing that any equipment, machinery or device not be used pending testing described above;</li> <li>12) require in writing an owner, constructor or employer to provide, at the expense of the owner, constructor or employer, a report from a professional engineer stating:             <ol style="list-style-type: none"> <li>a) the load limits of a floor, roof or temporary work or part of a building, structure or temporary work;</li> <li>b) that a floor, roof or temporary work is capable of supporting or withstanding the loads being applied to it or likely to be applied to it; or</li> <li>c) that a floor, roof or temporary work, or part of a building, structure or temporary work is capable of supporting or withstanding all loads to which it may be subjected without causing the materials inside to be stressed beyond the allowable unit stresses established under the Building Code Act or established by regulation;</li> </ol> </li> <li>13) require in writing a mine owner to provide, at the owner's expense, a report in writing from a professional engineer stating that the ground stability of, the mining methods and the support or rock reinforcement used in the mine or part thereof is such that a worker isn't likely to be endangered;</li> <li>14) require in writing, within such time as is specified, a person who is an employer, manufacturer, producer, importer, distributor or supplier to produce records or information, or to provide, at the expense of the person, a report or evaluation made or to be made by a person or organization having special, expert or professional knowledge or qualifications as are specified by them of any process or biological, chemical or physical agents or combination of such agents present, used or intended for use in a workplace and the manner of use, including:             <ol style="list-style-type: none"> <li>a) the ingredients thereof and their common or generic name or names;</li> <li>b) the composition and the properties thereof;</li> <li>c) the toxicological effect thereof;</li> <li>d) the effect of exposure thereto whether by contact, inhalation or ingestion;</li> <li>e) the protective measures used or to be used in respect thereof;</li> <li>f) the emergency measures used or to be used to deal with exposure in respect thereof; and</li> <li>g) the effect of the use, transport and disposal thereof; and</li> </ol> </li> <li>15) require the production of any materials concerning the content, frequency and manner of instruction of any training program and inspect, examine and copy the materials and attend any such program.</li> </ol>

<b>POWERS OF GOVERNMENT INSPECTORS:</b> While conducting inspections, government inspectors are authorized to:	
Jurisdiction	Law(s)
<b>PE</b>	<p>OHS Act, Sec. 7(1):</p> <ol style="list-style-type: none"> <li>1) conduct tests and make such examinations as they consider necessary or advisable;</li> <li>2) require the production of records, drawings, specifications, books, plans or other documents in the employer's possession that relate to the workplace or the occupational health and safety of workers or other persons at the workplace and remove them temporarily for the purpose of making copies;</li> <li>3) require the production of documents or records that may be relevant to the investigation of a complaint and remove them temporarily for the purpose of making copies;</li> <li>4) take photographs or recordings of the workplace and activity taking place in the workplace;</li> <li>5) inspect, take samples and conduct tests of samples, including tests in which a sample's destroyed, of any item, device, material, equipment or machinery being produced, used or found at the workplace;</li> <li>6) be accompanied and assisted by a person having special expertise or professional knowledge of any matter;</li> <li>7) make any examination, investigation or inquiry as they consider necessary;</li> <li>8) exercise such other powers as may be necessary or incidental to the carrying out of their functions under the Act or the regulations; and</li> <li>9) require, in writing, an employer to produce any record or information, or to provide a report or an assessment, made or to be made by a person possessing such special expertise or professional knowledge or qualifications as are specified by them, of any biological, chemical or physical agents or combination of such agents used or intended to be used in a workplace.</li> </ol>
<b>QC</b>	<p>An Act respecting occupational health and safety, Secs. 179 and 180:</p> <ol style="list-style-type: none"> <li>1) have access to all the books, registers and records of any employer, principal contractor, supplier or other person carrying on an activity in the fields contemplated by the Act and the regulations;</li> <li>2) require the employer or principal contractor, whichever is the case, to produce the plan of the installations and of the layout of the equipment;</li> <li>3) take, free of charge, samples of any kind, particularly of objects used by the workers, for analysis provided they inform the employer and, if possible, return the samples to it after analysis;</li> <li>4) conduct tests and make photographs or recordings of a workplace;</li> <li>5) in order to ensure that a building, a structure or civil engineering works are stable, require the employer, principal contractor or owner to produce an attestation of solidity signed by an engineer or architect;</li> <li>6) install a measuring device at a workplace, or cause it to be worn by a worker with the worker's written consent, or order the employer to install it or cause it to be worn at the time and place they indicate, and require the employer to transmit the data on the terms and conditions they determine; and</li> <li>7) be accompanied by one or more persons of their choice while performing their duties.</li> </ol>
<b>SK</b>	<p>OHS Act, Sec. 72(1):</p> <ol style="list-style-type: none"> <li>1) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated for the purposes of the inspection, investigation or inquiry;</li> <li>2) conduct any tests, take any samples and make any examinations that they consider necessary or advisable;</li> <li>3) take one or more persons to any place of employment to assist them and may make arrangements with the person in charge of the place of employment for those persons to re-enter the place of employment to perform specified duties;</li> <li>4) require the production of, inspect and take copies of any books, records or documents kept pursuant to the Act or the regulations or of any entry in those books, records or documents;</li> <li>5) remove any books, records or documents examined pursuant to this section for the purpose of making copies where a copy isn't readily available, if a receipt is given; and</li> <li>6) require any person whom they find in or at a place of employment to provide them with any information the person can respecting the identity of the employer at that place of employment.</li> </ol>
<b>YT</b>	<p>OHS Act, Secs. 32(2) and 33:</p> <ol style="list-style-type: none"> <li>1) request the production of documents or things that are or may be relevant to the investigation;</li> <li>2) on giving a receipt therefor, remove from any place documents produced to make copies of or take extracts from them;</li> <li>3) on giving a receipt therefor, remove from any place any other thing produced in response to a request to retain possession of it until conclusion of the investigation or proceedings under the Act;</li> <li>4) take or remove for purposes of analysis samples of materials and substances used or handled by workers, subject to the employer or their representative being notified of any samples or substances taken or removed for that purpose;</li> <li>5) require that a workplace or part thereof not be disturbed for a reasonable period of time for the purpose of carrying out an examination, investigation or test;</li> <li>6) require that any equipment, machine, device, thing, or process be operated or set in motion or that a system or procedure be carried out that may be relevant to an examination, investigation, or test;</li> <li>7) require an owner, constructor, or employer to provide, at the expense of the owner, constructor, or employer, a report from a professional engineer stating:             <ol style="list-style-type: none"> <li>a) the load limits of a floor, roof, temporary work platform, part of a building, structure, or temporary work; or</li> <li>b) that a floor, roof, or temporary work platform is capable of supporting or withstanding the loads being applied to it or likely to be applied to it;</li> </ol> </li> <li>8) require a mine owner to provide, at the owner's expense, a report from a professional engineer stating that the ground stability of the mining methods and the support or rock reinforcement used in the mine or part thereof is such that a worker is not likely to be endangered;</li> <li>9) require an employer to produce MSDSs and any other records of information relating to any controlled products or combination of those products used or intended to be used in a workplace;</li> <li>10) question any worker apart from their employer; and</li> <li>11) be accompanied by a person designated by them to carry out any examinations and inspections and take any samples as directed by them.</li> </ol>

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