

The 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:

POWERS OF GOVERNMENT INSPECTORS		
	While conducting inspections, government inspectors are authorized to:	Relevant Secs. of the Law
FED	1) conduct examinations, tests, inquiries, investigations and inspections or direct the employer to conduct them; 2) take or remove for analysis, samples of any material or substance or any biological, chemical or physical agent; 3) be accompanied or assisted by any person and bring any equipment that they deem necessary to carry out their duties; 4) take or remove for testing material or equipment if there's no reasonable alternative to doing so; 5) take photographs and make sketches; 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; 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; 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; 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; 10) direct the employer or a worker or a designated person to accompany them while they're in the work place; and 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.	<i>Canada Labour Code, Sec. 141(1)</i>
AB	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; 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; 3) make tests and take photographs or recordings as to any work site; and 4) interview and obtain statements from people at the work site.	<i>OHS Act, Sec. 8(1)</i>

BC	<p>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;2) inspect works, materials, products, tools, equipment, machines, devices or other things at the place;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;</p> <p>4) require that a workplace or part of a workplace not be disturbed for a reasonable period of time;</p> <p>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;</p> <p>6) inspect records that may be relevant and, on giving a receipt for a record, temporarily remove it to make copies or extracts;</p> <p>7) require a person to produce within a reasonable time records in the person's possession or control that may be relevant;</p> <p>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;</p> <p>9) take photographs or recordings of the workplace and activities taking place in the workplace;</p> <p>10) attend a relevant employer's training program; and</p> <p>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.</p>	<p><i>Workers' Compensation Act, Sec. 179(3)</i></p>
MB	<p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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</p> <p>12) do such other things as may be authorized by the minister.</p>	<p><i>Workplace Safety & Health Act, Sec. 24(1)</i></p>

NB	<p>1) conduct any tests, take photographs, make recordings, take any samples and make any examinations that they consider necessary or advisable;2) require the production of, inspect and take copies of any records, books, plans or other documents;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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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</p> <p>8) be accompanied by a technical expert who may carry out such examinations and inspections and take such samples as directed by them.</p>	<i>OHS Act,</i> Sec. 28(1) and (2)
NL	<p>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;2) conduct tests and take photographs or recordings of the work place and an activity taking place at the workplace;3) inspect and take samples of a material, product, tool, appliance or equipment being produced, used or found in or upon the workplace;</p> <p>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</p> <p>5) compel the attendance of witnesses and the production of books, documents and things, and to take evidence under oath or affirmation.</p>	<i>OHS Act,</i> Sec. 26(1) and (2)
NT/NU	<p>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;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;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;</p> <p>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</p> <p>5) question any worker apart from his or her employer.</p>	<i>Safety Act,</i> Sec. 9(1), (2) and (3)
NS	<p>1) conduct tests and make such examinations as they consider necessary or advisable;) 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;) 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;</p> <p>4) take photographs or recordings of the workplace and any activity taking place in the workplace;</p> <p>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;</p> <p>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;</p> <p>7) examine a person with respect to matters pursuant to the Act or the regulations;</p> <p>8) summon to give evidence and administer an oath or affirmation to a person;</p> <p>9) be accompanied and assisted by or take with them a person having special, expert or professional knowledge of any matter; and</p> <p>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.</p>	<i>OHS Act,</i> Sec. 47

ON	<p>1) take up or use any machine, device, article, thing, material or biological, chemical or physical agent or part thereof; 2) require the production of any drawings, specifications, licence, document, record or report, and inspect, examine and copy the same; 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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>11) require in writing that any equipment, machinery or device not be used pending testing described above;</p> <p>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:</p> <ul style="list-style-type: none"> a) the load limits of a floor, roof or temporary work or part of a building, structure or temporary work; 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 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 <i>Building Code Act</i> or established by regulation; <p>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;</p> <p>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:</p> <ul style="list-style-type: none"> a) the ingredients thereof and their common or generic name or names; b) the composition and the properties thereof; c) the toxicological effect thereof; d) the effect of exposure thereto whether by contact, inhalation or ingestion; e) the protective measures used or to be used in respect thereof; f) the emergency measures used or to be used to deal with exposure in respect thereof; and g) the effect of the use, transport and disposal thereof; and <p>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.</p>	OHS Act, Sec. 54(1)
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PE	<p>1) conduct tests and make such examinations as they consider necessary or advisable;</p> <p>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;</p> <p>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;</p> <p>4) take photographs or recordings of the workplace and activity taking place in the workplace;</p> <p>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;</p> <p>6) be accompanied and assisted by a person having special expertise or professional knowledge of any matter;</p> <p>7) make any examination, investigation or inquiry as they consider necessary;</p> <p>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</p> <p>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.</p>	<i>OHS Act, Sec. 7(1)</i>
QC	<p>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;</p> <p>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;</p> <p>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;</p> <p>4) conduct tests and make photographs or recordings of a workplace;</p> <p>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;</p> <p>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</p> <p>7) be accompanied by one or more persons of their choice while performing their duties.</p>	<i>An Act respecting occupational health and safety, Secs. 179 and 180</i>
SK	<p>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;</p> <p>2) conduct any tests, take any samples and make any examinations that they consider necessary or advisable;</p> <p>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;</p> <p>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;</p> <p>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</p> <p>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.</p>	<i>OHS Act, Sec. 72(1)</i>

YT	<p>1) request the production of documents or things that are or may be relevant to the investigation; 2) on giving a receipt therefor, remove from any place documents produced to make copies of or take extracts from them; 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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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:</p> <p>a) the load limits of a floor, roof, temporary work platform, part of a building, structure, or temporary work; or</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>10) question any worker apart from their employer; and</p> <p>11) be accompanied by a person designated by them to carry out any examinations and inspections and take any samples as directed by them.</p>	OHS Act, Sec. 32(2) and 33
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