

Handling Govt OHS Inspections – Know The Laws of Your Province



Handling government Occupational Health and Safety (OHS) inspections is a critical aspect of maintaining compliance with workplace safety standards. These regulations outline the responsibilities of employers during inspections, including providing access to facilities, documentation, and cooperation with safety officers. OHS inspection regulations aim to identify and mitigate workplace hazards, ensure adherence to safety protocols, and foster a culture of health and safety. While the overarching principles are similar across Canada, specific requirements vary by province and territory, reflecting the unique legislative frameworks and industry priorities of each jurisdiction.

FEDERAL

In federal workplaces, employers have specific responsibilities and obligations during Occupational Health and Safety (OHS) inspections conducted by government officers. These duties are outlined in the [Canada Labour Code, Division XVI: Administration and General, Section 249](#), which mandates cooperation with health and safety officers, access to facilities and records, and implementation of corrective measures.

Inspections

Delegation

(1) Subject to any terms and conditions specified by the Minister, the Head may delegate to any qualified person or class of persons any of the powers the Head is authorized to exercise or any of the duties or functions the Head is authorized to perform for the purposes of this Part. The Head may make the delegation subject to any terms and conditions that the Head considers appropriate.

Certificate to be produced

(1.1) The Head shall furnish to every person to whom powers, duties or functions are delegated under subsection (1) a certificate of authority and, when entering any place used in connection with a federal work, undertaking or business the person, shall, when requested, show the certificate to the person in charge of that place.

Powers of Head

(2) For the purposes of this Part and the regulations, the Head may:

(a) inspect and examine all books, payrolls, and other records of an employer that relate to the wages, hours of work, or conditions of employment affecting any employee;

(b) take extracts from or make copies of any entry in the books, payrolls, and other records mentioned in paragraph (a);

(c) require any employer to make or furnish full and correct statements, either orally or in writing, in such form as may be required, respecting the wages paid to all or any of his employees, and the hours of work and conditions of their employment;

(c.1) require any employer that provides benefits to its

employees under a long-term disability plan that must be insured in accordance with subsection 239.2(1) to furnish proof that the plan is insured in accordance with that subsection;

(d) require an employee to make full disclosure, production and delivery to the Head of all records, documents, statements, writings, books, papers, extracts therefrom, or copies thereof or of other information, either orally or in writing, that are in the possession or under the control of the employee and that in any way relate to the wages, hours of work or conditions of his employment; and

(e) require any party to a complaint made under subsection 240(1) to make or furnish full and correct statements, either orally or in writing, in such form as may be required, respecting the circumstances of the dismissal in respect of which the complaint was made.

Right to enter premises

(3) The Head may, at any reasonable time, enter on any place used in connection with a federal work, undertaking or business for the purpose of making an inspection authorized under subsection (2), and may, for that purpose, question any employee apart from his employer.

Reasonable assistance

(4) The person in charge of any federal work, undertaking, or business and every person employed in it or in connection with its operation shall give the Head all reasonable assistance to enable the Head to carry out the Head's duties and functions under this Part or the regulations.

Head accompanied

(5) The Head may, in carrying out the Head's duties and functions, be accompanied or assisted by any persons that the

Head considers necessary.

Evidence precluded – Head

(6) The Head shall not be required to give testimony in any civil suit or civil proceedings, or in any proceeding under section 242, with regard to information obtained in carrying out those duties and functions.

Evidence precluded – other persons

(7) No person to whom powers, duties or functions have been delegated under subsection (1), and no person who has accompanied or assisted such a person or the Head in carrying out their duties and functions, shall be required to give testimony in any civil suit or civil proceedings, or in any proceeding under section 242, with regard to information obtained in carrying out those duties and functions or in accompanying or assisting the person, except with the written permission of the Head.

Not liable

(8) Neither the Head nor a person to whom powers, duties or functions have been delegated under subsection (1) is personally liable for anything done or omitted to be done by them in good faith under the authority or purported authority of this Part. **Section 249(1) to (8).**

Further details on the Canada Labour Code can be found at [Laws-lois.justice.gc.ca](https://laws-lois.justice.gc.ca).

ALBERTA

In Alberta, **employers** are legally obligated to implement and enforce Lockout and Tagout (LOTO) procedures to protect workers from hazardous energy during maintenance and servicing of machinery and equipment. These responsibilities are outlined in the [**Alberta Occupational Health and Safety \(OHS\)**](#)

[Code](#) – Part 15 Sections 214(1) to 214(7) and 215.3(1) to 215.3(4).

Securing Isolation by Individual Workers

If an **employer** chooses this option for securing an energy-isolating device, each worker involved must attach his or her own personal lockable securing device, typically a keyed padlock, to the energy-isolating device. **Section 214(1).**

A worker who has placed a lock is also responsible for verifying that the energy source has been effectively isolated. **Section 214(2).**

In the case where more than one worker is working at the same isolation point, each worker must attach his or her own personal lockable securing device, typically a keyed padlock, to the energy-isolating device. The first worker to do so must then verify, on behalf of all workers, that the energy source has been effectively isolated. **Section 214(3).**

When using personal locks and in the case where the worker is reassigned before the work is completed, or the work is extended from one shift to another, continuity of hazardous energy control must be maintained. This can be accomplished by:

- (a) another worker, authorized by the **employer** (typically a supervisor or crew leader), placing his or her lock prior to the first worker removing his or her lock, or
- (b) ensuring that there is an effective transfer of control of the initial worker's lock to another worker who is typically designated by the **employer** for this purpose. **Section 214(4).**

A personal lock must be traceable back to the worker who owns it and installs it. This is important when locks need to be removed and can serve as a check on the whereabouts of workers, particularly when many workers are involved and there

are many pieces of equipment.

Locks can be made traceable in at least two ways:

(a) they can bear a marking unique to each worker e.g. engraved name, identification code, colour code, symbol code, etc., or

(b) incorporate an identification tag that identifies the worker to whom the lock is assigned. If this method is used, the tag must be secured to the lock in such a way that the tag cannot fall off. **Section 214(5).**

It is not uncommon for personal locks to have engraved into them an identification code consisting of a combination of letters and numbers rather than the name of the worker to whom the lock is assigned. To provide traceability back to the lock owner, the **employer** must ensure that the worker's name is readily available throughout the period of time that the lock is used. If a lock or locks must be removed, the **employer** must be able to readily determine to whom the lock has been assigned. **Section 214(6).**

Removing a lock usually means that work is completed and the machinery, equipment, or powered mobile equipment is ready to be returned to operation. A lock should not be removed until this is the case. In some situations, removing the lock may create a dangerous situation for workers.

When an energy-isolating device is secured with more than one personal lock, the final lock being removed is the most critical. The removal of this lock means that energy may no longer be isolated and that the unit is ready to be returned to service. Although each worker removing his or her lock can **"ensure that no worker will be in danger if [the lock] is removed"**, it is only the worker removing the final lock that really needs to do this. A situation worth noting in which keeping the final lock in place may be particularly important is during a shift or personnel change.

Maintaining continuity of energy control may mean that the final lock is not removed until the shift or personnel change is completed. If removal of the final lock may endanger workers during a shift or personnel change, then the final lock must not be removed until it is safe to do so. **Section 214(7).**

Returning equipment to operation

Except as described in subsection 215.3(2), only the worker who installed the lock, or is the designated worker under section 215(3) or section 215.1(3), is allowed to remove it. This is intended to prevent other persons from removing the lock and unknowingly creating a safety hazard. **Section 215.3(1).**

Situations may arise in which the worker who installed the lock is unavailable e.g. off shift, on holidays, in transit, etc. or an emergency involving the equipment arises. In such situations, the lock may be removed by a competent worker designated by the **employer** to remove the lock. This ensures that the **employer** is aware of what is going to be done and that an appropriate worker performs the removal. Such removal must be done in accordance with a written procedure (as required by section 8 of the OHS Regulation) that includes verifying that no worker will be in danger due to removal of the lock. **Section 215.3(2).**

Before all securing devices are removed:

- (a) each worker involved in the work activity must be accounted for,
- (b) any personal locks placed by workers must be removed in accordance with subsection 215.3(1), and
- (c) the person about to return equipment to operation must first make sure that he or she, and other workers, are not in any danger. Audible and/or visual signals and warnings are

often used to warn of equipment start-up. Personally contacting workers in the area who might be at risk of injury may be necessary in some circumstances to let them know that the equipment is being returned to operation. **Section 215.3(3).**

For more information:

- Alberta Model Lockout and Hazardous Energy Control Policy. **Sections 1 to 12.**

Further details on the Occupational Health and Safety Code and Lockout & Hazardous Energy Control Policy can be found at alberta.ca and ohsinsider.com.

BRITISH COLUMBIA

In British Columbia (BC), Canada, employers have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by **WorkSafeBC** officers as noted in **Workers' Compensation Act – Sections 75, 76, 78, 79, 80, 82, 106, 107, and 179(3).**

Authority to conduct inspections

(1) An officer of the Board may enter a place, including a vehicle, vessel, or mobile equipment, and conduct an inspection for one or more of the following purposes:

- (a) preventing work-related accidents, injuries, or illnesses;
- (b) ascertaining the cause and particulars of a work-related accident, injury, or illness or of an incident that had the potential to cause a work-related accident, injury, or illness;
- (c) investigating a complaint concerning health, safety or occupational environment matters at a workplace;
- (d) determining whether there is compliance with the OHS

provisions, the regulations or an order;

(e) determining whether to issue, suspend, or cancel a licence under Division 8.1 [Licensing in Relation to Asbestos Abatement] of this Part or determining whether a licensee meets or is in compliance with the terms or conditions of such a licence.

(2) An inspection may be conducted:

(a) at a reasonable hour of the day or night, or

(b) at any other time if the officer has reasonable grounds for believing that a situation exists that is or may be hazardous to workers.

(3) An officer may do one or more of the following for the purposes of an inspection under this Division:

(a) bring along 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;

(b) inspect works, materials, products, tools, equipment, machines, devices, or other things at the place;

(c) 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;

(d) require that a workplace or part of a workplace not be disturbed for a reasonable period;

(e) 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;

(f) inspect records that may be relevant and, on giving a

receipt for a record, temporarily remove the record to make copies or extracts;

(g) require a person to produce within a reasonable time records in the person's possession or control that may be relevant;

(h) 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;

(i) take photographs or recordings of the workplace and activities taking place in the workplace;

(j) attend a relevant training program of an **employer**;

(k) exercise other powers that may be necessary or incidental to the carrying out of the officer's duties and functions under the OHS provisions or the regulations.

(4) The authority to conduct an inspection under this Division is not limited by any other OHS provision or by any regulations giving specific authority in relation to the inspection.

(5) If an officer of the Board requests this, a peace officer may assist the Board officer in carrying out that officer's duties and functions under the OHS provisions or the regulations. **Section 75.**

Restrictions on access to private residences

(1) If a workplace, in addition to being a workplace, is occupied as a private residence, the authority under section 75 may be used to enter the place only if:

(a) the occupier consents,

(b) the Board has given the occupier at least 24 hours' written notice of the inspection,

(c) the entry is made under the authority of a warrant under this Act or the Offence Act, or

(d) the Board has reasonable grounds for believing that the work activities or the workplace conditions are such that there is a significant risk that a worker might be killed or seriously injured or suffer a serious illness.

(2) The authority under section 75 must not be used to enter a place that is occupied as a private residence, but is not a workplace, except with the consent of the occupier or under the authority of a warrant under this Act or the Offence Act.
Section 76.

For more information:

- Representation on inspection. **Section 78.**
- Assistance on inspection. **Section 79.**
- Person being questioned is entitled to have another person present. **Section 80.**
- Employer must post inspection reports. **Section 82.**
- Court orders for access. **Section 106.**
- Costs of investigations, inspections and other services. **Section 107.**

Further details on the Workers Compensation Act can be found at gov.BC.ca.

MANITOBA

In Manitoba, Canada, employers have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by government officials. These duties are outlined in the [Workplace Safety and Health Act](#) pursuant to **Sections 7.4(5), 18(1), 22(3), 23, 24(1), 25, 40(10), 41.2, 41.3(1)(2), 43.1(1).**

Content of program

A workplace safety and health program must include:

(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. **Section 7.4(5).**

Duties of safety and health officers

A safety and health officer **shall**:

(a) make such inspections and inquiries, and carry out such tests, as he deems necessary to ascertain whether compliance is being made with the provisions of this Act and the regulations; **Section 23.**

Powers of safety and health officers

(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;

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;

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;

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;

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;

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;

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;

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;

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;

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;

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

12) Do such other things as may be authorized by the minister.
Power of commissioner under Evidence Act Section 24(1).

Duties of committee

The duties of a committee include:

(h) the inspection of the workplace at regular intervals;
Section 40(10).

Information on request

If requested by a committee or a representative, or a worker if there is no committee or representative, the **employer** or prime contractor must disclose the following to the committee, representative or worker:

(b) an inspection or investigation report respecting safety and health at the workplace, other than a harassment investigation report; **Section 41.2.**

Employer cooperation

If a safety and health officer makes a request under subsection (1), the **employer shall** permit the person requested to accompany the officer on the inspection or investigation and **shall** pay the person in accordance with subsection 40(11).
Section 41.3(2).

For more information:

- **Section 18(1).**
- Powers of a Commissioner. **Section 25.**
- Accompanying an officer. **Section 41.3(1).**
- Report of dangerous condition to an officer. **Section 43.1(1).**

Further details on the Workplace Safety and Health Act can be found at gov.mb.ca.

NEW BRUNSWICK

In New Brunswick, employers have specific responsibilities and

obligations when handling Occupational Health and Safety (OHS) inspections conducted by **WorkSafeNB** officers. These duties are outlined in the **Occupational Health and Safety Act – Sections 5(3), 8.1(1), 9(3), 15, 28(1)(2), 29, and 51.**

Administration

The Commission may designate officers who may be appointed by the government of another province or the Government of Canada to carry out health and safety inspections or other work on behalf of that government. **Section 5(3).**

Establishment Of Health and Safety Program

(1) Every **employer** with 20 or more **employees** regularly employed in the province **shall** establish and implement a written health and safety program, in consultation with the committee or the health and safety representative, that includes provisions with respect to the following matters:

(d) a hazard identification system that includes:

(i) evaluation of the place of employment to identify potential hazards,

(ii) procedures and schedules for inspections, and

(iii) procedures for ensuring the reporting of hazards, prompt follow-up, and control of the hazards;

(f) a record management system that includes reports of **employee** training, accident statistics, work procedures, health and safety inspections, maintenance, follow-up, and investigations; **Section 8.1(1).**

Duties of employer

An **employer shall** develop a program for the inspection referred to in paragraph (2)(a.1) with the joint health and safety committee, if any, or the health and safety

representative, if any, and **shall** share the results of each inspection with the committee or the health and safety representative. **Section 9(3).**

Powers And Duties of Officers

- 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;
- 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;
- 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;
- 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;
- 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

8) Be accompanied by a technical expert who may carry out such examinations and inspections and take such samples as directed by them. **Section 28(1)(2).**

Officer to be accompanied when carrying out inspection

Where an officer carries out any inspection in accordance with this Act, the officer **shall** be accompanied by an **employee** and **employer** committee member or by representatives of each group where no committee exists, or where committee members are not available. **Section 29.**

For more information:

- Functions of Committee. **Section 15.**

Further details on the Occupational Health and Safety Act can be found at laws.gnb.ca.

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, employers have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by government officials. These duties are outlined in the **Occupational Health and Safety Act – Sections 18, 12, 25, 86, 88, 110, 150, 151, 204, 205, 206, 241, 248, and 251.**

Safety inspections by employer

(1) Regular inspections of all buildings, excavations, structures, machinery, equipment, work practices, and places of employment **shall** be made by the **employer** or the employer's 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. **Section 18(1).**

Occupational Health and Safety Program

(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:

(g) a system for the recognition, evaluation and control of hazards that includes:

(ii) procedures and schedules for regular inspections by management and committee members,

(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; **Section 12(1).**

Operations of Committees, Representatives and Designates

(1) An **employer shall** ensure that:

(a) an occupational health and safety committee is established;

(b) a worker health and safety representative is appointed; or

(c) a workplace health and safety designate is designated; and
(d) a copy of the Act and regulations under the Act are easily accessible to an **employee**.

(9) Copies of all health and safety inspection reports made by an officer of the division, **shall** be circulated by the **employer** to:

- (a) the occupational health and safety committee;
- (b) the worker health and safety representative; or
- (c) the workplace health and safety designate. **Section 25(1).**

For more information:

- Inspection and maintenance of respiratory protection equipment. **Section 86(1).**
- Safe machinery and equipment. **Section 88(1).**
- Automotive lifts and vehicle supports. **Section 110.**
- Protective coatings. **Section 150.**
- Inspection and maintenance records. **Section 204(1)(2).**
- Shift inspection. **Section 205.**
- Annual inspection and certification. **Section 206.**
- Operation and maintenance. **Section 251(1).**

Further details on the Newfoundland and Labrador Regulation 5/12 can be found at assembly.nl.ca.

NOVA SCOTIA

In Nova Scotia, employers have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by government officials. These duties are outlined in the **Occupational Health and Safety Act – Sections 28(2), 31, 47, 50, and 57.**

Occupational Health And Safety Program – Requirements

(2) The program **shall** include:

(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; **Section 28.**

Functions of committees

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:

(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; **Section 31.**

1) Conduct tests and make such examinations as they consider necessary or advisable;

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;

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;

4) Take photographs or recordings of the workplace and any activity taking place in the workplace;

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;

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;

7) Examine a person with respect to matters pursuant to the Act or the regulations;

8) Summon to give evidence and administer an oath or affirmation to a person;

9) Be accompanied and assisted by or take with them a person having special, expert, or professional knowledge of any matter; and

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. **Section 47.**

Accompaniment during inspections – Employer's Role

(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. **Section 50(1) to (7).**

For more information:

- Prohibition against interference with officer. **Section 57(4).**

Further details on the Occupational Health and Safety Act can be found at [nslegislature.ca](https://www.nslegislature.ca).

NORTHWEST TERRITORIES & NUNAVUT

In the Northwest Territories (NT) and Nunavut (NU), employers have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by government officials. These duties are outlined in the **Workers' Compensation Act – Sections Part 6 – 134, 138, 139(1), 150(2)** and the **Occupational Health and Safety Regulations – Sections 19, 21, 27, 49, and 50.**

Part 6 – Enforcement, Penalties and Offences – Inspections

(1) Subject to section 134.1, for the purpose of ensuring compliance with any provision of this Act, the regulations or an order made under this Act, an inspector and any person assisting the inspector may, at any reasonable time:

(a) inspect and audit any document or other thing used or obtained in connection with employment; and

(b) enter and inspect any place that the inspector has reason to believe is used in connection with employment. **Section 134 of Workers' Compensation Act.**

Inspection and Search Powers

(1) For the purposes of an inspection or search under this Act, an inspector may:

(a) open or cause to be opened any container whose contents may be relevant for the purpose of ensuring compliance;

(b) inspect anything and take samples free of charge;

(c) require a person to produce all or part of a document for inspection or copying;

(d) seize anything during an inspection that may provide evidence for the purpose of ensuring compliance, and when authorized by a warrant, seize anything as evidence of the

commission of an offence;

(e) use or cause to be used any computer system and examine any data contained in or available to the computer system;

(f) reproduce or cause to be reproduced any record or data;

(g) print or export any record or data for examination or copying; and

(h) use or cause to be used any copying equipment at the place to make copies of the record or data.

(3) An **employer shall** ensure that the time a worker consults with or accompanies a safety officer during an inspection or inquiry is credited as time at work, and that they do not lose pay or benefits. **Section 138** of Workers' Compensation Act

Workers' Contacts with Safety Officers

(1) During an inspection or inquiry by a safety officer at a work site, an **employer shall** allow any one of the following to accompany the safety officer:

(a) a member of the Committee who, under paragraph 38(a) represents workers or, if such a member is not available, a worker designated by the Committee to represent workers;

(b) the representative or, if they are not available, a worker designated by the representative to represent workers;

(c) if there is no Committee member or representative available, a worker designated by the trade union representing workers or if there is no trade union representing workers, a worker designated by a safety officer.

(2) An **employer shall** allow any worker to consult with a safety officer during an inspection or inquiry at a work site. **Section 19** of Occupational Health and Safety Regulations.

Occupational Health and Safety Program

(1) An **employer shall** provide an occupational health and safety program under this section if:

(a) there are 20 or more workers who work at the work site; or

(b) the **employer** is so directed by the Chief Safety Officer.

(2) An occupational health and safety program for a work site must include:

(f) a schedule for the regular inspection of the work site and inspection of work processes and procedures;

(j) a strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of refusals to work under section 13 of the Act; **Section 21(1)** of Occupational Health and Safety Regulations.

Inspection of Work Sites

(1) An **employer shall** enable members of the Committee or a representative to inspect a worksite at reasonable intervals determined by the Committee and **employer** or by the representative and **employer**.

(2) On written notice by the Committee or representative of an unsafe condition or a contravention of the Act or these regulations, the **employer shall**, as soon as is reasonably possible:

(a) take steps, until the unsafe condition is corrected or the contravention is remedied, to protect the health and safety of workers who could be endangered;

(b) take suitable action to correct the unsafe condition or remedy the contravention; and

(c) inform the Committee or representative in writing:

(i) of the steps and action the **employer** has taken or will

take under paragraphs (a) and (b), or

(ii) if the **employer** has not taken steps and action under paragraphs (a) and (b), the reasons for not taking steps or action. **Section 27(1)** of Occupational Health and Safety Regulations.

For more information:

- Purpose of Inspection. **Section 134(3)** of Workers' Compensation Act.
- Power to take evidence. **Section 138(2)** of Workers' Compensation Act.
- Notice of production. **Section 139(1)** of Workers' Compensation Act.
- Obstructing inquiry. **Section 150(2)** of Workers' Compensation Act
- Duty to Inspect Worksite. **Section 49.**
- Representation During Inspection or Investigation. **Section 50.**

Further details on the Workers' Compensation Act and Occupational Health and Safety Regulations can be found at justice.gov.nt.ca and canlii.org.

ONTARIO

In Ontario, Canada, employers have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by government officials. These duties are outlined in the **Occupational Health and Safety Act – Sections 6, 7, 8, 9, 29, 38, Part VIII – 54, 57, 62.**

Appointment of inspectors and Directors

(1) Such persons as may be necessary to administer and enforce this Act and the regulations may be appointed as inspectors by the Deputy Minister and the Deputy Minister may designate one or more of the inspectors as a Director or Directors. **Section**

6(1).

Inspections Generally

Unless otherwise required by the regulations or by an order by an inspector, a health and safety representative **shall** inspect the physical condition of the workplace at least once a month.

Section 8(6).

(7) If it is not practical to inspect the workplace at least once a month, the health and safety representative **shall** inspect the physical condition of the workplace at least once a year, inspecting at least a part of the workplace in each month. **Section 7.**

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. **Section 29.**

Schedule of inspections

The inspection required by subsection (7) **shall** be undertaken in accordance with a schedule agreed upon by the **constructor or employer** and the health and safety representative. **Section 8.**

Inspections

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. **Section 9.**

Plans of workplaces

Where so prescribed, an **owner or employer shall:**

(b) keep a copy of the drawings as reviewed in a convenient location at or near the workplace and such drawings **shall** be

produced by the owner or employer upon the request of an inspector for his or her examination and inspection. **Section 29(3).**

Employer/Owner Role in Inspection Process

(1) An inspector may, for the purposes of carrying out his or her duties and powers under this Act and the regulations:

(a) subject to subsection (2), enter in or upon any workplace at any time without warrant or notice;

(f) require in writing an **employer** to cause any tests described in clause (e) to be conducted or taken, at the expense of the **employer**, by a person possessing such special expert or professional knowledge or qualifications as are specified by the inspector and to provide, at the expense of the **employer**, a report or assessment by that person;

(k) require in writing an **employer** to have equipment, machinery, or devices tested, at the expense of the employer, by an engineer and to provide, at the expense of the **employer**, a report bearing the seal and signature of the engineer stating that the equipment, machine or device is not likely to endanger a worker;

(m) require in writing an **owner, constructor, or employer** to provide, at the expense of the owner, constructor, or employer, a report bearing the seal and signature of an engineer stating,

(n) require in writing an owner of a mine or part thereof to provide, at the **owner's expense**, a report in writing bearing the seal and signature of an 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;

(o) 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 the inspector 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. **Section 54(1)(a)(f)(k)(m)(n)(o).**

For more information:

- Order for Inspection. **Section 55.**
- Orders by inspector where worker is endangered. **Section 57.**
- Obstruction of inspector. **Section 62(1).**
- **Section 62(2).**

Further details on the Occupational Health and Safety Act can be found at [Ontario.ca](https://www.ontario.ca).

PRINCE EDWARD ISLAND

In Prince Edward Island (PEI), employers have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by government officials. These duties are outlined in the **Occupational Health and Safety Act – Sections 23, 25, 26.**

Occupational health and safety program

(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.

(4) The **employer shall** make a copy of the program established under this section available:

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

(5) The results of a workplace harassment investigation do not constitute a report for the purposes of clause (3)(h). **Section 23(1) to (3).**

For more information:

- Joint occupational health and safety committee. **Section**

25(7).

- Occupational health and safety representative. **Section 26(1) to (6)**.
- Specific Inspection Duties see wcb.pe.

Further details on the Occupational Health And Safety Act can be found at ohsguide.wcb.pe.

QUÉBEC

In Québec, Canada, employers have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by government officials. These duties are outlined in the **Act Respecting Occupational Health and Safety – Sections 177 to 193**.

Chapter X – Inspection

For the purposes of the application of this Act and the regulations, inspectors **shall** be appointed in accordance with the Public Service Act (chapter F-3.1.1), and they are officers of the Commission. **Section 177**.

Inspector Duties

An inspector, in the performance of his duties, may, at any reasonable hour of the day or night, enter a place where activities are carried out in the fields contemplated in this Act and the regulations, and inspect that place.

An inspector acting under this section has 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 this Act and the regulations. A person having custody, possession or control of these books, registers or records **shall** give communication of them to the inspector and facilitate his examination of them. **Section 179**.

Court Order for Dwelling RE: Employer's Role

An inspector may not, without the consent of the worker, enter a place where telework is carried on if that place is situated in a dwelling house, unless the inspector has obtained a court order authorizing such entry.

A judge of the Court of Québec or a presiding justice of the peace having jurisdiction in the locality in which the house is situated may grant the order, on the conditions he determines, if he is satisfied that there are reasonable grounds to believe that the worker or a person who is in such a place or nearby is exposed to a danger threatening his life, health, safety, or physical or mental well-being. **Section 179.1.**

Inspector Specific Powers

The inspector may, in addition to his general powers:

- (1) investigate any matter within his competence;
- (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;
- (3) take, free of charge, samples of any kind, particularly of objects used by the workers, for analysis; he must then inform the **employer** and, if possible, return the samples to him after analysis;
- (4) conduct tests and make photographs or recordings at a workplace;
- (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, or an attestation contemplated in section 54;
- (6) in such cases as he may determine, 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 the inspector indicates, and require the **employer** to transmit the data on the terms and conditions the inspector determines;

(7) be accompanied by one or more persons of his choice while performing his duties. **Section 180.**

On arriving at a workplace, and before making an investigation or inspection, an inspector **shall** take reasonable steps to advise the **employer**, the certified association and the safety representative. On a construction site, he **shall** advise the principal contractor, the health and safety coordinator and the health and safety representative. **Section 181.**

Communication of Findings of Inspections

The inspector **shall** communicate the findings of his investigation or inspection to the **employer**, the certified association, the representative association within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) that has affiliated workers present on the construction site, the job-site committee, the health and safety committee, the health and safety coordinator, the principal contractor, the health and safety representative or safety representative, as the case may be, and the public health director; he **shall** send them a copy of any remedial order. If there is no committee, the **employer shall** post up copies of the remedial order in a sufficient number of conspicuous places easily accessible to the workers to ensure that they are informed. **Section 183.**

For more information:

- Remedial order. **Section 184.**
- Suspension of work/shut down. **Section 186.**
- Entitlement to wages/benefits during shut down. **Section 187.**

- No admittance to workplace. **Section 188.**
- Order by inspector to cease activities causing emission of contaminants. **Section 190.**
- Persons wronged by decision of inspector. **Section 191.1.**
- Persons wronged by decision of commission. **Section 193.**

Further details on the Act respecting occupational health and safety can be found at gouv.qc.ca.

SASKATCHEWAN

In Saskatchewan, **employers** have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by government officials. These duties are outlined in **The Saskatchewan Employment Act – Sections 2-83, Division 2 3-6, 3-51(3), Division 10 3-63, 3-64, 365, and 3-66.**

Inspections

(1) Subject to subsection (4), an **occupational health officer** may enter any premises, place of employment, worksite, or vehicle and conduct an inspection for the purpose of:

(a) preventing work-related incidents, injuries, or illnesses;

(b) ascertaining the cause and particulars of a work-related incident, injury or illness, or of an incident that had the potential to cause a work-related incident, injury, or illness;

(c) making an inquiry in response to a complaint concerning occupational health and safety; or

(d) determining whether there is compliance with this Part, the regulations made pursuant to this Part, a compliance undertaking, a notice of contravention or an order issued pursuant to a prescribed Act or regulation.

(2) An inspection may be conducted:

(a) at any reasonable time; or

(b) at any other time if the occupational health officer has reasonable grounds to believe that a situation exists that is or may be hazardous to workers.

(3) When conducting an inspection in accordance with subsection (1), an occupational health officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(c) conduct any tests, take any samples, and make any examinations that the officer considers necessary or advisable;

(d) take one or more persons to any place to assist the officer and make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;

(e) require the production of, inspect and make copies of any books, records, papers, or documents or of any entry in those books, records, papers, or documents required to be kept by this Part or the regulations made pursuant to this Part;

(f) require the production of, inspect and make copies of any existing records related to training workers on matters related to occupational health and safety;

(g) subject to subsection (5), remove any books, records, papers, or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;

(h) require any person whom the officer finds in or at a place of employment to provide the officer with any information the person has respecting the identity of the **employer** at that place of employment;

(i) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(j) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records;

(k) take photographs or recordings of the workplace and activities taking place in the workplace.

(4) An occupational health officer **shall** not enter a private dwelling without a warrant issued pursuant to section 3-68 unless the occupant of the dwelling consents to the entry.
Section 3-63(1).

Obtaining information – Employer Compliance

(1) For the purpose of obtaining any information that is required to determine compliance with this Part or the regulations made pursuant to this Part or is otherwise required for the performance of the duties or the exercise of the powers of the director of occupational health and safety, an occupational health officer, the chief occupational medical officer or the chief mines inspector, the director of occupational health and safety may direct any person to provide the director with any information in any form and manner and within any time that the director may specify.

(2) In the prescribed circumstances, an **employer shall** compile occupationally related injury and illness statistics for the

place of employment.

(3) An **employer shall:**

(a) compile statistics in the prescribed manner; and

(b) ensure that the compilation of the statistics pursuant to clause (a) includes the prescribed matters.

(4) The statistics must be compiled and provided in a manner that protects the confidentiality of workers.

(5) The **employer shall:**

(a) post the statistics for the information of workers; and

(b) provide the statistics to:

(i) if there is an occupational health committee, the occupational health committee;

(ii) if there is an occupational health and safety representative, the occupational health and safety representative; or

(iii) if there is no occupational health committee or occupational health and safety representative, the workers.

Section 3-64(1).

For more information:

- Information confidential. **Section 3-51(3).**
- Employment standards officer inspection of premises. **Section 2-83(1).**
- Report re: condition of plant. **Section 3-65(1).**
- Requirement directive to **employer** re-conduct of tests or examinations. **Section 3-68(1).**

Further details on The Saskatchewan Employment Act can be found at [Saskatchewan.ca](https://www.saskatchewan.ca).

YUKON

In Yukon, **employers** have specific responsibilities and obligations when handling Occupational Health and Safety (OHS) inspections conducted by government officials. These duties are outlined in the **Workers' Safety and Compensation Act – Sections Division 8 Sec 60, 61, 64, 65, 66, 69, and Occupational Health and Safety Act – Secs. 32(2) and 33.**

Persons accompanying officers on inspections – Employer Role

(1) When the board inspects a workplace, the **employer** must allow one of the following persons to accompany an officer during the inspection, or any part of it:

- (a) a worker representative committee member, if any;
- (b) a worker health and safety representative, if any;
- (c) if there is no representative referred to in paragraph (a) or (b) or if they are not available, a worker who is selected by the workers to represent them.

(2) Despite subsection (1), an officer:

- (a) is not required to postpone or delay an inspection because a worker representative committee member, a worker health and safety representative or other worker is not available; and
- (b) may refuse to allow a worker representative committee member, worker health and safety representative, other worker or an employer's representative to accompany the officer or to participate in an inspection if, in the officer's opinion, it is necessary in the circumstances to proceed with the inspection without the person.

(3) The time spent by a worker who is selected under paragraph (1)(c) in accompanying an officer during an inspection is considered to be time worked for the **employer**, and the **employer** must pay the worker for that time. **Section 61 –**

Workers' Safety and Compensation Act.

Stop-work orders

(1) If an officer is of the opinion that an imminent risk of serious injury or death to a person exists in respect of activities that are being carried on or are about to be carried on at a workplace, the officer may make an order that provides for any one or more of the following:

- (a) that those activities cease to be carried on;
- (b) that all or part of any of the employer's workplaces be vacated;
- (c) that no resumption of those activities be permitted at any of the employer's workplaces until the measures that the officer determines are necessary are taken to protect the health and safety of persons at or near the workplace.

(2) If an order is made under paragraph (1)(b), an **employer**, supervisor, or other person must not require or permit a worker to enter the workplace or part of the workplace that is the subject of the order, except for the purpose of doing work that is necessary to protect the health and safety of persons at or near the workplace and only if the worker:

- (a) is protected from risk of injury or death; and
- (b) is qualified and properly instructed in how to do the work with minimum risk to the worker's own health and safety.

Section 66 – Workers' Safety and Compensation Act.

OHS Act, Secs. 32(2) and 33:

- 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;

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;

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;

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;

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:

1. a) The load limits of a floor, roof, temporary work platform, part of a building, structure, or temporary work; or
2. 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;

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;

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;

10) Question any worker apart from their **employer**; and

11) Be accompanied by a person designated by them to carry out any examinations and inspections and take any samples as directed by them. **Section 32(2) and 33 of OHS Act.**

For more information:

- Powers and Duties of Officers. **Section 60 – Workers’ Safety and Compensation Act.**
- Orders by board or officer. **Section 64 – Workers’ Safety and Compensation Act.**
- Stop-use orders. **Section 65 – Workers’ Safety and Compensation Act.**
- Posting of orders and distribution of copies. **Section 69 – Workers’ Safety and Compensation Act.**

Further details on the Workers’ Safety and Compensation Act and Occupational Health and Safety Act can be found at laws.yukon.ca and Yukon.ca.