

# Incident Investigations – Know The Laws of Your Province



In Canada, workplace safety is a top priority, and every province has strict protocols for investigating workplace incidents. But how do these investigations work? Each province and territory has its own regulatory body that oversees occupational health and safety, with slightly different procedures to assess incidents, identify hazards, and recommend corrective actions.

Whether it's a near-miss, injury, or accident, incident investigations play a vital role in preventing future occurrences and protecting workers. Learn about the investigation process in each province, from gathering evidence and interviewing witnesses to creating actionable reports. Stay informed and help promote safer work environments across Canada.

## [ALBERTA](#)

In Alberta, under the **Occupational Health and Safety (OHS) Act**, employers have specific responsibilities for incident investigations pursuant in **Part 7, sections 33(1) to 34**.

### **Compliance and Enforcement – Part 7**

(1) When an injury or incident described in subsection (2)

occurs at a work site or an illness described in subsection (2) occurs in connection with a work site, the prime contractor or, if there is no prime contractor, the **employer shall** report the time, place and nature of the injury, illness or incident to a Director as soon as possible.

(2) The injuries, illnesses and incidents to be reported under subsection (1) are:

(a) an injury, illness or incident that results in the death of a worker,

(b) an injury, illness or incident in which there is reason to believe the worker has been or will be admitted to a hospital beyond treatment in an emergency room or urgent care facility,

(c) an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or illness or that has the potential of causing a serious injury or illness,

(d) the collapse or upset of a crane, derrick or hoist, and

(e) the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.

(3) If an incident specified in the OHS Code occurs at a mine or mine site, the prime contractor or, if there is no prime contractor, the **employer shall** make a report to a Director of the time, place and nature of the incident as soon as possible.

(4) The prime contractor or, if there is no prime contractor, the **employer shall** make a report as soon as possible to the Director of the time, place and nature of any worker exposure to radiation in excess of the maximum limits prescribed in the OHS Code.

(5) If an incident occurs where:

(a) the incident had a likelihood of causing a serious injury or illness, and

(b) there is reasonable cause to believe that corrective action may need to be taken to prevent recurrence, the prime contractor or, if there is no prime contractor, the **employer shall** conduct an investigation in accordance with subsection (6).

(6) If an injury, illness or incident referred to in subsection (2) or,

(3) worker exposure referred to in subsection (4) occurs at a work site, the prime contractor or, if there is no prime contractor, the **employer shall:**

(a) carry out an investigation into the circumstances surrounding the injury, illness, incident or worker exposure,

(b) prepare a report outlining the circumstances of the injury, illness, incident or worker exposure and the corrective action, if any, undertaken to prevent a recurrence of the injury, illness, incident or worker exposure,

(c) ensure that a copy of the report is readily available and provided to an officer on demand, and

(d) provide a copy of the report to a director, the joint health and safety committee if there is one, or health and safety representative, if there is one, or, if there is no committee or representative, make it available to workers once the investigation is complete.

(7) The prime contractor or **employer** who prepared the report referred to in subsection (6)(b) **shall** retain the report for at least 2 years after the injury, illness, incident or worker exposure at the work site.

(8) A report prepared under this section is not admissible as evidence for any purpose in a trial arising out of the injury, illness, incident or worker exposure, an investigation or public inquiry under the **Fatality Inquiries Act** or any other action as defined in the **Alberta Evidence Act**, except in a prosecution for perjury or for the giving of contradictory evidence.

(9) Except as otherwise directed by a Director, an occupational health and safety officer or a police officer, a person **shall** not disturb or conduct work at the scene of an injury, illness or incident required to be reported under subsection (1), including the immediate area where the injury, illness or incident occurred, or alter, move or remove equipment, documents or other information that may be related to the injury, illness or incident, except insofar as is necessary in:

- (a) attending to persons that are ill, injured or killed,
- (b) preventing further injuries, illnesses or incidents, and
- (c) protecting property that is endangered as a result of the injury, illness or incident. **Section 33.**

**For more information:**

- **Section 34(1) to (6).**

**Further details on the Occupational Health and Safety Act can be found at [alberta.ca](http://alberta.ca).**

## **BRITISH COLUMBIA**

In British Columbia, under the **Workers' Compensation Act**, employers have specific responsibilities for incident investigations as aligned in Part 2 **Division 10, Sections 68 to 72.**

## **Part 2 Division 10 – Employer Accident Reporting, Investigation and Related Prohibitions**

### ***Incidents that must be investigated***

**(1)** An **employer** must conduct a preliminary investigation under section 71 and a full investigation under **section 72** respecting any accident or other incident that:

(a) is required to be reported under **section 68**,

(b) resulted in injury to a worker requiring medical treatment,

(c) did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or

(d) was an incident required by regulation to be investigated.

**(2)** Subsection (1) does not apply in the case of a vehicle accident occurring on a public street or highway. **Section 69.**

### ***Investigation process***

**(1)** An investigation required under this Division must be carried out by persons knowledgeable about the type of work involved and, if they are reasonably available, with the participation of the **employer** or a representative of the **employer** and a worker representative.

**(2)** For the purposes of subsection (1), the participation of the **employer** or a representative of the **employer** and a worker representative includes, but is not limited to, the following activities:

(a) viewing the scene of the incident with the people carrying out the investigation;

(b) providing advice to the people carrying out the

investigation respecting the methods used to carry out the investigation, the scope of the investigation or any other aspect of the investigation;

(c) other activities, as prescribed by the Board.

(3) The **employer** must make every reasonable effort to have available for interview by a person conducting the investigation, or by an officer, all witnesses to the incident and any other persons whose presence might be necessary for a proper investigation of the incident.

(4) The **employer** must record the names, addresses and telephone numbers of persons referred to in subsection (3).  
**Section 70.**

***Full investigation, report and follow-up action***

(1) An **employer** must, immediately after completing a preliminary investigation under section 71, undertake a full investigation to, as far as possible:

(a) determine the cause or causes of the incident investigated under section 71,

(b) identify any unsafe conditions, acts or procedures that significantly contributed to the incident, and

(c) if unsafe conditions, acts or procedures are identified under paragraph (b) of this subsection, determine the corrective action necessary to prevent the recurrence of similar incidents.

(2) The **employer** must ensure that a report of the **full investigation** is:

(a) prepared in accordance with the policies of the board of directors,

(b) submitted to the Board within 30 days of the occurrence

of the incident, and

(c) within 30 days of the occurrence of the incident, either

(i) provided to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, posted at the workplace.

**(3)** The Board may extend the time period, as the Board considers appropriate, for submitting a report under subsection (2)(b) or (c).

**(4)** Following the full investigation, the **employer** must, without undue delay, undertake any corrective action determined to be necessary under subsection (1)(c).

**(5)** If the **employer** takes corrective action under subsection (4), the **employer**, as soon as practicable, must:

(a) prepare a report of the action taken, and

(i) provide the report to the joint committee or worker health and safety representative, as applicable.

**Section 72.**

**For more information:**

- Immediate Notice of Certain Accidents. **Section 68.**
- Preliminary investigation, report, and follow-up action. **Section 71.**

**Further details on the Workers' Compensation Act can be found at [Worksafebc.com](https://www.worksafebc.com).**

## **MANITOBA**

In Manitoba, employers have the following responsibilities for

incident investigations under the **Workplace Safety and Health Act and Regulation**, pursuant to **Sections 2.4(1) to 2.9(3)**.

## **Definition**

**“Serious incident”** means an incident:

- (a) in which a worker is killed;
- (b) in which a worker suffers:
  - (i) an injury resulting from electrical contact,
  - (ii) unconsciousness as the result of a concussion,
  - (iii) a fracture of his or her skull, spine, pelvis, arm, leg, hand or foot,
  - (iv) amputation of an arm, leg, hand, foot, finger or toe,
  - (v) third degree burns,
  - (vi) permanent or temporary loss of sight,
  - (vii) a cut or laceration that requires medical treatment at a hospital as defined in The Health Services Insurance Act, or
  - (viii) asphyxiation or poisoning; or
- (c) that involves:
  - (i) the collapse or structural failure of a building, structure, crane, hoist, lift, temporary support system or excavation,
  - (ii) an explosion, fire or flood,
  - (iii) an uncontrolled spill or escape of a hazardous substance, or



(iv) the failure of an atmosphere-supplying respirator.  
**Sections 2.7 to 2.9.**

### **Investigations: serious incidents and accidents**

**(1)** An **employer** must ensure that each of the following is investigated as soon as reasonably practicable after it occurs:

(a) a serious incident;

(b) an accident or other dangerous occurrence:

(i) that injures a person, and results in the person requiring medical treatment, or

(ii) that had the potential to cause a serious incident. **Section 2.9(1).**

**(2)** An investigation must be carried out by:

(a) the co-chairpersons of the committee at the workplace or their designates;

(b) the **employer** and the representative at the workplace; or

(c) the **employer**, in the presence of a worker employed at the workplace who is not associated with the management of the workplace, when there is no committee or representative at the workplace. **Section 2.9(2).**

### **For more information:**

- Inspections of Workplace. **Section 2.4(1)(2).**
- Written Report of Investigation. **Section 2.9(3).**

**Further details on the Workplace Safety and Health Act and Regulation can be found at [Manitobanurses.ca](http://Manitobanurses.ca).**

## NEW BRUNSWICK

In New Brunswick, under the **Occupational Health and Safety (OHS) Act**, employers have specific responsibilities for incident investigations pursuant to **Sections 8.1(1), 15, and 43**.

### **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:

(a) the training and supervision of the **employees** in matters necessary to their health and safety;

(b) the preparation of written work procedures and codes of practice for the implementation of health and safety work practices, required by this Act, the regulations or by any order made in accordance with this Act;

(c) the identification of the types of work for which the work procedures are required at the places of employment of the **employer**;

(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;

(e) a system for the prompt investigation of hazardous occurrences to determine their causes and the actions needed to prevent recurrences;

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

(g) monitoring the implementation and effectiveness of the program. **Section 8.1(1).**

### **Notices To Commission Of Injury To Employee Or Accidental Explosion Or Exposure**

(1) The **employer shall** notify the Commission immediately if an **employee** suffers an injury resulting in:

- (a) a loss of consciousness,
- (b) an amputation,
- (c) a fracture other than a fracture to fingers or toes,
- (d) a burn that requires medical attention,
- (e) a loss of vision in one or both eyes,
- (f) a deep laceration,
- (g) admission to a hospital facility as an in-patient, or
- (h) death.

(2) Where an injury is reported under subsection (1), the **employer shall** immediately give notification to the committee or to the health and safety representative.

(3) Except as otherwise ordered by an officer, no person **shall** disturb the scene of an accident that results in serious injury or death except as is necessary:

- (a) to attend to persons injured or killed;
- (b) to prevent further injuries; or

(c) to protect property that is endangered as a result of the accident.

(4) The **employer shall** notify the Commission immediately if:

(a) an accidental explosion or an accidental exposure to a biological, chemical or physical agent occurs at a place of employment, whether or not a person is injured, or

(b) a catastrophic event or a catastrophic equipment failure occurs at a place of employment that results, or could have resulted, in an injury. **Section 43(1)(2)(3).**

**For more information:**

- Functions of committee in the establishment and enforcement of health and safety practices. **Section 15.**

**Further details on the Occupational Health and Safety Act can be found at [Laws.gnb.ca](https://laws.gnb.ca).**

## **NEWFOUNDLAND & LABRADOR**

In Newfoundland and Labrador, under the **Occupational Health and Safety (OHS) Act**, in **Sections 26 and 54**, employers have responsibilities for incident investigations.

### **Powers of Investigation**

(1) For the purpose of ensuring compliance with the Act or regulations and an order made under either of them, the assistant deputy minister, or an officer:

(a) may, at a reasonable hour and without prior notification, enter and inspect a workplace, with or without the help of other persons, where the assistant deputy minister or officer has reasonable grounds to believe that workers or self-employed persons work or have worked;

(b) may 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;

(c) may conduct tests and take photographs or recordings of the work place and an activity taking place at the workplace;

(d) may inspect and take samples of a material, product, tool, appliance or equipment being produced, used or found in or upon the workplace; and

(e) may make examinations and conduct investigations that the assistant deputy minister or officer considers necessary in order to determine the cause and particulars of an accident or illness occurring to a worker or self-employed person that appears to the investigator as having been caused as a result of an activity at the workplace.

(2) In conducting an investigation under this section, the assistant deputy minister or an officer has power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence under oath or affirmation.

(3) At the request of an **employer** or principal contractor a person making an investigation under subsection (1) **shall** produce an identification card signed by the assistant deputy minister. **Section 26(1) to (3).**

**For more information:**

- Reporting Accidents. **Section 54(1).**

**Further details on the Labour Standards Act can be found at [Canlii.org](http://Canlii.org).**

## NOVA SCOTIA

In Nova Scotia, under the **Occupational Health and Safety (OHS) Act**, employers have specific responsibilities for incident investigations as stated in **Sections 47, 28, 31, and 33**.

### **Officers, Inspections, and Orders**

For the purpose of ensuring compliance with this Act and the regulations and any order made thereunder, an officer may:

(a) at a reasonable hour of the day or night enter and inspect a workplace, conduct tests and make such examinations as the officer considers necessary or advisable;

(b) 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 **employees** or other persons at the workplace and remove them temporarily for the purpose of making copies;

(c) require the production of documents or records that may be relevant to the investigation of a complaint pursuant to subsection 46(1), and remove them temporarily for the purpose of making copies;

(d) take photographs or recordings of the workplace and any activity taking place in the workplace;

(e) make any examination, investigation or inquiry as the officer considers necessary to ascertain whether there is compliance with this Act and the regulations and any order made under them;

(f) inspect, take samples and conduct tests of samples, including tests in which a sample is destroyed, of any material, product, tool, equipment, machine or device being produced, used or found at the workplace for which the

officer **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;

(g) examine a person with respect to matters pursuant to this Act or the regulations;

(h) for the purposes of an investigation, inquiry or examination made by the officer pursuant to this Act or the regulations, summons to give evidence and administer an oath or affirmation to a person;

(i) in an inspection, examination, inquiry or test be accompanied and assisted by or take with the officer a person having special, expert or professional knowledge of any matter; **Section 47(a) to (j).**

## **Twenty or more employees regularly employed**

(1) Where:

(a) twenty or more **employees** are regularly employed by an **employer** other than a constructor or contractor;

(b) twenty or more **employees** are regularly employed directly by a constructor or contractor, not including **employees** for whose services the constructor or contractor has contracted; or

(c) the regulations require an occupational health and safety program, the **employer shall** establish and maintain a written occupational health and safety program, in consultation with the committee or representative, if any, that is adapted to the circumstances of the organization for the purpose of implementing the employer's policy, this Act and the regulations.

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

(a) provision for the training and supervision of **employees** in matters necessary to their health and safety and the health and safety of other persons at the workplace;

(b) provision for the preparation of written work procedures required to implement safe and healthy work practices, including those required pursuant to this Act, the regulations or by order of an officer, and identification of the types of work for which the procedures are required at the employer's workplace;

(c) provision for the establishment and continued operation of a committee required pursuant to this Act, including maintenance of records of membership, rules of procedure, access to a level of management with authority to resolve health and safety matters and any information required under this Act or the regulations to be maintained in relation to a committee;

(d) provision for the selection and functions of a representative where required pursuant to this Act, including provision for access by the representative to a level of management with authority to resolve health and safety matters;

(e) a hazard identification system that includes:

(i) evaluation of the workplace to identify potential hazards,

(ii) procedures and schedules for regular inspections,

(iii) procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and

(iv) identification of the circumstances where hazards must be reported by the **employer** to the committee or representative, if any, and the procedures for doing



so;

(f) a system for workplace occupational health and safety monitoring, prompt follow-up and control of identified hazards;

(g) a system for the prompt investigation of hazardous occurrences to determine their causes and the actions needed to prevent recurrences;

(h) maintenance of records and statistics, including reports of occupational health and safety inspections and occupational health and safety investigations, with provision for making them available to persons entitled to receive them pursuant to this Act; and

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

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

(a) to the committee or representative, if any; and

(b) on request, to an **employee** at the workplace. **Section 28(1) to (3).**

**For more information:**

- Employers and employees functions in Occupational Health and Workplace Safety. **Section 31.**
- Occupational Health and Safety where number of employees are less than 5. **Section 33.**

**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, under the **Occupational Health and Safety Regulations**, employers have specific

responsibilities for incident investigations pursuant to **Sections 28 (1), 29 (1), and 50.**

### **Investigation of Certain Accidents**

**(1)** Subject to section 29, an **employer shall** ensure that an accident causing serious bodily injury or a dangerous occurrence is investigated as soon as is reasonably possible:

(a) by the Committee and **employer** or by a representative and the **employer**; or

(b) if no Committee or representative is available, by the **employer.**

**(2)** After the investigation of an accident causing serious bodily injury or a dangerous occurrence, an **employer shall**, in consultation with the Committee or representative or, if no Committee or representative is available, the workers, prepare a written report that includes:

(a) a description of the accident or occurrence;

(b) graphics, photographs, video or other evidence that could assist in determining the causes of the accident or occurrence;

(c) identification of unsafe conditions, acts, omissions or procedures that contributed to the accident or occurrence;

(d) an explanation of the causes of the accident or occurrence;

(e) a description of the immediate corrective action taken; and

(f) a description of long-term actions that will be taken to prevent the happening of a similar accident or dangerous occurrence, or the reasons for not taking action. **Section 28(1)(2).**

## **Preserving Scene of Accident Causing Death**

(1) Unless expressly authorized by statute or by subsection (2), a person **shall** not, other than for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of wreckage, equipment, articles, documents or other things at the scene of, or connected with, an accident causing a death until a safety officer has completed an investigation of the circumstances surrounding the accident.

(2) If an accident causing a death occurs and a safety officer is not able to complete an investigation of the circumstances surrounding the accident, the safety officer may, unless prohibited by statute, grant permission to move wreckage, equipment, articles, documents or other things at the scene or connected with the accident, to an extent that is necessary to allow work to proceed, if he or she is satisfied that:

(a) graphics, photographs, video or other evidence showing details at the scene of the accident are made or taken before granting permission; and

(b) a member of the Committee or a representative, if available, has inspected the site of the accident and agreed that the things may be moved. **Section 29(1).**

## **Representation During Inspection or Investigation**

If a safety officer inspects a work site or investigates an accident at a work site, he or she may require a Committee member or representative to be present at the inspection or investigation. **Section 50.**

**Further details on the Occupational Health and Safety Regulations can be found at [gov.nt.ca](http://gov.nt.ca).**

## ONTARIO

In Ontario, under the **Occupational Health and Safety Act**, employers have specific responsibilities for incident investigations pursuant to **Sections 9 (31), (31.1), and 8 (14)**.

In Ontario, the Ministry of Labor is responsible for enforcing workplace safety laws and regulations, including those related to accident investigation and reporting. Under the Occupational Health and Safety Act, **employers** are required to report certain types of accidents to the Ministry, including fatalities, serious injuries, and occupational diseases. **Employers** must also conduct an investigation into the accident and identify any factors that contributed to the incident, such as unsafe working conditions or inadequate training.

When an accident occurs, it is important for **employers** to take immediate action to ensure the safety of their **employees** and to prevent further injuries. This may involve providing first aid, summoning emergency medical services, and securing the area to prevent further incidents. **Employers** should also make a record of the accident, including the date, time, and location of the incident, as well as the names of any witnesses and the type of injuries sustained.

The JHSC or MJHSC must designate one or more such members (or the health and safety representative) to investigate cases where a worker is killed or critically injured in the workplace and one of those members may, subject to certain conditions regarding the preservation of the scene, investigate.

### **Notice of accident, inspection by committee member**

The members of a committee who represent workers **shall** designate one or more such members to investigate cases where a worker is killed or critically injured at a workplace from any cause and one of those members may, subject to subsection

51 (2), inspect the place where the accident occurred and any machine, device or thing, and **shall** report his or her findings to a Director and to the committee. **Section 9(31).**

A member of a committee who is designated to investigate cases under subsection (31) may share with an inspector any of the findings made by the member under subsection (31). **Section 31.1.**

### **Notice of accident, inspection by representative**

Where a person is killed or critically injured at a workplace from any cause, the health and safety representative may, subject to subsection 51 (2), inspect the place where the accident occurred and any machine, device or thing, and **shall** report his or her findings in writing to a Director. **Section 8(14).**

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, under the **Occupational Health and Safety Regulations**, employers have specific responsibilities for incident investigations pursuant to Sections **52.3, 12, 16, 23, 25, 26, 28.**

### **Risk identified**

If a risk of injury to a worker from violence in a workplace is identified by an assessment under **section 52.2**, the **employer shall** establish procedures, policies and work environment arrangements:

(a) to either:

(i) eliminate the risk of violence to workers in that workplace, or

(ii) if elimination of the risk is not possible, minimize the risk of violence to workers in that workplace; and

(b) to provide for reporting, investigating and documenting incidents of violence in that workplace. **Section 52.3.**

## **Duties of Employers**

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

(a) that every reasonable precaution is taken to protect the occupational health and safety of persons at or near the workplace;

(b) that any item, device, material, equipment or machinery provided for the use of workers at a workplace is properly maintained, and is properly equipped with the safety features or devices, as recommended by the manufacturer or required by the regulations;

(c) that such information, instruction, training, supervision and facilities are provided as are necessary to ensure the occupational health and safety of the workers;

(d) that workers and supervisors are familiar with occupational health or safety hazards at the workplace;

(e) that workers are made familiar with the proper use of all safety features or devices, equipment and clothing required for their protection; and

(f) that the employer's undertaking is conducted so that workers are not exposed to occupational health or safety hazards as a result of the undertaking.

**(2) An employer shall:**

(a) consult and cooperate with the joint occupational health and safety committee or the representative, as

applicable;

(b) cooperate with any person performing a duty or exercising a power conferred by this Act or the regulations;

(c) provide such additional training of committee members as may be prescribed by the regulations;

(d) comply with this Act and the regulations and ensure that workers at the workplace comply with this Act and the regulations; and

(e) where an occupational health and safety policy or occupational health and safety program is required under this Act, establish the policy or program.

(3) An **employer shall** establish and implement as a policy, in accordance with the regulations, measures to prevent and investigate occurrences of harassment in the workplace.

### **Duties of worker**

(1) A worker, while at work, **shall**:

(a) take every reasonable precaution to protect the worker's own occupational health and safety and that of other persons at or near the workplace;

(b) cooperate with the **employer** and with the other workers to protect the worker's own occupational health and safety and that of other persons at or near the workplace;

(c) wear or use such individual protective equipment as is required by this Act and the regulations;

(d) consult and cooperate with the committee or representative, if any;

(e) cooperate with any person performing a duty or exercising a power conferred by this Act or the

regulations; and

(f) comply with this Act and the regulations and any policy or program established by an **employer** pursuant to this Act or the regulations.

(2) Where a worker believes that any item, device, material, equipment or machinery, condition or aspect of the workplace is or may be dangerous to the worker's occupational health or safety or that of other persons at or near the workplace, the worker:

(a) **shall** immediately report it to a supervisor;

(b) **shall**, where the matter is not remedied to the worker's satisfaction, report it to the committee or the representative, if any; and

(c) may, where the matter is not remedied to the worker's satisfaction after the worker reports it in accordance with clauses (a) and (b), report it to an officer.

(3) Clause (2)(b) does not apply in respect of a complaint of harassment in the workplace. **Section 16.**

**For more information:**

- Occupational Health and Safety Program. **Section 23(1).**
- Role of Joint Occupational and Safety committee where 20 or more persons are regularly employed. **Section 25(1).**
- Occupational Health and Safety representative where 5 or more workers are employed. **Section 26(1).**
- Where number of workers are less than five at a workplace. **Section 26(3).**
- Right of workers to refuse unsafe work. **Section 28(1).**

**Further details on the Occupational Health and Safety Act can be found at [Ohsguide.wcb.PE.ca](http://Ohsguide.wcb.PE.ca).**



## QUÉBEC

In Québec, under the **Act Respecting Occupational Health and Safety**, employers have specific responsibilities for incident investigations pursuant to **Sections 177 to 185**.

In Quebec, the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) is the primary body governing workplace health and safety, including incident investigations. **Employers** are required to immediately report workplace accidents to the CNESST, especially for serious incidents, and to preserve the accident site to facilitate a thorough investigation. The site should remain unchanged unless it's necessary to prevent further injuries or damage, in which case prior CNESST approval is needed.

### **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**.

#### **Specific Powers of Inspectors**

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.**

**For more information:**

- Powers of entry. **Section 179.**
- Court Order required by inspector. **Section 179.1.**
- Inspector to advise **employer**, certified association and safety representative before investigation or inspector. **Section 181.**
- Inspector may issue remedial order. **Section 182.**
- Inspector **shall** communicate investigation findings to **employer**, certified association and representative association. **Section 183.**
- Person bestowed with remedial order requirement. **Section 184.**
- No person **shall** hinder, mislead, provide false statements, refuse to identify him or herself to an inspector. **Section 185.**

**Further details on the Act Respecting Occupational Health and Safety can be found at [Legisquebec.gouv.QC.ca](http://Legisquebec.gouv.QC.ca).**

## **SASKATCHEWAN**

In Saskatchewan, under the **Saskatchewan Employment Act**, employers have specific responsibilities for incident investigations pursuant to **2-83(1) to 2-84(1), and Division 10.**

### **Inspection**

**(1)** Subject to **subsection (5)**, an employment standards officer may enter any premises, place of employment, workplace or other place where records of employment are kept and conduct an inspection for the purpose of:

(a) making an inquiry in response to a complaint of an **employee**; or

(b) determining whether there is compliance with this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1).

**(2)** An inspection may be conducted at any reasonable time.

**(3)** When conducting an inspection in accordance with subsection (1) or enforcing a certificate, decision, order or judgment for wages, an employment standards officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) 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;

(c) require any person to deliver any information and records that the officer considers necessary to ascertain whether this Part, the regulations made pursuant to this

Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) are being or have been complied with:

- (i) within a period stated by the officer;
- (ii) at a place designated by the officer; and
- (iii) in a form acceptable to the officer;

(d) 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;

(e) 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;

(f) subject to subsection (6), 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.

(4) Without limiting the generality of subsection (3), for the purposes of enforcing a judgment for wages, an employment standards officer may demand from any person, including a judgment debtor, the Crown or any other public body, any information that pertains to the judgment debtor and that is within the knowledge of, or is in any records in the possession or control of, the person, the judgment debtor, the Crown or public body, as the case may be, including:

- (a) the legal name of the judgment debtor;
- (b) the location and address of the judgment debtor;
- (c) any place of employment and work arrangements of the

judgment debtor;

(d) the wages, salary and other income of the judgment debtor;

(e) the assets of the judgment debtor and any property in which the judgment debtor may have an interest and any relevant information about those assets or that property;

(f) any other information that may reasonably assist with enforcing the judgment.

(5) An employment standards officer **shall** not enter a private dwelling without a warrant issued pursuant to section 2-84 unless the occupant of the dwelling consents to the entry. **Section 2-83(1).**

## **Investigations**

**(1)** If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place, premises or vehicle named in the warrant;

(b) stop and search any vehicle;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1);

(d) carry out any other activities mentioned in subsection (2).

(2) With a warrant issued pursuant to subsection (1), an employment standards officer may:

(a) enter at any time and search any place, premises or vehicle named in the warrant; **Section 2-84(1)**.

**For more information:**

▪ Division 10, Inspections, Inquiries, and Investigation.  
**Section 3-63(1)**.

**Further details on the Saskatchewan Employment Act can be found at [saskatchewan.ca](http://saskatchewan.ca).**

## **YUKON**

In Yukon, under the **Occupational Health and Safety (OHS) Act**, employers have specific responsibilities for incident investigations, as stated in **Section 30**.

### **Injuries And Accidents – Report/Investigation**

(1) In this section, “**serious accident**” means:

(a) an uncontrolled explosion,

(b) failure of a safety device on a hoist, hoist mechanism, or hoist rope,

(c) collapse or upset of a crane,

(d) collapse or failure of a load-bearing component of a building or structure regardless of whether the building or structure is complete or under construction,

(e) collapse or failure of a temporary support structure,

(f) an inrush of water in an underground working,

- (g) fire or explosion in an underground working,
- (h) collapse or cave-in, of a trench, excavation wall, underground working, or stockpile,
- (i) accidental release of a controlled product,
- (j) brake failure on mobile equipment that causes a runaway,
- (k) any accident that likely would have caused serious injury but for safety precautions, rescue measures, or chance.

**“Serious injury” means:**

- (a) an injury that results in death,
- (b) fracture of a major bone, including the skull, the spine, the pelvis, or the thighbone,
- (c) amputation other than of a finger or toe,
- (d) loss of sight of an eye,
- (e) internal bleeding,
- (f) third degree burns,
- (g) dysfunction that results from concussion, electrical contact, lack of oxygen, or poisoning, or
- (h) an injury that results in paralysis (permanent loss of function).

(2) If a serious injury or a serious accident takes place at or on any work, undertaking, or business, the **employer** or person responsible for that place of work, undertaking, or business **shall** immediately, or as soon as reasonably practicable, give notice to a safety officer, or the office of a safety officer, of the injury or accident.

(3) No person may, except insofar as is necessary for the purpose of saving life or relieving suffering and protecting property that is endangered as a result of the accident, interfere with anything connected with a serious injury or a serious accident until a safety officer or a member of the Royal Canadian Mounted Police has completed an investigation into the accident or authorizes the interference.

(4) If a serious injury or a serious accident has not resulted in death, a safety officer may authorize a health and safety representative from the workplace to conduct the investigation on the safety officer's behalf.

(5) If no safety officer is available to receive notice from the **employer** or if, as a result of an inadequacy in the system provided by the Government of the Yukon for communication with a safety officer, the **employer** is unable to give notice to a safety officer or if a safety officer has advised that an immediate investigation cannot be made, the **employer** may move or permit to be moved anything at the scene connected with a serious injury or a serious accident, if details of the scene are first recorded by photographs, drawings, or other means. **Section 30(2) to (5).**

**Further details on the Occupational Health and Safety Act can be found at [Laws.yukon.ca](http://Laws.yukon.ca).**