

Regular Workplace Inspections – Know The Laws Of Your Province



The OHS laws of every province and territory require employers to establish and implement a schedule and set of procedures for regular inspections. However, OHS requirements differ with regard to:

- Who's actually responsible for carrying out inspections;
- The role of the JHSC in the inspection process;
- How often inspections must be made; and
- What they have to cover.

Another key difference is whether the inspection schedule and process must be incorporated into a larger OHS program for the workplace. Here's a summary of the OHS regular inspection rules in each jurisdiction. Use the OHS Insider Workplace Inspections Compliance Game Plan to implement a legally sound inspections program at your own workplace.

OHS Workplace Inspection Requirements by Jurisdiction

JHSC: refers to the workplace joint health and safety committee

Safety Rep: refers to the workplace health and safety representative

FEDERAL

Employer Inspection Obligations: Ensure that the work place JHSC or Safety Rep inspects all or part of the work place each month, so that every part of the work place is inspected at least once a year (*Canada Labour Code*, Sec. 125(1)(z.12))

JHSC Role: Perform the required inspections (*Canada Labour Code*, Sec. 125(1)(z.12))

ALBERTA

Employer Obligations: If they regularly employ 20 or more workers, establish and implement an OHS program (*OHS Act*, Sec. 16); Government guidance says such a program should normally provide for workplace inspection ("[*Health and safety programs: OHS information for employers*](#)")

JHSC Role: JHSC and Safety Rep member duties include reviewing the employer's work site inspection documentation (*OHS Act*, Secs. 13(6)(d) and 14(4))

BRITISH COLUMBIA

Employer Inspection Obligations: (1) Where OHS programs are required (i.e., the employer has (i) a workforce of 50 or more workers OR (ii) a workforce of 20 or more workers AND at least one of its workplaces is determined to create a moderate or high risk of injury), ensure they provide for regular inspection of premises, equipment, work methods and work practices, at appropriate intervals; and (2) Carry out special inspections must be made "when required by malfunction or accident" (*OHS Regs*, Secs. 3.3, 3.5, and 3.7)

JHSC Role: If "feasible," JHSC members, the Safety Rep (or if there's no JHSC or Safety Rep, representatives designated by the employer and union/workers) must participate in regular and special inspections (*OHS Regs*, Sec. 3.8)

MANITOBA

Employer Inspection Obligations: (1) Ensure that regular inspections of the workplace, work processes and workplace procedures are conducted to identify any risk to safety or health (*WSH Regs*, Sec. 2.4(1)(a)); and (2) For each workplace in which they have 20 or more regularly employed workers, establish a written OHS program that includes: (a) a schedule for the regular inspection of the workplace, work processes and procedures; and (b) a procedure for worker participation in inspections (*WSH Act*, Sec. 7.4)

JHSC Role: (1) JHSC members and Safety Rep must inspect the workplace at “regular intervals” (*WSH Act*, Sec. 40(10)); and (2) JHSC members must inspect work processes and workplace procedures at least once before each regularly scheduled JHSC meeting (*WSH Regs*, Sec. 3.2.2)

NEW BRUNSWICK

Employer Inspection Obligations: (1) Ensure that place of employment is inspected at least once a month to identify health and safety risks (*OHS Act*, Sec. 9(2)(a.1)); and (2) If they have 20 or more employees regularly employed in New Brunswick, establish a written OHS program that includes a hazard identification system that incorporates procedures and schedules for inspections (*OHS Act*, Sec. 8.1(1)(d)(ii))

JHSC Role: (1) Employer must consult with the JHSC or Safety Rep in developing the OHS program and share the results of each inspection with the JHSC or Safety Rep (*OHS Act*, Sec. 9(3)); and (2) JHSC or Safety Rep may participate in all inspections, inquiries and investigations concerning employees' health and safety (*OHS Act*, Secs. 15(j) and 18(1))

NEWFOUNDLAND

Employer Inspection Obligations: (1) Perform regular

inspections of all buildings, excavations, structures, machinery, equipment, work practices and places of employment at intervals necessary to ensure that safe working conditions are maintained and that unsafe conditions identified are remedied without delay (*OHS Regs*, Sec. 18(1)); (2) If they have 20 or more workers employed at a workplace, establish and maintain a written OHS program that includes procedures and schedules for regular inspections by management and JHSC members (*OHS Regs*, Sec. 12(1)(g)(ii)); and (3) Consult with the JHSC or Safety Rep about the scheduling of workplace inspections required by the regulations and ensure that the JHSC or Safety Rep participates in those inspections (*OHS Act*, Sec. 5(f.3))

JHSC Role: JHSC and Safety Rep must participate in above inspections and any workplace inspection that the OHS regulations require an employer to conduct (*OHS Act*, Secs. 39(a.1) and 44(1))

NOVA SCOTIA

Employer Inspection Obligations: If they regularly employ 20 or more employees, establish and maintain a written OHS program that includes procedures and schedules for regular inspections (*OHS Act*, Sec. 28)

JHSC Role: (1) Employer must consult with the JHSC or Safety Rep in establishing and maintaining the OHS program (*OHS Act*, Sec. 28); and (2) JHSC and Safety Rep functions include participating in “inspections, inquiries and investigations concerning” employees’ occupational health and safety (*OHS Act*, Secs. 31(d) and 33(6)(d))

ONTARIO

JHSC Workplace Inspections: (1) JHSC worker members designate a worker member, preferably a certified member, to inspect the physical condition of the workplace at least once a month (*OHS*

Act, Secs. 9(23),(24) and (26)); (2) If inspecting the entire workplace once a month isn't practical, the designated member must inspect at least part of the workplace each month so that the entire workplace is inspected at least once a year(*OHS Act*, Sec. 9(27)); (3) JHSC must establish the inspection schedule (*OHS Act*, Sec. 9(28)); and (4) Employer must provide the worker member whatever information and assistance they need to carry out the required inspections (*OHS Act*, Sec. 9(29))

Safety Rep Workplace Inspections: (1) Safety Rep must inspect the physical condition of the workplace at least once a month (*OHS Act*, Sec. 8(6)); (2) If inspecting the entire workplace once a month isn't practical, the Safety Rep must inspect at least part of the workplace each month so that the entire workplace is inspected at least once a year(*OHS Act*, Sec. 8(7)); (3) Employer and Safety Rep must agree on the inspection schedule (*OHS Act*, Sec. 8(8)); and (4) Employer must provide the Safety Rep whatever information and assistance they need to carry out the required inspections (*OHS Act*, Sec. 8(9))

Construction Project Inspections: At least once a week, a supervisor or competent person appointed by the supervisor must inspect all machinery and equipment, including fire extinguishing equipment, magazines, electrical installations, communication systems, sanitation and medical facilities, buildings and other structures, temporary supports and means of access and egress at a construction project to ensure they don't endanger any worker (*OHS Const Project Regs*, Secs. 14(3) and (4))

PRINCE EDWARD ISLAND

Employer Inspection Obligations: If they regularly employ 20 or more employees, establish and annually review a written OHS program that includes procedures and schedules for regular

inspections (*OHS Act*, Sec. 23)

JHSC Role: (1) Employer must consult with the JHSC or Safety Rep in establishing and maintaining the OHS program (*OHS Act*, Sec. 23(1)); and (2) JHSC and Safety Rep duties include participating in “inspections, inquiries and investigations” regarding employees’ occupational health and safety (other than investigation of harassment complaints (*OHS Act*, Secs. 25(7)(c) and 26(6)(c))

QUÉBEC

(1) At any establishment where there’s a JHSC, worker members must designate one or more persons as safety representatives whose functions include inspecting the workplace (*OHS Act*, Secs. 87 and 90);

(2) If activities on a construction site are expected to occupy at least 10 construction workers simultaneously at any stage of the work, a majority of the construction workers at the site must, as soon as work begins, designate at least one health and safety representative whose functions include inspecting the workplace (*OHS Act*, Secs. 209 and 210); and

(3) If activities on a construction site are expected to occupy at least 100 construction workers simultaneously at any stage of the work or the total cost of the work will exceed \$12 million, the principal contractor must, as soon as work begins, designate at least one health and safety coordinators whose functions include inspecting the workplace (*OHS Act*, Secs. 215.1 and 215.2)

SASKATCHEWAN

Employer Inspection Obligations: (1) Allow JHSC members or a Safety Rep to inspect a place of employment at reasonable intervals determined by the JHSC or Safety Rep and the employer (*OHS Regs*, Sec. 3-17); and (2) For places of

employment listed in Schedule 7 of the OHS Regulations that have 10 or more workers, establish and maintain a written OHS program that includes a schedule for the regular inspection of the place of employment, work processes and procedures, along with a strategy for worker participation in OHS activities, including “audit inspections” (*Sask. Emp. Act*, Sec. 3-20; and *OHS Regs.*, Secs. 3-11(2)(e) and (i))

JHSC Role: (1) Employer must consult with JHSC or Safety Rep in establishing the written OHS program; and (2) Duties of JHSC and Safety Rep include participating “in the identification and control” of health and safety hazards at the place of employment (*Sask. Emp. Act*, Secs. 3-27(1) and 3-28(1))

NORTHWEST TERRITORIES & NUNAVUT

(1) Employer must ensure that the JHSC or Safety Rep inspects the work site at least once every 3 months and submits a written report of each inspection to the employer (*OHS Regs*, Sec. 49)

(2) Employer must determine the inspection schedule together with the JHSC or Safety Rep (*OHS Regs*, Sec. 27(1))

(3) For each site in which there are 20 or more workers working, employer must provide a written OHS program that includes a schedule for the regular inspection of the work site, work processes and procedures, along with a strategy for worker participation in OHS activities, including “audit inspections” (*OHS Regs.*, Secs. 21(1) and 21(2)(f) and (j))

YUKON

Employer Inspection Obligations: Establish and maintain a written health and safety management system when 20 or more of its workers are regularly employed that includes a schedule and procedures for regular inspection of the workplace (*WSC*

Act, Sec. 44)

JHSC Role: The duties and functions of a JHSC and Safety Rep include participating in inspections of the workplace at regular intervals (*WSC Act*, Secs. 38(e) and 39(e))