

# The Duty to Cooperate with an OHS Investigation



## The Duty to Co-Operate With OHS Investigators

*Here's a look at the duty to co-operate under each of the different provincial, territorial and federal OHS laws across Canada:*

**FEDERAL:** Person in charge of and every person employed at, or in connection with, a work place must give all reasonable assistance to and may not obstruct, hinder or make a false or misleading statement to any appeals officer or the Minister or its delegates or accessories to enable them to carry out their duties under the Act (OHS Act, Secs. 142 and 143).

**ALBERTA:** No person may interfere with or in any manner hinder an OHS officer or police officer exercising duties or performing duties or functions under the Act; and ii. Failure to "reasonably cooperate" with Director or officer in performing their duties is an offence under the law (OHS Act, Secs. 54 and 73(c)).

**BRITISH COLUMBIA:** Person must provide "all reasonable means in their power to facilitate an inspection" and not hinder, obstruct, molest or interfere with, or attempt to hinder, obstruct, molest or interfere with, an officer in the exercise of a power or the performance of a function or duty under the OHS law (Workers' Comp Act, Sec. 186).

**MANITOBA:** i. Employer/Supervisor/Worker must "co-operate with

any person exercising a duty under the OHS law; and ii. **Knowingly** obstructing a safety and health officer while performing his/her duties is OHS offence (Workplace Safety & Health Act, Secs. 4(2)(g), 4.1(c) and 5(f); and Sec. 54(c)).

**NEW BRUNSWICK:** i. Employee must co-operate with any person responsible for enforcing Act and regulations; and ii. OHS offence for any person to "obstruct or delay an officer" exercising his powers or duties under the law (OHS Act, Secs. 12(f) and 33(a)).

**NEWFOUNDLAND:** Employer/Worker must "co-operate with any person exercising a duty" under the OHS law (OHS Act, Secs. 5(g) and 7(c)).

**NORTHWEST TERRITORIES/NUNAVUT:** i. "Person in charge of an establishment and every person employed on or in connection with the establishment shall give a safety officer all reasonable assistance in his or her power to enable the safety officer to carry out his or her duties" under the OHS law; and ii. No person may obstruct or hinder a safety officer engaged in carrying out his or her duties (Safety Act, Secs. 9(5) and 10(1)).

**NOVA SCOTIA:** i. Employer/Worker must "co-operate with any person performing a duty or exercising a power" under the OHS law; and ii. No person may hinder, obstruct, molest or interfere with an officer in the exercise of a power or the performance of a duty under the OHS law (OHS Act, Secs. 13(2)(b), 17(1)(e) and 57(1)).

**ONTARIO:** i. No person may hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with inspector in exercise of a power or the performance of a duty under this Act or regulations or execution of a warrant; and ii. "Every person shall furnish all necessary means in their power to facilitate any entry, search, inspection, investigation, examination, testing or

inquiry by an inspector in the exercise of his or her powers or performance of his or her duties[] under the OHS law (OHS Act, Sec. 62(1) and (2)).

**PRINCE EDWARD ISLAND:** Employer/Worker must []co-operate with any person performing a duty or exercising a power[] under the OHS law; and ii. No person may hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an officer in the exercise of his or her functions under OHS law (OHS Act, Secs. 12(2)(b), 16(1)(e) and 42(a)).

**QUEBEC:** []No person may hinder an inspector in the performance of his duties, mislead or attempt to mislead him by concealment or false statements, refuse to give his name and address to the inspector or neglect to obey an order he may give[] under the OHS law (OHS Act, Sec. 185).

**SASKATCHEWAN:** i. Employer/Supervisor/ must []co-operate with any person exercising a duty[] under the OHS law; and ii. No person may **intentionally** obstruct the director of occupational health and safety, the chief occupational medical officer, the chief mines inspector or an occupational health officer in the exercise of his or her powers or the performance of his or her duties (Saskatchewan Employment Act, Secs. 3-8(e), 3-9(d), 310(c) and 3-78(b)).

**YUKON:** i. []Person in charge of any workplace and any person employed therein shall give a safety officer all reasonable assistance to enable the safety officer to carry out his or her duties[] under the OHS law; and ii. No person may obstruct or hinder a safety officer who[]s carrying out duties under the law (OHS Act, Secs. 33(3) and 35(1)).