

Workplace Injury, Illness, & Incident Reporting Requirements – Know The Laws of Your Province



The employer's obligation to report workplace incidents and injuries to government authorities derives from 2 sets of laws:

OHS laws, which require employers (or prime contractors if the incident occurs on a construction site with workers from multiple employers) to report workplace events that cause or had the potential to cause death, serious injury or illness and/or destruction or significant property damage.

Workers' comp laws, which require employers (and workers) to report work-related deaths, injuries and illnesses that prevent workers from doing their jobs or require medical treatment beyond immediate first aid to the workers' comp board.

These reporting requirements sometimes overlap, especially as is the case in most jurisdictions, the OHS and workers' comp laws rules are laid out in separate laws. Even in BC and Yukon where the laws are combined into a single statute, there are separate regulations governing OHS and workers' comp aspects of the Act.

Adding to the complexity is that incident and injury reporting rules vary significantly by jurisdiction, particularly with regard to:

- Which incidents and injuries the employer must report.
- How much time the employer has to report those incidents and injuries.
- The information the employer must include in its reports.
- Whether the employer must also report injuries and incidents to the workplace JHSC, safety representative, or trade union.
- The employer's duty to investigate reportable incidents and injuries.
- The employer's duty to report and document the results of its investigation.

In addition to having separate reporting rules for OHS and workers' comp incidents, most jurisdictions also have different OHS reporting requirements for different kinds of incidents, with incidents resulting in death or serious injury being subject to the strictest rules. The most elaborate example of this tiered approach is Ontario where there are separate OHS reporting requirements for:

- Incidents resulting in death or critical injury.
- Incidents resulting in nonfatal injuries that are disabling or require significant medical care.
- Occupational illnesses.
- Hazardous occurrences that occur at construction, diving, or mining sites, regardless of the actual injury or damage they cause.

Another big difference is in regard to investigation requirements under OHS laws. There are 3 basic approaches:

- In Alberta, BC, Manitoba, Saskatchewan, the Territories, and under Federal law, employers are expressly required

to investigate reportable incidents.

- In the Maritimes, OHS laws require merely that employers incorporate a system for investigating hazardous occurrences into their OHS program.
- Ontario and Québec don't treat incident investigation a general offshoot of incident reporting but instead mandate investigations for certain types of incidents.

Here's a summary of the OHS and workers' comp incident reporting and investigation requirements in each part of Canada. **Caveat:** These requirements generally don't apply to incidents of workplace harassment and violence, which are typically subject to separate OHS reporting and investigation rules.

FEDERAL

1. No employer may dismiss, suspend, lay off, or demote an employee, impose a financial or other penalty on an employee, or refuse to pay an employee remuneration, or take any disciplinary action against or threaten to take any such action against an employee because the employee:

- a. Has testified or is about to testify in an OHS law proceeding or inquiry.
- b. Has provided information to a person engaged in the performance of duties under the OHS laws regarding the conditions of work affecting the health or safety of the employee or any other employee of the employer.
- c. Has acted in accordance with sought the enforcement of any of the provisions of the OHS law (Canada Labour Code, Sec. 147).

2. An employee, or a person designated by the employee for the purpose (such as a union), who alleges that an employer has violated the above rule may complain in writing to the Board within 90 days after the date on which the complainant knew, or in the Board's opinion ought to have known, of the action

or circumstances giving rise to the complaint (Canada Labour Code, Sec. 133(1)-(2)).

3. Upon receiving a complaint, the Board may assist the parties to settle the complaint or, if it decides not to do so and the complaint remains unsettled, hear and rule on the complaint (Canada Labour Code, Sec. 133(5)).

4. If the complainant presents evidence showing that the alleged contravention occurred, the burden of proof shifts to the employer to show that it didn't occur (Canada Labour Code, Sec. 133(6)).

5. If the Board determines that an employer has contravened section 147 (Item #1 above), it may order the employer to cease the contravention and also require the employer to:

- a. Permit any employee who's been affected by the contravention to return to the duties of their employment.
- b. Reinstate any former employee affected by the contravention.
- c. Pay any employee or former employee affected by the contravention compensation not exceeding the sum that, in the Board's opinion, is equivalent to the remuneration that would, but for the contravention, have been paid by the employer to the employee or former employee.
- d. Rescind any disciplinary action taken in respect of, and pay compensation to any employee affected by, the contravention, not exceeding the sum that, in the Board's opinion, is equivalent to any financial or other penalty imposed on the employee by the employer (Canada Labour Code, Sec. 134(1)).

ALBERTA

1. No person may take any disciplinary action against a worker because that worker acted in compliance with the OHS Act, regulations, OHS Code or an order issued under the Act (OHS

Act, Sec. 18).

2. A worker who has reasonable cause to believe has been subjected to disciplinary action in contravention of section 18 may file a complaint with an officer within 180 days after the alleged contravention occurs, but not afterwards (OHS Act, Sec. 19(1)).

3. An officer who receives a complaint must prepare a written report of the worker's complaint, the investigation and the officer's findings and give the worker and the employer a copy of the report (OHS Act, Sec. 19(2)).

4. An officer may also refuse to investigate complaints they believe to be without merit, frivolous, trivial, vexatious, filed with improper motives or otherwise an abuse of process, but must notify the worker in writing of such refusal, in which case the worker may appeal the refusal to a Director (OHS Act, Sec. 19(3)).

5. If the officer believes that an illegal, disciplinary action has occurred in contravention of section 18 (Item #1 above), the officer may in writing order the person who contravened the section to do one or more of the following:

- a. Cease the disciplinary action.

- b. Reinstatement the worker to the worker's former employment under the same terms and conditions under which the worker was formerly employed.

- c. Pay the worker not more than the equivalent of wages and benefits that the worker would have earned if the worker had not been subjected to disciplinary action.

- d. Remove any reprimand or other reference to the matter from the worker's employment records.

- e. Take other measures to prevent recurrence (OHS Act, Sec. 19(8)).

6. If an officer determines that disciplinary action has been taken against a worker who has acted in compliance with the Act, regulations, OHS Code or an order issued under the Act:

- a. There is a presumption in favour of the worker that the

disciplinary action was taken against the worker because the worker acted in compliance with the Act, regulations, OHS Code or order, and

b. The burden is on the employer or other person who violated section 18 (Item #1 above) to prove that the disciplinary action was taken against the worker for a reason other than that the worker acted in compliance with the Act, regulations, OHS Code or an order (OHS Act, Sec. 19(10)).

BRITISH COLUMBIA

1. For purposes of the following requirements, “prohibited action” is defined as including any act or omission by an employer or union, or person acting on behalf of an employer or union, that adversely affects a worker with respect to any term or condition of employment or membership in a union, including:

- a. Suspension, layoff, or dismissal.
- b. Demotion or loss of opportunity for promotion.
- c. Transfer of duties, change of location of workplace, reduction in wages, or change in working hours.
- d. Coercion or intimidation.
- e. Imposition of any discipline, reprimand or other penalty.
- f. The discontinuation or elimination of the job of the worker (Workers’ Comp Act, Sec. 47).

2. An employer or union, or a person acting on behalf of an employer or union, must not take or threaten a prohibited action against a worker:

- a. For exercising any right or carrying out any duty in accordance with the OHS provisions, the regulations or an applicable order.
- b. For the reason that the worker has testified or is about to testify in any matter, inquiry or proceeding under this

Act or the Coroners Act on an OHS or environmental issue.

c. For the reason that the worker has given any information regarding conditions affecting the occupational health or safety or occupational environment of that worker or any other worker to:

i. An employer or person acting on behalf of an employer.

ii. Another worker or a union representing a worker.

iii. An officer or any other person concerned with the administration of the OHS provisions (Workers Comp Act, Sec. 48).

3. If the Board determines that the contravention occurred, it may make an order requiring one or more of the following:

a. That the employer or union cease the prohibited action.

b. That the employer reinstate the worker to their former employment under the same terms and conditions.

c. That the employer pay, by a specified date, the wages required to be paid by the OHS provisions or the regulations.

d. That the union reinstate the membership of the worker in the union.

e. That any reprimand or other references to the matter in the employer's or union's records on the worker be removed.

f. That the employer or the union pay the reasonable out-of-pocket expenses incurred by the worker by reason of the prohibited action.

g. That the employer or the union do any other thing that the Board considers necessary to secure compliance with the OHS provisions and the regulations (Workers' Comp Act, Sec. 50(2)).

MANITOBA

1. No employer, union or person acting on behalf of an employer or union may take or threaten a reprisal against a

worker for:

- a. Exercising a right under or carrying out a duty in accordance with the WSH Act or regulations.
- b. Testifying in a proceeding under the Act.
- c. Giving information about workplace conditions affecting the safety, health or welfare of any worker to:
 - i. An employer or a person acting on behalf of an employer.
 - ii. A safety and health officer or another person concerned with the administration of the WSH Act.
 - iii. Another worker or a union representing a worker.
 - iv. A committee or a representative.
- d. Performing duties or exercising rights as a member of a committee or as a representative.
- e. Refusing to do dangerous work under section 43 of the WSH Act.
- f. Taking reasonable action at the workplace to protect the safety or health of another person.
- g. Complying with the Act or the regulations or code of practice under the Act, or an order or decision made under the Act.
- h. Attempting to have this Act or the regulations enforced (WSH Act, Sec. 42(1)).

2. An employer who fails to pay wages or benefits to a worker when required to do so by the Act is also deemed to have taken a reprisal against the worker under this section (WSH Act, Sec. 42(2)).

3. A worker who believes on reasonable grounds that the employer or union has taken a reprisal against them may refer the matter to a safety and health officer within 6 months after the date of the alleged reprisal (WSH Act, Sec. 42.1(1)).

4. If a safety and health officer decides that an employer or union has taken a reprisal against a worker for a reason

described in section 42 (Item #1 above) the officer must make an order requiring the employer or union to do one or more of the following:

- a. Stop the reprisal.
- b. Reinstate the worker to his or her former employment on the same terms and conditions.
- c. Pay the worker any wages the worker would have earned had he or she not been wrongfully subjected to a reprisal and compensate the worker for loss of any benefits.
- d. Remove any reprimand or other reference to the matter from any employment records the employer maintains about the worker (WSH Act, Sec. 42.1(2)).

5. If, in a prosecution or other proceeding under the Act, a worker establishes:

- a. That a reprisal was taken against him or her; and
 - b. That the worker conducted himself or herself in a manner described in section 42 (Items #1 and #2 above).
- it will be presumed that the reprisal was taken because of the worker's conduct, and the burden will then shift to the employer or union to prove that the decision to take the reprisal was not influenced by the conduct (WSH Act, Sec. 42(4)).

NEW BRUNSWICK

1. No employer, supervisor or union may take or threaten to take any discriminatory action against an employee or intimidate or coerce any employee because the employee has sought enforcement of or acted in compliance with the OHS Act, regulations or an order made under the Act or regulations, or has sought enforcement of the Smoke-free Places Act or regulations or an order made under that Act as it relates to a place of employment under this Act (OHS Act, Sec. 24(1)).

2. An employee who complains that an employer, supervisor or union has violated the above requirement may either have the

matter dealt with by final and binding settlement by arbitration under a collective agreement, or file a complaint in writing with the Commission no later than one year after the violation complained of (OHS Act, Sec. 25(1)).

3. The Commission must refer a complaint that it receives within the required time limit to an arbitrator that the Commission must appoint (OHS Act, Sec. 25(2)).

4. If an arbitrator finds that the action of the employer, supervisor, or union was discriminatory or that an employer or union threatened discriminatory action or intimidated or coerced an employee, it must make a written order which may include:

a. An order to the employer, supervisor or union to cease the discriminatory action.

b. An order to an employer to reinstate the employee to their former employment under the same terms and conditions.

c. An order to the employer to pay to the employee any wages the employee lost because the employee was wrongfully discriminated against.

d. An order to the employer or union that any reprimand or other reference to the matter in the employer's or union's records on the employee's conduct be removed (OHS Act, Sec. 26(3)).

5. After investigating a complaint, an arbitrator must give its findings in writing with reasons and any order it makes to the Commission, the employer or union and the employee (OHS Act, Sec. 26(3)).

NEWFOUNDLAND & LABRADOR

1. An employer or union may not take a discriminatory action against a worker by dismissing the worker or by deducting wages, salary or other benefits, or by taking other disciplinary action against the worker:

- a. Because of the worker's participation in or association with the workplace committee, worker health and safety representative or workplace health and safety designate, or because the worker is a worker health and safety representative or workplace health and safety designate.
- b. Because the worker has testified or is about to testify in a proceeding or inquiry under the OHS Act or regulations.
- c. Because the worker has given information to the Workplace, Health, Safety and Compensation Commission, an officer or another person concerned with the administration of the Act or the regulations concerning the health, safety and welfare of workers at the workplace.
- d. Because the worker has reasonably refused to work under section 45 of the Act (OHS Act, Sec. 49).

2. If disciplinary action is taken against a worker or the worker is dismissed following an act by the worker under section 49 (Item #1) above, the disciplinary action or dismissal will be considered to be , in the absence of evidence to the contrary, discriminatory (OHS Act, Sec. 50).

3. A worker who alleges that the employer has taken discriminatory action against the worker for a reason set out in section 49 may:

- a. Follow the grievance procedure for discriminatory action, if any, set out in if a collective agreement between the worker's union and employer; or
- b. Apply to the board for a determination as to whether the action was discriminatory (OHS Act, Sec. 51(1)).

4. A worker who alleges that the union took discriminatory action against the worker for a reason set out in section 49 may apply to the board for a determination as to whether the action was discriminatory (OHS Act, Sec. 51(2)).

5. If the board finds that an action was discriminatory it must:

- a. Order the employer to reinstate the worker under the same terms and conditions.
- b. Order the employer to pay or make up to the worker lost wages, salary and other benefits.
- c. Order that a reference to the dismissal or disciplinary action on the employer's records be deleted.
- d. Order the reinstatement of the worker to the worker's trade union where the worker has been expelled by the union (OHS Act, Sec. 52(1)).

NOVA SCOTIA

OHS

1. The employer must notify the Director:
 1. As soon as possible, but in no case later than 24 hours, after a fire, flood or accident at the workplace that causes:
 1. Unconsciousness.
 2. A fracture of the skull, spine, pelvis, arm, leg, ankle, wrist, or a major part of the hand or foot.
 - Loss or amputation of a leg, arm, hand, foot, finger, or toe.
1. A third degree burn to any part of the body.
2. Loss of sight in one or both eyes.
3. Asphyxiation or poisoning.
 - Any injury that requires the admission to hospital.
 - Any injury that endangers the life, of an employee, unless the injury can be treated by immediate first aid or medical treatment and the person can return to work the following day.
1. As soon as possible, but in no case later than 24 hours, after:
 1. An accidental explosion.

2. A major structural failure or collapse of a building or other structure.

▪ A major release of a hazardous substance.

1. A fall from a work area in circumstances where fall protection is required by regulations, at the workplace, whether any person is injured or not.
1. Immediately when a person is killed from any cause, or is injured from any cause in a manner likely to prove fatal, at the workplace (*OHS Act*, Sec. 63(1)).
2. An employer can meet the above requirement by giving the Director a “true copy” of the notice of accident that the employer must furnish to the WCB under the Workers’ Comp Act, provided that it does so within the deadlines specified for that notification under Item #1, e.g., immediate notice for a death (*OHS Act*, Sec. 63(2)).
3. Employers with 20 or more regularly employed employees at an establishment must have an OHS program that includes, among other things, a system for the prompt investigation of hazardous occurrences to determine their causes and the action needed to prevent a recurrence (*OHS Act*, Sec. 28(1)(g)).

Workers’ Comp

4. For an injury that’s not an occupational disease, the Board may not pay compensation except where the worker has given the employer notice of the accident as soon as practicable after the happening of the accident and before the worker has voluntarily left the employment where the worker was injured (*Workers’ Comp Act*, Sec. 83(1)(a)).
5. For an occupational disease, the Board may not pay compensation except where the worker has given the employer notice of the injury as soon as practicable after the worker learns that the worker suffers from an

- occupational disease (*Workers' Comp Act*, Sec. 83(2)(a)).
6. In the case of post-traumatic stress disorder, the Board may not pay compensation except where the worker has given the employer notice of the injury as soon as practicable after the worker is diagnosed with PTSD (*Workers' Comp Act*, Sec. 83(2A)(a)).
 7. The Board may not pay compensation to any firefighter unless the firefighter has given the employer notice of the disease as soon as practicable (*Workers' Comp Act*, Sec. 83(2B)(a)).

NORTHWEST TERRITORIES

OHS

1. An employer must, as soon as reasonably possible, give notice to the Chief Safety Officer of an "accident causing serious bodily injury," defined as an accident at a work site that:
 1. Causes or could reasonably be expected to cause the death of an individual, or
 1. Requires an individual to be admitted to a hospital as an in-patient for a period of 24 hours or more (*OHS Regs*, Sec. 8(1)).
2. The above-required notice must be on a form approved by the Chief Safety Officer and include:
 1. The name of each injured or deceased individual.
 1. The name of the employer of each injured or deceased worker.
 1. The date, time, and location of the accident.
 1. The circumstances of the accident.

1. The apparent injuries.

1. The name, telephone number and facsimile number of the employer or an individual designated by the employer to be contacted for additional information (*OHS Regs*, Sec. 8(2)).

3. An employer must provide a copy of the notice required by Item #1 above, without names of the injured or deceased individuals, to the workplace JHSC or safety representative (*OHS Regs*, Sec. 8(3)).

4. An employer must, as soon as is reasonably possible, give notice to the Chief Safety Officer of a “dangerous occurrence” that takes place at a work site, whether or not a worker sustains injury, defined as an occurrence that doesn’t result in, but could have resulted in an accident causing serious bodily injury, such as:

1. Structural failure or collapse of:

1. A structure, scaffold, temporary falsework, or concrete formwork, or

1. A tunnel, caisson, coffer dam, trench, excavated shaft, or excavation,

1. Failure of a crane or hoist or the overturning of a crane or powered mobile equipment.

1. Accidental contact with an energized conductor.

1. Bursting of a grinding wheel.

1. Uncontrolled spill or escape of a toxic, corrosive or explosive substance.

1. Premature or accidental detonation of explosives.

1. Failure of an elevated or suspended platform.

1. Failure of an atmosphere-supplying respirator (*OHS Regs*,

Sec. 9(1)).

5. The above-required notice must be on a form approved by the Chief Safety Officer and include:
 1. The name of each employer, principal contractor and owner at the work site.
 1. The date, time, and location of the dangerous occurrence.
 1. The circumstances related to the dangerous occurrence.
 1. The name, telephone number, and facsimile number of the employer or a person designated by the employer to be contacted for additional information (*OHS Regs*, Sec. 9(2)).
6. An employer must provide a copy of the required notice of dangerous occurrence, without names of the workers involved, to the workplace JHSC or safety representative (*OHS Regs*, Sec. 9(3)).
7. An employer must provide the Chief Safety Officer, or a person or organization the Chief Safety Officer may designate, an annual report setting out details of person hours worked and work-related injuries during the preceding year that occurred in the Northwest Territories (*OHS Regs*, Sec. 11).
8. An employer must ensure that an accident causing serious bodily injury or a dangerous occurrence is investigated as soon as reasonably possible by the employer and JHSC or safety representative, if any (*OHS Regs*, Sec. 28(1)).
9. After the investigation, the employer must, in consultation with the JHSC, safety representative or workers if there is no JHSC or safety representative, a written report that includes:
 1. A description of the accident or occurrence.

1. Graphics, photographs, video, or other evidence that could assist in determining the causes of the accident or occurrence.
 1. Identification of unsafe conditions, acts, omissions or procedures that contributed to the accident or occurrence.
 1. An explanation of the causes of the accident or occurrence.
 1. A description of the immediate corrective action taken; and (f) a description of long-term actions that will be taken to prevent a similar accident or dangerous occurrence, or reasons for not taking action (*OHS Regs*, Sec. 28(b)).
10. An employer must:
1. Report to the JHSC or safety representative any lost-time injury at the work site that results in a worker receiving medical treatment.
 1. Allow the Committee or safety representative or workers, if there is no JHSC or safety representative available, a reasonable opportunity to review the lost-time injury report during normal working hours and without loss of pay or benefits (*OHS Regs*, Sec. 30).

Workers' Comp

11. A worker who experiences any of the following events arising out of and during the course of employment must report the event to their employer and the Commission as soon as is practicable:
 1. A personal injury or disease.
 1. Exposure to toxic, noxious or other hazardous substances that could possibly cause personal injury, disease or death in the future (*Workers' Comp Act*, 17).

12. An employer who has reason to believe that a worker in its employ has experienced any of the following events arising out of and during the course of the worker's employment must send a written report describing the event to the Commission:
 1. A personal injury, disease, or death.
 1. Exposure to toxic, noxious, or other hazardous substances that could possibly cause personal injury, disease, or death in the future (*Workers' Comp Act*, 18(1)).
13. The above report must be sent within 3 days after the employer first has reason to believe the event has occurred (*Workers' Comp Act*, 18(2)).
14. The employer must send a copy of the above report to the worker, unless the worker has died (*Workers' Comp Act*, 18(3)).
15. If the worker has died, the Commission must make its best efforts to notify any persons who may be entitled to compensation under this Act of the death and of their entitlement to compensation (*Workers' Comp Act*, 18(4)).

NUNAVUT

OHS

1. An employer must, as soon as reasonably possible, give notice to the Chief Safety Officer of an "accident causing serious bodily injury," defined as an accident at a work site that:
 1. Causes or could reasonably be expected to cause the death of an individual.
 1. Requires an individual to be admitted to a hospital as

an in-patient for a period of 24 hours or more (*OHS Regs*, Sec. 8(1)).

2. The above-required notice must be on a form approved by the Chief Safety Officer and include:

1. The name of each injured or deceased individual.

1. The name of the employer of each injured or deceased worker.

1. The date, time and location of the accident.

1. The circumstances of the accident.

1. The apparent injuries.

1. The name, telephone number, and facsimile number of the employer or an individual designated by the employer to be contacted for additional information (*OHS Regs*, Sec. 8(2)).

3. An employer must provide a copy of the notice required by Item #1 above, without names of the injured or deceased individuals, to the workplace JHSC or safety representative (*OHS Regs*, Sec. 8(3)).

4. An employer must, as soon as is reasonably possible, give notice to the Chief Safety Officer of a “dangerous occurrence” that takes place at a work site, whether or not a worker sustains injury, defined as an occurrence that doesn’t result in, but could have resulted in an accident causing serious bodily injury, such as:

1. Structural failure or collapse of:

1. A structure, scaffold, temporary falsework, or concrete formwork, or

1. A tunnel, caisson, coffer dam, trench, excavated shaft, or excavation.

1. Failure of a crane or hoist or the overturning of a crane or powered mobile equipment.
1. Accidental contact with an energized conductor.
1. Bursting of a grinding wheel.
1. Uncontrolled spill or escape of a toxic, corrosive, or explosive substance.
1. Premature or accidental detonation of explosives.
1. Failure of an elevated or suspended platform.
1. Failure of an atmosphere-supplying respirator (*OHS Regs*, Sec. 9(1)).
5. The above-required notice must be on a form approved by the Chief Safety Officer and include:
 1. The name of each employer, principal contractor and owner at the work site.
 1. The date, time, and location of the dangerous occurrence.
 1. The circumstances related to the dangerous occurrence.
 1. The name, telephone number, and facsimile number of the employer or a person designated by the employer to be contacted for additional information. the name of each injured or deceased individual (*OHS Regs*, Sec. 9(2)).
6. An employer must provide a copy of the required notice of dangerous occurrence, without names of the workers involved, to the workplace JHSC or safety representative (*OHS Regs*, Sec. 9(3)).
7. An employer must provide the Chief Safety Officer, or a person or organization the Chief Safety Officer may designate, an annual report setting out details of person hours worked and work-related injuries during the

preceding year that occurred in Nunavut (*OHS Regs*, Sec. 11).

8. An employer must ensure that an accident causing serious bodily injury or a dangerous occurrence is investigated as soon as reasonably possible by the employer and JHSC or safety representative, if any (*OHS Regs*, Sec. 28(1)).
9. After the investigation, the employer must, in consultation with the JHSC, safety representative or workers if there is no JHSC or safety representative, a written report that includes:
 1. A description of the accident or occurrence.
 1. Graphics, photographs, video, or other evidence that could assist in determining the causes of the accident or occurrence.
 1. Identification of unsafe conditions, acts, omissions, or procedures that contributed to the accident or occurrence.
 1. An explanation of the causes of the accident or occurrence.
 1. A description of the immediate corrective action taken; and (f) a description of long-term actions that will be taken to prevent a similar accident or dangerous occurrence, or reasons for not taking action (*OHS Regs*, Sec. 28(b)).
10. An employer must:
 1. Report to the JHSC or safety representative any lost-time injury at the work site that results in a worker receiving medical treatment.
 1. Allow the Committee or safety representative or workers, if there is no JHSC or safety representative available, a reasonable opportunity to review the lost-time injury

report during normal working hours and without loss of pay or benefits (*OHS Regs*, Sec. 30).

Workers' Comp

11. A worker who experiences any of the following events arising out of and during the course of employment must report the event to their employer and the Commission as soon as is practicable:

1. A personal injury or disease.

1. Exposure to toxic, noxious or other hazardous substances that could possibly cause personal injury, disease, or death in the future (*Workers' Comp Act*, 17).

12. An employer who has reason to believe that a worker in its employ has experienced any of the following events arising out of and during the course of the worker's employment must send a written report describing the event to the Commission:

1. A personal injury, disease, or death.

1. Exposure to toxic, noxious, or other hazardous substances that could possibly cause personal injury, disease, or death in the future (*Workers' Comp Act*, 18(1)).

13. The above report must be sent within 3 days after the employer first has reason to believe the event has occurred (*Workers' Comp Act*, 18(2)).

14. The employer must send a copy of the above report to the worker, unless the worker has died (*Workers' Comp Act*, 18(3)).

15. If the worker has died, the Commission must make its best efforts to notify any persons who may be entitled to compensation under this Act of the death and of their entitlement to compensation (*Workers' Comp Act*, 18(4)).

ONTARIO

OHS

1. The employer and constructor, if any, must immediately notify an MOL inspector, JHSC, safety representative and trade union, if any, when a person is killed or critically injured from any cause at a workplace, by telephone or other direct means and the employer must within 48 hours after the occurrence, send to a Director and JHSC, safety representative and trade union, if any, a written report of the circumstances of the occurrence (*OHS Act*, Sec. 51(1)).
2. The written report to the Director must list:
 1. The name, address, and type of business of the employer.
 2. The name of the worker killed or critically injured.
 3. The nature of the bodily injury or occupational illness.
 4. The name and address of the constructor if the occurrence is at a project.
 5. The address of the worker.
 6. The nature and circumstances of the occurrence, including a description of any machinery, equipment or procedure involved.
 7. The time, date, and place of the occurrence.
 8. The name and address of the legally qualified medical practitioner, registered nurse who holds an extended certificate of registration under the [*Nursing Act, 1991*](#) or medical facility that's attending to or attended to the worker.
 9. The names and addresses or other contact information of any witnesses to the occurrence.
 10. The steps taken to prevent a recurrence or further illness (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries,*

Occupational Illnesses and Other Incidents Reg, 3).

3. If a person is disabled from performing their usual work or requires medical attention because of an accident, explosion, fire, or incident of workplace violence at a workplace, but nobody dies or is critically injured because of that occurrence, the employer must, within 4 days of the occurrence, give written notice of the occurrence to the:
 1. JHSC, safety representative, and trade union, if any.
 2. The Director, if an inspector requires notification of the Director (*OHS Act, Sec. 52(1)*).
4. The written notice required under Item #3 above must list:
 1. The name, address, and type of business of the employer.
 2. The name of the worker who suffered the disabling injury or illness.
 3. The nature of the bodily injury or occupational illness.
 4. The nature and circumstances of the occurrence, including a description of any machinery, equipment, or procedure involved.
 5. The time, date, and place of the occurrence.
 6. The names and addresses or other contact information of any witnesses to the occurrence.
 7. The steps taken to prevent a recurrence or further illness (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, 3*).
5. If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim for an occupational illness has been filed with the WSIB by or on behalf of the worker, the employer

must give notice in writing, within 4 days of being so advised, to a Director, the JHSC, or safety representative and the trade union, if any (*OHS Act*, Sec. 52(2)).

6. The written notice required under Item #5 above must list:

1. The name, address, and type of business of the employer.
2. The name of the worker who suffered the occupational illness.
3. The nature of the occupational illness.
4. A description of the cause or suspected cause of the occupational illness.
5. The names and addresses or other contact information of any witnesses to the occurrence.
6. The steps taken to prevent a recurrence or further illness (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg*, 3).

Additional Requirements for Construction, Diving, Mines, & X-Ray Sites

7. Written notice must be provided to the JHSC, safety representative or union, if any, as well as the Director (unless a report or notice of the occurrence has already been provided to the Director in accordance with Items #1, #3, or #5 above) within 2 days if any of the following incidents occur:

1. At a site where the OHS Diving Operations regulations apply:
 1. A diver becomes trapped underwater.
 2. A diver fails to comply with the Regulation's decompression requirements.
- There's a failure of any diving equipment posing a risk to the health or safety of a diver.

1. There's an emergency rescue of a diver in a submersible compression chamber or atmospheric diving system.
2. There's an emergency use of a recompression chamber.
3. A person becomes unconscious.

- A diver suffers from decompression sickness (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, Sec. 4(3)(1)*).

1. Where the OHS Construction Projects Regs apply:

1. An accident, premature or unexpected explosion, fire, flood, or inrush of water, cave-in, subsidence, rock burst, or failure of any equipment, machine, device, article, or thing that could have posed a risk to worker life, health, or safety occurs (*OHS Act, Sec. 53(1)*).

2. A worker falls a vertical distance of 3 metres or more.

- A worker falls and the fall is arrested by a fall arrest system other than a fall restricting system.

1. A worker becomes unconscious for any reason.
2. There's accidental contact by a worker or a worker's tool or equipment with energized electrical equipment, installations, or conductors.
3. There's accidental contact by a crane, similar hoisting device, backhoe, power shovel, or other vehicle or equipment or its load with an energized electrical conductor rated at more than 750 volts.

- There's a structural failure of all or part of falsework designed by, or required to be designed by, an engineer.
- There's a structural failure of a principal supporting member, including a column, beam, wall, or truss, of a structure.

1. There's a failure of all or part of the structural

supports of a scaffold.

2. There's a structural failure of all or part of an earth- or water-retaining structure, including a failure of the temporary or permanent supports for a shaft, tunnel, caisson, cofferdam, or trench.
3. There's a failure of a wall of an excavation or of similar earthwork for which an engineer has given a written opinion that the stability of the wall is such that no worker will be endangered by it.

- There's an overturning or a structural failure of all or part of a crane or similar hoisting device.
- There's a failure to control a crane or a load, including any rigging failure, except where permitted under section 162 of the Const. Project Regs (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, Sec. 4(3)(2))*).

1. Where the OHS Mines and Mining Plants Regs apply:

1. An accident, premature or unexpected explosion, fire, flood or inrush of water, cave-in, subsidence, rock burst, or failure of any equipment, machine, device, article, or thing that could have posed a risk to worker life, health, or safety occurs (*OHS Act, Sec. 53(1)*).

2. A failure occurs in or to a hoist, sheave, hoisting rope, shaft conveyance, shaft timbering, or shaft lining.

- Flammable gas is present in a workplace in an underground mine.

1. Spontaneous heating with evolution of gas occurs in a workplace.
2. A major failure or major damage occurs or is caused to electrical equipment, standard gauge railroad equipment, a crane, or a motor vehicle underground.

3. A rock burst occurs causing damage to equipment or the displacement of more than 5 tonnes of material.
 - An uncontrolled fall of ground occurs causing damage to equipment or the displacement of more than 50 tonnes of material.
 - A fuse, a detonator, or an explosive is found to be defective.
1. A structural failure occurs in any matter or thing for which a design by an engineer is required by the Regs.
2. An unexpected and uncontrolled run of material, water or slimes in excess of one cubic metre occurs that could have endangered a worker (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, Sec. 4(3)(3)*).
1. Where the OHS X-ray Safety Regulations apply:
 1. A worker has received, in a period of 3 months, a dose equivalent in excess of the annual limits listed in Column 4 of the Schedule contained in the Reg.
 2. An accident, failure of any X-ray source or other incident may have resulted in a worker receiving a dose equivalent in excess of the annual limits set out in Column 3 of the Schedule (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, Sec. 4(3)(4)*).
2. The person who must provide the written notice required under Item #7 is:
 1. If the incident takes place at a project site, the constructor of the project.
 2. If the incident occurs at a mine or a mining plant, the employer of a worker who works in the mine or plant.
 3. For an incident that occurs at a diving operation,

the employer of a worker who works at the diving operation.

4. For an x-ray exposure incident, the worker's employer (*OHS Act, Sec. 53(2) + Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, 4(4)*).
3. The written notice required under Item #7 must list:
 1. The name, address, and type of business of the employer.
 2. For an occurrence at a project, the name, and address of the constructor.
 3. The time, date, and place of the occurrence.
 4. The nature and circumstances of the occurrence, including a description of any machinery, equipment, or procedure involved.
 5. The steps taken to prevent a recurrence (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, 4(2)*).
4. A constructor or employer who submits a written report to a Director under Item #1 or a written notice under Items #3, #5, or #7 must also supplement the report or notice with an engineer's written opinion stating the cause of the occurrence within 14 days if:
 1. The incident occurs at a workplace where the OHS Construction Projects Regulations apply and involves a failure of all or part of:
 1. Temporary or permanent works.
 2. A structure.
 - A wall of an excavation or of similar earthwork for which an engineer has given written opinion that the stability of the wall is such that no worker will be endangered by it.
1. A crane or similar hoisting device.

1. The incident occurs at a workplace where the OHS Const. Project Regs apply and involves a failure to control a crane or a load, including any rigging failure, except where permitted under section 162 of that Regulation.
2. The incident occurs at a workplace where the OHS Health Care and Residential Facilities Regs apply and involves the collapse or failure of a temporary or permanent structure that was designed by an engineer or architect.
3. The incident occurs at a workplace where the OHS Window Cleaning Regs apply and involves the collapse or failure of a temporary or permanent support or structure that was designed by an engineer (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, 5(1)*).
11. The employer or constructor must retain a copy of any above-required written notice or report for at least 3 years after the date the notice or report is made (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, 6*).
12. The duty to send written reports or give notices to the Director may be satisfied by submitting a form on a website of the Government of Ontario (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, 7(a)*).
13. The duty to send a written report or give written notice to the JHSC, safety representative or trade union, if any, may be satisfied by providing an electronic copy of the form referred to in Item #12 above (*Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents Reg, 7(b)*).

14. Employers must notify the Board within 3 days after learning of an accident to a worker employed by them if the accident necessitates health care or results in the worker not being able to earn full wages (*WSI Act*, Sec. 21(1)).
15. The above notice must be on a form approved by the Board and the employer must give the Board such other information as it may require from time to time in connection with the accident (*WSI Act*, Sec. 21(2)).
16. An employer who fails to comply with this section must pay the prescribed amount to the Board in addition to any penalty imposed by a court for an offence (*WSI Act*, Sec. 21(3)).
17. The employer must give a copy of the notice to the worker at the time the notice is given to the Board (*WSI Act*, Sec. 21(4)).

PRINCE EDWARD ISLAND

OHS

1. Where an accident occurs in the workplace in which a worker is seriously injured in a manner which causes or may cause a fatality, suffers a loss of limb, unconsciousness, substantial loss of blood, a fracture, an amputation of a leg, arm, hand, or foot, a burn to a major portion of the body, or the loss of sight in an eye, the employer must ensure that written notice is sent, by the fastest means available, to the Director within 24 hours of the accident (*OHS Act*, Sec. 36(1)).
2. The employer must notify the JHSC or safety representative, if any, of any accident it reports in accordance with Item #1 above (*OHS Act*, Sec. 36(2)).
3. An employer must, whether or not a person has been injured, provide the Director with a written report of all accidental explosions (*OHS Act*, Sec. 37).
4. Employers with 20 or more regularly employed employees

at an establishment must have an OHS program that includes, among other things, a system for the prompt investigation of hazardous occurrences to determine their causes and action needed to prevent a recurrence (*OHS Act*, Sec. 23(3)(g)).

Workers' Comp

5. Every employer who has knowledge or notice of the happening or allegation of an accident to a worker in its employment by which the worker is disabled from earning full wages or by reason of which the worker is entitled to medical aid, must, within 3 days after the accident or allegation comes to its knowledge or notice, notify the Board and provide such information in such form concerning the accident or allegation as it may require (that is, submit the WCB Employer's Report – Form 7) (*Workers' Comp Act*, Sec. 59(3)).

QUÉBEC

1. Every employer must inform CNESST of an incident, by the most rapid means of communication, and, within 24 hours, make a written report to it, if the incident has caused:
 1. The death of a worker.
 2. The loss of a limb or of part of a limb, the total or partial loss of the use of a limb or a significant physical trauma to a worker.
 3. Such serious injuries to 2 or more workers as probably to prevent them from performing their work for one working day.
 4. Material damage valued at \$150,000 or more (CNESST adjusts this amount each year) (*OHS Act*, Sec. 62(1)).
2. The employer must also inform the JHSC and safety representative (*OHS Act*, Sec. 62(2)).
3. A copy of the employer's written report must be

transmitted without delay to the JHSC, safety representative and certified association (*OHS Act*, Sec. 62(3)).

Workers' Comp

4. Workers who suffer an employment injury or, if they're dead or unable to act, their representative, must notify their immediate superior or another representative of the employer, of the injury or death, before leaving the premises if possible or, otherwise, as soon as possible (*Ind Accidents & Occup Diseases Act*, Sec. 265).
5. An employer bound to pay a salary or wages under [section 60](#) of the Act must notify the Commission that the worker is unable to carry on their employment beyond the day on which the employment injury appeared and claim in writing the amount repayable to them under that section (*Ind Accidents & Occup Diseases Act*, Sec. 268).
6. Notification must be in a form acceptable to the Commission and include:
 1. The worker's name, address, and social insurance and health insurance numbers.
 2. The name and address of the employer and of its establishment as well as the number assigned to each of them by the Commission.
 3. The date of the beginning of the worker's disability or date of death.
 4. The place and circumstances of the industrial accident, where that is the case.
 5. The gross income described in the worker's contract of employment.
 6. The amount payable under [section 60](#) of the Act.
 7. The name and address of the health professional designated by the employer to receive communication of the medical record kept by the Commission on the worker.
 8. If applicable, the employer's grounds for

contesting the fact that there's an employment injury or foreseeable date or time of consolidating of the injury (*Ind Accidents & Occup Diseases Act*, Sec. 268).

7. The employer must transmit to the Commission the above form, along with a copy of the required medical certificate, within 2 days after:
 1. The date on which the worker returns to work if the worker does so within 14 full days after the beginning of their inability to carry on employment as a result of their employment injury.
 2. 14 full days after the beginning of the worker's inability to carry on employment as a result of the employment injury, if the worker hasn't returned to work at the end of that period (*Ind Accidents & Occup Diseases Act*, Sec. 269).
8. The employer must give the worker a copy of the above form that's duly filled out and signed (*Ind Accidents & Occup Diseases Act*, Sec. 269).

SASKATCHEWAN

1. An employer or contractor must give notice to the ministry as soon as reasonably possible of every accident at a place of employment that:
 1. Causes or may cause the death of a worker; or
 2. Will require a worker to be admitted to a hospital as an in-patient for 72 hours or more (*OHS Regs*, Sec. 2-2(1)).
2. The above notice must include:
 1. The name of each injured or deceased worker.
 2. The name of the employer of each injured or deceased worker.
 3. The date, time, and location of the accident.
 4. The circumstances related to the accident.
 5. The apparent injuries.

6. The name, telephone number, and fax number of the employer or contractor or person designated by the employer or contractor to be contacted for additional information (*OHS Regs*, Sec. 2-2(2)).
3. An employer or contractor must provide each JHSC co-chairperson or the safety representative with a copy of the above notice (*OHS Regs*, Sec. 2-2(3)).
4. An employer, contractor, or owner must give notice to the ministry as soon as reasonably possible of any "dangerous occurrence" that takes place at a place of employment, whether or not a worker sustains injury, defined as a condition or circumstance that doesn't result in but could have resulted in a worker's death or hospitalization as an in-patient for 72 hours or more, including:
 1. The structural failure or collapse of:
 1. A structure, scaffold, temporary falsework, or concrete formwork; or
 2. All or any part of an excavated shaft, tunnel, caisson, coffer dam, trench or excavation.
 2. The failure of a crane or hoist or the overturning of a crane or unit of powered mobile equipment.
 3. An accidental contact with an energized electrical conductor.
 4. The bursting of a grinding wheel.
 5. An uncontrolled spill or escape of a toxic, corrosive, or explosive substance.
 6. A premature detonation or accidental detonation of explosives.
 7. The failure of an elevated or suspended platform.
 8. The failure of an atmosphere-supplying respirator (*OHS Regs*, Sec. 2-3(1)).
5. The above notice must include:
 1. The name of each employer, contractor and owner at the place of employment.
 2. The date, time, and location of the dangerous

occurrence.

3. The circumstances related to the dangerous occurrence.
4. The name, telephone number and fax number of the employer, contractor, or owner or a person designated by the employer, contractor or owner to be contacted for additional information (*OHS Regs*, Sec. 2-3(2)).
6. The employer, contractor, or owner must provide each JHSC co-chairperson or safety representative a copy of the above notice (*OHS Regs*, Sec. 2-3(3)).
7. Upon the minister's request, an employer must provide the ministry, or other agency that the minister designates, a report setting out details of all hours worked and all work-related injuries during the preceding year (*OHS Regs*, Sec. 2-5).
8. An employer must ensure that every accident that causes or may cause the death of a worker or requires a worker to be admitted to a hospital as an in-patient for 24 hours or more is investigated as soon as reasonably possible by:
 1. The JHSC co-chairpersons or their designates.
 2. The employer and the safety representative.
 3. If there is no JHSC or safety representative, the employer (*OHS Regs*, Sec. 3-18(1)).
9. After the investigation, an employer, in consultation with the JHSC co-chairpersons or their designates, or the safety representative, must prepare a written report that includes:
 1. A description of the accident.
 2. Any graphics, photographs, or other evidence that may assist in determining the cause or causes of the accident.
 3. An explanation of the cause or causes of the accident.
 4. The immediate corrective action taken.
 5. Any long-term action that will be taken to prevent

the occurrence of a similar accident or reasons for not taking action (*OHS Regs*, Sec. 3-18(2)).

10. An employer, contractor, or owner must ensure that every dangerous occurrence is investigated as soon as reasonably possible by:
 1. The JHSC co-chairpersons or their designates.
 2. The employer, contractor, or owner and the safety representative.
 3. If there is no JHSC or safety representative, the employer, contractor, or owner (*OHS Regs*, Sec. 3-20(1)).
11. After the investigation of a dangerous occurrence, an employer, contractor, or owner, in consultation with the JHSC co-chairpersons or their designates or the safety representative, must prepare a written report that includes:
 1. A description of the dangerous occurrence.
 2. Any graphics, photographs, or other evidence that may assist in determining the cause or causes of the dangerous occurrence.
 3. An explanation of the cause or causes of the dangerous occurrence.
 4. The immediate corrective action taken.
 5. Any long-term action that will be taken to prevent the occurrence of a similar dangerous occurrence or reasons for not taking action (*OHS Regs*, Sec. 3-20(2)).
12. An employer or contractor must report to the JHSC co-chairpersons, the safety representative or their designates any lost-time injury at the place of employment that results in a worker receiving medical treatment (*OHS Regs*, Sec. 3-21(1)).
13. The employer or contractor must allow the co-chairpersons, the representative or their designates a reasonable opportunity to review the lost-time injury referred to above during normal working hours and without loss of pay or other benefits (*OHS Regs*, Sec.

3-21(2)).

Workers' Comp

14. Within 5 days after the date on which an employer becomes aware of an injury that prevents a worker from earning full wages or that necessitates medical aid, the employer must notify the board in writing of:

1. The nature, cause, and circumstances of the injury.
2. The time of the injury.
3. The name and address of the injured worker.
4. The place where the injury happened.
5. The name and address of any physician who attends the worker for the injury.
6. Any further particulars of the injury or claim for compensation that the board may require (*Workers' Comp Act*, Sec. 52).

YUKON

OHS (PART 3 of WSC ACT)

1. The prime contractor or employer must immediately report the time, date, place, and nature of the following:
 1. An incident that results in serious injury to or the death of a worker.
 2. An incident or injury that results in a worker's admission to a hospital as an inpatient.
 3. A major structural failure or collapse of a bridge, building, crane, excavation, hoist, mine, mining development, temporary construction support system, tower, or any other like structure.
 4. A major release of a hazardous substance.
 5. An explosion or fire that has the potential to cause serious injury to or the death of a worker or other person.
 6. An incident, injury or death that's required to be

reported by the regulations or by order of the board (*WSC Act*, Sec. 57).

2. The prime contractor or employer must:

1. Investigate any incident, injury, or death that's reported in accordance with Item #1 above.
2. Prepare a written report outlining the circumstances of the incident, injury or death and corrective action, if any, undertaken to prevent a recurrence.
3. Ensure that a copy of the report is readily available and provided to the board on request.
4. Provide a copy of the report to the JHSC or worker safety representative, or, if there is no JHSC or safety rep, make the report available to workers after the investigation.
5. Take any other action required by the regulations or ordered by the board (*WSC Act*, Sec. 58(1)).

3. The prime contractor or employer must allow one of the following persons to participate in the above investigation:

1. A trained worker representative JHSC member, if any.
2. A worker safety representative, if any.
3. If there is no representative referred to in paragraph (a) or (b) or if they're not available, a worker selected by the workers to represent them (*WSC Act*, Sec. 58(2)).

WORKERS' COMP (PART of 4 WSC ACT)

4. A worker that suffers, or may have suffered, a work-related injury, the worker's dependent if the worker is dead, must give the employer written notice of the work-related injury within a reasonable time, that includes:

1. The name and address of the worker.
2. The name and address of the person who's giving the notice, if different.

3. A description of the time, date, place, nature and cause of the work-related injury (*WSC Act*, Sec. 87(1)).
5. If the above notice isn't given as required, compensation for the work-related injury isn't payable unless the board permits otherwise (*WSC Act*, Sec. 87(2)).
6. An employer must, in the form required by the board, give written notice to the board of any, or the possibility of any, work-related injury that comes to their attention, within 3 days after the employer receives the information, and must:
 1. Describe the circumstances that gave rise to the work-related injury, including its time, date, place and nature.
 2. Send a copy of the notice to the worker (*WSC Act*, Sec. 89(1)).
7. An employer must provide the board with any further information that the board requests regarding the work-related injury within a reasonable time (*WSC Act*, Sec. 89(2)).