
POLICY NUMBER: POL-53

Chapter:
WORKPLACE SAFETY AND PREVENTION

Subject:
WORKPLACE INSPECTIONS

Effective Date:
May 20, 1999

Last Update:
March 9, 2018

PURPOSE STATEMENT

The purpose of this policy is to describe how the Workers Compensation Board conducts workplace inspections to enforce the *Occupational Health and Safety Act* and Regulations.

REFERENCE:

Occupational Health and Safety Act R.S.P.E.I. 1988, Cap. O-1.01, Sections 5, 6, 7, 8

DEFINITION:

POLICY:

1. The Workers Compensation Board Director of Occupational Health and Safety appoints occupational health and safety officers (Officers) to inspect workplaces.
 2. An Officer may conduct an inspection as a result of:
 - a complaint received about the workplace;
 - a workplace accident;
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- the Workers Compensation Board's internal inspection process; or
- an Officer's own discretion.

Complaints of Unsafe Conditions

3. The Workers Compensation Board shall respond to complaints about unsafe or unhealthy conditions or alleged contravention of the *Occupational Health and Safety Act* and Regulations.
4. An Officer shall immediately investigate all complaints that raise matters of immediate potential threat to life, limb, or health. In all other cases, the complainants shall be encouraged to resolve the matter internally. Failing this, the Officer shall investigate the complaint in a timely manner.

Powers of an Officer

5. During a workplace inspection, an Officer will:
 - assess compliance with the *Occupational Health and Safety Act* and Regulations;
 - observe work conditions, processes, documents and any other information or materials relevant to the inspection; and
 - provide feedback to workplace parties on health and safety performance.
6. An Officer may investigate and determine compliance by any person with the *Occupational Health and Safety Act* and Regulations and may:
 - (a) at any reasonable time 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 occupational health and safety of workers 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, and remove them temporarily for the purpose of making copies;
 - (d) take photographs or recordings of the workplace and activity taking place in the workplace;

- (e) inspect, take samples, and conduct tests of samples, including tests in which a sample is destroyed, of any item, device, material, equipment or machinery being produced, used or found at the workplace;
- (f) in an inspection, examination, inquiry or a test, be accompanied and assisted by a person having special expertise or professional knowledge of any matter;
- (g) make any examination, investigation, or inquiry as the Officer considers necessary;
- (h) exercise such other powers as may be necessary or incidental to the carrying out of the Officer's functions under the *Occupational Health and Safety Act* and Regulations; and
- (i) require, in writing, an employer to produce any record or information, or to provide a report or an assessment, made or to be made by a person possessing such special expertise or professional knowledge or qualifications as are specified by the Officer, of any biological, chemical or physical agents, or combination of such agents used or intended to be used in a workplace.

Persons Entitled to Accompany an Officer

7. Where an Officer conducts an inspection of a workplace, the owner, constructor, contractor, employer, supervisor or the person in charge of the workplace shall designate a representative of management to accompany the Officer and shall provide a joint occupational health and safety committee member representing workers, or an occupational health and safety representative, if any, with the opportunity to accompany the Officer.
8. Where there is no joint occupational health and safety committee member representing workers or occupational health and safety representative, the Officer shall consult during the inspection with a reasonable number of the workers at the workplace respecting matters of occupational health and safety at their workplace.
9. An Officer may be accompanied on an inspection by a person having special expertise or professional knowledge relevant to the matter being inspected.

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Inspection Report

10. The Officer will provide a report of the inspection to the owner, constructor, contractor, employer, supervisor, or person in charge of the workplace and to the committee, if any, or to the representative, if any.

Orders

11. Where an Officer identifies a violation of the *Occupational Health and Safety Act* or Regulations during the course of the inspection, the Officer may write an order with respect to the violation.
12. An order will remain in place until such time as the Officer cancels the order.

Jurisdiction

13. Officers conduct inspections at workplaces covered under provincial jurisdiction. Inspections at workplaces under federal jurisdiction are set out in Workers Compensation Board policy, POL-50, "Provincial/Federal Jurisdiction."

Other Relevant Legislation

14. Officers, by the nature of their office, have the authority to inspect workplaces pursuant to other legislative Acts (for example, *Smoke Free Places Act* and *Youth Employment Act*).

Private Residence

14. An Officer may enter the part of a private residence being used as a workplace with the consent of the occupier or under the authority of a warrant issued by a justice of the peace.

HISTORY:

March 9, 2018 – Non-substantive changes made to policy language and format, including additional content from the *Occupational Health and Safety Act* and other Workers Compensation Board policies.

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December 14, 2006 - The policy was updated as a result of the 60 month policy review process.

May 24, 2000 - Amended format.

Board of Directors Approval Date: May 20, 1999.