

The following frequently asked questions (FAQs) are intended to assist the uOttawa community in understanding the role and powers of Ministry of Labour, Training and Skills Development Inspectors.

This information does not supersede legislative powers afforded to Inspectors under the *Occupational Health and Safety Act*.

## 1. What is the role of the Ministry of Labour, Training and Skills Development?

Established in 1919 to develop and enforce labour legislation, the mission of the Ministry of Labour, Training and Skills Development is to advance safe, fair and harmonious workplace practices that are essential to the social and economic well-being of the people of Ontario. Workplace health and safety, employment standards and labour relations are under their auspices. Through the Operations Division, Inspectors enforce requirements under the *Occupational Health and Safety Act*.

## 2. What is an Inspector?

An Inspector refers to a person appointed for the purposes of enforcing the *Occupational Health and Safety Act*. The Deputy Minister of Labour issues certificates of appointment to Inspectors, which must be produced upon request. Inspectors will generally present themselves as an Inspector upon entry to a workplace and will be recognizable through their branded clothing, jackets, and vehicles.

## 3. Under what circumstances would I expect to encounter an Inspector?

An Inspector may visit the University to conduct:

- Proactive **inspections** to audit compliance with the *Occupational Health and Safety Act* (e.g. regular provincial safety blitzes).
- Follow-up **investigations** on a report made by the University, as required by law (e.g. critical injuries, occupational illnesses, work refusals, work stoppages and complaints).

## 4. What is the difference between an “inspection” and an “investigation”?

An inspection is intended to verify compliance with the *Occupational Health and Safety Act* and is more proactive and general in nature. The Inspector likely does not have reasonable grounds to believe that a contravention has occurred.

An investigation is conducted to look into for specific items related to the purpose of the Inspector’s presence (for example, following an injury, serious incident, or complaint).

Based on the Inspector’s inspection findings, the Inspector may escalate the visit to conduct an investigation.

## 5. What powers are afforded to Inspectors?

Inspectors have broad powers. Under Section 54 of the *Occupational Health and Safety Act*, an Inspector may:

- a. Enter any workplace at any time without warrant or notice.

- b. Take up or use any machine, device, article, or thing, including biological, chemical or physical agents
- c. Require the production of any drawings, specifications, licence, document, record or report and inspect, examine and copy of same
- d. After providing a receipt, remove any drawings, specifications, licence, document, record or report inspected or examined for the purpose of making copies thereof or extracts therefrom. The Inspector will promptly return the item to the person who provided it
- e. Conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in a workplace, including removing such samples
- f. Require that the University – at its expense – conduct tests by a person possessing special expertise or professional knowledge or qualifications
- g. Be accompanied and assisted in any inspection, examination, inquiry or test
- h. Make inquiries of any person separate and apart from another person, or in the presence of any other person that are or may be relevant
- i. Require that a workplace not be disturbed for a reasonable period of time for the purposes of carrying out an examination, investigation or test
- j. Require that any equipment, machine, device, article, thing or process be operated or set in motion, or that a system or procedure be carried out that may be relevant.
- k. Require that the University – at its expense – have equipment, machinery or devices tested by a professional engineer (including a report)
- l. Require that any equipment, machinery, or device not be used pending testing by a professional engineer
- m. Require the University – at its expense – to provide a report from a professional engineer stating the load limits of a building, structure, or any part thereof. Additionally, require the University – at its expense – to provide a report from a professional engineer stating that the building, structure or any part thereof would be capable of supporting or withstanding the loads applied (or likely to be applied) to it

## **6. What should I do if an Inspector reports to my office?**

The University of Ottawa – through the Office of Risk Management (ORM) – maintains a professional relationship with the Ministry of Labour, Training and Skills Development; therefore, it is likely that a representative from the Office of Risk Management will already be involved in any inspection or investigation. Nevertheless, should an Inspector report to your workplace without representative(s) from ORM, be professional and polite. Contact the Office of Risk Management at ext. 5892. If the Inspector arrives after regular business hours, contact Protection Services at ext. 5499. Ask if the Inspector will await the ORM representative's arrival in a meeting room; however, do not interfere if the Inspector chooses not to wait.

## **7. What should I do if I am called to a meeting with an Inspector?**

Be prepared to answer questions factually and to the best of your ability. Do not speculate or assume; if you do not have the answer, it is better to check than to provide an incorrect answer. Bring a notepad and a pen to take personal notes (of discussions, observations and actions) during the meeting – do not

bring a computer or additional documents. To the best of your ability, document the information and/or materials you provide to the Inspector.

## **8. Who normally attends meetings with an Inspector?**

Management is responsible for ensuring a healthy and safe workplace. Those required to attend a meeting with an Inspector will generally include:

- The local supervisor and/or management representative of the faculty or service;
- The Health and Safety Committee member (preferably a certified worker member); and
- A representative from the Office of Risk Management.

Other persons may be invited to attend, based on the situation (like an injured person, a witness, etc.).

## **9. How would a typical situation unfold?**

While each situation is unique, experience suggests that the Inspector and representatives of the University will first meet to discuss the purpose of the Inspector's visit and to review the matter. In some circumstances, the Inspector may then choose to speak privately with a worker member or other workers within the workplace. The Inspector may then choose to conduct a site visit to the location(s) in question; everyone will generally accompany the Inspector. Upon conclusion of the site visit, the Inspector will write a field visit report, which will include any orders. The Inspector – in the presence of the Health and Safety Committee member – will explain the report, including any orders issued to the University. Both the worker member and the management representative sign the field visit report. If no Office of Risk Management representative is present, send a copy of the field visit report to [safety@uottawa.ca](mailto:safety@uottawa.ca).

## **10. What happens if there are orders arising from the Inspector's visit?**

If orders are issued, the University will be provided with a timeline for compliance; this may range from immediate compliance to a period of time (e.g. days, weeks, etc.). Once the University has implemented corrective action, the worker member of the Health and Safety Committee will check and sign the compliance notice to confirm that they agree with the corrective action. The compliance notice is returned to the Inspector.

## **11. What if I don't agree with the Inspector's conclusions?**

The University of Ottawa can appeal an Inspector's order. The Office of Risk Management will conduct this process on behalf of the University.

## **12. Are orders the full extent of enforcement?**

No. The Ministry of Labour, Training and Skills Development may proceed with regulatory charges against the University or individuals (such as a manager and/or supervisors). If the matter meets the threshold for criminal negligence, criminal prosecution may proceed against the organization and/or individuals. The University's legal counsel will be involved.

### **13. What are the potential penalties associated with regulatory or criminal charges?**

Conviction on a regulatory charge carries the following penalties:

- Individuals are subject to (per offence):
  - A fine of not more than \$100,000;
  - Imprisonment for a term not more than 12 months; or both
- Corporations are subject to (per offence):
  - A fine of not more than \$1,500,000

Conviction on a criminal charge carries penalties under the *Criminal Code of Canada* and may include fines and imprisonment.

### **14. What happens to the paperwork associated with the Inspector's visit?**

All paperwork is maintained by the Office of Risk Management, with copies provided to participants. Field visit forms, orders and compliance notices are posted on public Occupational Health and Safety bulletin boards (on tab 4) located throughout campus.

### **15. Once the Inspector has left, is the visit over?**

No. The Inspector may review the case file and/or any information and documentation provided. The Inspector may return at any time. The Ministry of Labour, Training and Skills Development has up to one (1) year from the date of receipt of new information to issue charges.

### **16. I have additional questions; to whom should I direct my enquiries?**

Contact the Office of Risk Management – [safety@uottawa.ca](mailto:safety@uottawa.ca) – 613-562-5892