

# Request for Director review of an OHS officer's order or decision

## *OHS information for employers and workers*

### KEY INFORMATION

- Prior to initiating a request for Director review, Alberta OHS encourages you to contact the OHS officer, or manager to discuss the rationale and reasoning for the order or decision.
- Once a request for Director review is undertaken, you may request a stay (suspension) of the decision or order under review.
- The Alberta Labour Relations Board (ALRB) is responsible for hearing appeals of decisions arising from a Director Review.

This resource explains the process and application for a Director of Inspection review of an order or decision under section 70(1) of the *Occupational Health and Safety Act*.

### Who can request a Director review?

The request can be made by any person who has been issued an order under section 59, 60, or 61, or who has received a decision under section 32 (report of dangerous condition).

A person to whom an order is issued under section 59, 60 or 61 or who has received a decision in a report under section 32(3)(c)(i) or (ii) or a written decision under section 32(4)(a) may request a review of the order or the decision by a Director of Inspection.

*OHS Act 70(1)*

### Requesting a review of an OHS officer order(s) or decisions(s)

The request for review must be made in writing using the form “**Request for Director Review of an Order/Decision**”.

It must be submitted within 30 calendar days of receipt of the order or decision. Requests sent by mail must be postmarked within 30 days to be considered received within the legislated 30 day allowance.

A request for review must have the following:

- The completed form requesting a review.
- A copy of the order or decision.
- The reason for the review request.
- The parties and contact information of any person(s) affected by the order or decision.
- Any supporting documentation the requestor wishes to have considered in the review.

Ensure the form is completely filled in and signed.

Any missing or incomplete information may delay processing of the request. The request and accompanying documentation must be sent by regular mail or email to:

Occupational Health & Safety, Director Review  
Director of Inspections  
J.G. O'Donoghue Building  
Main Floor, 7000 – 113 street  
Edmonton, AB T6H 5T6

Email:

[LBR.OHSDirectorofInspectionReview@gov.ab.ca](mailto:LBR.OHSDirectorofInspectionReview@gov.ab.ca)

This review process is not to be used for an appeal of a discriminatory action complaint, an administrative penalty, license suspension or cancellation, or a Director's order issued under sections 62 to 65 of the *OHS Act*.

For Information specific to these types of appeals under section 71(1) of the *OHS Act*, please refer to the Alberta Labour Relations Board [www.alrb.gov.ab.ca](http://www.alrb.gov.ab.ca)

### Who is notified of the request?

All persons listed by the requestor as persons who are directly affected by the order or decision, and any person who the Director believes may have an interest in the matter will be notified of the request for Director review.

### What information will OHS provide?

Upon a request for review, the requestor and all affected/interested persons will receive disclosure of all relevant information in Alberta OHS' possession that is related to the Review request. Personal information will be removed unless that information is absolutely required for the review process.

### Who makes submissions in a Director review?

Submissions are the materials that will be part of the review process. All affected persons listed by the requestor in the request for review and all persons identified by the Director as having an interest in the matter, may make submissions. They can also receive any submissions submitted by others, and may make rebuttal submissions.

If a person decides to make written submissions and/or rebuttal submissions, it is their responsibility to ensure that the Director, the requestor, all affected persons, and all interested persons receive a copy of those submissions.

### Do I have to comply with the order or decision if I am asking for a Director review? What is a stay?

Once a request for review is undertaken, you may request a stay (suspension) of the decision or order under review.

The person requesting the Director Review may request the stay by filling out section 'B' of the "Request for Director Review of an Order/Decision" form.

To request a stay, in writing, provide:

- The reasons for the request.
- How the health and safety of workers will be maintained if the stay is granted.
- The negative impact(s) that would occur if the order /decision is not suspended.
- Any reason(s) why the officer's order or decision must be suspended prior to the review or appeal.
- Any other comments that may be useful.

The request for a stay of the order or decision will be shared with the affected/interested parties in writing.

If a stay is not requested, or not approved, the party to whom the order or decision was issued will comply with the order or decision.

### What to expect after submitting a stay request

The decision to grant (or not to grant) the stay is made by the Director of Inspection based on the analysis of the submissions received.

The result of a request for a stay of the order or decision will be shared with the requestor and affected/interested parties in writing.

## How is the Director review performed?

The Director will review all documents, submissions and evidence presented to them, and makes a decision in a reasonable time based on the information presented.

The decision will be communicated in writing to the requestor and all affected/interested persons.

The Director of Inspection is not required to hold a hearing before making their decision.

## What if I don't agree with the decision from a Director Review?

If you have received a decision from a Director of Inspection review, you may appeal that decision to the Alberta Labour Relations Board (ALRB) within 30 days of being served or given notice of the decision.

All forms, templates and guides are available from the Alberta Labour Relations Board website at: [www.alrb.gov.ab.ca](http://www.alrb.gov.ab.ca)

## Contact Us

### OHS Contact Centre

Throughout Alberta  
• 1-866-415-8690

Edmonton & Surrounding area  
• 780-415-8690

Deaf or hearing impaired:  
• 1-800-232-7215 (Alberta)  
• 780-427-9999 (Edmonton)

### Website

[work.alberta.ca/ohs-contact us](http://work.alberta.ca/ohs-contact-us)

## FOR MORE INFORMATION

**Request for review/appeal of an order/decision form (LI047TMP)**

**Highlights of changes to the *OHS Act* (LI039)**  
[www.alberta.ca/assets/documents/ohs-changes-highlights.pdf](http://www.alberta.ca/assets/documents/ohs-changes-highlights.pdf)

**Occupational Health and Safety program delivery enforcement policy (LIH001)**  
[www.alberta.ca/assets/documents/ohs-enforcement-policy.pdf](http://www.alberta.ca/assets/documents/ohs-enforcement-policy.pdf)

**Alberta Labour Relations Board**  
[www.alrb.gov.ab.ca](http://www.alrb.gov.ab.ca)

## Get Copies of *OHS Act*, Regulation and Code

**Alberta Queen's Printer**  
[qp.gov.ab.ca](http://qp.gov.ab.ca)

**Occupational Health and Safety**

[work.alberta.ca/ohs-legislation](http://work.alberta.ca/ohs-legislation)

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