

OHS work site inspections: what to expect

OHS information for employers

This bulletin explains what to expect when an Alberta Occupational Health and Safety (OHS) officer does an inspection at your work site.

Key information

- The Alberta *OHS Act* gives OHS officers authority to conduct inspections and investigations.
- Officers conduct inspections to monitor compliance with OHS legislation (*OHS Act*, Regulation and Code). They document their findings in a contact report.
- If the officer has issued orders, those are included in the contact report, along with information on what the employer has to do to achieve compliance.

OHS inspection basics

Why and when

OHS officers carry out inspections for a number of reasons, under the authority of section 51 of the *OHS Act*. Some common reasons include:

- A work site party or other person has contacted OHS with a complaint or concern.
- An officer has seen a non-compliance and is following up.
- There has been a work site incident.
- As part of a proactive inspection program.
 - For more on proactive inspection programs, see alberta.ca/OHS (OHS Compliance and enforcement > OHS inspections).

Individual inspections are typically unannounced and occur within normal working hours.

Officers do not need a warrant to inspect a work site, unless the work site is in a private dwelling.

- Officers can inspect work sites in private dwellings with either consent or a warrant.

For more on officer roles and duties, see the **Roles and duties of Alberta occupational health and safety officers (LI046)** link at the end of this bulletin.



Privacy

Under section 45 of the *OHS Act*, OHS officers are bound by the law regarding confidentiality.

As per the *Freedom of Information and Privacy Protection Act* of Alberta, OHS will only use personal information for the purpose it was obtained, unless disclosure is permitted or authorized under the *Freedom of Information and Privacy Protection Act* or otherwise required by law.

View or download FOIPPA at the link in the additional resources listed at the end of this bulletin.



The inspection process

Arriving on site

When an officer arrives on site, they introduce themselves and show their government issued identification (business or ID card). The officer explains the reason for the inspection and gathers information to help make the inspection safe and effective. As standard practice, the officer will:

- Determine work site parties' legal identities, using appropriate proof of corporate, business or individual identities.

- Ask questions to help understand the workplace, such as:
 - What type of work and activities do you do?
 - How many workers and/or shifts are there?
 - What are the work site hazards and health and safety procedures?
- Arrange for employer and worker representatives to accompany them on the inspection.
 - Employer representatives may be the person in control of the site (employer or prime contractor) or a delegated person, such as a supervisor.
 - Officers look for employer representatives who can affect change, correct deficiencies and communicate effectively if the officer identifies contraventions and issues orders.
 - Worker representatives can be the joint work site health and safety committee (HSC) co-chair or their designate, or if applicable, the health and safety (HS) representative.
 - If there is no HSC or HS representative, another worker may join the inspection.



No person shall interfere with or in any manner hinder an occupational health and safety officer or a police officer who is exercising powers or performing duties or functions under this Act.
- OHS Act, s. 54

Site walk-through

During the site walk-through, officers assess compliance with the OHS legislation. To do this, they have a number of authorities. For example, officers doing an inspection may:

- talk with workers or other work site parties,
- take photos, measurements and/or samples, or conduct tests,
- inspect equipment,
- bring/consult technical experts,
- require assistance, including to access computers or inspect equipment, and/or
- review training records, policies, procedures or other documents (hard copy or electronic).

Officers make notes during their inspections, and discuss observed non-compliances and achievable compliance dates with the employer representative.

- Officers may use compliance tools – for example, orders, stop work or stop use orders, violation tickets or administrative penalties – based on the nature and severity of the non-compliance they observe.
- Officers use a firm, fair and flexible approach in choosing the appropriate compliance tool.

For more on compliance tools, read the **Employer's guide to occupational health and safety (LI009)** or visit alberta.ca/ohs-compliance-enforcement.aspx



After the inspection

After finishing the walk through, officers create and deliver a contact report that documents inspection findings.

Typically, the officer:

- Delivers the contact report in person and on the same day as the inspection.
- Reviews the contact report with work site representatives.

If there are any non-compliance issues, the contact report will include any orders the officer is issuing, what non-compliance they are related to, what has to be done to achieve compliance, and by when.

The review with the officer is a key opportunity for the employer and worker representatives to ask questions about the inspection findings or contact report requirements.

As well, if work site representatives don't agree with an officer's actions or decisions, they can ask the officer to call a compliance manager for an additional review, while the officer is still on site. OHS encourages these on-site discussions and reviews because they allow for expedient and efficient issues resolution. A Director review of an officer's orders or decisions, or an appeal with the Alberta Labour Relations Board, can still also be requested (see next page).

Report on compliance

If the officer has issued orders during an inspection, they will give the employer a report on compliance form along with the contact report. The employer must submit a completed report on compliance to OHS, to demonstrate the measures they have taken to achieve compliance. The officer uses information from this report to determine if a re-inspection is required.

Request a review of an OHS order or decision

Employers have a right to request a Director of Inspection to review:

- an order to ensure compliance, a stop-work order or a stop use order (sections 59, 60, or 61 of the *OHS Act*), or
- a decision on a report of a dangerous condition to an officer (section 32 of the *OHS Act*).

Requests for review must be submitted within 30 days of receiving the order or decision.

Employers are encouraged to discuss the reasoning and rationale for the order or decision with the issuing officer before submitting a request for review.

To learn more about the request for review process, read **Request for Director review of an OHS officer's order or decision (LI047)** or visit alberta.ca/request-review-ohs-order-decision.aspx



Appeal an OHS action

Employers have a right to submit an appeal directly to the Alberta Labour Relations Board concerning the following matters:

- Orders issued with respect to a discriminatory action complaint, code of practice, establishing a health and safety program or protection of workers on a new project (sections 36, 62, 63, 64, or 65 of the *OHS Act*).

- Administrative penalties (section 68 of the *OHS Act*).
- Cancellation or suspension of licenses (section 58 of the *OHS Act*).
- Director review decisions.

To submit an appeal, complete a Notice of Appeal form found on the **Alberta Labour Relations Board Occupational Health and Safety – Appeals** web page at alrb.gov.ab.ca/ohs_appeals.html



For more information on appeals, visit alberta.ca/appeal-ohs-action.aspx

Roles, responsibilities and professional standards

The roles and responsibilities of OHS officers are set out in Alberta's OHS legislation. In the course of carrying out their duties, employers can expect OHS officers to act according to their published professional standards.

For more on these topics, see the additional resources listed at the end of this bulletin.

If you have concerns about your work site inspection, please contact the OHS Contact Centre at 1-866-415-8690.



Contact us

OHS Contact Centre

Report serious incidents, make immediate danger complaints, ask OHS questions

Anywhere in Alberta

- 1-866-415-8690

Edmonton and surrounding area

- 780-415-8690

Deaf or hearing impaired

- 1-800-232-7215 (Alberta)
- 780-427-9999 (Edmonton)

File a complaint online

[ohsComplaintsPortal.labour.alberta.ca](https://ohscomplaintsportal.labour.alberta.ca)

Online incident reporting

Potentially serious, mine or mine site incidents

oir.labour.alberta.ca

Website

alberta.ca/OHS

Get copies of the *OHS Act*, Regulation and Code

Alberta Queen's Printer

qp.gov.ab.ca

Occupational Health and Safety

alberta.ca/ohs-act-regulation-code.aspx

For more information

Alberta Labour Relations Board Occupational Health and Safety – Appeals (web page)

alrb.gov.ab.ca/ohs_appeals.html

Appeal an OHS action (webpage)

alberta.ca/appeal-ohs-action.aspx

Completing a report on compliance after receiving an occupational health and safety order (LI052)

ohs-pubstore.labour.alberta.ca/LI052

Employer's guide to occupational health and safety (LI009)

ohs-pubstore.labour.alberta.ca/LI009

Freedom of Information and Personal Privacy Act

qp.alberta.ca

OHS compliance and enforcement (webpage)

alberta.ca/ohs-compliance-enforcement.aspx

OHS director review requests (webpage)

alberta.ca/request-review-ohs-order-decision.aspx

OHS enforcement policy (LIH001)

ohs-pubstore.labour.alberta.ca/LIH001

Professionalism in the Workplace: Integrity in Enforcement (BP034)

ohs-pubstore.labour.alberta.ca/BP034

Request for Director review of an OHS officer's order or decision (LI047)

ohs-pubstore.labour.alberta.ca/LI047

Roles and duties of Alberta occupational health and safety officers (LI046)

ohs-pubstore.labour.alberta.ca/LI046

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