

MOL Inspection Process

Canadian Manufacturers & Exporters, Health & Safety Symposium
Mississauga Grand, 35 Brunel Road, Mississauga
March 22, 2017

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Safe At Work Ontario
Enforcement > Compliance > Partnership >

Disclaimer

- The purpose of today's presentation is to assist the workplace parties in understanding their obligations under the Occupational Health and Safety Act (OHSA) and its regulations. It is not intended to replace the OHSA or the regulations, and reference should always be made to the official versions of the legislation.
- It is the responsibility of the workplace parties to ensure compliance with the legislation and the presentation does not constitute legal advice. If you require assistance with respect to the interpretation of the legislation and its potential application in specific circumstances, please contact your legal counsel.
- Ministry of Labour inspectors will apply and enforce the OHSA and its regulations based on the facts as they may find them in the workplace. This presentation does not affect their enforcement discretion in any way.

Inspection Process Inspectors - Who are they?

- Enforce the Occupational Health and Safety Act (OHSA)
- Enforce regulations under the OHSA
- Ensure the workplace parties are maintaining an effective Internal Responsibility System

Inspector Training

- Rigorous nine month training program including classroom training and field experience with a qualified inspector
- Training on the OHSA as well as program specific regulations i.e. construction, mining, health care, industrial and diving
- Enforcement efforts are supported by a comprehensive manual of policies and procedures

Powers of an Inspector

Access

- May enter any workplace without a warrant or notice. You are required by law to permit an inspector entry to conduct a workplace inspection or investigation 54(1)(a).

Powers of an Inspector (continued)

Obtain Information

- Question any person 54(1)(h).
- Handle, use or test any equipment, machinery, material or agent in the workplace and take away samples 54(1)(b) and 54(1)(e).
- Look at any documents or records and take them from the workplace in order to make copies 54(1)(c) and 54(1)(d).
- Take photographs 54(1)(g).

To review all inspector powers review [Guide to the Occupational Health and Safety Act](#) found on the MOL website.

Arrival at your workplace

- Typically unannounced
- Introduce themselves
- Request senior management or workplace health and safety representative and worker representatives
- If parties are not available may proceed with limited inspection based on available information or arrange a follow up visit

Administrative Review

- Check that required documentation is in place/ posted such as;
 - Health and safety policy
 - Workplace violence and harassment policy
 - Safety awareness poster
 - Copy of the OHSA
- Any other required documentation indicating that workers have been provided information and instruction on tasks they are required to do

Additional information regarding posting requirements can be accessed at:

[Posting Requirements](#)

Physical Work Area Review

- Inspect the workplace accompanied by workplace parties, to determine if workplace parties are maintaining a safe work environment and complying with the OHSA and its regulations
- Apply and enforce the OHSA and its regulations based on the facts as they may find them in the workplace

The MOL website contains a number of [short videos](#) describing what inspectors look for when inspecting for specific hazards.

Enforcement Tools - Orders

- **Stop work** – where there is an immediate risk of injury to a worker, prevents work from continuing until compliance is achieved
- **Time based** – a time frame is set to comply
- **Time unknown** – an amount of time to comply is not specified. This type of order will result in a “stop work” or “plan”. The inspector will explain the requirements for compliance with these types of orders
- **Forthwith** – the contravention is complied with during the inspection

Inspectors can also issue tickets under the [Provincial Offences Act](#) or initiate prosecution for non-compliance

Documentation – Field Visit Report

- Field visit report documents inspection and includes orders issued
- Field visit report must be posted in workplace and provided to the worker representative/ joint health and safety committee
- Notice of Compliance document provided by the inspector when orders have been issued

When Compliance is Achieved

- Notice of Compliance is completed by the employer and health and safety representative or a joint health and safety committee member
- Worker representative checks box beside order indicating agreement or disagreement as to whether compliance has been achieved
- Notice of compliance is sent to the inspector

Appealing an Inspectors Order

- Anyone who is affected by the decision of an inspector, including a worker or a union, may appeal to the [Ontario Labour Relations Board](#) (OLRB) within 30 days
 - Appeal of an inspector's order(s)
 - Request for suspension of an inspector's order(s)
 - Lack of an order(s)

Appealing an Inspectors Order (continued)

- In making a decision the OLRB has all the powers of an inspector and can uphold the order, rescind it, or issue a new order.
- The decision of the OLRB is final.

Contact information for the OLRB is located at the bottom of the field visit report.

Penalties OHS Act Sec.66

66. (1) Every person who contravenes or fails to comply with,
(a) a provision of this Act or the regulations;
(b) an order or requirement of an inspector or a Director; or
(c) an order of the Minister,
is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than twelve months, or to both.

66. (2) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is \$500,000 and not as provided therein.

Questions?
