

POLICY NUMBER: POL-53

Consultation Summary

Amendments to the policy, Workplace Inspections and Investigations (POL-53) are proposed to provide clarity with respect to the factors and criteria considered in responding to serious workplace accidents. The policy amendments will also ensure timely awareness and reporting of serious workplace accidents.

Proposed amendments to the existing policy content include:

- Incorporation and updating content from WCB Policy POL-54, Accident Investigation, to ensure timely OHS awareness of a serious workplace accident. This new section promotes the immediate verbal or electronic notification of serious accidents, in addition to the written notice required under the OHS Act, allowing for a more effective incident response. (11-13)
- Updated decision-making criteria regarding the response to complaints of unsafe workplace conditions and to reports of serious injury. This updated language provides clear factors for consideration, including the severity of the injury, potential legislative violations, and other risk factors when determining the level of investigation required. (14-16)

In addition to the proposed amendments, the policy has been updated and re-organized in accordance with WCB's client-centred approach to policy design, which is intended to enhance clients' understanding.

The attached draft policy is presented with the non-substantive changes applied. The proposed amendments are tracked, new content is **bolded** and content to be deleted is shown with a ~~strike through~~. A copy of the current policy is attached for comparison.

POLICY NUMBER: POL-53

Chapter:
WORKPLACE SAFETY AND PREVENTION

Subject:
WORKPLACE INSPECTIONS AND INVESTIGATIONS

Effective Date:
May 20, 1999

Last Update:
~~September 12, 2024~~ DRAFT April 2, 2026

PURPOSE STATEMENT

The purpose of this policy is to describe how the Workers Compensation Board conducts workplace inspections and investigations.

REFERENCE:

Occupational Health and Safety Act R.S.P.E.I. 1988, Cap. O-1.01, Sections 5, 6, 7, 8, 36, 37
Workers Compensation Board Policy POL-50, Federally Regulated Workplaces

DEFINITION:

POLICY:

1. The Workers Compensation Board (WCB) Director of Occupational Health and Safety appoints occupational health and safety officers (Officers) to enforce occupational health and safety (OHS) legislation.
 2. Officers enforce OHS legislation by conducting workplace inspections and investigations.
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3. An Officer may conduct an inspection based on:
- A complaint received about unsafe workplace conditions or an alleged contravention of the *Occupational Health and Safety Act (OHS Act)* and Regulations.
 - A workplace incident.
 - The WCB's planned inspection process.
 - The Officer's discretion, which may include unannounced visits.

Jurisdiction

4. Officers conduct inspections and investigations at workplaces covered under provincial jurisdiction. Requirements related to workplaces under federal jurisdiction are set out in WCB policy, POL-50, Federally Regulated Workplaces.

Other Relevant Legislation

5. Officers, by the nature of their office, have the authority to inspect workplaces pursuant to other legislative Acts such as the *Smoke Free Places Act* and *Youth Employment Act*.

Private Residence

6. 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.

Powers of an Officer

7. During a workplace inspection, an Officer will:
- Assess compliance with the *OHS Act* and Regulations.
 - Observe work conditions, processes, documents and any other information or materials relevant to the inspection.
 - Provide feedback to workplace parties on health and safety performance.
8. An Officer may:

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- At any reasonable time enter and inspect a workplace, conduct tests, and make such examinations as the Officer considers necessary or advisable.
- 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.
- 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.
- Take photographs or recordings of the workplace and activity taking place in the workplace.
- 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.
- In an inspection, examination, inquiry, or a test, be accompanied and assisted by a person having special expertise or professional knowledge of any matter.
- Make any examination, investigation, or inquiry as the Officer considers necessary.
- Exercise such other powers as may be necessary or incidental to the carrying out of the Officer's functions under the *OHS Act* and Regulations.
- 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

9. 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 (JOHS committee) member representing workers, or an occupational health and safety representative, if any, with the opportunity to accompany the Officer.
10. Where there is no JOHS committee member representing workers or an occupational health and safety representative, the Officer shall consult during the inspection with a

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reasonable number of the workers at the workplace respecting matters of occupational health and safety at their workplace.

Accident Reporting Requirements

11. Where an accident occurs in the workplace that:

- Causes or may cause a fatality, or
- Results in a loss of limb, unconsciousness, substantial loss of blood, a fracture, an amputation of a leg, arm, hand, or foot, a burn to a major portion of the body, or the loss of sight in an eye,

the employer is required to advise the OHS Division of the WCB, by the fastest means possible, within 24 hours of the accident.

The employer must also notify the JOHS committee if one exists, or to the safety representative, if any.

12. Except as otherwise directed by an Officer, no person shall disturb the scene of an accident that results in a serious injury or a fatality except to the extent it is necessary to:

- Attend to persons injured or killed.
- Prevent further injuries.
- Protect property that is endangered as a result of the accident.

13. The employer is required to advise the OHS Division of the WCB, by fastest means possible, within 24 hours of the incident, the details of any accidental explosion, regardless of whether it resulted in injury.

Complaints of Unsafe Workplace Conditions

- 14. An Officer shall will respond immediately investigate all to complaints that raise matters involving an of immediate potential threat to a worker's occupational health and safety life, limb, or health. In all other cases, response times will be determined, taking into consideration factors such as the severity of the injury, potential legislative violations, and other relevant factors. the complainants shall be encouraged to resolve the matter internally. Failing this, the Officer shall investigate the complaint in a timely**

manner.

Incident Response

15. **An OHS Officer will respond immediately to all reports of a serious injury. Based on the initial findings, the Officer will determine whether an incident follow-up or an investigation is required. This determination will consider factors such as severity of the injury, potential legislative violations, and other relevant factors.**
16. **Officers conduct both incident follow-ups and investigations to:**
 - **Identify causes and contributing factors of the accident.**
 - **Identify violations of the *OHS Act* and Regulations.**
 - **Determine corrective actions and preventative measures.**

Inspection Report

17. **The Officer shall provide a written report of the inspection to the owner, constructor, contractor, employer, supervisor, or person in charge of the workplace.**

Orders

18. **Where an Officer identifies a violation of the *OHS Act* or Regulations during an inspection **or investigation**, the Officer may write an order with respect to the violation.**

The Officer shall:

- **Ensure a copy of the order is posted right away in a conspicuous place at the workplace where it is most likely to come to the attention of the workers.**
 - **Provide a copy of the order to the JOHS committee or representative, if any.**
 - **Provide a copy of the order to the person who has complained about a contravention of the *OHS Act* or Regulations.**
19. **An order remains in place until such time as the Officer closes the order.**

HISTORY:

POLICY NUMBER: POL-53

September 12, 2024 – Non-substantive changes made as a result of 60-month policy review process.

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.

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.

Draft Amendments

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Chapter:
WORKPLACE SAFETY AND PREVENTION

Subject:
WORKPLACE INSPECTIONS

Effective Date:
May 20, 1999

Last Update:
September 12, 2024

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 (WCB) 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 WCB's internal inspection process.
- An Officer's own discretion.

Complaints of Unsafe Conditions

3. The WCB 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.
 - 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:
 - At any reasonable time enter and inspect a workplace, conduct tests, and make such examinations as the Officer considers necessary or advisable.
 - 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.
 - 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.
 - Take photographs or recordings of the workplace and activity taking place in the workplace.

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- 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.
- In an inspection, examination, inquiry, or a test, be accompanied and assisted by a person having special expertise or professional knowledge of any matter.
- Make any examination, investigation, or inquiry as the Officer considers necessary.
- 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.
- 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.

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 WCB policy, POL-50, Federally Regulated Workplaces.

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

15. 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:

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Current Policy