

LEGISLATIVE INTERPRETATIONS

Topic: Monthly Inspections	Issued by: VP, WorkSafe Services
Statute: <i>Occupational Health & Safety Act</i>	Date Issued: May 25, 2010
Section: 9(2)(a.1) and 9(3)	Date Revised:

9(2) Without limiting the generality of the duties under subsection (1), every employer shall
 (a.1) Ensure that the place of employment is inspected at least once a month to identify any risks to the health and safety of his employees.

9(3) An employer shall develop a program for the inspection referred to in paragraph (2)(a.1) with the joint health and safety committee, if any, or the health and safety representative, if any, and shall share the results of each inspection with the committee or the health and safety representative.

Question

The *Act* requires that my workplace conduct monthly inspections. The *Act* does not specify the extent to which these inspections are required to be conducted. Our workplace is large and has many different processes, making it challenging for our staff to inspect the complete workplace once a month. If we only inspect certain portions of our workplace on a monthly basis, are we in compliance with the legislation?

Answer

The answer to your first question is “No.” The intent of the legislation is that the entire workplace be inspected on a monthly basis. The rationale for this was that potential hazards could emerge in areas inspected infrequently and that this possibility could only be addressed through monthly inspections of the entire workplace.

You have correctly pointed out that the *Act* does not specify how workplace inspections should be carried out. There is no expectation that one person or a small group of people be tasked with taking the time every month to undertake a full inspection of a large and complex workplace. As long as the entire workplace is inspected monthly the intent of the legislation is met. Your workplace can be broken down into small areas, processes or machines and each one of these could be quickly and easily inspected monthly by one or two people. Each area of your workplace likely has a supervisor responsible for production or maintenance and that person could undertake the inspection, or delegate it to an employee or employees in that area. In this way, the requirement for a monthly inspection will have a very limited impact on your resources while meeting the legislative requirements and ensuring the safety of your workforce.

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Question 2

Can we, as the employer, ask the Joint Health and Safety Committee (JHSC) to conduct some or all of the inspections on our behalf?

Answer

The answer to question 2 is “Yes,” with agreement from the JHSC.

The intent of subsection 9(3) of the *Occupational Health & Safety (OHS) Act* is to define responsibility for the creation of a workplace inspection program. It is clear that this responsibility rests with the employer, but this section does not limit the participation of the JHSC.

Moreover, paragraph 15(j) of the *OHS Act* states that a JHSC may “participate in all inspections, inquiries and investigations concerning the health & safety of employees...” therefore, trained committee members do have the right to participate in identifying health and safety concerns in their workplace and, they may make recommendations to the employer to have these concerns corrected. The intent of the legislation is that the employer will be responsible to undertake the monthly inspections, and the JHSC may agree to accept varying degrees of participation.