

As an employer, you're responsible for ensuring the safety and health of workers and others at your workplace. The Workplace Safety and Health Branch (WSH) conducts inspections and investigations to help keep everyone safe, and ensure compliance with the law.

This brochure explains:

- The role, functions and authority of Safety and Health Officers (SHOs)
- The actions SHOs can take to ensure the safety and health of workers
- Your rights and responsibilities during WSH inspections



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manitoba.ca/labour/safety

A MESSAGE TO EMPLOYERS

What to Expect During Inspections by the Workplace Safety and Health Branch



Manitoba 

Laws

The *Workplace Safety and Health Act* outlines:

- the legal responsibilities of everyone in the workplace
- duties and functions of WSH
- rules regarding penalties, convictions, appeals and exemptions
- what SHOs are allowed to do in the administration of the law enforcement of the act

Safety and Health Officers and Inspections

Who are SHOs?

SHOs enforce the law to maintain a safe work environment for all employees at a business. SHOs have education, training and experience in occupational safety and health, skilled trades and professions and regulatory enforcement fields.

SHOs:

- conduct inspections to monitor and enforce compliance with *The Workplace Safety and Health Act* and its associated regulations
- respond to emergencies and investigate serious workplace injuries, illnesses and fatalities
- investigate work refusals and allegations of workers being penalized for exercising a safety or health right
- provide information and guidance regarding workplace safety and health laws

When do SHOs visit a workplace?

SHOs may visit your workplace randomly, as part of a targeted initiative or as a result of a complaint, incident, discriminatory action or right to refuse investigation. Inspections can be unplanned and without advance notice.

How do SHOs identify themselves?

All SHOs carry photo identification and will identify themselves upon entering the workplace, or upon request.

Can I accompany the SHO?

Yes. During an inspection, SHOs will ask to be accompanied by a worker and the employer or a representative of the employer.

What authority do SHOs have?

SHOs may:

- enter any premise, at any reasonable time, where work is taking place
- conduct interviews and ask questions
- take pictures, measurements or samples
- gather information, ask for, review and make copies of documents
- issue orders that
 - require an unsafe working condition to be remedied by a specified time
 - stop work immediately until the hazard is fixed
- consult with a technical or scientific expert in carrying out their duties

Employers are required by law to cooperate and assist SHOs in their work.

Orders

What is an improvement order?

An improvement order is a written direction order to address a situation where a workplace safety and health law is being broken. It will explain what is wrong and what the legislation requires to comply. It will also tell you the date by which you must comply.

What is a stop work order?

When SHOs observe an imminent hazard, they may order work to stop immediately, and remain stopped until the SHO is satisfied that the hazard is appropriately dealt with.

What do I do after getting an order?

You need to take action to remedy the violation noted in the order. Once you have fixed the hazard, you need to notify the SHO of what was done to achieve compliance. Only the SHO can decide when an order has been resolved.

If you are not able to address the identified health and safety issue(s) by the compliance date, you must contact the SHO and explain the delay. You may request that the compliance date be extended and the SHO will determine whether to grant the extension.

Appeals

What if I don't agree with an order?

If you do not agree with an order that a SHO has issued, you have the right to an appeal. You must submit an appeal to WSH within 14 days of receiving the order, unless the director of WSH has granted you additional time to file your appeal.

The director will review the appeal and either uphold or repeal the SHO's order, issue a new order, or a combination thereof. If you do not agree with the director's decision, you may file an appeal with the Manitoba Labour Board within 14 days of the director's decision.

Administrative Penalties

Orders or violations may result in an administrative penalty. Compliance with an order does not prevent the issuance of an administrative penalty, which can range between \$1,000 and \$5,000, depending on the type and severity of the violation(s).

What if I don't agree with the penalty?

You have the right to appeal an administrative penalty. Administrative penalties must be appealed to the Manitoba Labour Board within 14 days of the issuance of the penalty.

Prosecutions and Convictions

Violations of workplace safety and health laws may result in a prosecution. If charges are laid, the accused must enter a plea in court (guilty or not guilty). Fines upon conviction may be issued:

- to a maximum of \$250,000 (first offence)
- to \$500,000 (second or subsequent offence), plus a maximum of \$25,000 (first offence) or \$50,000 (second or subsequent offence) for each day that the offence continues.

Where criminal negligence has led to a serious workplace injury, illness or fatality, charges may also be laid under the Criminal Code of Canada.