

Internal Health & Safety Complaint Resolution Process

1. How are complaints made under Part II of the *Canada Labour Code*?

Complaints can be made to a health and safety officer at the Labour Program only if the internal resolution process has been followed and has not been successful in resolving the matter.

2. Why is there an internal complaint resolution process?

It has been widely held that the work place parties (employers and employees) are more knowledgeable and have a greater vested interest regarding hazards that may exist in the work place.

The legislative framework establishes a process that allows for a graduated series of investigations to resolve work place issues while maintaining employment safety. The process allows for the resolution of work place health and safety issues in a more timely and efficient manner and reinforces the concept of the internal responsibility system.

The process provides the employer/supervisor with the opportunity to address and correct employee concerns without the need to involve the work place health and safety committee, the health and safety representative or a health and safety officer.

3. What should I do if I feel the *Code* is being contravened?

Employees have a duty to report any situation they believe to be a contravention of the *Code* to the employer. The first step in the process is to make the complaint known to the employee's supervisor. Together, the employee and the supervisor will try to resolve the matter as soon as possible.

4. What if the supervisor disagrees with the employee?

The employee or the supervisor may refer an unresolved complaint to a chairperson of the work place health and safety committee or the health and safety representative.

5. How does the work place health and safety committee or representative get involved?

If a complaint is not resolved at the supervisor level, an employee member and an employer member of the work place health and safety committee will jointly investigate the complaint. In the absence of a health and safety committee, the health and safety representative and a person designated by the employer will jointly investigate the complaint.

The investigating team will inform the employee and employer in writing of the results of their investigation and may make recommendations to the employer, whether or not they conclude the complaint is justified.

6. What happens if the complaint is justified?

On being informed of the results of the investigation, the employer must inform the investigating team how and when the matter will be resolved. If the investigating team concludes that a danger exists, the employer must ensure that no employee is subjected to the danger and must rectify the situation.

7. When can a complaint be referred to a health and safety officer?

The employer or employee can refer a complaint of a contravention of the *Code* to a health and safety officer only if:

- the employer does not agree with the findings of the investigating team; or
- the employer has failed to inform the investigating team of how and when the matter will be resolved or the employer fails to take the necessary action; or
- the investigating team cannot agree whether or not the complaint is justified.

8. What will the health and safety officer do?

The first step for the health and safety officer will be to ensure the internal complaint resolution process has been followed.

The health and safety officer will then investigate the matter and, on completion of the investigation, the officer:

- may issue directions to the employer or employee if a contravention is identified;
- may, if the officer considers it appropriate, ask the employer and employee to resolve the matter between themselves;
- will issue directions if the officer concludes that a danger exists.

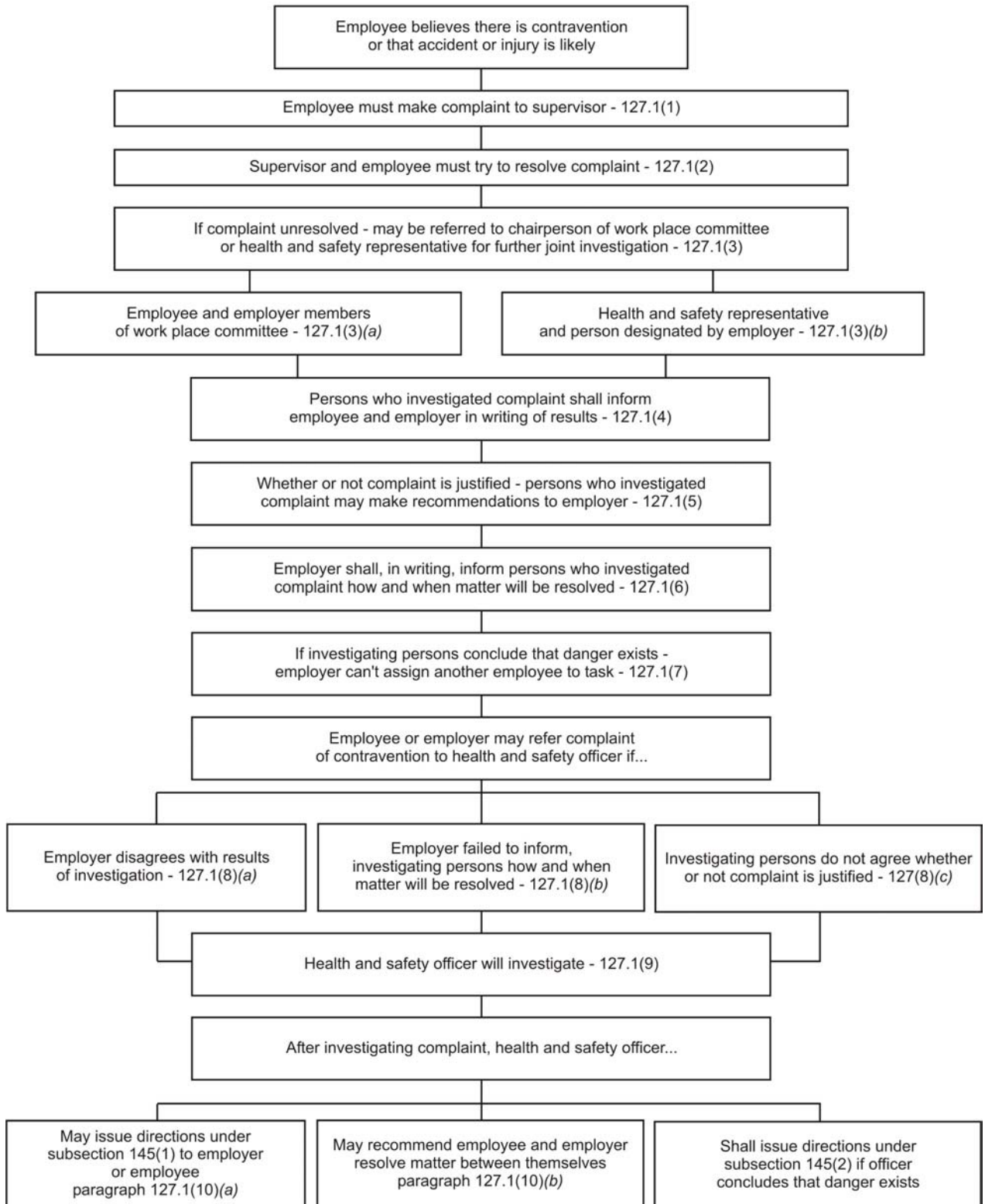
9. Can an employee be disciplined for making a complaint?

No. An employee cannot be disciplined for exercising his or her rights or fulfilling a duty under the *Code* as long as the employee has acted in accordance with the *Code*.

10. Does the internal complaint resolution process take away an employee's right to refuse dangerous work?

No. The internal complaint resolution process is intended to establish a collaborative approach to investigating potential work place hazards while maintaining an employee's right to refuse dangerous work.

Internal Complaint Resolution Process 127.1



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