



The Rights & Powers of Inspectors



OSHA HOTLINE: 623-OSHA (6742)
www.osha.gov.tt

About this leaflet

This leaflet is intended for those who have duties (duty holders) under the Occupational Safety and Health Act Chapter 88:08 (OSH Act), for example, employers and those in control of industrial establishments (Occupiers). It explains what you can expect when an Inspector of the Occupational Safety and Health Agency (OSHA) calls at your workplace. It also tells employees and their representatives what information they may expect from an Inspector during an inspection visit.

Who enforces Safety & Health Law?

Safety and Health law under the OSH Act (and related Regulations), are enforced by Inspectors of OSHA.

Inspectors have the right to enter any industrial establishment without giving notice, though notice may be given where the Inspector thinks it is appropriate. On a normal inspection visit, an Inspector would expect to look at the premises, the work activities, your management of health and safety to ensure compliance with safety and health law. The Inspector will identify him/herself with photo identification issued by OSHA.

Other rights of Inspectors:

- To request the presence and assistance of a police officer if necessary
- Request to be accompanied by specific persons
- Take photographs and samples
- Take declarations
- Investigate accidents
- Request documents
- Serve improvement notices when necessary or issue prohibition notices if there is an imminent risk to safety and health which needs to be dealt with immediately.

Any person who obstructs an Inspector in the execution of his powers or duties commits an offence and is liable on summary conviction, to a fine of \$2,000.00 and imprisonment for **six** (6) months.

Enforcing the Law

On finding a breach of safety and health law, the Inspector will decide what action to take. The action will depend on the nature of the breach and the seriousness of immediate risk to safety and health and will be based on the requirements of OSHA's enforcement policy.

The Inspector should provide duty holders with information about any action that is necessary to ensure their safety, health and welfare. Inspectors may take enforcement action in several ways to deal with a breach of the law. These include:

1. Voluntary Compliance

Compliance Request

Where a duty holder is willing to comply, the inspector will discuss the actions to be taken and the time frame within which to rectify the situation.

2 (a) Improvement Notice

Where a duty holder is not willing to comply and there is an imminent risk to the safety and health of persons, the inspector will serve an Improvement Notice which will require the implementation of corrective measures within a specific time frame. A duty holder on whom

(Cont'd on the back cover)



(Cont'd from page 3)

an Improvement Notice is served may within seven days of being served object by way of complaint to the Industrial Court.

2 (b) Prohibition Notice

The Inspector will serve a Prohibition Notice prohibiting the activity immediately or after a specified time period and not allowing it to be resumed until remedial action has been taken. The Notice will explain why the action is necessary. The duty holder will be told in writing about the right to object to the Notice by way of complaint to the Industrial Court.

Prohibition Notices are limited to those activities causing the danger. By issuing the order to prohibit the activity or machinery, the imminent danger must be eliminated.

3. Prosecution

Decisions on whether to prosecute are informed by the principles set out by the Agency. Offences created by the OSH Act are triable in either the Industrial Court (safety and health offences) or the Magistrate's Court (any other offences). Failure to comply with an Improvement or Prohibition Notice carries a fine of up to \$20,000. Fines and in some cases imprisonment may be imposed by the Magistrate's Court.

In case of a fatal or critical accident in which investigation reveals a breach of the law, prosecution will always be considered.



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