



INSPECTORS FIELD MANUAL

ENFORCEMENT PROCEDURE

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Referenced Documents:

- i. Enforcement Procedure (Document #2 OSHA/EP pg 4)
- ii. Operational procedure for Issuing Enforcement Notices (Document #3 OSHA/EP pg 4).
- iii. Enforcement Procedure Flow Chart (Figure 1 pg 10)
- iv. Improvement Notice (Appendix 1 pg 16)
- v. Prohibition Notice (Appendix 2 pg 22)
- vi. Compliance with Improvement Notice (Appendix 3 pg 28)
- vii. Compliance with Prohibition Notice (Appendix 4 pg 30)
- viii. Approval to extend Improvement Notice (Appendix 5 pg 33)
- ix. Approval to withdraw a notice. (Appendix 6 pg 35)

1. Enforcement Policy

1.1 Policy Statement

The purpose of this policy is to ensure that appropriate measures are put in place so that the Inspectorate arm of the OSHA is provided with an operational framework for compelling duty holders to manage and control risks at the workplace effectively, thus protecting persons from harm. The enforcement process mandates:

- Promotion and achievement of sustained compliance with the law;
- Ensuring duty holders take immediate action to deal with serious risks;
- Ensuring that duty holders who are non-compliant with the law are held accountable;
- Preventing unfair competition by companies operating below the standards outlined by law.

1.2 Policy Objective

This policy will serve to guide Inspectors and is formulated in accordance with the OSH Act, which establishes the general principles and approach that the OSHA is expected to follow.

The main objective of the OSHA's enforcement activities is to ensure compliance: if possible on a voluntary basis; and where applicable on a compulsory basis, by using stricter enforcement instruments and methods.

This Enforcement Policy sets out the guiding principles of the OSHA and shall be implemented in accordance with the principles of proportionality, consistency, targeting, transparency and accountability. The OSHA expects to achieve this by ensuring that actions required are proportionate to the risk and that the consequences of non-compliance are clearly understood.

1.3 Scope

This Policy governs the enforcement function of the OSHA and in particular, the duties of the Inspectorate.

1.4 Responsibilities

Executive Director Carries out directions as instructed by the Authority in pursuance of its functions and runs the Agency

Chief Inspector Reports to the Executive Director on matters concerning the enforcement and furtherance of the purpose of the OSH Act

Leads and supervises the operations of the Inspectorate in the enforcement, administration and furtherance of the purposes of the OSH Act

Senior Inspector Reports to the Chief Inspector and administers on the latter's behalf, the Inspectorate's programs for implementing the OSH Act

Safety and Health Inspector II Provides supervision to a group of Inspector Is engaged in the enforcement of the OSH Act

Reviews complex accident/incident investigations, inspections and audits

Safety and Health Inspector I Provides a range of OSH services including: inspections, audits, accident investigations, complaint investigations, and provides advisory support to ensure compliance with the OSH Act

All Inspectors The Chief Inspector, Senior Inspectors, Safety and Health Inspectors II and Safety and Health Inspectors I (collectively "Inspectorate"), discharge their duties under the OSH Act and are empowered to:

- Require of an occupier the means necessary for entry, inspection, examination, inquiry and the taking of samples
- Give notice to any Occupier that is in contravention of a provision of the OSH Act
- Issue enforcement and prohibition notices after consultation with the Chief Inspector and without prejudice to his power to initiate legal proceedings
- Prosecute or conduct before the Court any complaint or other proceedings arising under the OSH Act

Technical Assistant Provides support to the Senior Inspectors and Safety and Health Inspector IIs in technical and administrative tasks.

Deputy Director, Legal Provides support in the management of the OSHA's overall Compliance Programme and manages the conduct of prosecution.

Legal Counsel Provides advisory services to the Inspectorate and appears as Counsel or Instructing Attorney representing the OSH Authority and Agency in all enforcement matters and prosecution.

Legal Research Officer Appears as Instructing Attorney representing the OSH Authority and Agency in all enforcement and prosecutions matters and provides research and other support to Counsel and/or the Deputy Director Legal and facilitates Freedom of Information requests.

1.5 Procedural Focus

This policy shall be implemented in conjunction with other policies of the OSHA, including:

- Hours of Work Policy
- Work From Home Policy
- Disciplinary Policy
- MOUs with other Regulators

2. The Enforcement Procedure

The procedures outlined in this document are intended for use by all staff of the OSHAA who are involved in ensuring compliance with the OSH Act.

Appropriate use of enforcement powers, including prosecutions, will secure not only compliance with the law, but also ensure that those who have duties under it may be held to account for failures to safeguard safety, health and welfare of employees and those persons, although not employees, that are likely to be affected by exposure to risks created by work activity.

Refer to Fig 1 pg 24 for the Enforcement Procedure Flow Chart

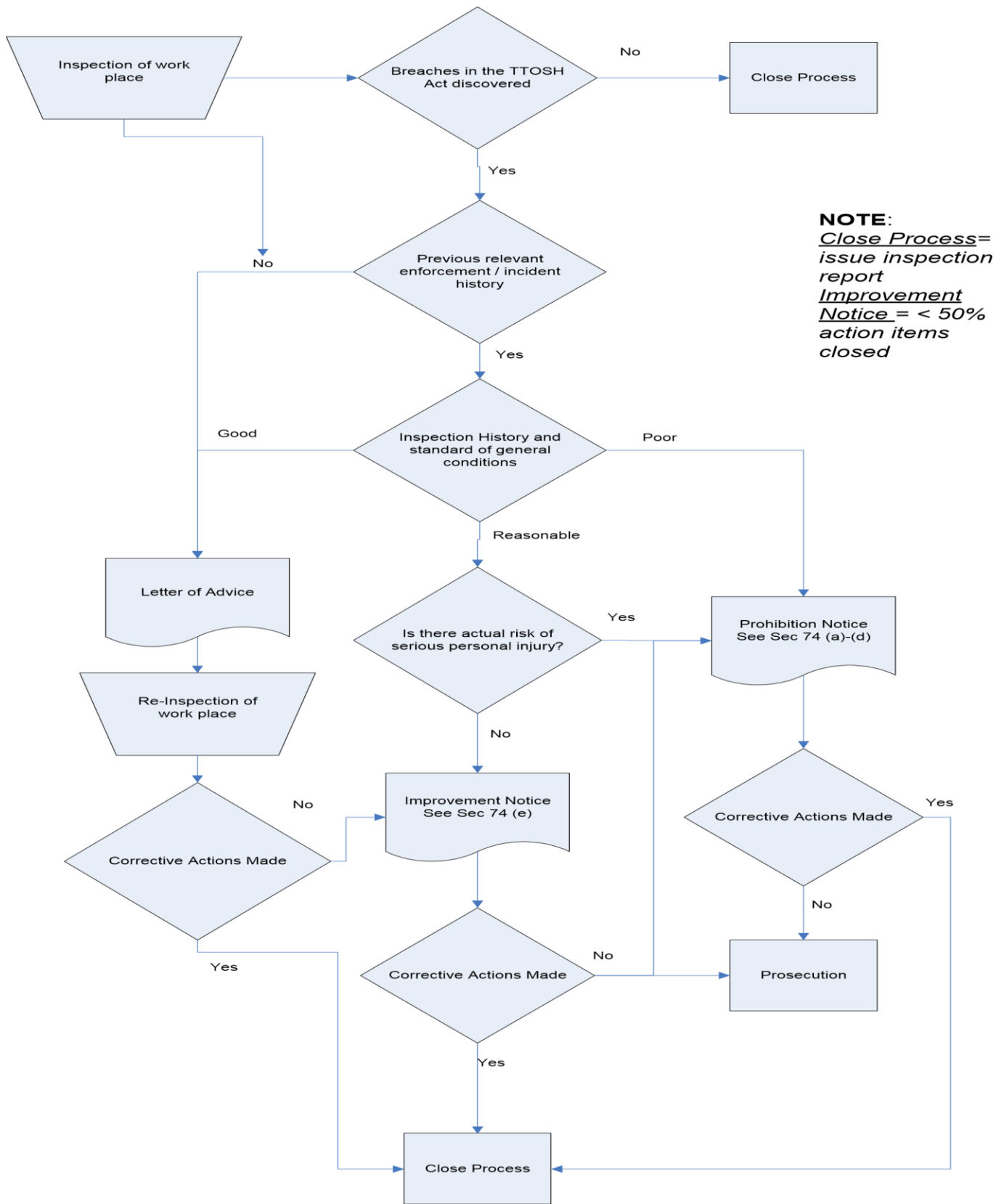


Figure 1 Enforcement Procedure Flow Chart.

2.1 Compliance with Procedure

Where applicable, all staff of the OSHA shall comply with the procedures outlined within this document. Failure to comply may lead to disciplinary action as outlined in the disciplinary policy and disciplinary procedure.

2.2 The Principles of Enforcement

The OSHA believes in firm but fair enforcement of safety and health law. This is informed by the principles of:

- (a) Proportionality – in applying the law and securing compliance;
- (b) Consistency – of approach;
- (c) Targeting – of enforcement action;
- (d) Transparency –as to its operations and;
- (e) Accountability – as to its operations, decisions and actions.

(a) Proportionality

Proportionality means relating enforcement action to risks. Varying levels of compliance are provided in the legislation and these are “*shall*”, “*so far as practicable*” and “*so far as is reasonably practicable*”. “*Shall*” imposes a specific and absolute duty on the duty holder for compliance. “*So far as practicable*” and “*so far as reasonably practicable*” involves an exercise in judgment in light of present-day knowledge based on an assessment of the cost and time required to avert the risk versus the degree of risk. Where the risk is significant as compared to the cost and time required to eliminate the hazard or minimize the risk, the duty holder must take such appropriate measures and incur such costs to eliminate the hazard or reduce the risk.

Where no relevant good practice has been established, safety and health law require duty holders to establish the significance of the risk to determine what action needs to be taken. Ultimately, the question of what is reasonably practicable in any particular case is for the determination of the Courts.

(b) Consistency

Consistency means taking a similar approach in similar circumstances to achieve similar ends. However, Inspectors are expected to exercise discretion when making enforcement decisions. Factors such as attitudes and competence of management, accident history etc. should also be considered.

(c) Targeting

Targeting means making sure inspections are targeted primarily on those duty holders whose activities give rise to the most serious risks or where the hazards are least well controlled. Such duty holders could be employers, self-employed workers, manufacturers, contractors, designers, installers, suppliers etc. and effectively managed.

(d) Transparency

Transparency means helping duty holders to understand what is expected of them and what they should expect from OSHA. They should be aware of what to expect when an Inspector conducts enforcement activities of their rights of redress arising from such activities. In this regard, the *modus operandi* of inspectors would be regulated by their powers under the legislation and the Industrial Court is available to all aggrieved parties.

(e) Accountability

The OSHA is accountable to all stakeholders including duty holders and the public for their enforcement decisions. The OSHA's policies and procedures will inform the standards against which the Inspectors' enforcement actions can be judged.

2.3 Enforcement

A range of enforcement approaches would be followed, including:

- (a) Provision of information on legal requirements to all duty holders;
- (b) Benchmarking and sharing of best practices;

- (c) Planned and unplanned targeted inspections;
- (d) Investigation of accidents and complaints; and
- (e) Inspectors may provide duty holders with information and advice on how to comply with the OSH Act.

Where appropriate, inspectors may also issue enforcement notices and they may prosecute duty holders when necessary. Information on the issuing of enforcement notices, accident forms and investigation reports shall be made publicly available upon formal written request under the *Freedom of Information Act 1999*.

The enforcement procedure consists of three steps:

2.3.1 Compliance

Upon conducting an inspection, and where an employer is willing to comply with the findings of the Inspection, the Inspector will discuss with the employer the necessary actions to be taken, share best practices to achieve compliance and provide the time period expected for taking corrective action. The Inspector will present the employer with a written Inspection Report itemising the required corrective actions to be taken by the employer. This document will be used in order to measure compliance during subsequent re-inspection(s).

2.3.2 Failure to Comply

Where a duty holder has failed to comply, the Inspector shall, taking into consideration the health and safety risk(s), initiate one of the following enforcement actions:

- issue an improvement notice in accordance with Section 74(1) of the OSH Act
- issue a prohibition notice in accordance with Section 74(1) of the OSH Act

An improvement notice would require the duty holder to implement the necessary corrective action within a specific time period.

In cases of imminent danger or where evidence exists that suggests that based on the manner in which the identified breach occurred, that the breach would be continued or repeated by the duty holder, in the interest of the safety and/or health of employees, the public or environment, the Inspector shall issue a Prohibition Notice which shall have immediate effect to prohibit the use of either the entire industrial establishment or part thereof.

2.3.3 Prosecution

Prosecutions shall commence in cases where there is a continued failure by a duty holder to comply with either voluntary or compulsory compliance. Prosecutions shall also be considered in cases of critical and fatal accidents. The OSHA will use their discretion in deciding whether to initiate prosecution in any particular circumstance. Improvement and prohibition notices must be used in the first instance. However, if the circumstances warrant, prosecution would be used without prior warning. The decision whether to prosecute takes into account the evidential test and the relevant public interest factors. No prosecution may go ahead unless the prosecutor finds there is sufficient evidence to provide a realistic prospect of conviction, and decides that prosecution would be in the public interest.

The OSHA shall also consider:

- Where potential for considerable harm can arise from the non-compliance
- The appropriateness in the circumstances as a way to draw attention to the need for compliance with the law and encourage maintenance of standards
- Would a conviction deter others from similar failures to comply with the law

2.4 Death at Work

Where upon investigation, there is evidence which strongly suggests that a deliberate and unreasonable act by an employee resulted in the death of another employee, the OSHA will consider the circumstances of the case and forward such evidence to the enforcement body (as applicable) with the greater penalty.

2.5 Serving of Improvement and Prohibition Notices

Enforcement actions resulting from the findings of an inspection must be in accordance with the

OSHA's Enforcement Policy. See section 1.8.3 Improvement Notices must be served within seventy-two (72) hours of the completion of the inspection and Prohibition Notices within 24 hours of the inspection.



Head Office: Corner Eastern Main Rd. & St. John’s Road, St. Augustine, Trinidad.

Satellite Offices: ♦ #65 Cipero Street, San Fernando ♦ Lot #2 Glen Road, Scarborough, Tobago,

Website: www.osha.gov.tt, Telephone: 1 (868) 612-3900- North Office – Ext 1; South Office – Ext 2; Tobago Office – Ext 3

File No: _____

Date: _____

Name: _____

Title: _____

Address: _____

Dear _____,

RE: IMPROVEMENT NOTICE ISSUED PURSUANT TO SECTION 74(1) OF THE OCCUPATIONAL SAFETY AND HEALTH ACT, CHAPTER 88:08 (“THE OSH ACT”)

I, _____, being an **Inspector appointed by an instrument in**
(Name of inspector)

writing made pursuant to section 71(1) of the OSH Act (“OSH Inspector”) and entitled to issue this Notice pursuant to section 74(1) of the OSH Act, hereby give you notice that I am of the opinion that the

_____ located at

(Description of Industrial Establishment)

_____ is in a manner contrary to section 74(1) _____ of the

(Address)

(List Subsections)

OSH Act.

The reasons for my said opinion are that the following observations were made during the accident investigation at/ routine inspections of the _____

(Description of Industrial Establishment) On _____ :

(Date of Visit or Visits)

Section 74(1) (a)

(Please Check Box and List Observations which Support Breach of Section).

Section 74(1) (b)

Section 74(1) (c)

Section 74(1) (d)

Section 74(1) (e)

Given these violations, I am of the opinion that _____

(State Rationale for Conclusion that the Aforementioned Sections of the OSH Act were Violated).

I hereby require you to carry out such alterations or other steps to remove the existing danger or To comply with the OSH Act, as the case may be, within _____ () calendar days from the date of receiving service of this Notice (date of service not included). I will conduct a follow up inspection on _____ to ascertain if you have complied with this Improvement Notice. Please contact me at _____ should you require an earlier follow-up Inspection. Once satisfied that this Notice has been complied with, I shall so certify in writing.

Please be advised that failure to comply with this Improvement Notice is a safety and health offence under section 83 of the OSH Act and you will be subject to the jurisdiction of the Industrial Court of Trinidad and Tobago and liable upon conviction to a fine of \$20,000.00.

Please note you may object to this Improvement Notice by way of a written complaint to the Industrial Court of Trinidad and Tobago within seven (7) days from the date of service of this notice: section 74 (4) of the OSH Act. The issuance of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.

Kindly be guided accordingly.

OCCUPATIONAL SAFETY AND HEALTH AGENCY,

.....
NAME OF INSPECTOR: _____
RANK: _____

Received By (Signature):

Received By (Block Letters):

Job Title:

Date & Time:

3. Operational Procedure for Issuing Enforcement Notices

Reference is made to the Enforcement Management System (EMS) OSHA/IFM/EMS/01/2022.

An enforcement notice is one of the instruments that Inspectors have at their disposal to ensure compliance with the OSH Act. If issued properly they can promote the development of a safe and healthy work environment or put a complete halt to an industrial establishment. The following steps that should be used when issuing enforcement notice:

3.1 Inspector determines whether the notice is supported by sufficient evidence

Gather all the evidence and information available, assess it and decide:

- If the evidence is sufficiently sound (even if subject to scrutiny in the context of legal requirements and ability to prove) to support your opinion in the context of the OSH Act, section 74(1), taking also into consideration, the efforts at compliance and willingness to comply demonstrated by the duty holder, then an improvement or prohibition notice should be served
- Whether more evidence/information is required and obtainable

**(All material gathered should be recorded and retained in accordance with proper inspection and investigation procedures)*

The survival of the notice on appeal will normally be sufficient if the Inspector has:

- Complied with the requirements for that type of notice, as set out in the Act;
- Consulted with the Chief Inspector prior to service of notice;
- Took into consideration the reasons for which notices can be issued along with the conduct of the duty holder in efforts towards compliance before serving the notice;
- The wording of the notice is sufficiently clear;
- Worded the notice in such a manner as the applicable part of Section 74(1) is clearly understood; and
- The notice is properly served and affixed.

3.2 Determine the type of notice to be served

- Pursuant to section 74(1), the Inspector shall serve the notice, after consultation with the Chief Inspector. The Inspector shall ensure the consultation is documented (internal memorandum, verifiable e-mail etc.) The Inspector shall not unreasonably refuse to adhere to the advice of the Chief Inspector.

Following consultation with the Chief Inspector, the Inspector should:

- Serve a prohibition notice if there is a contravention of section 74(1) and a risk of ‘serious and imminent danger’ and his opinion is that the activity should be stopped immediately.
- If the immediate cessation of the activity would give rise to further risks, e.g. uncontrolled shutdown of a chemical process, the prohibition notice should ‘*take effect*’ upon the **safe shutdown** of the process.
- Consider serving an improvement notice if there are contraventions of section 74(1) (e), which do not result in “serious bodily injury” or when less than fifty percent (50%) of the findings previously identified have not been rectified. Reference the EMS for further guidance on the issuance of improvement notices.

3.3 If a notice is likely to be served:

- Discuss the proposed notice with the duty-holder or a representative with authority to speak on their behalf or, if impracticable, discuss as soon as possible after serving it.

The Inspector’s opinion must not be hinged on assurances from the duty-holder, however earnest;

Discuss with your superior any problematic, contentious or sensitive issues or issues likely to attract strong public or media interest or concern;

- Consult specialists if any advice is needed;

- Consult other regulators where enforcement responsibilities potentially overlap, such as the Fire Authority when the notice is likely to affect a means of escape in the event of a fire.

3.4 When preparing a notice, ensure:

- It is on the correct form (See Appendices 1 & 2 - Improvement and Prohibition Notice Forms pg (36 & 39), has a file number and is legally correct;
- The specific observations as to the breaches of the OSH Act and any relevant sections of the OSH Act that were breached are identified in the notice
- The timescale for the implementation of corrective action for an improvement notice is at least 7 days and is set as short as possible, consistent with the practicalities of achieving compliance
- The details are correct and all the copies are legible, signed and dated
- Two (2) copies of the improvement notice must be printed and signed by the Inspector and duty holder. A scanned copy must be emailed to the Technical Assistants and (2) copies must be submitted to the Registry Department for filing.
- When a duty holder refuses to sign an enforcement notice a minute must be placed on the relevant file and a note to the effect must be placed on the actual notice being served. The notice must be issued via registered and electronic mail. The electronic mail to the industrial establishment must detail the date and time in which the notice was served contrary to the OSHA's procedures.
- An email must be submitted to the Technical Assistants and Registry Department to that effect. The email correspondence must be printed and accompany the notice for filing.



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Website: www.osha.gov.tt
Telephone: 1 (868) 612-3900- North Office – Ext 1; South Office – Ext 2; Tobago Office – Ext 3

File No: _____

Date: _____

Name: _____

Title: _____

Address: _____

Dear _____,

RE: PROHIBITION NOTICE ISSUED PURSUANT TO SECTION 74(1) OF THE OCCUPATIONAL SAFETY AND HEALTH ACT, CHAPTER 88:08 (“THE OSH ACT”)

I, _____, being an **Inspector appointed by an instrument in**
(Name of inspector)

writing made pursuant to section 71(1) of the OSH Act (“OSH Inspector”) and entitled to issue this Notice pursuant to section 74(1) of the OSH Act, hereby give you notice that I am of the opinion that the

_____ located at

(Description of Industrial Establishment)

_____ is in a manner contrary to section 74(1) _____ of the

(Address)

(List Subsections)

OSH Act.

The reasons for my said opinion are that the following observations were made during the accident investigation at/ routine inspections of the _____

(Description of Industrial Establishment) **On** _____ :

(Date of Visit or Visits)

Section 74(1) (a)

(Please Check Box and List Observations which Support Breach of Section).

Section 74(1) (b)

Section 74(1) (c)

Section 74(1) (d)

Section 74(1) (e)

Given these violations, I am of the opinion that _____

(State Rationale for Conclusion that the Aforementioned Sections of the OSH Act were Violated).

I hereby require you to carry out such alterations or other steps to remove the existing danger or To comply with the OSH Act, as the case may be, within _____ () calendar days from the date of receiving service of this Notice (date of service not included). I will conduct a follow up inspection on _____ to ascertain if you have complied with this Improvement Notice. Please contact me at _____ should you require an earlier follow-up Inspection. Once satisfied that this Notice has been complied with, I shall so certify in writing.

(Date of Follow up Inspection)

(Telephone Number and email address)

Please be advised that failure to comply with this Improvement Notice is a safety and health offence under section 83 of the OSH Act and you will be subject to the jurisdiction of the Industrial Court of Trinidad and Tobago and liable upon conviction to a fine of \$20,000.00.

Please note you may object to this Improvement Notice by way of a written complaint to the Industrial Court of Trinidad and Tobago within seven (7) days from the date of service of this notice: section 74 (4) of the OSH Act. The issuance of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.

Kindly be guided accordingly.

OCCUPATIONAL SAFETY AND HEALTH AGENCY,

.....
NAME OF INSPECTOR: _____
JOB TITLE: _____

Received By (Signature):

Received By (Block Letters):

Job Title:

Date & Time:

3.5 If the notice is ready to be served:

- Three (3) copies of the notice must be signed by the Inspector and duty holder.
- When the Inspector prohibits or restricts the use of a place, equipment or machinery, the Inspector must display in the place or affix to the thing, a notice to that effect, pursuant to section 74(2) of the OSH Act. *The notice must be placed in a weather-proofed, visible receptacle and secured to the place/equipment/machinery.
- Obtain proof of delivery (the notice is to be signed for by the individual receiving it). If the individual refuses to sign for receiving the notice, the Inspector shall use alternative means prescribed under Section 95 of the OSH Act.
- Ask to be notified when the remedial measures have been completed;
- Forward a copy of the notice to the Technical Assistants along with pictured proof of delivery and (2) copies must be submitted to the Registry Department for filing.
- Where appropriate, inform other regulators according to agreed protocols;
- OSHA Pursuant to section 72(1) (b) of the OSH Act, the Inspector may request the presence and assistance of a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duties. If an individual refuses to sign for having received an enforcement notice, this is to be minute on the relevant file (as applicable) and cited on the actual notice being served on the establishment (a copy of which is to be retained for the OSHA's files). Thereafter, a follow up letter is to be immediately sent to the industrial establishment, detailing the date and time in which the notice was served, the name of the individual with whom it was left (or in the case of a prohibition notice, the exact location at which the notice was affixed), and the fact that there was a refusal to sign the notice contrary to the OSHA's procedures.

3.6 Determine whether a follow up visit is required and evaluate the compliance standard:

- Schedule a follow up visit to check compliance with the notice
- If practical, the visit should be made by the Inspector who served the notice. If there are grounds to suspect that the notice has not been complied with, the Inspector can, where necessary, be paired with a colleague to provide evidence in any subsequent legal proceedings

- If an improvement notice has been served, the Inspector shall:
 - contact the duty-holder beforehand to reiterate their obligation to address the breaches identified in the notice by the due date
 - conduct an inspection upon the expiration date

If an Inspector identifies serious and imminent danger and the duty-holder voluntarily stopped the work activity, thereafter the Inspector shall serve a prohibition notice in accordance with the EMS.

A follow up inspection to check compliance with an improvement notice may not be required where:

- the notice relates only to a statutory provision for documentation to be held or provided, and verification may be achieved equally effectively by reviewing the documentation in the Inspector's office

The date of receipt of the relevant documentation should be recorded

. In all cases the Inspector should record the reasons for conducting follow up inspections by placing a minute on the relevant file. Particularly, in the case of a prohibition notice, if it comes to the knowledge of an Inspector that a duty holder continues to breach the notice, the Inspector should return to the site and verify. The Inspector shall initiate legal proceedings against the duty holder and prepares report for submission to the Legal Team for failure to comply with the notice.

3.7 Where the notice has been complied with:

- Confirm this outcome with the duty-holder, and pursuant to section 74(3) of the OSH Act, so certify in writing (Appendices 3 & 4 - Compliance with Enforcement Notice Forms pgs 45 & 47) and then remove the notice displayed or affixed if applicable
- Inform any employee representatives
- Record the findings of the visit
- Retain an appropriate hard-copy report



Head Office: Corner Eastern Main Rd. & St. John’s Road, St. Augustine, Trinidad.
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Website: www.osha.gov.tt

Telephone: 1 (868) 612-3900- North Office – Ext 1; South Office – Ext 2; Tobago Office – Ext 3

**COMPLIANCE WITH THE IMPROVEMENT NOTICE ISSUED ON _____
PURSUANT TO SECTION 74(1) OF THE OCCUPATIONAL SAFETY AND HEALTH ACT, CHAPTER
88:08 (“THE OSH ACT”)**

File No: _____

Date: _____

Name: _____

Title: _____

Address: _____

Dear _____,

Reference is made to the Improvement Notice, dated _____, which was served on _____.

A re-inspection of the industrial establishment was conducted on _____ and revealed that you have complied with the notice.

This letter does not relieve you of your continuing duties under the OSH Act or from further inspections. It is, therefore, expected that the industrial establishment will continue to be maintained and managed in a manner that is consistent with the requirements of the OSH Act.

**OCCUPATIONAL SAFETY AND
HEALTH AGENCY,**

.....
NAME OF INSPECTOR: _____

JOB TITLE: _____

Received By (Signature):.....

Received By (Block Letters):.....

Job Title:

Date & Time:.....



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**COMPLIANCE WITH THE PROHIBITION NOTICE ISSUED ON.....
PURSUANT TO SECTION 74(1) OF THE OCCUPATIONAL SAFETY AND HEALTH ACT, CHAPTER
88:08 (“THE OSH ACT”)**

File No: _____

Date: _____

Name: _____

Title: _____

Address: _____

Dear _____,

Reference is made to the Prohibition Notice, dated _____, which was served on _____.

A re-inspection of the industrial establishment was conducted on _____ and revealed that you have complied with the notice.

This letter does not relieve you of your continuing duties under the OSH Act or from further inspections. It is, therefore, expected that the industrial establishment will continue to be maintained and managed in a manner that is consistent with the requirements of the OSH Act.

**OCCUPATIONAL SAFETY AND
HEALTH AGENCY,**

.....

**OCCUPATIONAL SAFETY AND
HEALTH AGENCY,**

.....
NAME OF INSPECTOR: _____
JOB TITLE: _____

Received By (Signature):.....
Received By (Block Letters):.....
Job Title:
Date & Time:.....

In all cases where the notice has not been complied with:

- Sufficient evidence should be collected to prove the related breach on the day of the visit and/or non-compliance with the notice, with a view to recommending prosecution
- Record findings of follow up visit and prepare report for submission to the Legal Team

3.8 A duty-holder may request an extension of the notice period but must do so:

- During the period of compliance with an improvement notice; or if the request falls outside this period, the Inspector may **refuse** the request and initiate legal proceedings.

Where the duty-holder requests an extension within the appropriate period:

- Discuss the reasons for the request with the duty-holder; and
- Decide whether the need for an extension is genuine and justified *If an extension is granted:*
- Send written confirmation (Appendix 5 - Approval of Request to Extend Enforcement Notice Form pg 50) by recorded delivery to the duty-holder within five (5) working days of the request and before expiration of the notice period, unless the expiration date is imminent, in which case, the inspector should inform the duty-holder promptly of the decision and confirm a positive decision within five (5) days of receipt of the request.
- Send copies of the written confirmation to all the recipients of the original notice.

If an extension is not granted:

- Inform the duty holder as soon as possible, before the expiration of the notice period
- Record the date the request was received, the action taken and reasons for the decision on file.



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**APPROVAL TO EXTEND IMPROVEMENT NOTICE ISSUED ON _____
PURSUANT TO SECTION 74(1) OF THE OCCUPATIONAL SAFETY AND HEALTH ACT, CHAPTER
88:08 (“THE OSH ACT”)**

File No: _____

Date: _____

Name: _____

Title: _____

Address: _____

Dear _____,

Reference is made to the Improvement Notice, dated _____, which was served on _____.

Based on the undersign’s continued assessment of the violations made under Section 74(1) of the OSH Act, the industrial establishment is granted an extension of the notice until.....

This letter does not relieve you of your continuing duties under the OSH Act or from further inspections. It is, therefore, expected that the industrial establishment will continue to be maintained and managed in a manner that is consistent with the requirements of the OSH Act.

**OCCUPATIONAL SAFETY AND
HEALTH AGENCY,**

.....
NAME OF INSPECTOR: _____
JOB TITLE: _____

Received By (Signature):.....
Received By (Block Letters):.....
Job Title:
Date & Time:.....

3.9 Where a request to withdraw the notice before the compliance date is made by the duty holder:

Assess the request in consultation with your superior by:

- Reviewing the documents provided by the industrial establishment and/or
- Conducting a re-inspection of the industrial establishment to determine if the conditions/ breaches that gave rise to the issuance of the enforcement notice were rectified

If the notice is to be withdrawn:

- Only withdraw the notice if the duty holder has complied with the enforcement notice or if an improvement notice has been challenged.
- Send written confirmation to the duty-holder (Appendix 6 – Approval to Withdraw Enforcement Notice Form pg 52) within five (5) working days of the circumstances coming to the Inspector’s attention and before the expiration of the notice period.
- Send a copy of the written confirmation to all the recipients of the original notice
- Record date of request and reasons for action taken on file.

If the notice is not to be withdrawn:

- Inform the duty holder as soon as possible and before the expiration of notice period
- Record date of request and reasons for action taken.

Following withdrawal:

- Consider the need to issue a new notice



Head Office: Corner Eastern Main Rd. & St. John’s Road, St. Augustine, Trinidad.
Satellite Offices: ♦ #65 Cipero Street, San Fernando ♦ Lot #2 Glen Road, Scarborough, Tobago,

Website: www.osha.gov.tt

Telephone: 1 (868) 612-3900- North Office – Ext 1; South Office – Ext 2; Tobago Office – Ext 3

**APPROVAL TO WITHDRAWNOTICE ISSUED ON_____ PURSUANT
TO SECTION 74(4& 5) OF THE OCCUPATIONAL SAFETY AND HEALTH ACT, CHAPTER 88:08
("THE OSH ACT")**

File No: _____

Date: _____

Name: _____

Title: _____

Address: _____

Dear _____,

Reference is made to the _____ Notice, dated _____, which was served on _____.

Based on the undersign’s assessment of the violations made under Section 74(1), of the OSH Act, it was found that the industrial establishment, reveals that the withdrawal of the notice is justified.

This letter does not relieve you of your continuing duties under the OSH Act or from further inspections. It is, therefore, expected that the industrial establishment will continue to be maintained and managed in a manner that is consistent with the requirements of the OSH Act.

**OCCUPATIONAL SAFETY AND
HEALTH AGENCY,**

.....
NAME OF INSPECTOR: _____
JOB TITLE: _____

Received By (Signature):.....
Received By (Block Letters):.....
Job Title:
Date & Time:.....