



INSPECTOR FIELD MANUAL

Version 04/2022

Complaint Investigation Policy

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1. Policy Statement

The policy covers the investigation of all complaints received by the OSH Agency.

2. Policy Objectives

The objective of the Complaint Investigation Policy is to provide a common, transparent procedure for Safety and Health Inspectors (SHI) to investigate complaints consistently and enable Inspectors to fulfil their duties under the OSH Act. The policy will also create an avenue for both proactive and reactive interventions (inspections).

The main objective is to ensure that the principles of enforcement, *Proportionality, Consistency, Targeting, Transparency and Accountability* are adhered to so that similar approaches to achieve similar ends are undertaken when dealing with duty holders.

The Complaint is investigated to determine the following:

- The validity of the complaint.
- The nature of the complaint.
- Whether action has been taken or need to be taken (inspection and/or enforcement) to prevent a recurrence and to ensure compliance with the law.

3. Scope

This Policy covers the investigation of the complaint from receipt to completion. It does not cover issues raised during a general discussion on site. These would not normally be classified as a complaint but would be dealt with as part of the site visit or in accordance with the OSH Agency's inspection procedures.

4. Responsibilities

4.1 Hotline Operator

- To receive and log all calls from hotline/landline, information from media, information from stakeholder, walk-in clients and any other matters as prescribed in the Complaint Receiving and Prioritizing Procedure document.
- To determine the nature of the call or information:

- (i) If the call is to request information, the Hotline Operator directs the call to the Rostered Inspector.
 - (ii) If the call is to report a refusal to work or critical or fatal accident, the Hotline Operator is to direct the call to the Chief Inspector or a Senior Inspector; for immediate action.
 - (iii) If the call is to lodge a complaint, the Hotline Operator records it on the electronic Notice of Occupational Safety and Health Complaint Form and forwards the Form to the Rostered Inspector, Technical Assistants and the Registry Department.
- To keep a log of all completed complaint forms received from the Inspectors.

4.2 Technical Assistants

- To receive the initial complaint information via email from the Hotline Operator and input the information into the Complaints Database.
- To receive the completed complaint forms via email from the Inspectors and update the Complaints Database.

4.3 Registry Department

- To receive the initial complaint form, via email from the Hotline Operator and to print and folio in the appropriate industrial establishment file.
- To receive the completed complaint forms via email from the Inspectors and print and folio the completed form in the appropriate industrial establishment file.

4.4 Rostered Inspectors

- To respond to all calls requesting information forwarded by the Hotline Operator to the Rostered Inspectors.
- To receive the initial Complaint Form from the Hotline Operator and to make immediate enquiry into allegations:
 - (i) If no further investigation is required, the Rostered Inspector is to complete the Complaint Form (as a P4) and forward to the Senior Inspector for review.
 - (ii) To forward all completed complaint forms to the Hotline Operator, Technical Assistants and Registry.

- (iii) If further investigation is necessary, the Rostered Inspector is to assign a priority rating (P1, P2 or P3) to the complaint and forward to the Senior Inspector for review and approval.

4.5 Senior Inspector

- To receive all the initial complaint forms with their priority rating and verify whether the rating assigned by the Rostered Inspector is appropriate.
- To review the rating of the complaint given and to reclassify the ratings on the complaint forms, if necessary based on the specific criteria.
- To assign the complaint forms with priority ratings 1, 2 or 3 to the appropriate Safety and Health Inspector II by the end of each day.
- Those complaints rated as Priority 1, based on the level of risk determined by the Rostered Inspector & SI, the SI is to establish contact with the SHI II towards the assignment of an Inspector to investigate the occurrence on the day.

4.6 Assigned Inspector

- To investigate assigned complaints as prescribed in the Complaint Investigation Procedure.
- Follow the enforcement decision- making procedure where enforcement action is required.
- Ensure that the performance standards set within the inspection procedure are met.

4.7 Safety and Health Inspector II and Senior Inspectors

- Ensure that Inspectors receive the appropriate training in complaints investigation and are competent in their role.
- Support and guide the Inspectors as necessary.
- Ensure Inspectors achieve the performance standard set or, exceptionally agree to revised standards if necessary.
- Undertake monitoring as required by this procedure.

5. Procedural Focus:

This policy shall be implemented in conjunction with the OSH Act and all other policies of the Agency, including the Enforcement Policy.

This Policy will be reviewed every two years subject to any legislative and/or policy requirements.

Approved by the Occupational Safety and Health Authority on 27th July, 2022.



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Chairman
Occupational Safety and Health Authority

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COMPLAINT INVESTIGATION PROCEDURE

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1.0 RECEIVING SAFETY AND HEALTH COMPLAINTS

A complaint can be submitted to the OSHA in the following ways:

- Call to the Hotline
- Call to the Land Line
- Walk-in complainants
- Information from the print and electronic media including OSHA's website
- Information from stakeholders including employee and employer representatives addressed to the OSHA

1.1 Information From Stakeholders

Stakeholders can forward complaints/health and safety concerns to the OSHA via the following:

- a hardcopy document,
- an electronic mail,
- hotline and
- website.

These will be forwarded to the Senior Inspector for review, who then forwards it to the Hotline Operator for entry onto the Notice of Occupational Safety and Health Complaint Form. Complaints received via hardcopy documents are forwarded to the Registry Department for processing.

- a. Action into each complaint shall be initiated immediately upon its receipt.
- b. All calls requesting information are directed to the Rostered Inspector and logged by the Hotline Operator. The Rostered Inspector provides the required information in accordance with the provisions of the Freedom of Information Act Chap. 22:02 and/or any other relevant legislation and the request is then closed.
- c. All calls reporting a refusal to work, critical or fatal accidents are forwarded by the Hotline Operator to the Chief Inspector or Senior Inspector and logged by the Hotline Operator. The OSHA's refusal to work or accident investigation procedure is then initiated.
- d. All complaints received shall be entered on the electronic Notice of Occupational Safety and Health Complaint Form (InfoPath) by the Hotline Operator and a copy (security enabled) forwarded to:
 - (i) The Senior Inspector for further action (prioritizing of the complaint);

- (ii) The Technical Assistants and Administrative Assistants for data entry into the complaints database.

1.2 Call from Hotline/Landline

When recording a complaint, the Hotline Operator should request the following information:

- a. Whether the caller is a current employee of the entity related to the complaint being made or an employee representative.
- b. The exact nature of the alleged safety and health risk(s) or violation of the Act and the basis of the caller's knowledge.
- c. The employer's and occupier's name, address and telephone number and possible name(s) of contact person(s) at the worksite.
- d. Name, address and telephone number of any employee representative at the worksite, if applicable.

The Hotline Operator will provide the caller with the details pertaining to the OSHA's Complaints Policy and Procedure. This shall include, but not be limited to:

- a. The associated concepts of "inquiry" and "investigation" and their fundamental differences.
- b. The rights and protections of filing a formal complaint as enshrined under the Section 77 of the OSH Act.

1.3 "Walk-in" Complainants

Persons desirous of registering an alleged workplace safety and health hazard or violation of the OSH Act with the OSHAA shall do so at the following OSHA offices:

- (i) Eastern Main Road, St. Augustine
- (ii) 65 Ciperio Street, San Fernando; and
- (iii) Lot #2 Glen Road, Scarborough, Tobago.

The Technical Assistant (except for the Tobago Office where an Inspector is the point person) shall direct the complainant to the designated area for conducting the interview and shall attempt to obtain the information mentioned above.

The Technical Assistant (except for the Tobago Office where an Inspector is the point person) will provide the complainant with the details pertaining to the OSHA Complaints Policy and Procedure. This shall include, but not be limited to:

- (i) The associated concepts of “inquiry” and “investigation” and their fundamental differences.
- (ii) The rights and protections of filing a formal complaint as enshrined under the Section 77 of the OSH Act.

3.4 Information from Print and Electronic Media

Based on information received via print and electronic media, the Chief Inspector or Senior Inspector can direct the Hotline Operator to enter the relevant information onto the Notice of Occupational Safety and Health Complaint Form (InfoPath) and forward it for further processing.

2.0 PRIORITIZING SAFETY AND HEALTH COMPLAINTS

The Senior Inspector makes immediate enquiry into the allegations and assigns a priority rating to the complaint (with the exception of a P4 complaint).

The following priority ratings are to be used:

- (i) Priority 1
- (ii) Priority 2
- (iii) Priority 3
- (iv) Priority 4

The criteria tabled below are to be used by the Senior Inspector when determining the priority rating of each complaint:

Table 1: Timelines for completing complaints

PRIORITY RATING	CRITERIA	TIMELINE FOR ENQUIRY/ SITE VISIT	TIMELINE FOR COMPLETION
1	Allegations of serious and/or imminent Danger	Within 24 - 48 hrs.	Within 5 working days
2	Other Unsafe conditions	Within 48 -72 hrs.	Within 10 working days
3	Non reporting of Accident	Within 24 - 48 hrs.	Within 5 working days
4	If the Rostered Inspector is of the opinion, after making initial enquiries that no further investigation is required	N/A	Same day complaint is made

2.1 For a P4 complaint, the Rostered Inspector completes the Complaints Form immediately and forwards to the SHI II or Senior Inspector (where applicable) for review. Once the SHI II or Senior Inspector (where applicable) is satisfied with the rating given and the completed complaint form, the Rostered Inspector forwards the completed complaint form to:

- (i) The Hotline Operator, who logs the completed complaint form;
- (ii) The Registry Department (hardcopy) for processing and filing in the appropriate industrial establishment file; and
- (iii) The Technical Assistants and Administrative Assistants who update the complaint database.

2.2 For P1, P2 and P3 complaints, the Senior Inspector is to assign to the relevant Safety and Health Inspector II by the end of each day. Complaints should be actioned in accordance with Table 1.

Should the Rostered Inspector be absent on his/her assigned day, the Supervisor will fulfil the duties of the Rostered Inspector.

3.0 INVESTIGATING SAFETY AND HEALTH COMPLAINTS

A key function of the Inspector is to investigate occupational safety and health complaints after they have been prioritized. These complaints represent notices of alleged safety or health hazards, non-reporting of workplace accidents/incidents or violations of the OSH Act. It is the intention of the OSHA to initiate investigations in order to determine the validity of the complaint and to take the appropriate enforcement action. It is the intention of this procedure to ensure efficiency, effectiveness and consistency of approach is taken by the Inspector.

After the complaint has been prioritized by the Senior Inspector, it is then forwarded to the Safety and Health Inspector II for assignment.

3.1 Procedure:

- (i) The Inspector upon receiving the complaint shall contact the complainant (if possible) to verify current conditions and acquire additional information (where applicable).
- (ii) If conditions still exist, the Inspector will visit the Industrial Establishment (in accordance with the timeframes given for each priority rating in Table 1), in the presence of the employer and employee representative, to determine the validity of the complaint in accordance with the IFM Inspection Procedure. Consideration must be given to the rights and protection of the complainant as enshrined under Section 77 of the OSH Act.
- (iii) The Employer must be given an opportunity to respond to the health and safety concern.
- (iv) The Inspector is to determine whether or not the complaint is justified.

If the complaint is justified, further action may be required. These may include:

- The completion and submission of an inspection report
 - Issuance of an Enforcement Notice.
 - Investigation into non-reported incident/accident.
- (v) Upon completion of the investigation, the Inspector shall complete the Infopath form and email same to the Safety and Health Inspector II or Senior Inspector (where applicable) for review and discussion.

(vi) The completed form should state the following:

- Whether or not the complaint is justified;
- Findings of the investigation
- Recommendations by the Inspector (where applicable)
- Further Action (where applicable)

(vii) A copy of the final report is placed on O-share and emailed by the Inspector to:

- (i) The Hotline Operator, who logs the completed complaint form,
- (ii) The Technical Assistants and Administrative Assistants who update the complaints database and
- (iii) The Registry Department, which prints and folios the completed complaint form and place in the appropriate industrial establishments' file.

4.0 INVESTIGATING SAFETY AND HEALTH COMPLAINTS OF NON-REPORTING OF ACCIDENTS

A complaint of a non-reported accident that has been justified, shall be closed off by the investigating inspector in accordance with section 3 of this procedure. Upon closure of the complaint, the Inspector shall initiate an accident investigation into the accident in accordance with the Accident investigation Policy and Procedure.

If the complaint of a non-reported accident is not justified, please refer to section 3.1 of this procedure.

Where applicable, the findings and the actions taken after an investigation may be communicated to the Complainant by the Inspector, via the appropriate means (telephone call, letter or via FOIA request).

APPENDIX I: Complaint Investigation Procedure

