

Client Services Procedure Manual

Procedure: 83.00
Subject: Certification Training Investigation

WorkplaceNL investigates complaints made against training providers or trainers. The purpose of the investigation is to ensure the health and safety of workers, compliance with the certification training standards, and to monitor effectiveness of approved training providers and trainers.

1. Investigation Authority

Section 26(e) of the *Workplace Health, Safety and Compensation Act, 2022* (the Act) states that WorkplaceNL shall “develop standards for the certification of persons required to be certified under the *Occupational Health and Safety Act* and approve training programs, training providers and trainers for certification.”

Furthermore, section 18 of the Act authorizes WorkplaceNL to make examination or inquiry that it considers necessary for the purpose of the Act. A WorkplaceNL representative acting under this section may:

- at reasonable times enter a premises;
- require the production of books, records or other documents applicable to the examination or inquiry and may examine those books, records or documents or remove them for the purpose of making copies of them; and
- require and take affidavits, affirmations or declarations as to a matter of the examination or inquiry and administer oaths and affirmations and take declarations and certify that they have been made.

2. Investigation Process

An investigation can be initiated as a result of a complaint made by a training participant, the supervisor or employer of a training participant, another approved training provider, OHS Division, or as a result of WorkplaceNL program monitoring.

Upon receiving a formal complaint, WorkplaceNL will provide the training provider or trainer with a copy of the allegations against them and a timeframe in which to respond.

A WorkplaceNL representative will conduct the investigation, which may include interviews with training providers, trainers and course participants, a review of all training documentation, or certification training audits.

3. Investigation Report

Upon conclusion of an investigation, WorkplaceNL will meet with the training provider and trainer to provide an overview of the findings, and the action to be taken. A report will be sent to the training provider and trainer within three (3) weeks after the launch of an investigation. If additional information is required that extends the investigation beyond the three (3) weeks, an extension will be communicated in writing to the training provider or trainer.

The final report will outline the requirements to comply with the appropriate certification training standard, and/or the certification training policies and procedures outlined by WorkplaceNL. Any requirements to modify training programs or instructional techniques will include timelines for revision. Likewise, requirements regarding enhancement of trainer skill and competency will also outline specific timelines for completion.

In the event that WorkplaceNL finds clear and convincing evidence of non-compliance with certification training standards or of a violation of the Trainer's Code of Ethics, WorkplaceNL may prescribe remedial measures, suspend, or decertify the training provider and/or the trainer as per Policy HS-03, *Occupational Health and Safety Certification Training*. Failure to comply with remedial measures may result in suspension or decertification.

4. Noncompliance

WorkplaceNL may take action as a result of an investigation or failure to comply with an investigation request. Actions include, but are not limited to, remedial measures, suspension or decertification. Failure to comply with remedial measures may result in suspension or decertification.

Reference: *Workplace Health, Safety and Compensation Act, 2022, Sections 18 and 26*
Policy HS-03, Occupational Health and Safety Certification Training

Amendment History

Original Effective Date 2018 05 08