

Client Services Procedure Manual

Procedure: 83.00

Subject: Certification Training Investigation

WorkplaceNL reserves the right to investigate training providers and trainers. The purpose of an investigation is to:

- Ensure compliance with Policy HS-03 Occupational Health and Safety Certification Training and the associated certification training procedures;
- Ensure compliance with the Certification Training Code of Ethics;
- Ensure compliance with the applicable certification training standard;
- Ensure compliance with the Virtual Certification Training Guideline;
- Ensure compliance with the approved training curriculum;
- Monitor the effectiveness of approved training providers, trainers and training programs; and
- Make recommendations to ensure continual improvement.

1. INVESTIGATION PROCESS

An investigation may be initiated from information shared with WorkplaceNL, or a complaint that suggests non-compliance on the part of a training provider and trainer. If this information or complaint is substantiated by WorkplaceNL, and an investigation is warranted, a certification training investigation will be initiated. The training provider and trainer will receive a notice of investigation outlining the allegations against them and a timeframe to respond.

An investigation may include, but is not limited to:

- Interviews with training providers, trainers and training participants;
- Review of training documentation (e.g., participant evaluation forms, existing certification training evaluations and investigations, etc.); and
- Review of Certification Training Registry information.

WorkplaceNL is authorized under section 18 of the Workplace Health, Safety and Compensation Act, 2022 (the Act), to examine or inquire into a matter that it considers necessary for the purpose of the Act. A WorkplaceNL representative acting under this section may:

- Enter a premises at reasonable times;
- 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.

Training providers and trainers must cooperate with WorkplaceNL or its representative during the course of a certification training investigation. They must provide a response to the allegations and access to training records.

To ensure records are available for review, training providers are required to maintain records of trainers and trainees including, participant training records, participant registration forms, and participant evaluations in accordance with law and for a minimum of five years.

2. INVESTIGATION REPORT

Upon conclusion of an investigation, an investigation report will be sent to the training provider and trainer outlining evidence found to support or refute the allegation(s).

Where evidence is found that supports the allegation, WorkplaceNL may prescribe remedial actions, suspend or decertify the training provider and trainer.

It is the responsibility of the training provider and trainer to complete the prescribed remedial actions within the prescribed timeframe and notify WorkplaceNL of completion. Where these remedial measures are not completed, WorkplaceNL may prescribe additional remedial measures, suspend or decertify the training provider and trainer.

WorkplaceNL will make all reasonable efforts to protect the privacy of the persons involved in an investigation.

After receiving the investigation report, the training provider and trainer may request a meeting with WorkplaceNL to review the findings.

3. AUTHORIZED REPRESENTATIVE

Training providers and trainers who want to grant someone else (an authorized representative) access to their training provider or trainer file must complete an Authorized Representative Form (Form 13). A signed Form 13 allows WorkplaceNL to share all file information with the named individual.

4. NON-COMPLIANCE

In accordance with Policy HS-03 Occupational Health and Safety Certification Training, WorkplaceNL may prescribe remedial actions, suspend or decertify a training provider and trainer, where:

- There is clear and convincing evidence of non-compliance;
- They fail to comply with a certification training investigation; or
- They fail to comply with remedial measures within the prescribed timeframe.

Where non-compliance includes a breach of the Policy HS-03 Occupational Health and Safety, or the Certification Training Code of Ethics, the training provider and trainer may be

decertified from all certification training standards and may not be permitted to reapply.

Where a training provider and trainer is found in non-compliance in a subsequent investigation, they may be decertified from the certification training standard and may not be permitted to reapply.

5. REVIEW

Training providers and trainers are entitled to a review of WorkplaceNL certification training decisions. The purpose of the review process is to ensure that decisions are fair, reasonable, and consistent. A request for a review will be conducted in accordance with Procedure 84.00 Certification Training Decision Review.

Reference:

Workplace Health, Safety and Compensation Act, 2022, sections 26 and 18
Policy HS-03 Occupational Health and Safety Certification Training
Procedure 80.00 Certification Training Provider Approval
Procedure 81.00 Certification Trainer Approval
Procedure 82.00 Certification Training Quality Assurance
Procedure 84.00 Certification Training Decision Review
Certification Training Code of Ethics
Virtual Certification Training Guideline

Amendment History

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