### Stakeholder Engagement Feedback

# Policy 09.06, Virtual and Desktop Review Methods for Inspections (NEW POLICY)

The Workers' Safety and Compensation Commission (WSCC) of the Northwest Territories and Nunavut is proposing a new policy, *Policy 09.06*, *Virtual and Desktop Inspections*.

Policy 09.06 is being proposed as a new policy to provide governance level direction for the appropriate use of virtual and desktop review methods for worksite inspections. The policy goal is to provide Governance Council oversight to ensure worksite inspections are conducted effectively, while embracing modern technology to allow the WSCC to use its limited human and financial resources as efficiently as possible.

The recent pandemic highlighted the need to proactively consider and provide guidance for the inspection of worksites using virtual and desktop review methods. Whether a pandemic, weather event, or other natural or human made disaster, the pandemic highlighted that external factors can quickly alter the operations of the WSCC. In is important that the WSCC responsibly leverage technology to ensure compliance and enforcement in the face of external influences.

Please review the attached policy in its current form and provide comments that you believe will benefit the policy development process.

#### **Comments**

*Policy 09.06, Virtual and Desktop Inspections* is being proposed as a new Governance Council policy. The WSCC is asking for your feedback on the proposed policy's overall clarity, and to understand if there are any gaps in the proposed policy from the perspective of stakeholders.

When reviewing the policy, the WSCC is specifically interested in your review and comments about the clarity of the policy. Specifically, are the criteria and guidance for when a Safety Officer or Inspector of Mines should and may consider a virtual and desktop inspection clear to the reader?

The WSCC of the Northwest Territories and Nunavut would like your feedback on the overall effectiveness of the policy. If you have any comments to provide about the content or clarity of the policy, please submit them to <a href="mailto:policy@wscc.nt.ca">policy@wscc.nt.ca</a> by **Sunday July 30, 2023**. When providing feedback please make it clear that your comments concern the draft Policy 09.06.

The WSCC would like to thank you in advance for your feedback. Your participation contributes to the improvement of the service we provide to our stakeholders.

#### **Attached Documents:**

Policy 09.06, Virtual and Desktop Inspections



### **POLICY STATEMENT**

The Workers' Safety and Compensation Commission (WSCC) inspects worksites across the Northwest Territories and Nunavut to ensure safe work and compliance with occupational health and safety legislation.

This policy provides guidance for the WSCC's use of virtual and desktop review methods for inspecting worksites. The purpose of using virtual and desktop review methods for inspections is to ensure the efficient use of the financial and human resources of the WSCC in the effective regulation of safe work.

Virtual and desktop review methods are only used if the findings of an inspection can reasonably be expected to be equal to or better than the expected findings of an in-person worksite inspection.

#### **DEFINITIONS**

Chief Inspector of Mines:	The person appointed to be the Chief Inspector of Mines under the authority of the <i>Mine Health and Safety Act(s)</i> .
Chief Safety Officer:	The person appointed to be the Chief Safety Officer under the authority of the <i>Safety Acts</i> .
Desktop Review:	A documentary analysis undertaken by a Safety Officer or Inspector of Mines at a location other than a worksite, for the purpose of performing a worksite inspection.
Geotag:	An electronic marker that confirms the geographical location of where a digital photograph or video is taken.
Inspection:	Examining and documenting worksites to ensure ongoing compliance with occupational health and safety legislation.

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Inspector of Mines: A person appointed by the Chief Inspector of

Mines as an Inspector of Mines under authority of

the *Mine Health and Safety Act*(s).

Occupational health and safety

legislation:

The Acts and Regulations administered by the WSCC that concern occupational health and safety including the *Mine Health and Safety Act(s)*, *Safety Act(s)*, and *Explosives Use Act(s)*,

and associated regulations.

Safety Officer: A person appointed by the Chief Safety Officer as

a Safety Officer under authority of the Safety

Act(s).

Virtual Review: A virtual analysis undertaken by a Safety Officer

or Inspector of Mines at a location other than a worksite, for the purpose of performing a

worksite inspection.

Virtual reviews may include the use of online meeting tools to assess a worksite remotely. They

may also include videos, photos, digital

documents, and any other source requested to inspect a worksite without the Safety Officer or Inspector of Mines being physically present.

Worksite: A worksite is any place where work is carried out.

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### **POLICY**

#### General

To ensure compliance with occupational health and safety (OHS) legislation, and to reduce workplace injury and illness, the WSCC inspects worksites across the Northwest Territories and Nunavut. This policy provides guidance for the WSCC's use of virtual and desktop review methods. The policy ensures these methods are used in ways that enhance the ability of Safety Officer and Inspectors of Mines to enforce OHS legislation across a large geographic area. Guidance for virtual and desktop reviews are provided in this policy for the enforcement of OHS legislation.

### When To Use Virtual and Desktop Reviews

It is important to understand when Safety Officers and Inspectors of Mines may consider using virtual and desktop review methods. Use of these review methods must only occur when a Safety Officer or Inspector of Mines is confident that they can gather the information they require to successfully perform an inspection without being physically present at a worksite.

Before performing a virtual or desktop inspection that will not include an in-person review of a worksite, a Safety Officer or Inspector of Mines must first notify their supervisor of their plan to use either or both review methods instead of an in-person review.

Situations where virtual or desktop inspections may be appropriate include, but are not limited to:

- Protecting the health and safety of WSCC staff.
- Extreme weather or large travel distance means that a Safety Officer or Inspector of Mines will not be able to reach a worksite in an appropriate amount of time to perform an effective inspection.
- The purpose of the inspection is to review potential contraventions of OHS legislation that are not considered an immediate threat to the life health or safety of a worker. Examples include administrative contraventions of OHS legislation.
- A previous, in-person field visit was conducted and addressed similar issues.

It is also important for workers and employers to understand that participating in a virtual or desktop inspection may require greater participation of workers and employers to provide a Safety Officer or Inspector of Mines with the information they require to successfully perform their duties. Without a physical presence at a worksite more information may need to be collected and shared by the worker and employer with the Safety Officer or Inspector of Mines than would otherwise be necessary.

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Worksite inspections are prioritized and undertaken by the WSCC in accordance with *Policy 09.03, Prioritizing Worksite Inspections*. Prioritization ensures that industries, employers, and worksites with a greater likelihood for work-based injury or illness are the priority for inspections. Use of virtual and desktop review methods can allow Safety Officers and Inspectors of Mines to inspect more worksites then might otherwise be possible.

When considering whether to use virtual or desktop review methods as part of a worksite inspection, or instead of an in-person worksite inspection, Safety Officers and Inspectors of Mines must consider and weigh many different factors and questions. Examples of some of these factors and questions are listed below. This is not an exhaustive list that may influence decision-making.

- The outcomes of an inspection must reasonably be expected to have outcomes equal to or better than the outcomes of an in-person inspection.
- Is the inspection occurring as part of WSCC inspection prioritization planning, or because the WSCC has received a Report of Unsafe Work or Employer's Report of Incident that requires a timely response?
- Is the inspection occurring to review documentation such as a safety program, proof of training, or other materials that can easily be shared virtually or digitally?
- Is it possible to speak with the necessary worker and employer representatives without being present in-person at a worksite?
- If the inspection is at a home worksite has the worker provided consent to inspect their home?

The primary reason for performing an inspection is to proactively ensure compliance with and enforcement of OHS legislation before an incident occurs. Based on these and potentially other factors, Safety Officers and Inspectors of Mines must weigh the costs and benefits of performing virtual and desktop reviews in addition to or instead of an inperson inspection as part of their efforts to ensure compliance and enforcement with OHS legislation.

### **Performing a Virtual or Desktop Review**

When using virtual or desktop review methods to perform an inspection there are certain requirements that Safety Officers and Inspectors of Mines must adhere to.

- Before beginning any real-time virtual inspection the person at the worksite must confirm their location using geolocation technology.
- Any video communication tool used for real-time virtual inspection must have the ability to record, and the record function must be used during the inspection.

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• Any photographs or videos collected when using virtual or desktop review methods must be geotagged.

#### **LEGISLATIVE AUTHORITIES**

Northwest Territories Workers' subsections: 89(b)

Compensation Act:

Nunavut Workers' Compensation subsections: 89(b)

*Act*:

Northwest Territories *Explosives* Section: 11

Use Act:

Nunavut *Explosives Use Act:* Section: 11

Northwest Territories Safety Act: subsections: 9(1); 9(2); 9(3); 9(5)

Nunavut *Safety Act*: subsections: 9(1); 9(2); 9(3); 9(5)

Northwest Territories *Mine Health* subsections: 21(1); 21(3); 23; 24

and Safety Act:

Nunavut Mine Health and Safety subsections: 21(1); 21(3); 23; 24

Act Safety Act:

#### **POLICY RELATED DOCUMENTS**

Policy 09.03 Prioritizing Worksite Inspections
Policy 09.04 Home Worksite Inspections and Investigations

#### **HISTORY**

New

	Chairperson

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