



Health and Safety  
Santé et sécurité



# INTERNAL RESPONSIBILITY SYSTEM – FEDERAL INTERNAL COMPLAINT RESOLUTION PROCESS



## WHAT IS THE INTERNAL RESPONSIBILITY SYSTEM?

The Internal Responsibility System (IRS) puts in place an employee-employer partnership in ensuring a safe and healthy workplace. Internal responsibility is based on the realization that regulatory control alone will not make the difference in the workplace safety. In an effective safety system, employers and employees take the lead by devising and implementing health and safety methods for their own protection.

## HOW DOES THE INTERNAL COMPLAINT RESOLUTION PROCESS WORK IN THE FEDERAL SECTOR?

The IRS is the underlying philosophy of the occupational health and safety legislation in all Canadian jurisdictions. Its foundation is that workers and managers are expected to work together to improve their health and safety. Acts and regulations will not always impose or prescribe the specific steps to take for compliance. Instead, it holds employers responsible for compliance with health and safety legislation.

Employers are responsible for maintaining policies and procedures to ensure a safe workplace. The worker's role is to follow safe work practices and to report safety hazards and anything else that they believe goes against the legislation.

Under section 126(1)(j) of Part II of the Canada Labour Code, every worker has a duty to report to the employer any situation they believe contravenes the Code, whether involving the employer, another worker, or any other person, as well as any circumstance that is likely to pose a hazard to the health and safety of workers. Upon receiving such a report, the employer is required to respond and take appropriate action, in accordance with their obligations under section 125(1)(z.02) of the Code.

An internal complaint resolution process is established in section 127.1 of the *Canada Labour Code Part II*. This internal process has to be used before other recourses.

## KEY STEPS OF THE COMPLAINT RESOLUTION PROCESS

- **Step 1:** A worker who reasonably believes that there has been a contravention of the Code, or that a situation is likely to cause an accident or injury to health, may bring the matter to the attention of their supervisor by making a complaint, as provided under s.127.1(1);
- **Step 2:** The worker and the supervisor must attempt to resolve the complaint between themselves as soon as possible (s.127.1(2));
- **Step 3:** Either person can refer an unresolved complaint to a chairperson of the workplace committee or the health and safety representative (s.127.1(3));



- **Step 4:** Those who investigate the complaint must inform the worker and the employer in writing of the results of the investigation (s.127.1(4));
- **Step 5:** Those who investigate the complaint can make recommendations to remedy the situation, whether they think the complaint is justified or not (s.127.1(5));
- **Step 6:** If the complaint is justified, the employer must inform the investigators in writing right away of when and how they will resolve the matter (s.127.1(6));
- **Step 7:** If those who investigated the complaint conclude that a danger exists, the employer must ensure that no worker is exposed to that danger (s.127.1);
- **Step 8:** The worker or employer may refer to a health and safety officer in the following circumstances (s.127.1(8)):
  - the employer does not agree with the results of the investigation;
  - the employer has failed to take action to resolve the matter or to inform those who investigated the complaint of when and how the matter would be resolved;
  - those who investigated the complaint do not agree on whether the complaint is justified.
- **Step 9:** The health and safety officer must investigate the complaint (s.127.1(9));
- **Step 10:** After the investigation, the officer (s.127.1(10)):
  - can issue directions to an employer or worker;
  - can recommend that the employer resolve the matter between themselves;
  - shall, if they conclude that a danger exists as described in s. 128.1, issue directions under s.145.2.

Any failure by the employer to follow this process constitutes a violation. Where the process is not initiated or is not being properly followed, a Health and Safety Officer should be contacted and requested to intervene. The Joint Health and Safety Committee must be actively involved throughout the entire process, including investigations, studies, inquiries, and inspections, and must be meaningfully consulted by the employer at every stage. Where appropriate, the Committee may also seek input from subject matter experts to provide guidance on related technical, legal, or health and safety issues