

**ONTARIO LABOUR RELATIONS BOARD
INFORMATION BULLETIN NO. 22**

OCCUPATIONAL HEALTH AND SAFETY ACT

**APPLICATION FOR SUSPENSION OF AN
INSPECTOR'S ORDER OR DECISION**

GENERAL

This Information Bulletin describes what happens when an employer, constructor, licensee, owner, worker or trade union applies for the suspension of an Inspector's order or decision under the *Occupational Health and Safety Act* (the "Act").

The Ontario Labour Relations Board (the "Board") is responsible for processing and determining appeals and requests for suspensions. Appeals and applications for suspensions are decided by the Chair or a Vice-Chair of the Board. For a description of the appeal process, see Information Bulletin No. 21.

An application for suspension will not be processed unless there is an accompanying appeal of the Inspector's order. Please read Information Bulletin No. 21 and complete Form A-65 before or at the same time as applying for the suspension.

Appeals must be in writing. They must be initiated **within 30 calendar days of the Inspector's order or decision.**

APPLICATION FOR SUSPENSION

Once you have initiated your appeal (or at the same time as you are initiating an appeal, or any time after initiating an appeal), you may apply for a suspension of the Inspector's order by completing, delivering and filing Form A-67. Please ensure that Form A-67 is completed as fully as possible, giving the names, addresses, phone and fax numbers, and e-mails of all the persons, unions or companies who may be affected by the application for a suspension. In the normal course, an application for a suspension will involve three parties: the employer, the worker or union, and a director under the Occupational Health and Safety Act. Sometimes a worker may initiate an appeal and apply for a suspension apart from his/her union.

In outlining your reasons for the request, you should address the following criteria: (1) will the health and safety of the workers be assured if the order is suspended? (2) will there be any negative impact on you if the order is not suspended (financial considerations will not normally be sufficient for a successful request)? (3) are you more likely than not to succeed on your

appeal? (4) is there a good reason to vary the Inspector's order before the entire matter can be dealt with on appeal? and (5) any other comments you think might be helpful to the adjudicator.

FILING THE APPLICATION

Before filing the application for a suspension, you must deliver an Application Package to the responding parties and to any other person whom you identify as potentially affected by the application. Delivery to the director is made through the Legal Services Branch of the Ministry of Labour, Training and Skills Development, as follows:

TO: Deputy Director
Legal Services Branch
Ministry of Labour, Training and Skills Development
400 University Avenue, 11th Floor
Toronto, ON M7A 1T7
TEL: 416-326-7959
FAX: 416-326-7985

The Application Package consists of: 1) a copy of the completed Appeal (Form A-65), 2) a copy of the completed Application for Suspension (Form A-67) and 3) a Notice of Application for Suspension (Form C-45). You must fill in your name and the responding party's and Inspector's names on page 1 and the date on page 2 of the Notice before making the delivery.

Other material, including blank Response forms and Information Bulletins are available from the Board (505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1 - Tel. no. [416] 326-7500) or downloaded from the Board's website at www.olrb.gov.on.ca.

The package may be delivered by hand, courier, facsimile transmission, regular mail or any other way agreed upon by the Parties.

No later than five days (not including weekends, statutory holidays or any other day the Board is closed) after delivering the Application Package to the responding and/or affected parties, you must file one copy of the application with the Board. The application may be filed in any way other than facsimile transmission, e-mail or registered mail.

Please note that incomplete forms or missing information may delay your proceeding.

RESPONSE

If you are a responding party, and have received a completed Form A-65 and Form A-67, with accompanying materials, please complete Form A-68, giving your name, address, phone and fax numbers. Please be sure to address the criteria for applications for suspension described above. Deliver your completed Form A-68 and any supporting documents to the Applicant and other responding party or parties, within **ten days** of the date of receipt of the application. Then file these materials with the Board.

PROCESS

Applications for suspensions are normally dealt with only on the basis of the written materials submitted to the Board. In certain limited instances, as the adjudicator considers advisable, an oral hearing or consultation will be scheduled to determine the application for a suspension. In these cases, the hearing or consultation may be scheduled on short notice, and may be held at the Board's offices in Toronto.

IMPORTANT NOTE

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.