

POLICY NUMBER: POL-161

Chapter:
WORKPLACE SAFETY AND PREVENTION

Subject:
DISCLOSURE OF OCCUPATIONAL HEALTH AND SAFETY INFORMATION

Effective Date:
September 23, 2021

Last Update:
September 23, 2021

PURPOSE STATEMENT:

The purpose of this policy is to explain the types of information the Workers Compensation Board (WCB) may disclose publicly about Occupational Health and Safety (OHS) matters, including investigations and inspections.

REFERENCE:

Freedom of Information and Protection of Privacy Act, RSPEI 1988, Cap.F-15.01, Sections 5(2), 7, 14-27, 30 37, 38
Occupational Health and Safety Act R.S.P.E.I.1988, Cap. 0-1.01, Sections 2, 4, 39, 40

POLICY:

1. This policy sets out the conditions for public disclosure of information about OHS matters, such as investigations and inspections.
 2. Disclosure of information about OHS matters must be in compliance with confidentiality requirements set out in the *OHS Act* and Regulations.
 3. The WCB is subject to the *Freedom of Information and Protection of Privacy Act (FOIPP)* Act and disclosure of information must comply with those provisions.
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4. Under limited circumstances, and for the purposes of promoting workplace safety, preventing injuries and serving the public interest, the WCB Director of OHS, or their delegate, may disclose information provided that:
 - The disclosure is for the purposes of administering and meeting the requirements of the *OHS Act* and Regulations, or as authorized by other legislation or legal authority.
 - The disclosure does not violate the *FOIPP Act*. This includes, but is not limited to, ensuring that the disclosure:
 - Is not an unreasonable invasion of an individual's personal privacy.
 - Does not reveal manufacturing or trade secrets.
 - Does not interfere with a law enforcement matter.
5. The types of information that may be disclosed include, but are not limited to:
 - Risks to public safety and other OHS information in the public interest, which may include information related to orders and stop work orders.
 - Confirmation of OHS investigation into an incident or complaint at a specific workplace.
 - The status of an OHS investigation.
 - The general type of incident under investigation.
 - Once the investigation has concluded a description of the cause of the incident, the result and associated prevention measures.
 - The results and circumstances of OHS prosecutions.
6. Third party requests for OHS information that cannot be satisfied under this policy may be requested under access to information provisions and processed in accordance with the requirements set out in the *FOIPP Act*.
7. The *OHS Act* and Regulations set out the information requirements for parties directly involved in OHS matters. This policy does not have an impact on those information requirements and other authorized disclosures under the *OHS Act* and Regulations.

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HISTORY:

Board of Directors Approval Date: September 23, 2021