

The Internal Complaint Resolution Process (ICRP)

Step 1 The worker believes that an incident or injury is likely, or that the law has been broken. This belief must be based on "reasonable grounds". The government says workers must (have a duty to) tell their employer when they believe the *Code* is being broken. The worker must tell the supervisor, i.e. make a complaint. **s. 127.1(1)**

Step 2 The worker and the supervisor must try to deal with the complaint on their own, as soon as possible. **s. 127.1(2)**

Step 3 If they don't agree, either the worker or supervisor can tell a chairperson of the workplace committee about the situation. That person is responsible for getting a worker and employer member from the joint health and safety committee to investigate the situation. **s. 127.1(3)**

Step 4 A worker and an employer representative from the joint committee investigate the situation. (If there is no committee, it is a health and safety representative and someone appointed by the employer.) They must write up a report about "the results" -- what they find and their conclusions. They must give a copy to the worker and the employer. **s. 127.1(4)**

Step 5 The workplace investigators may make recommendations to the employer about the situation/issue. It doesn't matter if they decide the complaint is justified or not. **s. 127.1(5)**

Step 6 If the investigators decide the complaint was justified, the employer must:

- tell them how and when s/he will fix the problem; and
- "take appropriate action" to do that.

This must be done in writing, and without delay. **s. 127.1(6)**

Step 7 The person who made the complaint, or the employer, may go to the Minister * if:

- the employer does not agree with the results of the investigation;
 - the employer does not follow Step 6; **OR**
 - the workplace investigators do not agree about whether the complaint is justified.
- s.127.1(8)**

* refers to the Minister of Labour, however the Minister may delegate to any qualified person or class of persons any of the powers, duties or functions the Minister is authorized to exercise or perform

Step 8 The Minister **must** investigate the complaint. **s. 127.1(9)**

Step 9 After the investigation the Minister has three options:

- if s/he decides there is a danger, s/he must issue directions
 - issue directions to an employer or worker; **OR**
 - recommend the employer and worker sort out the issue between themselves.
- s.127.1(10)**