



## Filling out the Employee Discriminatory Action Complaint Form

- 1 This form must be filled out and received by an Officer of the Occupational Health and Safety Division of the Department of Environment and Labour within 30 days of the incident on which this complaint is based on. *If the complaint is not received within the 30 days there is no possible remedy under the Occupational Health and Safety Act.*
- 2 The completed form should be sent to the appropriate Occupational Health and Safety Division office as indicated below.
- 3 Please print or write in a legible manner.
- 4 Complainant box (first box) - fill in your contact information - full name, phone number where you may be reached, address, and the position you hold or held at work.
- 5 Employer/Union Information box (second box) - fill in your union / employer contact information - employer/company name, address of company, company phone number, supervisor name. Note: indicate the location where the incident occurred at.
- 6 Complaint box (third box) - check one, or more, of the boxes which apply to your incident. These boxes correspond to the sections in the Act where discriminatory action applies.
  - 6.1 Facts of Complaint - relate, in as detailed a manner as possible, what occurred and why you are alleging a discriminatory action complaint. Points that may be useful:
    - 6.1.1 write a draft - so that you may organize your thoughts and events, and ensure all the relevant information is noted
    - 6.1.2 organize the incident in chronological (time) order
    - 6.1.3 questions to answer: what happened? when? did anything occur prior to the incident (is there a history)? what did you do? what did the supervisor/employer do? are there witnesses to the incident?
    - 6.1.4 try using point form, rather than paragraph, to describe the incident that lead to the complaint

### Discriminatory Action Process

Once a complaint is received, and it is within the 30 day time frame, an Occupational Health and Safety Officer will investigate the complaint. The complainant will be contacted and interviewed. The Officer will also contact any other persons necessary to make a determination. NOTE: the process is “transparent” - information given to the Officer will be shared - each party will have the opportunity to respond to the information submitted by the other.

Once the Officer is satisfied that all information has been received they will make a determination whether there has been a violation of the Act. If a violation has occurred an order will be issued to the employer specifying the provision of the Act that has been contravened and the remedy. If there are no grounds to issue an order, the officer will notify the parties.

An Officer’s order may be appealed by the complainant or the employer. The appeal must be filed in writing, to the Director of Occupational Health and Safety, within 14 days of having been served with the order or decision. An appeal form can be found at

<http://www.gov.ns.ca/enla/healthandsafety/forms.asp>

or call 424-5400 (Halifax) or 1-800-9LABOUR [1-800-952-2687].

**The completed form should be sent to the appropriate Occupational Health and Safety Division office:**

**Halifax**

OH&S Division  
NS Environment & Labour  
5151 Terminal Road, 5<sup>th</sup> Floor  
P.O. Box 697  
Halifax, NS B3J 2T8  
Fax 902-424-5640

**Boylston**

OH&S Division  
NS Environment & Labour  
RR#2  
Boylston NS B3J 2T8  
Fax 902-533-2307

**Bridgewater**

OH&S Division  
NS Environment & Labour  
60 Logan Road  
Bridgewater, NS B4V 3J8  
Fax 902-527-5480

**Kentville**

OH&S Division  
NS Environment & Labour  
10 Webster Street  
Suite 202  
Kentville, NS B4N 1J5  
Fax 902-679-5166

**Middleton**

OH&S Division  
NS Environment & Labour  
101 Magee Drive  
P.O. Box 1000  
Middleton, NS B0S 1P0  
Fax 902-825-4471

**Port Hawkesbury**

OH&S Division  
NS Environment & Labour  
218 MacSween Street, Suite 12  
Port Hawkesbury, NS B9A 2J9  
Fax 902-625-4044

**Springhill**

OH&S Division  
NS Environment & Labour  
29 Industrial Park Drive  
P.O. Box 2290  
Springhill, NS B0M 1X0  
Fax 902-597-8801

**Stellarton**

OH&S Division  
NS Environment & Labour  
2561 Westville Road  
P.O. Box 3040  
Stellarton, NS B0K 1S0  
Fax 902-755-3158

**Sydney**

OH&S Division  
NS Environment & Labour  
Provincial Building  
360 Prince Street  
Sydney, NS B1P 5L1  
Fax 902-563-3475

**Truro**

OH&S Division  
NS Environment & Labour  
36 Inglis Street  
P.O. Box 824  
Truro, NS B2N 5G6  
Fax 902-893-0282

**Yarmouth**

OH&S Division  
NS Environment & Labour  
13 First Street  
Yarmouth, NS B5A 1S9  
Fax 902-742-7796