

Operations Division Occupational Health and Safety

Field Visit Report

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OHS Case ID: **04650QWDR945**

Field Visit no: **04650QWDR946**

Visit Date: **2021-DEC-08**

Field Visit Type: **INITIAL**

Workplace Identification: **CONFEDERATION COLLEGE
1450 NAKINA DRIVE, THUNDER BAY, ON, CANADA P7C 4W1**

Notice ID:

Telephone:

JHSC Status:

Work Force #:

Completed %:

- **Active** **350**

Persons Contacted: **LARRY LESNICK - SECURITY, JOHN CONRAD - SUPERVISOR OF PUBLIC SAFETY, MICHEAL DORVAL - FACILITY SERVICES - WORKER JHSC REP.**

Visit Purpose: **HEALTH AND SAFETY INSPECTION.**

Visit Location: **CAFETERIA, BOARD ROOM - FACILITIES SERVICES**

Visit Summary: **NO ORDERS ISSUED**

Detailed Narrative:

The Province has entered its 3 stages of re-opening plan. As the stages of the re-opening plan progress, some of the controls, restrictions, measures and procedures put in place to stop the spread of COVID-19 may be relaxed. It is important to note that the SARS-CoV-2 virus continues to circulate in the community, with new cases occurring, and it will continue to pose a hazard to the Health and Safety of workers for some time. It is also important to note that some Variants of Concern (VOCs) are now predominant. Currently circulating variant strains are considered to be significantly more transmissible than the earlier strains of the COVID-19 virus, making it important to ensure that appropriate measures and procedures remain in place for the protection of workers.

The number of Ontarian's who have received their vaccination(s) continues to rise, and this will contribute to reducing the risk of COVID-19. Employers must be vigilant in continuing to meet their duties and obligations under the OHSA to take every precaution reasonable in the circumstances to protect the Health and Safety of workers. Engaging with workplace parties and the Internal Responsibility System will ensure that workers are provided with the appropriate information and instruction needed to protect them against the further spread of COVID-19.

On August 24, 2021 the government announced its Last Mile Strategy which aims to prevent a province-wide lock down this fall and the overloading of our healthcare system through a multi-pronged approach, including increased vaccination uptake and strict adherence to public health requirements.

Inspectors will ensure that workplaces have appropriate COVID safety controls in place in workplaces such as:

- physical distancing
- mask and PPE usage
- hand hygiene and sanitation practices
- screening
- worker awareness and training
- other relevant workplace specific controls

In addition to OHSA compliance assistance and enforcement, Inspectors will promote and enforce the ROA requirements at workplaces. Proper patron screening including ensuring vaccination status where required will

Recipient	Inspector Data	Worker Representative
	James Gionet	
Name	OCCUPATIONAL HEALTH & SAFETY INSPECTOR	Name
	PROVINCIAL OFFENCES OFFICER	
	222-435 James St. S, Thunder Bay, ON P7E 6S7	
Title	HSThunderBayDistrict@ontario.ca	Title
	Tel: (807) 633-4467	
	Fax: (807) 475-1646	
Signature	Signature 	Signature

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an inspector is an offence under Section 66 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.olrb.gov.on.ca/english/homepage.htm> for more information.

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be a key focus.

Employers and workers should engage the internal responsibility system to continue to look at ways of decreasing the risk of exposure (i.e. allowing workers to work from home where appropriate). As a reminder, Worker Representatives and Joint Health and Safety Committees have the power to make recommendations to employers with respect to health and safety in the workplace which includes the employer's measures and procedures with respect to COVID-19.

Employers and supervisors should continue to ensure that all workers follow the requirements to protect themselves and others from the transmission of COVID-19 while working and on breaks. Under the OHSA, employers and supervisors must take every precaution reasonable in the circumstance for the protection of workers. This may include measures such as limiting the number of people in a lunch/break area, ensuring anyone in these areas is physically distanced when required, etc. Workers are required to wear any protective equipment required by their employer and to report any hazards they observe.

This field visit took place with Ina Chomysyn – Occupational Hygienist with the Ministry of Labour, Training and Skills Development.

The reason for this visit is to audit compliance with the Occupational Health and Safety Act and its Regulations.

The following was discussed/observed/provided:

Discussion was had around Section 54 powers of an inspector (Under the Occupational Health and Safety Act) that includes the following:

Powers of inspector

54 (1) An inspector may, for the purposes of carrying out his or her duties and powers under this Act and the regulations,

(a) subject to subsection (2), enter in or upon any workplace at any time without warrant or notice;

The employer is reminded of Section 2(2) of the Occupational Health and Safety Act that states:

(2) Despite anything in any general or special Act, the provisions of this Act and the regulations prevail. R.S.O. 1990, c. O.1, s. 2.

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>>>Covid

The workplace parties indicated they have measures and procedures in place addressing the following:

Information/ Instruction/Supervision:

Signage is posted at the main doors and throughout the workplace including face masks, social distancing, symptoms. Information is provided via written/online and verbal instruction. Information was observed throughout the workplace and at the entrance to the store.

Joint Health and Safety Committee:

There is a JHSC in place as well as a Covid committee that have both been involved in Covid discussions.

Social/Physical Distancing Measures in Place:

Workers are able to physically distance at work.

Signage is posted throughout the workplace to remind people to physically distance.

Lunches/breaks are staggered throughout the day. The cafeteria has tables blocked off to allow for socially distanced eating.

Barriers are located at the checkout.

When work cannot be performed without breaking the 2m threshold, there needs to be additional measures and procedures. The hierarchy of controls should be considered – barriers and other engineering controls first, administrative controls and protection at the worker as a last resort.

If universal masking as source control is in place, along with screening, hand hygiene facilities, cleaning and disinfecting, etc. then workers may work within 2m of each other and the public if they are also included in the universal masking. There should be no interactions within 2m unless those workers/persons are universally masked.

After the hierarchy of controls has been considered and a worker is required to

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work within 2m of an unmasked person then PPE is required in the form of contact droplet precautions (procedure/surgical mask + eye protection as a minimum.)

Eye protection can be goggles, face

shields, safety glasses with side shields etc.

- Regular prescription eyewear with added side shields are not permissible as PPE.
- When eye protection is reused, there must be a cleaning and disinfecting procedure in place and followed before reuse is permitted.

Screening Measures:

Workers are screening before work. If failed the screening then the screening is sent to management monitored email. If failed the worker is to remain at home and follow public health advice.

Screening for visitors to the workplace is done at the entrance including screening questions and proof of vaccination.

Cleaning and Disinfecting:

Workers are cleaning their work stations between use. Equipment that is shared is being cleaned using disinfectant. High touch surfaces are cleaned throughout the day by a third party cleaner who have training including training provided by the college.

Hand Hygiene

Hand sanitizer is available for the staff and customers. Soap and water are available in the washrooms. Health Canada publishes information on disinfectants and hand sanitizers at <https://www.canada.ca/en/health-canada/services/drugs-health-products/disinfectants/covid-19.html> This site includes lists of disinfectants and hand sanitizers authorized for sale in Canada. Check to see if the product(s) used at this workplace, are on the authorized list and or have NPN or din numbers. The general information tab on the web site includes information on the use of bleach solutions for disinfection.

Personal Protective Equipment:

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The workplace is providing PPE to the employees in the form of face masks, gloves and gloves. Training has taken place with respect to Donn and Doff masks.

Infection Prevention and Control

MLTSD considers Covid-19 infection acquired at a workplace to be an occupational illness. Occupational illness reporting requirements are given at <https://www.ontario.ca/page/reporting-workplace-incidents-or-structural-hazards>

Occupational Illness can be reported to the email located here:
MLTSDoccillness.notices@ontario.ca

Safety Plan (if required under ROA O. Reg 364/20)
Safety Plans are now required in all zones. The Safety Plan is required to be in writing and posted.

Contact Tracing

The employer is reminded that under ROA screening records must be kept for 30 days. This includes screening records of essential visitors.

***** comments from Ina Chomyshyn, occupational hygienist, 807 633 8033

ina.chomyshyn@ontario.ca :

I attended this workplace with inspector Gionet. I observed workplace facilities and equipment and spoke with both a management and a worker representative.

I discussed the following issues/observations.

[1] THE POWERS OF MINISTRY OF LABOUR TRAINING AND SKILLS DEVELOPMENT INSPECTORS

These powers include entering in or upon any workplace at any time without warrant or notice per OHSA paragraph 54 (1)(a), and this has not changed during the Covid19 pandemic.

Preventing an inspector from entering is obstruction, see OHSA subsection 62 (1) which reads as follows. "No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act or the regulations or in the execution of a warrant issued under this Act or the Provincial Offences Act with respect to a matter under this Act or the regulations."

I advised the employer and / or subcontractors to obtain legal advice if they have any questions about this.

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[2] OCCUPATIONAL ILLNESS REPORTING

Further to the inspector comments and guidance for reporting occupational illnesses, here is some general information:

The Occupational Health and Safety Act (OHSA) defines "occupational illness" as follows: a condition that results from exposure in a workplace to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired thereby, and includes an occupational disease for which a worker is entitled to benefits under the Workplace Safety and Insurance Act, 1997.

"Condition" is determined by a physician/health care professional, i.e., by assessment and diagnosis.

Examples of occupational illnesses include but are not limited to:

- asthma, bronchitis, rhinitis, alveolitis, hypersensitivity pneumonitis, emphysema
- cancer (some)
- COPD (chronic obstructive pulmonary disease, also called chronic obstructive lung disease)
- dermatitis
- infectious diseases acquired at work, including Covid-19
- mesothelioma, asbestosis
- noise induced hearing loss
- silicosis.

MLTSD investigates reports of occupational illnesses in order to determine why and how a worker was exposed to the agent and whether the exposure conditions in the workplace could lead to this happening again.

To make an occupational illness report, within 4 days of finding out about it, the workplace can use the online form available at <https://www.ontario.ca/page/reporting-workplace-incidents-and-illnesses#section-6> or make their own form.

The information to be reported is prescribed in O. Reg. 420/21.

1. The name, address and type of business of the employer.
2. The name of the worker
3. The nature of the occupational illness, for example Covid19 infection or noise induced hearing loss.
4. A description of the cause or suspected cause of the occupational illness.
5. The steps taken to prevent a recurrence or further illness.

[3] WHAT IF A WORKER CANNOT WEAR A MASK?

Using face coverings is a Covid-19 source control measure that we use to protect others from infectious droplets that we may expel from our noses/mouths. General information about the use of face coverings is

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available at these sources: <https://www.ontario.ca/page/face-coverings-and-face-masks> and
<https://www.publichealthontario.ca/-/media/documents/ncov/factsheet/2020/05/factsheet-covid-19-masks-not-healthcare.pdf?la=en>

Face coverings are only one action in the suite of Covid-19 precautions. When a worker cannot wear a mask, consider all of the possible Covid-19 precautions that can be taken to protect workers (those who can wear masks as well as those who can't). These precautions include physical distancing, hand hygiene, covering coughs/sneezes, maximizing ventilation and other actions, see <https://www.ontario.ca/page/resources-prevent-covid-19-workplace>

If a worker cannot wear a medical-style mask, these are some of the considerations:

- Since the style and construction of face coverings is not mandated, another style of face covering may work, while still meeting the requirements of a source control mask, which include the following:
 - + Should prevent large droplet aerosols and splashes from coming into contact with the mucous membranes of the nose and mouth;
 - + Should cover the mouth and nose;
 - + Should secure with head ties or ear loops.
- Changing the way work tasks are completed may be an option. For example, there may be a way to do the work without the worker having to come within 2m of another person. Or there may be a way to do the work so that there is a barrier between the worker and another person.
- Using a clear plastic face covering such as a face shield, alone, is not acceptable. A face shield alone does not sufficiently contain the droplets from the wearer's coughs and sneezes. Face shields are not intended or designed as respiratory protection and they allow aerosols from other persons' coughs and sneezes to flow behind the visor.
- In the case of a worker who cannot wear a face covering because of a medical exemption, the employer may be obliged to accommodate the worker under Ontario's Human Rights Code <http://www.ohrc.on.ca/en>, while still protecting the other workers. The Ministry of Labour Training and Skills Development does not enforce the Human Rights Code. If human rights issues arise during enforcement of the Occupational Health and Safety Act and its regulations, we deal with those on a case by case basis.

***** end of hygienist's comments *****

Resources that may assist workers and employers:

Small Business Health and Safety Training Program:

If you are an employer who has between 6-19 workers, a Small Business Health and Safety Training Program has been introduced as of July 15. A grant of \$175 is available to small businesses to cover the course costs for an

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employee who is appointed as a health and safety representative for their workplace. Small businesses can apply for reimbursement through the program starting in Fall 2021. More details will be available soon on Workplace Safety and Prevention Services' website.

www.wsps.ca

Personal Protective Equipment & Source Control Masking:

***** <https://www.ontario.ca/page/using-masks-workplace>

- Public Health Ontario Cloth Mask Guidelines: <https://bit.ly/3aQmizs> - ASTM F3502 Standard Specifications for Barrier Face Coverings: <https://bit.ly/3gQsnj8>

Eating & Break Times:

***** - Learn what employers can do to help control exposure: <https://bit.ly/3t4rxln>

COVID-19 Workplace Safety Plan:

***** - Develop your COVID-19 workplace safety plan HERE: <https://bit.ly/3nCZIPS>

Signage, General Resources & Translations:

***** - Ontario Government COVID-19 Resources (EN & FR): <https://bit.ly/3tbxY6e> -

Public Health Ontario Resources in Multiple Languages: <https://bit.ly/3342JQ8> - Public Health Agency of

Canada COVID-19 FAQ: <https://bit.ly/3aTFMmL> - Health and Safety System Partners:

<https://www.ontario.ca/page/ontarios-occupational-health-and-safety-system> - Public Health Ontario -

COVID-19 Information: <https://bit.ly/3nzNJ5I> - Ministry of Health Emergency Planning and Preparedness:

<https://bit.ly/3eNhyM6> - Additional Guidance: www.ontario.ca/coronavirus

- Public Services Health and Safety Association - FREE Training - Infection Prevention and Control at Work: Basic

Awareness Training: <http://www.pshsa.ca>

- Telehealth Ontario at 1-866-797-0000

Emergency Leave under Employment Standards Act:

Employees may have the right to take a job-protected infectious disease emergency leave for certain reasons related to COVID-19, including going for a COVID-19 test or getting vaccinated. For information on paid and unpaid infectious disease emergency leave under the Employment Standards Act, 2000 visit Ontario.ca/ESaguide or call the Employment Standards Information Centre at 1-800-531-5551. Eligible employers can apply for reimbursement of paid infectious disease emergency leave at Ontario.ca/COVIDworkerbenefit

Employees who take infectious disease emergency leave may be entitled to employment insurance benefits or to other federal government financial supports. For information, visit the federal government's website Ontario.ca/ESaguide or contact Service Canada's Employment Insurance Automated Telephone Information Service at 1-800-206-7218.

Workplace Mental Health:

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Workplace mental health has become more of a concern during COVID-19. For information and resources, please visit the Ministry's Workplace Mental Health webpage.

https://www.labour.gov.on.ca/english/hs/mental_health.php

A copy of this report is to be posted in the workplace.

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Signature _____	Signature 	Signature _____

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an inspector is an offence under Section 66 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.olrb.gov.on.ca/english/homepage.htm> for more information.

The Government of Ontario wants to hear from you. You can provide feedback on this visit at 1-888-745-8888