

Operations Division Occupational Health and Safety

Field Visit Report

OHS Case ID: **04777TGDT899**

Field Visit no: **04777TGTR917**

Visit Date: **2024-APR-04**

Field Visit Type: **INITIAL**

Workplace Identification: **HURON PERTH PUBLIC HEALTH**

Notice ID:

653 WEST GORE STREET, STRATFORD, ON, CANADA N5A 1L4

Telephone:
(519) 271-7600

JHSC Status:
Active

Work Force #:
70

Completed %:

Persons Contacted: **TRACY MCGRAW, CERTIFIED JHSC WORKER MEMBER
STEPHANIE CARLISLE, JHSC WORKER CO-CHAIR
KAREN SHERWOOD, JHSC MANAGER CO-CHAIR
JULIE PAULI, DIRECTOR OF CORPORATE SERVICES**

Visit Purpose: **A COMPLAINT RECEIVED BY THE MLITSD**

Visit Location: **MOH OFFICE-WEST GORE SITE**

Visit Summary: **SEE DETAILED NARRATIVE
ORDERS ISSUED
ACCOMPANIED BY MLITSD INSPECTOR LOUISE NAYLOR**

Detailed Narrative:

This workplace is a public health unit.

The field visit took place at the workplace and the following people were spoken to:

Tracy McGraw, certified JHSC worker member

Stephanie Carlisle, JHSC worker co-chair

Karen Sherwood, JHSC manager co-chair

Julie Pauli, Director of Corporate Services

The reason for this visit is to address a complaint received by the MLITSD. The complaint alleges the following:

1. The complainant alleges the JHSC is not receiving incident reports, including contributing factors or corrective actions and incidents of workplace violence.
2. The complainant alleges the employer has failed to put measures in place to ensure employees are provided information related to workplace violence and has not conducted adequate or current training for de-escalation/violence.
3. Workers fear reprisal by employer.

INSPECTOR FINDINGS:

1. OHSA 9(18)(a)(b)(c)

Powers of committee

(18) It is the function of a committee and it has power to,

(a) identify situations that may be a source of danger or hazard to workers;

(b) make recommendations to the constructor or employer and the workers for the improvement of the health

Recipient	Inspector Data	Worker Representative
Name <u>Karen Sherwood</u>	Elizabeth Gloin O.H.S.A. & B.O.S.T.A. INSPECTOR PROVINCIAL OFFENCES OFFICER	Name <u>Stephanie Carlisle</u>
Title <u>JHSC IT Manager</u>	217 York Street, 5th Floor, London, ON N6A 5P9 CMHSPLDNCompliance@ontario.ca Tel: 226-268-1270 Fax: (519) 672-0268	Title <u>JHSC worker rep CURS</u>
Signature <u>Ka Sherwood</u>	Signature <u>[Signature]</u>	Signature <u>[Signature]</u>

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and safety of workers;

(c) recommend to the constructor or employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers;

(d) obtain information from the constructor or employer respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge;

2. A follow up field visit will be conducted to address worker training

OHS s.32.0.5(3)

Duties re violence

32.0.5 (1) For greater certainty, the employer duties set out in section 25, the supervisor duties set out in section 27, and the worker duties set out in section 28 apply, as appropriate, with respect to workplace violence. 2009, c. 23, s. 3.

Information

(2) An employer shall provide a worker with,

(a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence; and

(b) any other prescribed information or instruction. 2009, c. 23, s. 3.

Provision of information

(3) An employer's duty to provide information to a worker under clause 25 (2) (a) and a supervisor's duty to advise a worker under clause 27 (2) (a) include the duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if,

(a) the worker can be expected to encounter that person in the course of his or her work; and

(b) the risk of workplace violence is likely to expose the worker to physical injury. 2009, c. 23, s. 3.

Limit on disclosure

(4) No employer or supervisor shall disclose more personal information in the circumstances described in subsection (3) than is reasonably necessary to protect the worker from physical injury. 2009, c. 23, s. 3.

3. No discipline, dismissal, etc., by employer

50 (1) No employer or person acting on behalf of an employer shall,

(a) dismiss or threaten to dismiss a worker;

(b) discipline or suspend or threaten to discipline or suspend a worker;

(c) impose any penalty upon a worker; or

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Name _____	Elizabeth Gloin O.H.S.A. & B.O.S.T.A. INSPECTOR PROVINCIAL OFFENCES OFFICER	Name _____
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(d) intimidate or coerce a worker, because the worker has acted in compliance with this Act or the regulations or an order made thereunder, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the Coroners Act. R.S.O. 1990, c. O.1, s. 50 (1).

Inspector provided workplace parties with Reprisal fact sheet

The employer is reminded under section 51 and 52 of the Occupational Health and Safety Act to notify the JHSC, trade union, or health and safety representative if a person is killed, critically injured, disabled from performing his or her usual work or requires medical attention because of an accident, explosion, fire or incident of workplace violence at a workplace in writing. Please refer to Ontario Regulation 420 for notification requirements.

Discussion with workplace parties related to JHSC membership. Workplace parties has submitted an application for a multi-site JHSC that has not been approved yet, the employer is reminded that they cannot operate as a multi-site until approval is granted.

Workplace parties stated that the West Gore site has 2 worker members, 2 manager members on the JHSC and an additional manager who attends the meetings. The employer is reminded that at least half the members of a committee shall be workers employed at the workplace who do not exercise managerial functions.

Workplace parties stated that workers not designated as health and safety representatives or the site specific designated JHSC workers are conducting the monthly workplace inspections. As per sections 8(6) and 9(23).
ORDERS ISSUED

Workplace parties stated the Clinton site has a JHSC however, does not have a worker or manager co-chair. As per section 9(11). ORDER ISSUED.

The employer is reminded that under section 62(5) of the Occupational Health and Safety Act that:

Obstruction of committee, etc.

(5) No person shall knowingly,

(a) hinder or interfere with a committee, a committee member or a health and safety representative in the exercise of a power or performance of a duty under this Act;

(b) furnish a committee, a committee member or a health and safety representative with false information in the exercise of a power or performance of a duty under this Act; or

(c) hinder or interfere with a worker selected by a trade union or trade unions or a worker selected by the workers to represent them in the exercise of a power or performance of a duty under this Act. R.S.O. 1990, c. O.1, s. 62 (5).

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A guide for health and safety committees and representatives

<https://www.ontario.ca/page/guide-health-and-safety-committees-and-representatives>

For further information on Health and Safety the Ministry of Labour, Immigration, Training & Skills Development has a website at www.labour.gov.on.ca <<http://www.labour.gov.on.ca>>. This website contains general information and guides, legislation and regulations, health and safety guidelines, engineering data sheets and hazard alerts.

To contact the Ministry of Labour to report a fatality, critical injury, occupational illness or concern:
1-877-202-0008

As per the Occupational Health and Safety Act, RSO 1990 a copy of this report is required to be posted in a conspicuous location at the workplace and shared with the Joint Health & Safety Committee.

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Order(s) /Requirement(s) Issued To:

To: **HURON PERTH PUBLIC HEALTH** Org/Ind Role **Primary Employer**

Mailing Address:
653 WEST GORE ST, STRATFORD, ON, CA N5A 1L4

Order(s) /Requirement(s) Description:

You are required to comply with the order(s) /requirement(s) by the dates listed below.

No	Type Code	ActReg	Year	Sec.	Sub Sec.	Clause	Text of Order/Requirement	Comply by Date
1	Time 04777TGTS918	OHS	1990	9	11		Two of the members of a committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions. At the time of this visit the Clinton site did not have a manager or worker co-chair in place.	2024-APR-11
2	Time 04777TGTS919	OHS	1990	8	6		Unless otherwise required by the regulations or by an order by an inspector, a health and safety representative shall inspect the physical condition of the workplace at least once per month. At the time of this field visit the 10 Downie Street location was not being inspected by a health and safety representative.	2024-APR-30
3	Time 04777TGTT920	OHS	1990	9	23		Subject to subsection (24), the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the workplace. At the time of this field visit non West Gore site JHSC workers were inspecting the physical condition of the workplace.	2024-APR-30

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OHS Case ID: **04777TGDT898**

Field Visit no: **04777TGTT921**

Visit Date: **2024-APR-04**

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653 WEST GORE STREET, STRATFORD, ON, CANADA N5A 1L4

Telephone:
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JHSC Status:
Active

Work Force #:
70

Completed %:

Persons Contacted: **TRACY MCGRAW, CERTIFIED JHSC WORKER MEMBER
STEPHANIE CARLISLE, JHSC WORKER CO-CHAIR
KAREN SHERWOOD, JHSC MANAGER CO-CHAIR
JULIE PAULI, DIRECTOR OF CORPORATE SERVICES**

Visit Purpose: **A COMPLIANT RECEIVED BY THE MLITSD**

Visit Location: **MOH OFFICE WEST GORE SITE**

Visit Summary: **SEE DETAILED NARRATIVE
NO ORDERS ISSUED
ACCOMPANIED BY MLITSD INSPECTOR LOUISE NAYLOR**

Detailed Narrative:

This workplace is a public health unit.

The field visit took place at the workplace and the following people were spoken to:

- Tracy McGraw, certified JHSC worker member
- Stephanie Carlisle, JHSC worker co-chair
- Karen Sherwood, JHSC manager co-chair
- Julie Pauli, Director of Corporate Services

The reason for this visit is to address a complaint received by the MLITSD.

A field visit #04777TGTR917 was conducted on April 4, 2024 for a similar complaint. Please refer to field visit #04777TGTR917 for more information.

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

Recipient	Inspector Data	Worker Representative
Name <u>Karen Sherwood</u>	Elizabeth Gloin O.H.S.A. & B.O.S.T.A. INSPECTOR PROVINCIAL OFFENCES OFFICER	Name <u>Stephanie Carlisle</u>
Title <u>JHSC IT Manager</u>	217 York Street, 5th Floor, London, ON N6A 5P9 CMHSPLDNCompliance@ontario.ca Tel: 226-268-1270 Fax: (519) 672-0268	Title <u>JHSC worker rep CUPE</u>
Signature <u>Karen Sherwood</u>	Signature <u>[Signature]</u>	Signature <u>[Signature]</u>