



Ontario Nurses' Association

85 Grenville Street, Suite 400, Toronto, Ontario M5S 3A2

TEL: (416) 964-8833 FAX: (416) 964-8864

To: Local Coordinators, Bargaining Unit Presidents, Health and Safety Network Leads and Joint Health and Safety Committee members from the Executive Booklet.

From: Linda Haslam-Stroud, RN, President

Date: November 25, 2008

Re: **Construction hazards**

C: Board of Directors, District Service Teams, Provincial Services Team

We have received disturbing reports about hazards generated from demolition, renovation and other construction work underway at many ONA workplaces. Instead of cordoning off areas and moving people during demolition or construction, many constructors are simply working around workers, patients and residents in hospitals, homes, etc. In addition to complaints about toxic fumes and other air quality problems causing symptoms in workers and necessitating movement of patients, we have been advised of overhead demolition debris, including large metal pipes and bolts, crashing through ceiling tiles to active areas where health care workers were working.

Officers, directors, employers and constructors all have responsibilities under the *Occupational Health and Safety Act* (OHSA) to protect health care workers in a facility, as well as the trades people engaged in the actual construction work. The Ministry of Labour (MOL) has separate construction safety inspectors who enforce the law on construction projects, and industrial and health care safety inspectors who enforce the law in health care facilities.

Unfortunately in ONA's experience, constructors and employers have not always worked together to ensure that health care workers, patients and residents are protected from construction/demolition hazards. Following problems at one hospital, the constructor belittled concerns and requests for information from the Joint Health and Safety Committee (JHSC) and even resisted hospital requests.

Likewise, MOL construction inspectors and managers have also failed to communicate and collaborate with industrial/healthcare inspectors to ensure construction hazards do not spill over to active health care workplaces.

Because of these problems, we ask that you be alert to construction/demolition work currently underway or planned in the vicinity of active health care workplaces. Ideally, the employer and the constructor will not permit construction/demolition in or around active health care work sites. In any event, the employer and the constructor should consult with and brief the workplace JHSC before construction/demolition commences. Thereafter both should maintain ongoing contact with the JHSC, provide continuous flow of information, take every precaution reasonable to protect workers, and promptly resolve any concerns that do arise.

If the employer and constructor have not consulted/briefed your JHSC about impending construction/demolition, and/or if current construction/demolition generates hazards for ONA members, you are urged to take the following actions:

1. **Caucus** with other worker members to discuss this issue and develop a common position to present to the JHSC as a whole. You are entitled to at least one hour of paid time before the meeting to do so. (Section 9 (34) OHSA)
2. **Recommend** in writing to the employer that the measures suggested in the attached sample be taken to prevent injury. The employer has 21 days to respond in writing to a written recommendation from the JHSC. (Section 9 (20) OHSA)
3. **Call** the MOL if the committee as a whole will not make the recommendation to the employer, or if the employer response is tardy or deficient. This would constitute an “unresolved health and safety concern” and in accordance with the principles of the Internal Responsibility System (IRS), it is entirely appropriate to seek help from the MOL if a concern is unresolved. In this case ensure that complaints are made to the industrial/health care safety inspector, as well as to the construction safety inspector who should be working together when construction projects intersect with active health care work sites.

If you have identified hazards that are imminent or dangerous, do not wait for a JHSC meeting. Call the MOL immediately advising that you have a formal union complaint and expect both construction and industrial/health care inspectors to respond immediately.

Given that officers and directors have personal legal responsibility to ensure safe workplaces and compliance with the law, you may also want to consider advising them in writing of your concerns. (See attached sample letter.)

Please advise your Labour Relations Officer (LRO) of any health and safety concerns about construction/demolition in your workplace, and seek her/his guidance including advice about whether grievances should be filed.