

TO: Chair and Members of the Board of Health

FROM: Graham L. Pollett, MD, FRCPC
Medical Officer of Health

DATE: 2011 December 8

MINISTRY OF LABOUR HEALTH AND SAFETY ORDERS

Recommendation

It is recommended that the Board of Health direct staff to present a report at the January Board of Health meeting on achieving compliance with Ministry of Labour Orders highlighted in Report 127 - 11.

Introduction

On Wednesday, November 9, 2011, an Occupational Health and Safety Inspector with the Ministry of Labour (MOL) entered the 50 King Street premises and conducted an unannounced field visit which resulted in an inspection and the Health Unit being issued three Orders under the Occupational Health and Safety Act. The following report provides background information on the context in which the field visit and inspection took place, an overview of the Orders that were issued and an outline of the Health Unit's progress to date in addressing the identified health and safety issues. See Appendix A for the Ministry's inspection findings and Orders.

Background

Section 54 (Part VII, Enforcement) of the Occupational Health and Safety Act, 1990 grants the MOL the authority and responsibility to conduct inspections of all Ontario workplaces to ensure their compliance with the requirements of the Act. Over the past several years, the MOL's enforcement role has included proactive inspections which are not prompted by complaint or injury, but rather are intended to ensure legislative compliance and promote health and safety best practices. In 2011, among many other changes to the Act, responsibility for prevention, training and health and safety certification were transferred to the MOL from the Workplace Safety and Insurance Board (WSIB) further expanding this role of the Ministry.

Summary of MOL Field Visit and Inspection of Health Unit

On Monday, November 09, 2011, Ms. Beth Nethercott, Occupational Health and Safety Inspector for the MOL conducted an unannounced field visit and subsequent inspection at the 50 King Street office. Ms. Vanessa Bell, Manager, Privacy and Occupational Health & Safety and Certified Management Representative of the JOHSC, and Ms. Yvonne Morrell, Certified Worker Co-Chair of the Joint Occupational Health and Safety Committee (JOHSC), assisted the inspector for the duration of the review of documents, discussion, interviews and inspection. A thorough review of Occupational Health and Safety Policy, JOHSC documentation (including minutes, worksite inspection reports, JOHSC Terms of Reference, fire plan and employee incident reports) was conducted. Field observations were made, including that of a staff respirator fit testing session taking place at the time of the visit. The Emergency Preparedness Manager was questioned regarding the training component of the Health Unit's Fit Testing Program. An inspection of the lower level was conducted in relation to outstanding items in worksite

inspections/JOHSC committee minutes related to possible mould and stained ceiling tiles in certain areas of the lower level.

Overview of the MOL Orders

In total, 3 Orders were issued on November 9, 2011. In addition, a follow up MOL compliance inspection was conducted on December 5, 2011 (Appendix B). A summary of the November 9th orders and December 5th compliance visit findings is as follows:

A) Orders

1. Ensure a review of the occupational health and safety policy occurs at least annually. It is understood this order includes integrating a Needle Safety/Safety Engineered Medical Sharps (SEMS) component which complies with OHSA regulation 474/07 as well as a written component to the training program for the existing respirator fit testing program and updating other material as necessary. This order also included direction to review and update the Health Unit's infection control policy and program.
2. Replace stained ceiling tile in the back of the lower level resource room
3. Replace the stained ceiling tile in the lower level hallway between the boiler room and electrical room

B) Follow Up Visit

4. During the inspection the boiler room was noted to have black staining on the pipe wrap and valves and bends. A follow up visit regarding this item was conducted on December 5, 2011 to take samples for mould and asbestos determination in the boiler room. The boiler room falls under the authority and is a responsibility of the landlord, Middlesex County. It is understood that subsequent orders regarding this determination will be issued to the landlord.
5. The December 5, 2011 Continuation Field Visit also found that the ceiling tiles had been replaced as required. No mould was found in the back room of the lower level resource centre. The report surmises the possible source of water infiltration may be a leaking pipe in the air conditioning system above the wall panel and indicates that, "Should water stains re-appear during the cooling season, the source of water infiltration should be rectified."

Conclusion

The Orders issued by the Ministry of Labour have been received as an opportunity to implement improvements that will support management, staff and the Joint Occupational Health and Safety Committee (JOHSC) in their efforts to improve the quality of the agency's health and safety program. The Order to replace the stained ceiling tiles has been complied with. The Health Unit has a robust occupational infection prevention and control program and has demonstrated ongoing commitment to the health and safety of all staff. Other steps to achieve compliance have begun and an outline of the plan for this process is attached as Appendix C. A further report on progress toward achieving compliance on any outstanding items will be presented to the Board of Health at the January meeting.

Mr. Mike Sauer, Interim Manager, Occupational Health & Safety and Management Co-Chair, JOHSC will be in attendance at the December 8, 2011 meeting to address any questions regarding this report.

Graham L. Pollett, MD, FRCPC
Medical Officer of Health

This report addresses Policy No. 8-10 re Health and Safety as outlined in the MLHU Administration Policy Manual.

FACT SHEET

BOARDS OF HEALTH

CAPITAL FUNDING

Funding Authority:

- Under section 72 of the Health Protection and Promotion Act (HPPA), the legal obligation for board of health funding resides with the obligated municipalities within the area that comprises the public health unit.
- The legislative authority for provincial funding to boards of health can be found in section 76 of the HPPA which specifically states “the Minister may make grants for the purposes of this Act on such conditions as he or she considers appropriate.”

Operational Funding:

- Historically, this legislative authority has been utilized to fund board of health “operational” requirements for the delivery of mandatory programs, such as salaries and wages, benefits, building occupancy, and information technology. Operational funding for mandatory programs is currently cost-shared with the obligated municipalities at a ratio of 75% provincial funding and 25% municipal funding for approved costs of mandatory programs.
- The government does not provide operational funding to boards of health on a specific line-by-line basis. Rather, operational funding is provided by the government on a global basis and boards of health are then responsible for allocating the funding to meet the requirements of the HPPA and Ontario Public Health Standards according to local needs and priorities.
- Eligible occupancy costs within the global budget for owned or leased/rented premises include: mortgage payments, leasing costs, rent, utilities, maintenance, etc.
- When funds are available, the government has approved an annual increase over the prior year’s base budget for mandatory programs. Over the past 5 years, the increase has ranged between 3% to 5%. If the board of health’s total eligible costs exceed the government’s approved funding, then the obligated municipalities are responsible for the costs (as per section 72 of the HPPA). The government is not in a financial position to increase the base budget over and above the annual increase provided.

Capital Funding:

- Currently, the government does not have an approved allocation to support board of health capital projects (e.g. construction costs related to a new facility). Consequently, the government is not in a position to fund capital projects for boards of health at this time. However, the government may approve funding, which is cost-shared with municipalities at the current funding ratio, for minor capital items such as planning costs, leasehold improvements, etc. When available, these funds are provided on a one-time basis in an effort to offset some of the costs to the boards of health.

Prepared By: Public Health Practice Branch
Public Health Division, MOHLTC

Date: June 13, 2011

Operations Division Occupational Health and Safety

OHS Case ID: **03173DTRR295** Visit Date: **2011-NOV-09** Field Visit Type: **INITIAL**
Field Visit no: **03173DTRR296**

Workplace Identification: **MIDDLESEX-LONDON HEALTH UNIT** Notice ID:
50 KING STREET, LONDON, ON, CANADA N6A 5L7

Telephone: **(519) 663-5317** JHSC Status: **Active** Work Force #: **275** Completed %:

Persons Contacted: **VANESSA BELL, CERTIFIED MANAGEMENT REPRESENTATIVE JOINT HEALTH AND SAFETY COMMITTEE (JHSC), YVONNE MORRELL, CERTIFIED WORKER CO-CHAIR JHSC**

Visit Purpose: **FIELD VISIT**
Visit Location: **AS ABOVE**
Visit Summary: **ORDERS ISSUED**

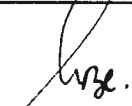
Detailed Narrative:

The primary purpose of this field is to review the infection control practices for workers in this workplace. This workplace does have a policy for infection control for its workers. It was last reviewed Dec. 17, 2008. The policy is outdated for current practices in infection control. For example there is no mention of safety engineered needles. (order issued)

The workplace does have a fact sheet for the prevention of transfer of disease that includes the use of personal protective equipment. At the time of this visit workers were being fit tested with respirators. The employer stated that respirator protection training was completed at the time of fit testing, however at the time of this visit the employer indicated that a written program is not in place. The workplace indicated that a written program is expected to be completed by the end of Jan. 2012.

Safety engineered needles are in place for workers. The employer indicated that there were no exceptions to the use of safety engineered needles. The employer may wish to review the different departments for exceptions. At the time of this visit one area of the health unit may use non-safety engineered needles that are pre-loaded and packaged by the supplier. If it is determined that the person who would administer these needles is a worker than O. Reg. 474/07 would apply.

A copy of this report must be posted in the workplace.

Recipient	Inspector Data	Worker Representative
Name <u>VANESSA BELL</u>	BETH NETHERCOTT OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER 217 York Street, 5th Floor London, ON N5A 5P9 Tel: 519-963-2827 Fax: 519-672-0268	Name <u>YVONNE MORRELL</u>
Title <u>MGR., PRIVACY / OHS</u>		Title <u>Accounting Admin.</u>
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) 326-3335 or 1-877-339-3335 (toll free), mail or by website at <http://www.gov.on.ca/lab/olrb/home.htm> for more information.

Operations Division Occupational Health and Safety

OHS Case ID: **03173DTRR295**
 Field Visit no: **03173DTRR296** Visit Date: **2011-NOV-09** Field Visit Type: **INITIAL**

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

To:	Org/Ind Role	Telephone No
MIDDLESEX-LONDON HEALTH UNIT	Primary Employer	(519) 663-5317

Mailing Address:	Postal Code
50 KING STREET, LONDON, ON, CANADA N6A 5L7	N6A 5L7

Order(s) /Requirement(s) Description:

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

Order No	Type Code	Act/Reg	Year	Sec.	Sub Sec.	Clause	Text of Order/Requirement	Comply by Date
1	Time	OHSA	1990	25	2	j	Without limiting the strict duty imposed by subsection (1), an employer shall, (j) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy At the time if this visit the infection control policy for this workplace had last been reviewed Dec. 17, 2008	2012-FEB-03
03173DTRR297								

<p>Recipient</p> <p>Name _____</p> <p>Title _____</p> <p>Signature </p>	<p>Inspector Data</p> <p>BETH NETHERCOTT</p> <p>OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER</p> <p>217 York Street, 5th Floor London, ON N5A 5P9</p> <p>Tel: 519-963-2827 Fax: 519-672-0268</p> <p>Signature </p>	<p>Worker Representative</p> <p>Name _____</p> <p>Title _____</p> <p>Signature </p>
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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) 326-3335 or 1-877-339-3335 (toll free), mail or by website at <http://www.gov.on.ca/lab/olrb/home.htm> for more information.

Operations Division Occupational Health and Safety

Return To:
BETH NETHERCOTT
OCCUPATIONAL HEALTH & SAFETY INSPECTOR
PROVINCIAL OFFENCES OFFICER
217 York Street, 5th Floor
London, ON N5A 5P9
Tel: 519-963-2827
Fax: 519-672-0268



Ontario Notice of Compliance

OHS Case ID: **03173DTRR295**
Field Visit No: **03173DTRR296**

Visit Date : **2011-NOV-09**

Workplace Identification: **MIDDLESEX-LONDON HEALTH UNIT
50 KING STREET, LONDON, ON, CANADA N6A 5L7**

Notice ID:

Take Notice

Orders were issued under the authority of the Occupational Health and Safety Act or Regulations made there under. A notice of compliance shall be submitted to the Ministry of Labour within three days after the Constructor or Employer believes that compliance with the Order(s) / Requirement(s) have been achieved.

Order(s) / Requirement(s) Issued:

To: **MIDDLESEX-LONDON HEALTH UNIT** Role: **Primary Employer** Telephone No: **(519) 663-5317**
Mailing Address: **50 KING STREET, LONDON, ON, CANADA N6A 5L7** Postal Code: **N6A 5L7**

Order(s) / Requirement(s) Description:

You are required to comply with the Order(s) / Requirement(s) by the Comply by Dates listed below.

Order No	Type Code	Act/Reg	Year	Sec.	Sub Sec.	Clause	Compliance Details / Date	JHSC Worker Member / Worker Representative	Comply by Date:
1	Time	OHSA	1990	25	2	j		<input type="checkbox"/> Agree <input type="checkbox"/> Disagree	2012-FEB-03

Form completed by: _____

Title: _____

For / on behalf of _____

Signature:

Joint Health and Safety Committee Member representing workers or Worker Representative agrees or disagrees that compliance has been achieved with Order(s) / Requirement(s) as indicated above.

Name: _____

Signature:

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Operations Division Occupational Health and Safety

Field Visit Report

OHS Case ID: **03173DTRR291** Visit Date: **2011-DEC-05** Field Visit Type: **CONTINUATION**
 Field Visit no: **03173DVZR049**

Workplace Identification: **MIDDLESEX-LONDON HEALTH UNIT** Notice ID:
50 KING STREET, LONDON, ON, CANADA N6A 5L7

Telephone: **(519) 663-5317** JHSC Status: **Active** Work Force #: **275** Completed %:

Persons Contacted: **MARK RIEDL, OPERATIONS**
 Visit Purpose: **FIELD VISIT**
 Visit Location: **AS ABOVE**
 Visit Summary: **ACCOMPANIED BY L. WHEELER, MINISTRY OF LABOUR HYGIENE CONSULTANT**

Detailed Narrative:

This field visit is being conducted as a follow up to a previous Ministry of Labour field visit to review the pipe wrap located in the boiler room of this workplace and to review an area in the back storage room of the basement for water infiltration.

An inspection of the ceiling and the west wall was completed in the back resource room. The source of the previous staining on the wall was not able to be determined at the time of this visit. The area behind the wooden storage shelves had reportedly not been cleaned. It was viewed with a flashlight and no mould was observed. The wall is not an outside wall and is made of concrete. Ceiling tiles have been replaced. The source of water infiltration may be a leaking pipe above. The pipe is associated with the air conditioning system and currently not in use. Should water stains re-appear during the cooling season, the source of water infiltration should be rectified.

The boiler room is accessed on occasion by the operations worker for this workplace. Three samples of the pipe wrap were obtained by L. Wheeler. Two tape lift samples were obtained for mould determination. Further comments will be made when the results are available.

A copy of this report must be posted in the workplace.

Recipient	Inspector Data	Worker Representative
Name _____	BETH NETHERCOTT OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER	Name _____
Title _____	217 York Street, 5th Floor London, ON N5A 5P9 Tel: 519-963-2827 Fax: 519-672-0268	Title _____
Signature _____	Signature 	Signature _____

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