



Helpful Information for Educators Should a Ministry of Labour Inspector Visit the School



««« By Kris Lee

Kris Lee is a retired science teacher from Lambton Kent DSB and a health and safety instructor for Workers Health and Safety Centre in Ontario. Her website is <http://www.leenvironmental.com>.

The information below is referenced by the *Occupational Health and Safety Act* (OHSA) R.S.O. 1990, as amended to 2006, C.35, Sched.C, s.93, *Workplace Safety Insurance Act* (WSIA) Reg. 1101 and *Employment Standards Act* 2000 (ESA).

The Ministry of Labour's mandate is to assist educators to provide a safe workplace for all workers. A visit from an inspector can be very intimidating for some workers. The purpose of this article is to demystify this experience and encourage discussion with the school board, local unions and Joint Health & Safety Committees for strategies to increase awareness and improve communication with the employer. *Interpretive comments by STAO's Safety Committee are provided in italics.*

For Joint Health & Safety Committee (JHSC) members at work sites:

1. Do you have access to all areas of your school during the monthly inspection?
E.g. Keys, maps, reports OHSA Sec.8(9), 9(29), 25(2)(e), 54(3).
(All Health and Safety (H&S) representatives must be able to unlock doors for the purpose of monthly workplace inspections, or should an MOL inspector request that a worker accompany him/her during a visit.)
2. When air quality testing is scheduled in your school, OHSA Sec.8(11), 9(18)(f), 11:
 - a) Are you given the opportunity to be present at the beginning of testing?
 - b) Are you given the opportunity to review the results?*(The principal should make necessary arrangements with H&S representatives or JHSC members so they are kept informed. If these individuals cannot be made available, they have the right to request alternate arrangements to discuss testing or use other worker rep if available.)*
3. Do you receive sufficient training as an H&S representative or JHSC member? OHSA requires that worker member(s) of the JHSC be certified.
(Although the OHSA does not refer to annual training for JHSC, this is considered best practice. Ideally the worker members should have input into training content and method each year. This could be discussed with the Board representative in June and/or early in September.) OHSA Sec.9(3.2), (12), 42.



4. Does each member of the JH&SC have a systematic procedure for inspecting the school (including the exterior grounds) and are priority areas such as science, tech, art and boiler rooms and phys. ed. areas inspected monthly? *(In many cases the complete facility cannot be inspected on a monthly basis. The priority areas are determined by the Board and individual school.)* OHSA Sec.9 (23) (24) (27).

5. Does the principal know that he/she has an extended role as H&S management rep, even though a vice-principal may be the designated management contact? Is the principal able to advise an MOL inspector of the status of priority items listed in the monthly inspection forms, meeting minutes with written recommendations, WSIB stats, workplace incident reports, H&S testing results, training records, equipment inspection and maintenance reports/logs? OHSA Sec.25(2)(h).

(Hypothetical Case Study: The principal is ultimately responsible for the safety of the workers in the building. However, the vice-principal is the management H&S representative and completes the inspection forms with the help of the worker rep. The VP is out of the building when an inspector visits the site. When asked about a priority status item (e.g. acid cabinet or ventilation in fume hoods, items pertaining to a critical injury), the principal is unable to find satisfactory answers for the MOL, since he/she is not directly involved with inspections. This type of situation may result in orders or a significant fine.)

6. Are H&S items communicated to the staff on a regular basis? OHSA Sec.25(2)(a)(j)(l)(m). Is the communication on H&S agenda items documented for the MOL?
(Should critical injury occur, the MOL will request documentation of minutes and training logs.)

The Staff Bulletin Board should include the following information:

OHSA requires that the workplace display safety information on a readily accessible bulletin board. The Act requires that the following information be posted:

1. Annual statistics, e.g. workplace injuries and number of lost work days. OHSA Sec.12.
2. Copy of:
 - a) *Occupational H&S Act* and O.Reg.851. OHSA Sec. 2(i), 25 (2)(i).
 - b) Board's H&S policy. OHSA Sec.25(2)(k).
 - c) Most recent Designated Substance Control Programs
 - d) Poster "Employment Standards" wages, hours of work. ESA Sec.2.
 - e) Poster "In Case of Injury at Work". #82.
3. Names of Joint Health and Safety Committee members or Site reps (where multi site systems are in force). OHSA Sec.9(32).
4. Any outstanding MOL orders. OHSA Sec.57(9), 33(3).
5. Names of trained First Aid staff members and location of F.A. Kit. WSIA (Reg. 1101).



6. A First Aid Kit exclusively for staff use, and log (usually kept inside). WSIA (Reg. 1101).

Optional (recommended best practice):

7. Minutes of JH&SC meetings. OHSa Sec.9(22).
8. Other information: e.g. how to access MSDS on computers. OHSa Sec. 25(2)(a)(d) Sec.38.
9. Schedule and copies of monthly inspection items.

Maintaining the Internal Responsibility System:

It is important that the Board has established and maintains an Internal Responsibility System:

1. If requested, do you have ready access to an unexpired MSDS? OHSa Sec.38.
(Mostly applies to science, tech, foods and custodians but can pertain to other workers.)
2. For custodians, science and tech, are you able to print workplace MSDS labels?
<http://www.msdsforschools.ca> has an option to print a label for every MSDS listed.)
3. Where there is a control programme in place, are you familiar with such items as the Asbestos Report for your school, especially as it pertains to your classroom and work area?
4. Do you know the name of your H&S rep or JHSC member?
(An inspector may randomly ask this of any board employee during a visit. This response demonstrates how well the Board communicates with staff.)
5. If you had a safety issue, what would you do?
(Ideally, there should be a procedure or flow chart that outlines how issues are communicated and resolved internally, and a conflict resolution process to handle unresolved issues. The MOL investigates the robustness of an Internal Responsibility System.)
6. Is H&S a standard agenda item at your staff (or department) meetings? Are workers familiar with the workplace hazards? Do they receive updated information, instruction and supervision consistent with Section 25 (2)(a).
(A robust Internal Responsibility System should incorporate H&S within the general communication process of managing a school.)
7. Does your school have a Violence Prevention Plan or Strategy?
On June 15, 2010 amendments concerning Violence and Harassment in the workplace will be incorporated into the Occupational Health & Safety Act. This information can be found in:
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm#BK10

