

Operations Division Occupational Health and Safety

Field Visit Report

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OHS Case ID: 04463QSQT369

Field Visit no: 04463QTDP377

Visit Date: 2021-OCT-29

Field Visit Type: INITIAL

Workplace Identification: TORONTO DISTRICT SCHOOL BOARD
5050 YONGE STREET, NORTH YORK, ON, CANADA M2N 5N8

Notice ID:

Telephone:
(476) 397-3000

JHSC Status:
Active

Work Force #:
4000

Completed %:

Persons Contacted: ANDREA CARLSON (H&S MANAGER), DEBBY MORGADO (H&S), ALEKSANDRA PROEVSKI (H&S), HABIBA ADEN (UNION REP.), JASON RAMSAY (UNION REP.)

Visit Purpose: MONITOR COMPLIANCE WITH THE OCCUPATIONAL HEALTH & SAFETY ACT (OHSA)

Visit Location: ROOM 204

Visit Summary: NO ORDERS ISSUED. SEE NARRATIVE

Detailed Narrative:

The reason for this visit by the Ministry of Labour, Training & Skills Development (MLTSD) is to respond to a complaint made to the MLTSD Contact Centre. Accompanied by MLTSD Hygiene Consultant - R. Yang.

Inspector Findings:

A complaint was received in relation to the employer requesting vaccination status of a worker in the workplace and the application of 63(2) of the Occupational Health and Safety Act.

Section 63(2) of the OHSA states:

No Employer shall seek to gain access, except by an order of the court or other tribunal or in order to comply with another statute, to a health record concerning a worker without the workers written consent

Section 2(2.1) under schedule 1 of the Reopening Ontario Act Reg. 364/20 requires a business or organization to establish, implement and ensure compliance with a vaccine policy. This is to be done in accordance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health, or by a medical officer of health after consultation with the Office of the Chief Medical Officer of Health.

It was confirmed with the workplace parties that an exemption under 63(2) exists as the Local Medical Officer of Health or Chief Medical officer of Health has issued advice, recommendations and/or instructions that apply to this employer in accordance with section 2(2.1) under schedule 1 of the Reopening Ontario Act Reg. 364/20.

Concern regarding potential for workplace violence resulting from potential reduction in staffing levels was raised. At the time of the visit, no contraventions were identified in relation to workplace violence.

Concern regarding exposure level of Ethylene Oxide from the Covid-19 Rapid AntigenTest Kit was raised.

Recipient	Inspector Data	Worker Representative
Name <u>Andrea Carlson</u>	Ali Addo OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER	Name _____
Title <u>Regional Officer,</u> <u>OHS</u>	5001 Yonge St. Rm 1600 North York ON M7A 0A3 MOLCOMPLIANCEIHSTORN@ONTARIO.CA Tel: 416-317-4823 Fax: (647) 777-5914	Title _____
Signature <u>[Signature]</u>	Signature <u>[Signature]</u>	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.oarb.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

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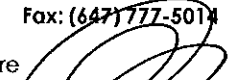
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Ethylene oxide is an effective sterilant that is commonly used in health care applications, such as sterilizing pre-packaged medical equipment. Although it may be absorbed by materials (such as swabs) during the sterilization process, ethylene oxide is off-gassed (dissipates) and does not stay on the product. As such, swabs are considered safe to use. Health Canada regulates swabs used for COVID-19 tests as medical devices and considers safety of the product during approvals process.

For further information, you may wish to contact Health Canada directly at hcinfo.infosc@canada.ca or 1-866-225-0709.

[End of Report]

Recipient	Inspector Data	Worker Representative
Name _____	All Addo OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER	Name _____
Title _____ <i>ac</i>	5001 Yonge St. Rm 1600 North York ON M7A 0A3 MOLCOMPLIANCEIHSTORN@ONTARIO.CA	Title _____
Signature _____	Tel: 416-317-4823 Fax: (647) 777-5014 Signature 	Signature _____

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