

OHS Case ID: 03226MBVP950

Field Visit no: 03226MBVP951

Visit Date: 2018-JAN-16

Field Visit Type: INITIAL

Workplace Identification: FLEMING COLLEGE

Notice ID:

599 BREALEY DRIVE, PETERBOROUGH, ON, CANADA K9J 7B1

Telephone:  
(705) 749-5530

JHSC Status:  
Active

Work Force #:  
7

Completed %:

Persons Contacted: MARK BROWN - SITE SUPERVISOR FOR STEELCORE CONSTRUCTION, ALLAN HEWITT - ACADEMIC SERVICES LEADER, RANDY PRENTICE - FLEMING CONSTRUCTION SITE SUPERVISOR, KIM ENGLISH - FLEMING HEALTH AND SAFETY MANAGER

ACCOMPANIED BY MOL INSPECTOR MARGARET LINKLATER

Visit Purpose: TO AUDIT FOR COMPLIANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND ITS APPLICABLE REGULATIONS

Visit Location: 599 BREALEY DRIVE, PETERBOROUGH - SPA AREA

Visit Summary: NO ORDERS ISSUED DURING THIS VISIT.

#### Detailed Narrative:

##### Purpose of Visit:

The Ministry of Labour is attending this workplace to investigate a complaint received by our call centre. The complainant alleges that when they complained about health and safety concerns regarding an ongoing construction project at the workplace, they were reprimed against by not being scheduled any work hours for the next semester.

##### Items Noted and Discussed during this Visit:

A Construction Inspector from the Ministry of Labour attended the ongoing construction project at Fleming College last week and health and safety concerns reported were addressed at that time by both the contracted construction company and Fleming College representatives. It was reported during this visit that the contracted construction company is adjusting work hours around scheduled clinic and lab hours so workers should not be as affected by noise or traffic. Some noise still occurs during work hours but is not expected to exceed occupational exposure limits.

Discussion on the complaint of alleged reprisal took place with the above persons. A copy of internal emails was obtained by the Ministry of Labour.

As a reminder to all workplace parties, under Section 50 of the Occupational Health and Safety Act, an employer cannot:

- dismiss (or threaten to dismiss) a worker

Recipient	Inspector Data	Worker Representative
Name <u>Kim English</u>	<b>HAZEL FARMER</b> OCCUPATIONAL HEALTH AND SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER 300 Water St 3rd Flr, Peterborough ON K9J 8M5 HSPeterboroughDistrict@ontario.ca Tel: (705) 927-7626 Fax: 705-755-4724	Name _____
Title <u>Manager H&amp;Safety</u>		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.olrb.gov.on.ca/english/homepage.htm> for more information.

Operations Division      Occupational  
Health and Safety

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OHS Case ID: **03226MBVP950**

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- discipline or suspend a worker (or threaten to do so)
- impose (or threaten to impose) any penalty upon a worker, or
- intimidate or coerce a worker...

... because a worker has

- followed the OHSA and regulations
- exercised rights under the OHSA, including the right to refuse unsafe work
- asked the employer to follow the OHSA and regulations.
- given evidence in a proceeding in respect of the enforcement of the Act or its Regulations or in an inquest.

A worker who alleges reprisal has the option of seeking redress by having the matter dealt with by filing a complaint with the Ontario Labour Relations Board (OLRB) - 505 University Ave., 2nd Floor, Toronto, ON M5G 2P1. The phone number of the OLRB: 416-326-7500 or 1-877-339-3335

The OLRB can look into a worker's complaint and try to mediate a settlement between the workplace parties. If a settlement cannot be reached, the OLRB may hold a consultation or hearing. The OLRB may issue decisions to:

- remove or change any penalty the employer may have imposed
- reinstate/rehire the worker, and/or
- compensate the worker for related losses.

The OLRB will provide forms for filing reprisal complaints.

You may refer to the MOL Fact Sheet on Reprisals and the MOL Reprisals website topic page at:  
<http://www.labour.gov.on.ca/english/hs/topics/reprisal.php>

You may contact the Employment Standards Contact Centre 1-800-531-5551 regarding hours of work, severance or holiday pay, if applicable.

The employer or anyone else that has questions relating to this report or any orders is encouraged to call the Ministry of Labour Inspector for clarification and assistance.

Recipient	Inspector Data	Worker Representative
	<b>HAZEL FARMER</b>	
Name _____	OCCUPATIONAL HEALTH AND SAFETY INSPECTOR	Name _____
	PROVINCIAL OFFENCES OFFICER	
	300 Water St 3rd Flr, Peterborough ON K9J 8M5	
Title _____	HSPeterboroughDistrict@ontario.ca	Title _____
	<b>Tel: (705) 927-7626</b>	
	<b>Fax: 705-755-4724</b>	
Signature 	Signature 	Signature _____

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To report an incident, workplace fatality, work refusal, occupational illness, unsafe working condition under the Occupational Health and Safety Act, please call the Ministry of Labour's Health and Safety Contact Centre at 1-877-202-0008.

A copy of this report is to be posted in a conspicuous place in the workplace. (s.57(10)(a), OHSA/90)

Recipient	Inspector Data	Worker Representative
	<b>HAZEL FARMER</b>	
Name _____	OCCUPATIONAL HEALTH AND SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER	Name _____
	300 Water St 3rd Flr, Peterborough ON K9J 8M5	
Title _____	HSPeterboroughDistrict@ontario.ca	Title _____
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