Field Visit Report

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Ontario

Ministry of Labour

Safe At Work Ontario

Operations Division
Occupational Health and Safety

OHS Case ID: 02929LDZV228
Visit Date: 2017-MAR-02

Field Visit no: 02929LFUM233
Field Visit Type: INITIAL

Workplace Identification: McMaster University
1280 MAIN STREET WEST, HAMILTON, ON, CANADA L8S 4K1

Telephone: (905) 525-9140
JHSC Status: Active
Work Force #: 8000
Completed %:

Persons Contacted: CHERRY BEECROFT, HEALTH AND SAFETY SPECIALIST; DAVID RYAN, EMPLOYEE LABOUR RELATION ADVISOR; LISA MORINE, ASSOCIATE DIRECTOR OF HEALTH & SAFETY AND RISK. A MEMBER OF THE JOINT HEALTH AND SAFETY COMMITTEE WAS CONTACTED TO REVIEW THE FIELD VISIT REPORT.

Visit Purpose: TO MONITOR WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT.
Visit Location: GILMOUR HALL, 3RD FLOOR
Visit Summary: NO ORDERS ISSUED.

Detailed Narrative:
This field visit was conducted in response to alleged health and safety concerns reported to the Ministry of Labour.

Event Details: the complainant alleges that the employer has not provided information or the findings on an investigation regarding allegations of workplace harassment.

Inspector’s Comments:
The alleged health and safety concern(s) were reviewed and discussed with the workplace parties present.

Information was provided that the employer had initiated an investigation into allegations of workplace harassment. The name of the complainant was provided. The investigation is currently on-going. The findings will be made available to the complainant and the alleged respondent when the investigation is completed as required under Section 32.0.7(1) of the Occupational Health and Safety Act.

Workplace Policy for the prevention of workplace harassment:
Section 32.0.1(1) of the OHSA/90 was reviewed.
The employer has prepared a policy with respect to workplace harassment. The policy is in written form and posted at a conspicuous place in the workplace.

Harassment Program:
Section 32.0.6(1) of the OSHA/90 was reviewed.

Recipient

Inspector Data

Name: CHERRY BEECROFT
Title: HEALTH & SAFETY SPECIALIST
Signature: [Signature]

DONALD McGINNIS
OCCUPATIONAL HEALTH & SAFETY INSPECTOR
PROVINCIAL OFFENCES OFFICER
119 King St W, 14th Fl, Hamilton, ON, L8P 4Y7
MOLIHSHAMILTONEAST@ontario.ca
Tel: (905) 577-8165
Fax: (905) 577-1324

Worker Representative

Name: KAREN ALLISON SMITH
Title: HEALTH AND SAFETY WORKER
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. To request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Standards Board, 501 University Ave., 3rd Floor, Toronto, Ontario M5G 2A1. You may also contact the Board by phone at (416) 326-7600 or 1-877-339-3333 (toll free), mail or by website at http://www.ofl.go.on.ca/english/homepage.html for more information.
The employer has developed a written program to implement the policy with respect to workplace harassment. A copy of the employer policy and program "Discrimination, Harassment & Sexual Harassment: Prevention and Response" was made available.

Duties re harassment:

Section 32.0.7(1) of the OHSA/90 was reviewed.

To protect a worker from workplace harassment, an employer shall ensure that,

- an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;
- the worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;
- the program developed under section 32.0.6 is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to workplace harassment required under clause 32.0.1 (1) (b);

Results of investigation not a report:

(2) The results of an investigation under clause (1) (a), and any report created in the course of or for the purposes of the investigation, are not a report respecting occupational health and safety for the purposes of subsection 29 (2).

Information and Instruction:

Information and Instruction:

Section 32.0.8 of the OHSA/90 was reviewed.

Additional Information:

The Ministry of Labour has a primary responsibility to ensure that workplaces comply with Ontario’s Occupational Health and Safety Act (OHSA) and its regulations. The provisions regarding workplace harassment (Bill 132) were recently amended on September 8th, 2016. These changes will require employers to
add new elements to their workplace harassment program.

To assist employers in achieving compliance with the workplace harassment provisions of the Occupational Health and Safety Act, the Ministry of Labour has adopted a Code of Practice for workplace harassment. It is a voluntary tool that employers may use to comply with these provisions. It is available for download from the Ministry of Labour website. There are also guides and fact sheets available on the website to promote voluntary compliance.

Code of Practice

The Code of Practice for Workplace Harassment ("Code of Practice") is approved by the Minister of Labour under Part III.1 of the Occupational Health and Safety Act (OHSA) for use at all workplaces to which OHSA applies.

Compliance with the practices set out in the Code of Practice is one method by which employers can meet the OHSA legal requirements regarding workplace harassment. Failure to comply with all or part of the Code of Practice is not necessarily a breach of the workplace harassment provisions under the Act. If the employer complies with all of the practice set out in the Code of Practice – every element – then the employer is deemed in compliance with that provision of the Act.

Summary:

The employer is investigating the allegations of workplace harassment. The investigation is currently on-going at this time. No orders issued.

Notes:

The employer shall post a copy of this report in the workplace in a conspicuous location where it will come to the attention of the workers, as per Section 57(10) of the OHSA.

Ministry of Labour: www.labour.gov.on.ca
Health & Safety Associations: www.healthandsafetyontario.ca
Health & Safety Contact Centre: 1-877-202-0008.

Recipient

Inspector Data

Worker Representative

Name

DONALD MCINNIES

Name

OCCUPATIONAL HEALTH & SAFETY INSPECTOR

Title

PROVINCIAL OFFENCES OFFICER

Title

119 King St W, 14th Flr, Hamilton, ON, L8P 4Y7

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Signature

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