

Report of Workplace Inspection

Inspectee: THE GOVERNORS OF ST. FRANCIS XAVIER UNIVERSITY

Operating As: GOVERNORS OF ST. FRANCIS XAVIER UNIVERSITY

Mailing Address: 19 WEST STREET
ANTIGONISH, NS CANADA B2G 2W5

Worksite Location: StFX JOHS Committee

Non-Management Rep: Susan MacKay
Marin van Bommel
Carl Adams
Andrew Foran

Occupation: JOHS Members

Management Rep: N/A

Occupation: N/A

Inspection Overview:

On January 17/22 this Officer spoke to a member of the StFX JOHS Committee who had questions on behalf of the Committee regarding its roles, functions, and responsibilities according to the OHS Act. We arranged to meet and discussed those questions on January 18/22 along with several other members of the Committee.

It was explained that the Committee had requested that an emergency meeting in December 2021 to discuss health and safety concerns over the Covid-19 outbreak that was occurring on campus. That request was denied by its co-chairs, who by their terms of reference were the only members who could approve such meeting be held, stating that the concerns were considered operational in nature and not health and safety related.

It is the opinion of this Officer that this has been a lost opportunity for management to consult and collaborate with those employees chosen to represent the workers at this workplace as members of its Joint Occupational Health and Safety Committee.

In circumstances such as this, my role and functions as an Officer can be reviewed under section 2(d) and section 9 of the OHS Act. I agreed to met with members of your StFx JOHS

Report of Workplace Inspection

Inspectee: THE GOVERNORS OF ST. FRANCIS XAVIER UNIVERSITY
Operating As: GOVERNORS OF ST. FRANCIS XAVIER UNIVERSITY

Committee who requested information about their functions and responsibilities under the Act. We discussed the employers' responsibilities under section 13, the functions of committees under section 31, and the Committees own "Rules of Procedure".

The underlying question being asked: was the outbreak of covid-19 on campus a health and safety risk to staff and therefore should that have warranted an emergency committee meeting? Members of the Committee brought forth a list of workers concerns that they believed to be legitimate H&S concerns, and therefore, that alone should have been enough to call an emergency meeting especially given the ongoing global pandemic.

This was an opportunity for the employer to share, collaborate and consult with the Committee in the spirit of the OHS Act during a very confusing and scary time when not a lot of administrative guidance and/or information was being provided to workers. The benefits of including/involving the committee would have meant a better understanding of what was being done (or trying to be done) at the executive level and likely the reassurance that a response plan (that included those concerns employees, subtrades, etc. throughout campus) was being considered and developed in consultation with the public health authority on how to proceed. The committee could have assisted the employer in sharing and communicating positive, accurate and adequate information to its workforce and thus to help reassure the people of what was required by them immediately and what was being considered for a plan in the weeks following.

I trust the Governors of STFXU (the employer) will consider this perspective and recognize the opportunity you have to grow your health and safety program by educating, sharing, and developing the relationship between your committee(s), its members (the employees) and management. A safety program is an ongoing effort and communication is the key to growth and understanding.

Inspection Findings:

1. Occupational Health and Safety Act
30-7 Composition and procedure of committee

A committee shall establish its own rules of procedure and shall adhere to the applicable regulations.

The Committee has its own rules of procedure established. This is a good time to review and update those guidelines. Items for consideration could include, but not be limited to:
- consideration of who, when, why emergency meetings could or should be called

Report of Workplace Inspection

Inspectee: THE GOVERNORS OF ST. FRANCIS XAVIER UNIVERSITY
Operating As: GOVERNORS OF ST. FRANCIS XAVIER UNIVERSITY

- consider adding a "safety advisor" position (for example: if the campus safety advisor attends meetings now as a non voting role, this an opportunity if clarify the advisors role, function, and purpose on the committee (neutral advice on questions the membership may have within the Act and Regulations, thus improving communications)
-

This inspection report was provided to _____ by:

Officer Name: Paula Dobson

Officer Signature: _____

This report was produced by Paula Dobson, Occupational Health and Safety Officer, who may be contacted at:

Occupational Health and Safety Division
Department of Labour and Advanced Education

11210 Highway #16

Boylston, NS B0H 1G0

Phone: 1-800-952-2687 Fax: 902-533-2307 Email: Paula.Dobson@novascotia.ca

Within Nova Scotia, call: 1-800-952-2687 Fax: 902-541-5651

Outside Nova Scotia, call: 902-424-5400

Section 69 of the Occupational Health and Safety Act allows orders and some decisions to be appealed. You may appeal this order by filing notice with the Labour Board no later than 30 days after being served this notice. To get information and the required forms, please visit the Labour Board website at: <http://www.novascotia.ca/lae/labourboard/>.

Contraventions of the OHS Act and regulations can result in administrative penalties being issued. Compliance with orders issued by OHS officers is expected and required by law; it does not prevent a penalty from being issued.