

Operations Division Occupational Health and Safety

Field Visit Report

OHS Case ID: **04773SFXT839**

Field Visit no: **04773SFXT840**

Visit Date: **2023-MAR-19**

Field Visit Type: **INITIAL**

Workplace Identification: **HAMILTON STREET RAILWAY CO, THE
2200 UPPER JAMES STREET, HAMILTON, ON, CANADA L0R 1W0**

Notice ID:

Telephone:
(905) 528-4200

JHSC Status:
Active

Work Force #:
1000

Completed %:

Persons Contacted: **ANDREW MCQUAID (OPERATOR), EMILY GROOM (JOINT HEALTH AND SAFETY COMMITTEE JHSC), JESSICA STREET (SUPERINTENDANT OPERATIONS), RICK BEAUL (INSPECTOR OPERATIONS SUPERVISOR) AND TYLER DAVY (SUPERINTENDANT STAFF DEVELOPMENT AND TRAINING).**

Visit Purpose: **TO INVESTIGATE A WORKER REFUSAL RECEIVED AT THE MLITSD, MARCH 19, 2023.**

Visit Location: **OFFICE**

Visit Summary: **ORDER ISSUED.**

Detailed Narrative:

This Ontario Ministry of Labour, Immigration, Training and Skills Development (MLITSD) inspector met with this workplace today to investigate a work refusal reported to the MLITSD on March 19, 2023.

The following people were spoken to:

Andrew McQuaid (Operator),

Emily Groom (Joint Health and Safety Committee JHSC),

Jessica Street (Superintendent Operations),

Rick Beaul (Inspector Operations Supervisor),

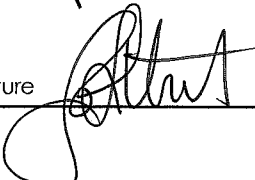
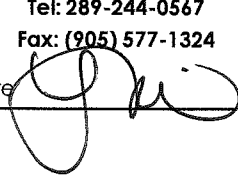

Tyler Davy (Superintendent Staff Development and Training),

Via teleconference Gerry McLilhone (Superintendent of Operations).

INSPECTOR ACTIONS/FINDINGS:

At the time of the investigation, this inspector met with members of the employer and JHSC, to discuss the work refusal received at the MLITSD.

At the time of the investigation, the work refusal did not meet the criteria of Section 43(3)(b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself.

Recipient	Inspector Data	Worker Representative
Name: <u>Jessica Street</u>	Erica Gavin O.H.S.A. & B.O.S.T.A. INSPECTOR PROVINCIAL OFFENCES OFFICER	Name: <u>Emily Groom</u>
Title: <u>Superintendent</u>	119 King St W, 14th Flr., Hamilton, ON, L8P 4Y7 MOLIHSHAMILTONEAST@ontario.ca Tel: 289-244-0567 Fax: (905) 577-1324	Title: <u>JHSC MEMBER</u>
Signature: 	Signature: 	Signature: 

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This matter was investigated as a complaint:


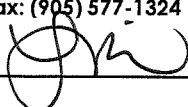

The complainant alleges:

At the time of investigation, winds on the "Burlington Skyway" presented a hazard.

The employer stated "Inspectors" conduct a past practice for determining safe/ unsafe driving conditions for workers includes but not limited to referencing the Ministry of Transportation website, conducting a site visit of the "hazardous" area and making a determination to "reroute" or stop transportation services, however, at the time of the investigation, workers were not familiar with this process (ORDER ISSUED).

ONE ORDER ISSUED

(10)(a), THE EMPLOYER SHALL POST A COPY OF THIS ENTIRE REPORT IN THE WORKPLACE WHERE IT WILL COME TO THE ATTENTION OF WORKERS.

Recipient	Inspector Data	Worker Representative
Name _____	Erica Gavin O.H.S.A. & B.O.S.T.A. INSPECTOR PROVINCIAL OFFENCES OFFICER	Name _____
Title _____	119 King St W, 14th Flr., Hamilton, ON, L8P 4Y7 MOLIHSAMILTONEAST@ontario.ca	Title _____
Signature 	Tel: 289-244-0567 Fax: (905) 577-1324 Signature 	Signature 

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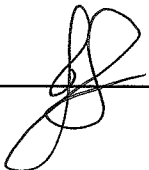
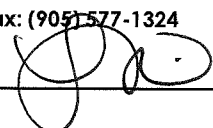

Order(s) /Requirement(s) Issued To: **CITY OF HAMILTON**

To: **CITY OF HAMILTON** Org/Ind Role **Secondary Employer**

Mailing Address:
330 WENTWORTH ST N, HAMILTON, ON, CA L8L 5W2

Order(s) /Requirement(s) Description:
You are required to comply with the order(s) /requirement(s) by the dates listed below.

No	Type Code	ActReg	Year	Sec.	Sub Sec.	Clause	Text of Order/Requirement	Comply by Date
1	Time 04773SFXT841	OHSA	1990	25	2	a	The employer shall, provide information, instruction and supervision to workers to protect the health or safety of the workers. At the time of the investigation, workers were not familiar with the process taken by the "Inspectors" to determine if driving conditions are safe or unsafe.	2023-MAY-31

<p>Recipient</p> <p>Name _____</p> <p>Title _____</p> <p>Signature </p>	<p>Inspector Data</p> <p>Erica Gavin</p> <p>O.H.S.A. & B.O.S.T.A. INSPECTOR PROVINCIAL OFFENCES OFFICER</p> <p>119 King St W, 14th Flr., Hamilton, ON, L8P 4Y7</p> <p>MOLIHSHAMILTONEAST@ontario.ca</p> <p>Tel: 289-244-0567</p> <p>Fax: (905) 577-1324</p> <p>Signature </p>	<p>Worker Representative</p> <p>Name _____</p> <p>Title _____</p> <p>Signature </p>
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