



Finance

Labour and Regulatory Services
Workplace Safety & Health
200-401 York Avenue, Winnipeg, Manitoba, Canada R3C 0P8
T 204-945-5637 F 204-948-2209
Email: crystal.baldwin@gov.mb.ca
www.manitoba.ca

FIPPA #21LR-007

March 24, 2021

Justin Piche

Email: justin.piche@uottawa.ca

Dear Mr. Piche,

RE: YOUR REQUEST FOR ACCESS TO INFORMATION UNDER PART 2 OF *THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT* (FIPPA)

On February 16, 2021, the Department of Finance received your application for access which requested the following records:

“Request 1A: I am requesting all memorandums, briefing notes, information notes, statistics and PowerPoint decks outlining the results of inspections, assessments and audits of provincial correctional institutions and parole offices in Manitoba.

Request 1B: I am requesting all memorandums, briefing notes, information notes, statistics and PowerPoint decks outlining recommendations concerning the prevention, management and treatment of COVID-19 inside provincial correctional institutions and in community correctional settings in Manitoba.

Request 1C: I am requesting all records documenting the number and nature of labour complaints involving prisoners and prison staff in provincial correction institutions in Manitoba.”

Please be advised that Workplace Safety and Health (WSH) will be responding to 1C of your request and Manitoba Justice will be responding to 1A and 1B of your request.

We were forwarded a copy of the email you sent to the general FIPPA email inbox on February 26, 2021, clarifying that Request 1A and 1C related to COVID complaints only.

We searched our electronic database for the dates specified on your Application for Access (between March 1, 2020 and January 31, 2021) and can report that two complaints were made relating to COVID regarding fogging disinfection and PPE.

17(3) *In determining under subsection (1) whether a disclosure of personal information not described in subsection (2) would unreasonably invade a third party's privacy, the head of a public body shall consider all the relevant circumstances including, but not limited to, whether*

(i) the disclosure would be inconsistent with the purpose for which the personal information was obtained.

The exceptions to access cited on the previous page apply for the following reasons:

- The information contained in the requested records is “personal information” as defined in subsection 1(1) of FIPPA and relates to a “third party”, i.e. a person other than an applicant for access or the public body with custody or control of the requested records.
- The disclosure of the personal information would constitute an “unreasonable invasion” of a third party’s privacy (s. 17(1)). This personal information falls within clause 17(2)(e), and, as such, is of such sensitivity that its disclosure is deemed to constitute an unreasonable invasion of the third party’s privacy. The personal information would disclose the identity of individuals and their employment information.
- In the event that certain personal information does not fall under subsection 17(2), we have determined that it does come within the scope of subsection 17(3) and, therefore, must be severed. We reached this conclusion after considering all relevant factors. In particular, we have determined that the disclosure of the personal information would be inconsistent with the purpose for which the information was initially collected.

Subsection 59(1) of FIPPA provides that you may make a complaint about our decision respecting your request for access to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form available at www.ombudsman.mb.ca and forward it to:

Manitoba Ombudsman
750 - 500 Portage Avenue
Winnipeg MB R3C 3X1
204-982-9130 or 1-800-665-0531

Should you have any concerns with this matter, please feel free to contact me at 204-945-5637.

Sincerely,



Crystal Baldwin
Access and Privacy Officer
Freedom of Information and Protection of Privacy

Attachments

FIPPA
VERSION

Details

Requestor

Subject

Payment

Basics

*Type of Service: Complaint
*Service Area: Workplace Safety and Health
Topics: COVID
*Mode of Contact: Email

Details:

On May 4, 2020, at 4:40 PM, [REDACTED] <
[REDACTED]@mgeu.ca> wrote:

17(1) & 17(3)(i) - personal name

Norm,

Do you have any familiarity with anolyte fogging as a means of disinfection ?

Corrections has the Environize ANK anolyte and Bure foggers...

I can only find Health Canada approvals for disinfection of hard non-porous environmental and inanimate object surfaces... however, they are using it to reprocess single use gowns, fabric coveralls, occupied spaces and directly on staff...

In the absence of more information we have advised them to cease use other than disinfection as approved by Health Canada...

<EnviroNize.pdf.awsec>

Your thoughts??

Sent from my iPhone

Complaint

*Concern has been discussed with Safety Committee/Worker Representative?

Yes No N/A

Concern has been discussed with: None
Response Priority: 1 2 3

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Department of Finance
Workplace Safety and Health
200-401 York Avenue
Winnipeg, Manitoba, Canada R3C 0P8

Andrea Hohne, Occupational Hygienist
T 204-794-7264 F 204-948-2209
andrea.hohne@gov.mb.ca

Report Form

Employer / Person Name	Work Site Address
Department of Justice	Winnipeg MB

Date of Inspection	Site Contacts
22 May 2020	N/A - Worker [REDACTED] - Management

Date Served: 22 May 2020

17(1) & 17(3)(i) - name of Management Rep.

The above referenced officer completed a follow up with the employer to address concerns received regarding the use of Environize Anolyte Product in the workplace. Further, documentation was received and reviewed May 21 and 22, 2020. Refer to the following:

The workplace has been in consult with Public Health with respect to COVID-19 and the implementation of general provisions. The employer states that the custody centres have been designated as closed communities with an at risk population and have been asked to comply with the long term care requirements for personal protective equipment.

- When gowns are used in the workplace, it is expected that they are used in accordance with manufacturer's specifications and in accordance with any additional direction provided by Public Health. The Shared Health Provincial Requirements for Personal Protective Equipment (PPE) Document dated May 7, 2020 refers to the following with respect to gown use in long term care facilities:

- Type of PPE for COVID-19 Non-Suspect: Gowns are to be used as per routine practices (e.g. MRSA, Scabies, blood or body fluid contact or excessive soiling) AND in situations requiring additional precautions

- Type of PPE for COVID-19 Positive and COVID-19 Suspect:
With COVID-19 positive patients, extend use of gowns except in situations when Gowns should be used as per routine practices (e.g. MRSA, Scabies, blood or body fluid contact or excessive soiling) AND in situations requiring additional precautions. Remove gown prior to leaving the COVID-19 positive unit.

- With COVID-19 suspect patients, gowns are to be used as per routine practices and additional precautions(e.g. MRSA, Scabies, blood or body fluid contact or excessive soiling).

- There is a provision in place at the workplace for the laundering of coveralls and gowns on-site OR for the spraying of coveralls and gowns with the Environize Anolyte product prior to being re-donned by workers.

- The Safety Data Sheet for the product states that the active ingredient (hypchlorous acid) is approved by EPA, FDA and Health Canada for the disinfection of hard non-porous surfaces. The information does not state that the product is approved for the purpose of disinfection of porous materials. Safe work procedures

 - for the appropriate donning and doffing of re-usable gowns and coveralls should take into consideration

that

the product may not disinfect porous materials. If the manufacturer has provided documentation or a statement to identify that the product is able to disinfect porous materials, please submit the document for review.

- The Environize Anolyte product Safety Data Sheet states that the product may cause mild irritation to skin and eyes and does not identify that it is intended for use in occupied spaces or on persons. If the manufacturer has provided documentation or a statement to identify that the product is intended for use in occupied space or on persons please submit the document for review.

NOTE: If public health has provided comment on the extended use of gowns or use of the Environize Anolyte product in the workplace, a copy of the response is requested for review.

For matters not related to this document, please contact Workplace Safety and Health at 204-957-SAFE, toll free at 1-855-957-SAFE, or wshcompl@gov.mb.ca.

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Andrea Hohne, Occupational Hygienist
T 204-794-7264 F 204-948-2209
andrea.hohne@gov.mb.ca

Improvement Order Form

Employer / Person Name	Work Site Address
Government of Manitoba - Department of Justice - Custody	405 Broadway Winnipeg MB R3C 3L6

Date of Inspection	Site Contacts
08 June 2020	[REDACTED] - [REDACTED] (Remand Centre) - Worker [REDACTED] - [REDACTED] - Management 17(1) & 17(3)(i) - Management & Worker names 17(1), 17(2)(e) & 17(3)(i) - position name / title

Improvement Order(s)

Pursuant to **Section 26 of the Workplace Safety and Health Act (WSHA)**, the following improvement orders are issued:

Order Number	Explanation	Compliance Date
1	<p>Chemical and Biological Substances - Safe Work Procedures Workplace Safety and Health Regulation 36.3</p> <p>Observation: While a safe work procedure has been developed for the Disinfectant Anolyte Fogger, it was not created in consultation with the workplace safety and health committee. The safe work procedure does not include reference to the use or handling of the specific chemicals that are intended to be used in conjunction with the fogging equipment to ensure the safety or health of workers.</p> <p>NOTE: The employer states they are transitioning from the use of Environize ANK-Neutral Anolyte to the use of Ultra-Lyte in the workplace however both products may be in use on-site at present. A copy of the Safety Data Sheet and Material Safety Data Sheet for both the Environize ANK-Neutral Anolyte and the Ultra-Lyte product were provided for review. Hazard information and preventative measures are contained therein.</p> <p>Requirement: The employer must develop and implement safe work procedures respecting the use, production, storage, handling and disposal of any chemical or biological substance that an assessment has determined creates or may create a risk to the safety or health of a worker in the workplace. The employer must also that ensure workers are trained in the safe work procedures and comply with the safe work procedures.</p> <p>Reference: 'Guideline for Chemical and Biological Substances in the Workplace'</p>	03 July 2020

Other Comments and Request for Information:

1. During the teleconference, the employer stated that the Anolyte product is no longer used for the purpose of fogging or spraying workers upon entrance into the workplace(s) or for the purpose of disinfecting clothing/protective barriers while a worker is donned in same. A written statement of commitment is requested to outline this change to process.

2. During the teleconference, the employer indicated that there was an opportunity to launder all re-usable gowns, coveralls and clothing used as protective barriers on-site rather than spraying same with the Environize ANK-Neutral Anolyte or Ultra-Lyte product for the purpose of disinfection. A written statement of commitment is requested to outline this change to process.

Date Served: 28 May 2020

Stop Work Warnings (SWW)

Where a safety and health officer believes that the contravention involves or is likely to involve serious risk to the safety or health of any person in or about the workplace, it may be specified that if the contravention is not remedied within the period mentioned therein, a stop work order may be issued. (Section 26(2) of the WSHA)

How to Comply

In consultation with workers, the employer or person named in this order must provide documentation to the issuing Safety and Health Officer stating what corrective action(s) have been taken (Section 35 of the WSHA).

How to Appeal

Anyone directly affected by this order has the right to appeal to the Director of the Workplace Safety and Health Branch within 14 days of date served (Section 37 of the WSHA).

To appeal an order, written notice must be sent to the attention of the Director of Workplace Safety and Health. This must include reasons for the appeal and a list of persons interested in the appeal. Supporting documentation may also be requested.

Email: edwsh@gov.mb.ca

Mailing Address: 200-401 York Ave.
Winnipeg, MB R3C 0P8

Further Enforcement Actions

Non-compliance with these orders may result in stoppage of work (Section 26(2) of the WSHA), an administrative penalty (Section 53(1) of the WSHA) and/or prosecution (Section 54 of the WSHA).

For matters not related to this document, please contact Workplace Safety and Health at 204-957-SAFE, toll free at 1-855-957-SAFE, or wshcompl@gov.mb.ca.

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Andrea Hohne, Occupational Hygienist
T 204-794-7264 F 204-948-2209
andrea.hohne@gov.mb.ca

Re-Inspection Report

Employer / Person Name	Work Site Address
Government of Manitoba - Department of Justice - Custody	405 Broadway Winnipeg MB R3C 3L6

Date of Inspection	Site Contacts
03 July 2020	[REDACTED] (Remand Centre) - Worker Management

17(1) & 17(3)(i) - Management & Worker names 17(1), 17(2)(e) & 17(3)(i) - position name / title

Order Number	Explanation	Compliance Date
1	Chemical and Biological Substances - Safe Work Procedures Comments: The employer provided a report on compliance and a compliance update via email on June 30, 2020. A copy of the safe work procedure and an email outlining that the SWP was developed in consultation with the WSH committee representatives was provided to support compliance.	30 June 2020 Complied

NOTE: The employer provided a written statement of commitment stating that the fogger or Anolyte will not be used on staff or on reusable or disposable gowns.

Date Served: 03 July 2020

In consultation with workers, the employer or person named in this order must provide documentation to the issuing Safety and Health Officer stating what corrective action(s) have been taken (Section 35 of the WSHA).

Further Enforcement Actions

Non-compliance with these orders may result in stoppage of work (Section 26(2) of the WSHA), an administrative penalty (Section 53(1) of the WSHA) and/or prosecution (Section 54 of the WSHA).

For matters not related to this document, please contact Workplace Safety and Health at 204-957-SAFE, toll free at 1-855-957-SAFE, or wshcompl@gov.mb.ca.

Details

Requestor

Subject

Payment

Basics

Assigned Officer: Andrea Hohne
Sub-assigned Officers:
Date Created: 05 May 2020
Time Created: 08:34
* Date Received: 05 May 2020
*Time Received: 08:12
Date Closed: 03 July 2020
Time Closed: 15:00
Confirmation Number: AHOE-BPBHH8
Status: Closed
Time Spent: 0.00

Details

Requestor

Subject

Payment

Basics

*Type of Service: Complaint
*Service Area: Workplace Safety and Health
Topics: COVID
*Mode of Contact: Phone

Details:

When COVID first was affecting our work place. There were coveralls put in place of uniforms. As I understand it, this was to be seen as PPE. On the Symptomatic floors the Officer would put on Coveralls and wear them throughout the day in every task and when they left the floor they were to dawn a robe style cover to put over them.

The coveralls then and to this day did not secure our Security belts to our person for easy access to instrumental items we use on a daily basis (handcuffs, keys, radio). Our belts would slide and the issued items would slide all over as well.

Using a smock inside a unit with Offenders out is as I see it, an absolute security concern.

The main and forefront concern in our line of work is security.

If we are to wear a cover over anything it is at an Officers disadvantage to defend/protect themselves. This should only be done when they are in an environment away from an accused. I.e. Level 200

Possible solution:

Wear uniform at all times while performing job, until leaving unit.

When leaving floor for lunch/break dawn a robe

When leaving floor with an accused or taking that person to another location inside bldg., dawn a paper robe. (Tearable if needed in situation that may occur)

Possibly altering the robe to be more fitted, shorter with Velcro to secure top portion. As well as holes in robe to allow belt clips to be used to ensure belt is in place at all times.

Please let me know if I can provide something further .

We have been told the gowns are going nowhere so there is nothing they can do.

***Loose gown**

***long – pull up to do stairs**

***Too much material – (wrestle on floor, opportunity to step/grab gown) – Tangle**

***Belt under – not accessible**

***Belt over – not secure and moves around**

*** Impedes movement**

Complaint

*Concern has been discussed with Safety Committee/Worker Representative?

Yes No N/A

Concern has been discussed with: None

Response Priority: 1 2 3

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Department of Finance
Workplace Safety and Health
200-401 York Avenue
Winnipeg, Manitoba, Canada R3C 0P8

Angela Barratt, Occupational Hygienist
T 204-792-6516 F 204-948-2209
angela.barratt@gov.mb.ca

Improvement Order Form

Employer / Person Name	Work Site Address
Manitoba Justice	1-141 Kennedy St Winnipeg MB R3C 4N5

Date of Inspection	Site Contacts
27 November 2020	[REDACTED] - Worker [REDACTED] - Management 17(1) & 17(3)(i) - Management & Worker names 17(1), 17(2)(e) & 17(3)(i) - position name / title

Improvement Order(s)

Pursuant to **Section 26 of the Workplace Safety and Health Act (WSHA)**, the following improvement orders are issued:

Order Number	Explanation	Compliance Date
1	<p>Personal Protective Equipment – Employer Obligations re Equipment Provided Fit For Intended Purpose Workplace Safety and Health Regulation 6.4</p> <p>Observation: Personal protective equipment meeting the requirements prescribed in this section have not been provided to workers.</p> <p>Requirement: The employer must ensure that;</p> <p>(a) before providing personal protective equipment to a worker, the equipment is fit for its purpose, as determined by the employer inspecting it and testing it or carrying out any pre-use procedure in accordance with the manufacturer's specifications;</p> <p>(b) the equipment provided fits the worker correctly and can be used by the worker without an adverse effect to the worker's safety or health from the use of the equipment; and</p> <p>(c) the worker is informed of and understands the safety or health risk for which the equipment is designed and the limitations, if any, in the protection it provides.</p> <p>The employer has indicated that immediate temporary provisions will be engaged to ensure that the use of the required equipment(gown) may proceed by eliminating the risk presented by the presence of ties around the neck.</p>	04 December 2020

Communication and implementation of long term remedies for the PPE will be required for compliance.

Date Served: 27 November 2020

Stop Work Warnings (SWW)

Where a safety and health officer believes that the contravention involves or is likely to involve serious risk to the safety or health of any person in or about the workplace, it may be specified that if the contravention is not remedied within the period mentioned therein, a stop work order may be issued. (Section 26(2) of the WSHA)

How to Comply

In consultation with workers, the employer or person named in this order must provide documentation to the issuing Safety and Health Officer stating what corrective action(s) have been taken (Section 35 of the WSHA).

How to Appeal

Anyone directly affected by this order has the right to appeal to the Director of the Workplace Safety and Health Branch within 14 days of date served (Section 37 of the WSHA).

To appeal an order, written notice must be sent to the attention of the Director of Workplace Safety and Health. This must include reasons for the appeal and a list of persons interested in the appeal. Supporting documentation may also be requested.

Email: edwsh@gov.mb.ca

Mailing Address: 200-401 York Ave.
Winnipeg, MB R3C 0P8

Further Enforcement Actions

Non-compliance with these orders may result in stoppage of work (Section 26(2) of the WSHA), an administrative penalty (Section 53(1) of the WSHA) and/or prosecution (Section 54 of the WSHA).

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Workplace Safety and Health
200-401 York Avenue
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Angela Barratt, Occupational Hygienist
T 204-792-6516 F 204-948-2209
angela.barratt@gov.mb.ca

Re-Inspection Report

Employer / Person Name	Work Site Address
Manitoba Justice	1-141 Kennedy St Winnipeg MB R3C 4N5

Date of Inspection	Site Contacts
01 December 2020	[REDACTED] - Worker [REDACTED] - Management

17(1) & 17(3)(i) - Management & Worker names 17(1), 17(2)(e) & 17(3)(i) - position name / title

Order Number	Explanation	Compliance Date
1	Personal Protective Equipment – Employer Obligations re Equipment Provided Fit For Intended Purpose Comments: Sample of gown modification and intention to proceed with modifications for all communicated	01 December 2020 Complied

Date Served: 24 December 2020

How to Comply

In consultation with workers, the employer or person named in this order must provide documentation to the issuing Safety and Health Officer stating what corrective action(s) have been taken (Section 35 of the WSHA).

Further Enforcement Actions

Non-compliance with these orders may result in stoppage of work (Section 26(2) of the WSHA), an administrative penalty (Section 53(1) of the WSHA) and/or prosecution (Section 54 of the WSHA).

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Details

Requestor

Subject

Payment

Basics

Assigned Officer: Darren James
Sub-assigned Officers:
Date Created: 26 November 2020
Time Created: 12:04
* Date Received: 26 November 2020
*Time Received: 11:56
Date Closed: 03 December 2020
Time Closed: 08:16
Confirmation Number: SHID-BVQP2U
Status: Closed
Time Spent: 0.00