



Government
— of —
Saskatchewan

Labour Relations and Workplace Safety

Deputy Minister's Office
300-1870 Albert Street
Regina, Canada S4P 4W1

March 11, 2021

Justin Piché

Dear Justin Piché:

RE: Your Access to Information Request LRWS 44-2020G

Thank you for your access to information request received in this office on February 10, 2021.

This is to inform you that your access request has been fully granted. Enclosed are copies of records responsive to your request.

If you would like to exercise your right to request a review of this decision, you may do so by completing a "Request for Review" form and forwarding it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. Your completed form can be sent to #503 – 1801 Hamilton Street, Regina, Saskatchewan, S4P 4B4. This form is available at the same location which you applied for access or by contacting the Office of the Information and Privacy Commissioner at 306-787-8350.

Sincerely,

A handwritten signature in black ink, appearing to be 'Greg Tuer'.

Greg Tuer
A/Deputy Minister

cc: Jenna Orban, Access Coordinator, Labour Relations and Workplace Safety



OHS Inquiry

Owner: 6f312388-ab2b-e811-80f9-005056aa2ce5

Created On: 2/24/2021 10:18 AM

Reference Number: 1-0000000003168

Call Details

Category:

Notification Details:

Radiation:

Other Description: Fire

Covid-19 Related: No

Employer:

Worksite Same as Above? No

Worksite Location:

Worksite City/Town:

Concern Raised With?

Has caller spoken to another OHO on this subject: Yes

If so, who:

Summary of Call: Jennifer Fiddler (Consultant) with the ministry of corrections phoned in to report a fire that was started by inmates at the correctional Facility in Regina on February 18, 2021.

Jenn also stated that this fire was started by the same inmates that started a fire on Jan 29, 2021 at the facility. The officer she was dealing with was Jason Hilderman.

Jenn stated that an investigation is being conducted and corrective actions are already being put into place.

Jenn can be reached at 306-520-4453

Contact/Assignments

Intake Source: Phone Call

Anonymous: No

Submitting Contact: Jennifer Fiddler

Caller Type: Safety Rep

Serious Injury / Fatality Notification

Type of Injury:

Nature of Injury:

Date SI/F Reported?

Police Contact?

Police File #?

Details of Occurrence:

Name of Victim:

Date of Birth:

Employer:

Employer Contact Name:

Location of Event:

Next of Kin:

Employer Contact Phone Number:

Assigned Officer(s)

Workplace Safety Reviewed Intake: No

Assigned Officers:

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Name of Employer	Ministry of Justice Head Office
Address	1000-1874 Scarth St REGINA SK S4P 4B8
Place of Employment	Ministry of Justice Saskatoon Correctional Centre
Address	910 60th St E SASKATOON SK S7K 2H6
Place of Inspection	910 60th St E SASKATOON SK S7K 2H6
Date of Report	Dec 16, 2020
Occupational Health Officer	Darrell Hart

Details:

On December 3rd, 2020 (Thursday), Occupational Hygienist Darrell Hart received notification of a work refusal. Information indicates that a Correctional Officer, at the Saskatoon Correctional Centre exercised their right to refuse unusually dangerous work on Wednesday December 2nd, 2020.

The following documents were forwarded by Occupational Health Officer, Chad Parenteau, on Monday December 7, 2020.

- Workers refusal in writing
- Employers response to the refusal
- OHC investigation & statements
- Records that speak to PPE and Covid-19 response
- Saskatoon Corrections Centre Exposure Control Plan
- Any policy and procedures that speak to Covid-19
- OHC Minutes speaking to the refusal

Pursuant to *Section 3-63 of The Saskatchewan Employment Act*, Occupational Hygienist, Darrell Hart is requesting supporting documents in regards to the incident. I require the below listed information/documents on or before Friday December 18, 2020.

The information requested is as follows:

- 1) Contact information for refusing worker - name, address, city, postal code, province, phone number, driver's license number, job position, and the name of the employer.
- 2) Date of birth (DOB) for the refusing worker.
- 3) Last pay stub for the refusing worker.
- 4) Start date for the refusing worker.
- 5) Job description for the refusing worker.
- 6) Direct Supervisor - contact information, name, address, city, postal code, province, phone number, driver's license number, job position, and the name of the employer.

7) Copy of the last OHC minutes.

8) Manufactures information for the surgical/procedural masks indicating that they meet with ASTM standards.

9) Manufacturers information on disinfectant products in use including DIN/NPN number and contact times.

10) Manufactures information on hand sanitizers in use including DIN/NPN numbers.

11) SHA recommendation to move COVID-19 positive inmates to the Alpha unit.

Please sign, and return a copy of this Officers Report with attention marked Darrell Hart. If you have any questions you can contact me via phone at 1-800-567-7233 Ext: 9765 or, via email at darrell.hart@gov.sk.ca.

Note: Provide the Report as follows:

Occupational Health Committee/Representative

Post Information for Workers

Occupational Health Officer

Confidential do not post

Note: Any person directly affected by this decision, may appeal to the Director of the Occupational Health and Safety Division to amend or cancel this decision. Appeals must be in writing, and delivered to the Director by registered mail at the following address: 6th floor, 300 – 1870 Albert Street, REGINA, SK, S4P 4W1, or by fax to: (306) 787-2208 within **15 business days after the date of service of this decision**. Commencing an appeal does not suspend the operation of the decision.

Report served on Ministry of Justice Saskatoon Correctional Centre-SASKATOON SK 910
60th St ES7K 2H6

Report Served Email

Report received on behalf of the Employer

Name (Print)

Position

Signature

Date: Month/Day/Year

Copy Received on behalf of the
Occupational Health Committee,
Representative, or Workers:

Signature of Employee Representative

Signature of Employer Representative

Name of Employer	Ministry of Justice Head Office
Address	1000-1874 Scarth St REGINA SK S4P 4B8
Place of Employment	Ministry of Justice Saskatoon Correctional Centre
Address	910 60th St E SASKATOON SK S7K 2H6
Place of Inspection	910 60th St E SASKATOON SK S7K 2H6
Date of Inspection	Dec 24, 2020
Occupational Health Officer	Darrell Hart

Details:

On December 3rd, 2020 (Thursday), Occupational Hygienist Darrell Hart received notification of a work refusal by a Correctional Worker, at the Saskatoon Correctional Centre (SCC), who exercised their right to refuse unusually dangerous work on Wednesday December 2nd, 2020, under **Section 3-31 of The Saskatchewan Employment Act (Act)**.

The Correctional Worker is refusing to work on Alpha Unit, where low security COVID-19 positive inmates are to be moved to and housed, deeming the work to be unusually dangerous as the unit is inappropriate for housing COVID-19 positive inmates. The Occupational Health Committee had an emergency meeting on December 2, 2020 and determined that the work refusal was not valid and an unusually dangerous situation did not exist. The refusing worker then requested the assistance of an Occupational Health and Safety Officer as per Section 3-32(a) of The Saskatchewan Employment Act.

The following documents were received, by Occupational Hygienist Darrell Hart, on Monday December 7, 2020.

- Workers refusal in writing
- Employers response to the refusal
- OHC investigation & statements
- Records that speak to PPE and Covid-19 response
- Saskatoon Corrections Centre Exposure Control Plan
- Any policy and procedures that speak to Covid-19
- OHC Minutes speaking to the refusal

On Wednesday, December 16, 2020, Occupational Hygienist Darrell Hart, issued an Officers Report (1-00013789) requesting additional documentation. This documentation was received on Friday December 18, 2020.

A phone conversation was held with the refusing worker on Friday December 11, 2020 and Wednesday December 23, 2020 to gather information regarding the work refusal.

A phone conversation was held with the SCC Occupational Health and Safety Consultant on Tuesday December 22, 2020 to gather information on the work refusal.

On Thursday December 24, 2020, a site visit was conducted by Occupational Hygienist Darrell Hart. In attendance from the SCC were the worker and employer OHC co-chairs and the SCC Occupational

Health and Safety Consultant.

Technical information

Current scientific evidence suggests that the Coronavirus disease 2019 (COVID-19), is an acute respiratory infection. The SARS-CoV-2 virus is transmitted between people through respiratory droplets created when an infected person coughs or sneezes. The virus may also spread through personal contact such as shaking hands, and touching a surface or an object that has virus on it, and then touching mouth, nose or eyes before washing hands. There are also certain settings such as poorly ventilated indoor spaces, which has higher risk of aerosolized virus transmission.

Background information

Based on the information provided, moving inmates to Alpha unit followed the recommendations of the Saskatchewan Health Authority as the unit has the ability to isolate those infected with COVID-19 from other inmates.

There are concerns with increased interactions between correctional workers and COVID-19 positive inmates on the unit. Cells in Alpha Unit do not have their own toilet facilities, requiring inmates to use shared toilet facilities within the unit and potentially increasing the risk of interaction with correctional workers. Inmates will be confined to their cells and released to use the washroom facilities, one inmate at a time. Inmates are to don a mask whenever leaving their cells to use the washroom facilities as well as when performing work detail duties, with any additional PPE that may be required. Saskatchewan Health Authority masking principles and guideline strategy have been adopted. Workers are provided with the appropriate personal protective equipment, based on a risk assessment, for the interaction with inmates that are to be undertaken. As well, inmates are confined to their cells during shift changes and high staff traffic times and plexi-glass barriers have been installed on barrier gates to the unit staff office.

There are concerns in regards to areas to don and doff PPE. PPE is donned in the office but doffed on the unit. Removal of personal protective equipment is to be done before leaving the effected area or unit as per the Guideline to Personal Protective Equipment and Exposure Control for COVID-19 document, section 7.7 Removal of PPE.

Regulatory information

It must be noted that as per the *OHS Regulation 12* titled "General duties of employers" *The duties of an employer at a place of employment include: the provision and maintenance of plant, systems of work and working environments that ensure, as far as reasonably practicable, the health, safety and welfare at work of the employer's workers and the provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers at work.*

Work Refusal Terminology:

The phrase unusually dangerous is not defined in the **Act**, however criteria has been developed to assist in a determination as to whether an act is unusually dangerous.

Based on these criteria's, an unusual danger could include:

- A danger that is not normal for the job.
- A danger that would normally stop work, such as one involving an imminent risk.
- A situation, for which the worker isn't properly trained, equipped or experienced.

The following determination of the work refusal is based upon the written statements, interviews and supporting documents for the purpose of investigating the worker refusal.

Decision:

As per the job description for a Correctional Worker, part of the working conditions is the expected contact with inmates that have communicable diseases. The employer has engineering controls, procedures and personal protective equipment in place to address such interactions with

COVID-19 positive inmates. Based on the information provided, I am unable to support the validity of the work refusal in this situation, as it does not meet the criteria mentioned above. Therefore, pursuant to **Section 3-33 of The Saskatchewan Employment Act**, I am directing the worker returns to normal duties and is no longer entitled to refuse to perform the act or series of acts pursuant to section 3-31.

As the scientific information surrounding COVID-19 is evolving, the Saskatoon Correctional Centre is responsible for ongoing hazard and risk assessments for job tasks based on current information and update their policies and procedures accordingly to ensure the health and safety of the workers.

It should be noted that the information provided in this report is based on the currently available scientific information, which is subject to change, as the COVID-19 situation evolves.

This report may be appealed by any person affected by this document within fifteen days in writing to the Director of Occupational Health and Safety.

Please sign, and return a copy of this Officers Report with attention marked Darrell Hart. If you have any questions you can contact me via phone at 1-800-567-7233 Ext: 9765 or, via email at darrell.hart@gov.sk.ca.

Note: Provide the Report as follows:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Occupational Health Committee/Representative | <input checked="" type="checkbox"/> Post Information for Workers |
| <input type="checkbox"/> Occupational Health Officer | <input type="checkbox"/> Confidential do not post |

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Report served on Ministry of Justice Saskatoon Correctional Centre-SASKATOON SK 910
60th St E S7K 2H6

Report Served Email

Report received on behalf of the Employer

Name (Print)

Position

Signature

Date: Month/Day/Year

Copy Received on behalf of the
Occupational Health Committee,
Representative, or Workers:

Signature of Employee Representative

Signature of Employer Representative



Name of Employer	Ministry of Justice Head Office
Address	1000-1874 Scarth St REGINA SK S4P 4B8
Place of Employment	Ministry of Justice Saskatoon Correctional Centre
Address	910 60th St E SASKATOON SK S7K 2H6
Place of Inspection	910 60th St E SASKATOON SK S7K 2H6
Date of Inspection	Dec 24, 2020
Occupational Health Officer	Darrell Hart

Details:

On December 24, 2020 I, Occupational Hygienist Darrell Hart, arrived at the Saskatoon Correctional Centre, 910 60th Street East, Saskatoon, SK., in regards to a COVID-19 outbreak. The purpose of this meeting was to ensure compliance with *The Saskatchewan Employment Act and The Occupational Health and Safety Regulations, 1996*.

Upon arrival, I met with the worker and employer OHC co-chairs and the Saskatoon Correctional Centre Occupational Health and Safety Consultant and the following was discussed:

The COVID-19 policies and procedures of the workplace were discussed. Procedures for self monitoring/temperature monitoring, cleaning and sanitation, social distancing and mask use are in place. Plexiglass barriers have been installed at the front reception.

Workers are provided with WHMIS 2015 training, yearly.

An occupational health committee is present and meets quarterly. Minutes are available to staff. Level I and II training is being organized for the new year.

If workers are likely to be exposed to an infectious material or organism at a place of employment, the employer, in consultation with the committee, shall develop and implement an exposure control plan to eliminate or minimize worker exposure as per *OHS Regulation 85(2), titled "Exposure control plan"*. An exposure control plan must meet with the requirements of *OHS Regulation 85(3), titled "Exposure control plan"*. The employer shall review their exposure control plan to ensure that the requirements of *OHS Regulation 85(3), titled "Exposure control plan"* are met. Please see the attached document "**Conducting a hazard assessment and developing an exposure control plan**" for information on the requirements for an exposure control plan.

At the time of the inspection, no other concerns were found. Please sign, and return a copy of this Officers Report with attention marked Darrell Hart. If you have any questions you can contact me via phone at 1-800-567-7233 Ext: 9765 or, via email at darrell.hart@gov.sk.ca.

Note: Provide the Report as follows:

Occupational Health Committee/Representative

Post Information for Workers

Occupational Health Officer

Confidential do not post

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Report served on **Ministry of Justice Saskatoon Correctional Centre-SASKATOON SK 910
60th St ES7K 2H6**

Report Served **Email**

Report received on behalf of the Employer

Name (Print)

Position

Signature

Date: Month/Day/Year

Copy Received on behalf of the
Occupational Health Committee,
Representative, or Workers:

Signature of Employee Representative

Signature of Employer Representative



Name of Employer Ministry of Justice Head Office
Address 1000-1874 Scarth St REGINA SK S4P 4B8
Place of Employment Ministry of Justice Regina Correctional Centre
Address 9th Ave N REGINA SK S4P 3A6 Box 617
Place of Inspection 9th Ave N REGINA SK S4P 3A6 Box 617
Date of Inspection Feb 3, 2021
Occupational Health Officer Jason Hilderman

Details:

Occupational Health & Safety Officer Jason Hilderman, conducted an inspection of Regina Correctional Centre at 9th Avenue North, Regina in the province of Saskatchewan for compliance of The Saskatchewan Employment Act (SEA) and The Occupational Health & Safety Regulations, 1996 (OHS Reg). The following was noted during the inspection:

- The employer reported there was an outbreak within the workplace.
- An internal checklist was used during the inspection and the following was discussed:
 - Training on policies and procedures for COVID-19 was provided to staff including regular meetings, during fit testing for respirators and in person.
 - Walkthroughs for compliance with COVID-19 protocols are regularly performed by team leads.
 - Policies and procedures were provided with assistance by the Ministry of Justice.
 - The employer did not have PPE shortages due to COVID-19.
 - PPE is not restricted for use by staff when performing work related duties.
 - Officer observed workers being fit tested using an approved standard.
 - Respirators expiration dates were checked and valid until 2023 on the boxes of respirators observed.
 - A respirator was observed that the officer was not familiar with. The respirator was manufactured by BenchmarkPPE and was identified as C95 Respirator BMC95. **The employer shall provide documentation that the respirator meets an approved standard or has an IO Authorization number (provided by Health Canada).**
 - Disposal bins for used PPE were observed in several areas and were reportedly disposed of by trained staff.
 - Hand sanitizers and disinfectants are monitored for compliance by staff.
 - Facility was regularly fogged by a third party contractor.
 - **The employer shall provide a copy of the exposure control plan, occupational health committee minutes for the last two meetings, investigation into the COVID-19 outbreak (i.e. root cause analysis), and respiratory protection program to the officer.**
 - The employer practices all of the recommended COVID-19 policies of social distancing, PPE, physical barriers, increased cleaning, and self monitoring.
 - Staff were WHMIS trained if they handled WHMIS controlled products and Safety Data Sheets were available for staff.

- Staff were aware of the right to refuse unusually unsafe work.
- With the exception of providing documents as requested above, no further reactions are required at this time.

A signed Officer's Report is required within 5 business days of receipt. Signed Officers Reports can be faxed to 306-787-2208 or emailed to Jason.Hilderman@gov.sk.ca

Note: Provide the Report as follows:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Occupational Health Committee/Representative | <input checked="" type="checkbox"/> Post Information for Workers |
| <input checked="" type="checkbox"/> Occupational Health Officer | <input type="checkbox"/> Confidential do not post |

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Report served on **Ministry of Justice Regina Correctional Centre-REGINA SK Box 617 9th Ave NS4P 3A6**

Report Served **Email**

Report received on behalf of the Employer

_____ Name (Print)	_____ Position
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_____ Signature	_____ Date: Month/Day/Year
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Copy Received on behalf of the Occupational Health Committee, Representative, or Workers:

_____ Signature of Employee Representative	_____ Signature of Employer Representative
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