

## **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:** Intersection of Notre Dame and P3 Parking lot

**Non-Management Rep:**

**Occupation:**

**Management Rep:**

**Occupation:**

---

### **Inspection Overview:**

At approximately 0910 hrs, 5 Aug 2019, the injured worker (I/W) and 2 other workers were moving metal mesh construction fencing in order to complete landscaping. The trio had piled the fence panels (27) on a wooden pallet and were using a John Deere backhoe with forks attached to move the pallet. When turning left from the southbound lane of Norte Dame Av into the P3 parking lot, the load shifted; and the fence panels fell on the roadway.

While the trio were piling the fence panels back onto the pallet, the I/W lost his balance, and tripped on a nearby curb. 3 – 4 panels fell on him, and he sustained a suspected head injury from either the fall, or the panels. The I/W was transported to St Martha's Hospital in Antigonish, and then transferred via Life Flight to Halifax.

The I/W is employed by G. GRAHAM LANDSCAPE CONSTRUCTION Ltd. The company is sub-contracted to Ellisdon Construction, who are contracted to the University to construct a new building on the campus.

On the morning of the incident, the workers met with company supervisors from the employer and Ellisdon. It was decided that the employees would move the fencing to facilitate landscaping. This was not part of the worker's normal duties, as they had only done this task once or twice before. Additionally, the injured worker was operating the backhoe. He is relatively new to the task, and was being coached by a co-worker.

## Report of Workplace Inspection

---

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

Measurements of the fencing showed that it was larger in dimension than the pallet. The fence panels are approximately 116"x74.5". The pallet measures approximately 72"x39". The fencing was not strapped or secured to the pallet, and the forks on the backhoe appeared to be off-centre.

Additionally, during initial inspection of the worksite, it was noted that although the workers had been performing work on or in proximity to a roadway, no evidence of any type of traffic control measures were in place.

Investigation is on-going.

### Warnings:

1. Workplace Health and Safety Regulations  
24.3-1 Code of practice required for construction, maintenance or utility work

An employer must ensure that construction, maintenance or utility work is not conducted at a temporary highway workplace until the employer adopts 1 of the following as a code of practice for the work:

- (a) the Temporary Workplace Traffic Control Manual;
- (b) a written safe-work procedure, approved in writing by the Director, that provides for an adequate level of safety in relation to the general considerations for traffic control set out in the Temporary Workplace Traffic Control Manual, including all of the considerations set out in subsection (2).

**To be in compliance you must ensure that all Constructors and Contractors using the owner's premises as a workplace comply with the requirements above when those conditions are present**

## Report of Workplace Inspection

---

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

---

This inspection report was provided to Leon MacLellan by:

**Officer Name:** William Chase

**Officer Signature:** William Chase

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

Occupational Health and Safety Division  
Department of Labour and Advanced Education

60 Lorne Street, 2nd Floor

Truro, NS B2N 3K3

Phone: 1-800-952-2687 Fax: 902-893-6104 Email: [william.chase@novascotia.ca](mailto:william.chase@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.

Labour and Advanced Education  
Occupational Health and Safety

**Compliance Orders**  
Issued Under the Occupational Health and Safety Act

File Ref #:4098519  
Inspection No. 12799771  
Inspection Date: August 5, 2019

---

**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

Related to the work being conducted at:

**Worksite Location:** Intersection of Notre Dame and P3 Parking lot

---

**TAKE NOTICE THAT YOU ARE TO COMPLY WITH THE FOLLOWING  
ORDER(S) ISSUED UNDER THE AUTHORITY OF THE OCCUPATIONAL  
HEALTH AND SAFETY ACT**

**Order**

**Date Order Issued:** August 8, 2019

Occupational Health and Safety Act

47 Powers of officers

For the purpose of ensuring compliance with this Act and the regulations and any order made thereunder, an officer may

- (a) at a reasonable hour of the day or night enter and inspect a workplace, conduct tests and make such examinations as the officer considers necessary or advisable;
- (b) require the production of records, drawings, specifications, books, plans or other documents in the possession of the employer that relate to the workplace or the health and safety of employees or other persons at the workplace and remove them temporarily for the purpose of making copies;
- (c) require the production of documents or records that may be relevant to the investigation of a complaint pursuant to subsection 46(1), and remove them temporarily for the purpose of making copies;
- (d) take photographs or recordings of the workplace and any activity taking place in the workplace;
- (e) make any examination, investigation or inquiry as the officer considers necessary to ascertain whether there is compliance with this Act and the regulations and any order made under them;

**Compliance Orders**  
**Issued Under the Occupational Health and Safety Act**

**File Ref #:4098519**  
Inspection No. 12799771  
Inspection Date: August 5, 2019

---

(f) inspect, take samples and conduct tests of samples, including tests in which a sample is destroyed, of any material, product, tool, equipment, machine or device being produced, used or found at the workplace for which the officer shall be responsible, except for a sample that has been destroyed, until the material, product, tool, equipment, machine or device is returned to the person being inspected;

**To be in compliance you must provided copies of the following documents to the undersigned officer by the date indicated. If the document does not exist, please advise of such.**

- 1. Contractor/Visitor Orientation Safety policy**
- 2. Contract between the Owner and Ellisdon Construction**
- 3. Contract between the Owner and G Graham Landscape Construction Ltd (If any)**
- 4. Applications for Temporary Traffic Control measures submitted to the Owner by Ellisdon or G Graham for work at the University**
- 5. Any / all hazard assessments provided or submitted to the University for construction work at the University**
- 6. Any / all control methods and measures identified to control the hazards noted above.**

**This order must be complied with by August 23, 2019**

---

# Compliance Orders

Issued Under the Occupational Health and Safety Act

File Ref #:4098519  
Inspection No. 12799771  
Inspection Date: August 5, 2019

## Important Notes:

1. A person who has contravened a provision of the *Occupational Health and Safety Act* or regulations may be required to pay an administrative penalty.
2. 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/>
3. Compliance with an order issued by an OHS officer is expected and required by law. Where an order is issued you are required to submit a compliance notice to the officer named below identifying the action taken to comply with the order. Failure to submit your compliance notice(s) can result in prosecution.
4. Submitting a compliance notice does not prevent the issuance of an administrative penalty. Where a contravention of the OHS Act or regulations has been recorded in an order it will be considered for an administrative penalty.
5. If you are an employer and have been issued this order(s) you are required to post a copy of the order(s) in a prominent place. You are also required to give a copy of the order(s) to the joint occupational health and safety committee or health and safety representative, if they exist in your workplace.

The Compliance Order report was provided to Leon MacLellan by:

Officer Name: William Chase

Officer Signature: William Chase

Date: 9 Aug 2019

Inspectee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

2019-08-09  
Leon MacLellan  
receipt for Will Chase

This order(s) was issued by William Chase, Occupational Health and Safety Officer, who may be contacted at:

Occupational Health and Safety Division  
Department of Labour and Advanced Education  
60 Lorne Street, 2nd Floor  
Truro, NS B2N 3K3

Phone: 1-800-952-2687 Fax: 902-893-6104 Email: [william.chase@novascotia.ca](mailto:william.chase@novascotia.ca)  
Within Nova Scotia, call: 1-800-952-2687 Fax: 902-541-5651  
Outside Nova Scotia, call: 902-424-5400



Labour and Advanced Education  
Occupational Health and Safety

File Ref #: 4098519  
Inspection No. 12799771  
Inspection Date: August 5, 2019  
Issuing Officer: William Chase

## Compliance Notice

---

**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

**Phone Number:** 902-863-3300

**Fax Number:** 902-867-3628

---

**\*\*\*No Orders were found for this Process\*\*\***

The ways in which the order has been complied with are as follows:

---

---

---

This Compliance Notice was submitted by:

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

---

## Compliance Notice

---

### Once completed, this form may be returned to:

William Chase, Occupational Health and Safety Officer

Occupational Health and Safety Division

Department of Labour and Advanced Education

60 Lorne Street, 2nd Floor

Truro, NS B2N 3K3

Phone: 1-800-952-2687

Fax: 902-893-6104

Email: [william.chase@novascotia.ca](mailto:william.chase@novascotia.ca)

Within Nova Scotia, call: 1-800-952-2687

Fax: 902-541-5651

Outside Nova Scotia, call: 902-424-5400

### Important Notes:

1. A person who has contravened a provision of the *Occupational Health and Safety Act* or regulations may be required to pay an administrative penalty. Once an administrative penalty is issued, it is too late to appeal the order that sets out the contravention. If you disagree with an order appeal it immediately.
2. 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/>.
3. Compliance with an order issued by an OHS officer is expected and required by law. Where an order is issued you are required to submit a compliance notice to the officer named below identifying the action taken to comply with the order. Failure to submit your compliance notice(s) can result in prosecution.
4. Submitting a compliance notice does not prevent the issuance of an administrative penalty. Where a contravention of the OHS Act and regulations has been recorded in an order it will be considered for an administrative penalty.
5. If you are the employer and have been issued this order(s) you are required to post a copy of the order(s) in a prominent place. You are also required to give a copy of the order(s) to the joint occupational health and safety committee or health and safety representative, if they exist in your workplace.

---

Labour and  
Advanced Education  
Occupational Health and Safety  
Northern Region

187 Terra Cotta Drive  
New Glasgow, NS B2H 6B6  
Canada

  
**NOVA SCOTIA**  
William Chase  
Special Investigator

902-755-8520 T  
902-759-9983 C  
902-755-3158 F  
[William.chase@novascotia.ca](mailto:William.chase@novascotia.ca)  
novascotia.ca