



9 St Lawrence Avenue
Kingston, Ontario
K7L 3N6, Canada

Tel: 613.533.2151
Fax: 613.533.6171
E-Mail: qufa@queensu.ca
Web: www.qufa.ca

September 8, 2022

By Electronic Mail

Dan McKeown AVP Faculty Relations
Dan.mckeown@queensu.ca

Dan Langham
Director, Department of Environmental Health and Safety
dan.langham@queensu.ca

**Re: Occupational Health and Safety Issues
Fall Term, 2022**

Dear Dan and Dan:

We are writing to express our concerns about two Occupational Health and Safety Issues raised by our Members. As the University elected to lift the obligation to mask across campus and made it an individual choice, the University shifted onto our Members the burden of identifying classrooms and other spaces that do not provide sufficient ventilation or room for social distancing and of enforcing masking in classrooms by other parties if such is their choice. To ensure health and safety of our members, we ask you to take action of the following issues.

First, as QUFA Members are returning to teaching, we ask the University to provide them with accurate and up-to-date information guaranteeing that ventilation in classrooms, meeting rooms, and other shared spaces is respecting required standards. In addition to ventilation data for rooms, we would like the University to make available maintenance procedures and schedules for portable filter units.

Second, we ask that QUFA Members who elect to act upon their right to wear a mask on campus receive adequate support in exercising their choice. This includes a clear definition of the acceptable options QUFA Members can exercise if their requests for masking are not met by other parties. We ask that the specific steps to be taken by our Members if other parties refuse their requests to mask be clarified. It is our expectation that the University will take all reasonable steps to protect the mental and physical health of our Members when exercising this right.

Action Required

To re-assure QUFA Members that their workspace is safe, we are requesting confirmation of the following:


- (1) That monthly or other JHSC inspection schedules have been updated to include the inspection of fans and other instruments put into place to address ventilation such as portable HEPA filters;
- (2) That the schedule and procedure for maintenance be posted on each of the JHSC bulletin boards;
- (3) That the results of any ongoing inspections be also posted;
- (4) That signs for spaces that require masking in accordance with the Member's request or to accommodate the inability to socially distance have been made readily available;
- (5) That our Member's options to teach students who do not comply with the Member's request to mask, including refusal to teach as a last resort, be confirmed and clarified; and,
- (6) That these rights will be extended to all Members across the campus.

It is our position that these specifics are required by Sections 8 and 22.2 of the C.A. and s.9(18) of the OHSA to ensure both the mental and physical health of our members.

We look forward to hearing from you.

DocuSigned by:

4103AB07BDF8400
Peggy Smith
QUFA Grievance Office

DocuSigned by:

2CDD9EDC359F47C
Nicolas Hudon
QUFA Health and Safety Officer

DocuSigned by:

21FDC5EE742A435
Jordan Morelli
QUFA President



Tuesday, 20 September 2022

DEPARTMENT OF ENVIRONMENTAL
HEALTH AND SAFETY

355 King Street
1st Floor, West Wing,
Kingston, Ontario, Canada K7L 3N6
Tel 613 533-2999
Fax 613 533-3078

Dear Jordan, Nicolas, and Peggy,

On behalf of myself and Dan McKeown, I am responding to your letter of Sept 8, re OHS Issues, Fall Term 2022.

In your letter, you focus on two issues pertaining to your members who have teaching responsibilities: ventilation; and masking, and specifically Members' exercise of choice in contexts other than where masking may continue to be mandatory (e.g. certain health care settings). You also seek confirmation of various matters, i.e. "actions required".

The ventilation information posted on the website ([Ventilation Management at Queen's | Facilities \(queensu.ca\)](https://www.queensu.ca/facilities/ventilation)) remains the best source of information for your members. The way the systems are being operated has not changed.

As part of the campus readiness efforts for 2022/23, Facilities has, over the past several months, been continuing with their routine maintenance protocols, which includes checking building filters to ensure they are performing properly.

Our sense from your letter is that you, and others on campus, are particularly concerned about the portable HEPA units. The campus readiness work did include Facilities checking the portable HEPA filter units that were installed in some classroom spaces. To increase the availability of information on the units, we have discussed with Facilities adding information on the portable units to the ventilation website.

As for masking, as you know, Queen's has at all times acted in line with then current provincial and local public health guidance. Putting aside spaces where masking continues to be the norm, currently, the university is strongly encouraging use of masking in indoor spaces where physical distancing cannot be maintained (see University communication dated August 23rd, 2022, as posted on the COVID 19 Information webpage). As for your specific query regarding such Members, whose requests of others in their space to employ a mask, is not met, we would repeat our previous guidance, as follows:

- In their own offices, Members may reasonably establish the rules
- In other spaces where physical distancing cannot be maintained, we suggest that your member refer others to the University's aforementioned communication aka "mask friendly campus", and if they require assistance for an immediate and escalating situation, call Campus Security and Emergency Services.

- Information on [how to raise COVID-19 related concerns](#) also remains available to the University community and in the workplace context, following the internal responsibility system to raise concerns continues to be the best course of action.
- When other avenues have not resulted in resolution of a *bona fide* health and safety concern, the Department of Environmental Health & Safety procedure ([SOP-Safety-14](#)), remains available for your Members to follow if they feel that continuing to work would be unsafe in the circumstances

Turning to the confirmations sought, as listed on page 2 of your letter, we reply as follows:

1. As noted above, Facilities reported that over the course of the summer the portable HEPA units were inspected as part of their campus readiness plans. On a go forward basis, the units will be inspected bi-monthly with the inspections being tracked using a quality control software already being used in the department.
2. The use of the ventilation management website remains the best way to make the information available to the campus community; see <https://www.queensu.ca/facilities/our-services/operations-maintenance/ventilation> In addition to the information already on the site, more details on the portable filters will be added and the results of the portable unit inspections conducted in the future will be posted. Updating the website is the preferred logistical means, rather than repeatedly emailing 166 safety officers requesting they update 202 departmental safety boards on a bimonthly basis.
3. Resolution is outlined in #2 above.
4. The masking poster for office spaces was widely distributed through the faculties at the beginning of the semester. The poster remains available for download under the poster section of [the COVID-19 resource page](#) on the VPFA website.
5. A member's options are explained in the information, above, about how to raise COVID-19 concerns, engage the assistance of Campus Security, and the use of SOP-Safety-14.
6. Health and safety in the workplace is a shared responsibility, and health and safety laws are designed to apply to all. This principle is also enshrined in Article 22.2 of the Collective Agreement. That said, in some spaces, even more exacting standards may apply, as noted above.

We trust that our letter is responsive to yours of September 8th.

Regards,



Dan Langham
 Director
 Environmental Health & Safety
 Queen's University