

# The Diaries of an OHS Inspector: The Case of the \$42K Snapshot, by Nick O'Shay (Fictional OHS Inspector)



*Curse you, George Eastmann!*

*Who's George Eastmann? He's the guy who invented the camera. Thanks to his invention, Ol' Nick almost didn't make it as an OHS inspector. Let me tell you what happened.*

## **Back in the Day**

Remember 1989? Berlin Wall comes down. Brian Mulroney. Calgary wins the Stanley Cup. . .

1989 was the year I got hired as an OHS inspector. And it was also the year I almost got fired from said position.

It happened at the Shipp Rex Building downtown. Contractors were installing a new plumbing system. Somebody called to complain about improper shoring of the trenches. So, my RPC, Ty Tannick, sent me over to check things out. **[Editor's Note:** An RPC, or Regional Program Coordinator, has first level supervisory authority over inspectors in the Regional Office].

I drove down there but I could have flown. You see, I'd been on the job only a couple of months and I was getting impatient with all the desk work. Here was my big break, a chance to get

out in the field. A construction site, no less! Look out, world, here comes Nick O'Shay.

## **Measure for Measure**

Looking back, I still shudder at the fool I was'Inspector O'Shay out to administer a whuppin' that those folks from Shipp Rex would never forget!

During the walkaround [**Editor's Note:** This is the part of the inspection where the inspector tours the workplace checking for violations] I went down to the excavation took measurements and did my calculations. Sure enough, I found that the trench was 3-metres-deep and that the walls weren't properly supported in accordance with OHS regulations for trenches of that depth. It's a good thing I got there when I did. One more hour and we might have been dealing with a total cave-in!

I cited Shipp Rex for a laundry list of trenching violations and ordered them to fix the problem right away. Later, we'd fix the fine at \$42,000.

I was feeling pretty satisfied with myself. But the guys at Shipp Rex were anything but. They kept on insisting that that my measurements were wrong and that the trench was properly supported. To me, it all sounded like your basic denial, typical stuff. 'Tell it to the judge,' I was thinking.

But something was not quite right.

'Have you ever measured a trench before, Inspector O'Shay', asked one of the construction company officials.

My heart sank a bit. Sure, I've measured trenches before. Just not during an actual inspection. Was my lack of experience that obvious'

## **The Picture Tells the Story**

It turns out that I had good cause for concern. The construction company appealed the fine. A hearing was held before an OHS Appeals Tribunal. It was a humbling experience.

During the walkaround inspection, I had been accompanied by a Shipp Rex representative. And since cell phones with cameras didn't exist back then, the rep brought along a Polaroid and took snapshots of the inspection. 'Turned out to be a pretty wise decision.

At the hearing, the construction company presented as Exhibit A, photographs of Nick O'Shay measuring the walls of the trench. And guess what'! The photos showed 'as plain as day' that I was holding the tape measure at an angle. The Shipp Rex guys had been right all along: My measurements and subsequent calculations were completely wrong! The trench was much less deep than 3 metres!

All the charges against the company were dismissed. And yours truly was in a heap of trouble.

## **The Moral**

Although I did manage to keep my job, the embarrassment never left me. But I can also honestly say that the experience made me a better inspector. I don't mean just learning the right way to measure a trench. The more important thing is that I adjusted my attitude and gained a clearer understanding of what an OHS inspector is all about. Although we can be tough, our job is not to 'nail' employers. It's to help them in their quest to eliminate hazards and keep their workers healthy and safe.

But there's also an important moral for you employers out there. I'm here to tell you that I still make mistakes during inspections. So do my colleagues, even the most experienced ones. Occasionally, those mistakes result in unwarranted citations and fines.

As an employer, you need to be aware of the fallibility of OHS inspectors and take steps to catch any mistakes they make. One of the best measures is to take advantage of your legal right to have a representative accompany the inspector during the walkaround inspection and take photos, notes and measurements, like the guys from Shipp Rex did.

They say a picture is worth 1,000 words. But for the construction company at Shipp Rex, it was worth a lot more than that. One photo saved them \$42,000.

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'Til next time. And remember, I'll be watching you. . .

Nick O'Shay, OHS Inspector (Fictional)