

The Diaries of an OHS Inspector: The Case of the Accidental Confessor, by By Nick O'Shay (Fictional OHS Inspector)



Introduction

The name's O'Shay. Nick O'Shay. I'm an OHS an inspector. The guys in the Regional Office call me the 'Old Man' and 'Citation Nick' because I've been at this gig for 36 years.

My message to you employers out there: Play by the rules, and we can be friends. Cut corners on safety, and I'll be your worst nightmare. Citation Nick knows all the tricks. I'll find your dirty little secrets; I'll make sure you clean up the mess; and I'll give you a souvenir of the experience: A big fat fine and maybe a stop work order.

I've seen a lot in 36 years. One day, I'm going to put it all in a book'the definitive book about OHS inspections. I'm going to tell employers how the system works and how to deal with OHS inspectors. Meantime, I decided to start keeping this diary of my inspection adventures to get it all down. Here's my first entry.

July 20, 2018

9:45 AM

I'm seeing the dregs on my third cup of java when the pager beeps. It's Donna Tellow, my RPC. [**Editor's Note:** An RPC, or Regional Program Coordinator, has first level supervisory authority over inspectors in the Regional Office].

'What's up, Donna'

'We just got a call from a nurse at Shady Grove Hospital. She says she's seen open cans of radioactive isotopes from radiology in the lounge area refrigerator'right where workers keep their lunches.'

'C'mon, Donna. That sounds a bit far-fetched.'

'I know. But the source is credible and the complaint is specific. And, if it's true, it's serious. So, we want you to drop what you're doing and do an imminent danger inspection of Shady Grove.'

11:45 AM

I pull into Shady Grove. Donna was right. This complaint is full of specifics. I know exactly where I'm going and what I'm looking for.

But first the formalities. I ask for the officer in charge. When the suit shows up, I introduce myself, present my credentials and ask for access to the radiology department.

Now comes the moment of truth. Is the suit'I think he says his name is Gates'gonna' make a stink and ask for a warrant' In some situations, employers have the right to insist on a warrant; but not when there's an imminent danger situation. Still, I don't want to have to go through all of this with Gates.

Luckily, I don't have to. He's cooperative. He just asks if he can have Jack Jones, the JHSC worker co-chair, accompany me

during the inspection. I don't object. After all, that's the employer's right.

12:04 PM

Gates and I ride up to radiology on the third floor. There's Jones waiting for us. Terrified. Unprepared. And desperate to please.

'Inspector O'Shay, delighted to see you,' he beams.

'Yeah, right,' I think.

'Is there some kind of problem'

'That's what I'm here to find out,' I reply.

Gates, Jones and I sit down for the opening conference. **[Editor's Note:** The opening conference is the first formal stage of an OHS inspection]. I tell them why I'm here and what I'm looking for. I explain their rights and what to expect.

12:37 PM

We proceed to the lounge. I walk into the kitchen area and open the refrigerator. They're right on the top shelf. Two vials bearing radioactive labels secured by nothing but a piece of tin foil and a rubber band. Surrounded by brown lunch bags, yogurt containers and open bottles of spring water.

'What's this,' I ask Jones.

'Oh dear! These are radioactive isotopes. We inject them into cancer patients to diagnose tumors.'

Now I bait the hook. 'Do they belong in the lunch room'

Jones bites and bites hard. 'Certainly not. They're a serious contamination risk.'

Today's Lesson

I want you all to listen carefully to the next words out of Jones's mouth:

'We have special refrigeration units for these materials. I've warned the nurses at least 3 times never to store them in the lunchroom fridge.'

Jones has just committed a major inspection gaffe: confessing to knowing of a safety hazard.

Employers sometimes make these confessions when I point to a violation. They want to score points. What they're trying to tell me is 'I'm a good guy, I care about safety and I'm just as frustrated as you about this.'

Big mistake!

An employer should never make this kind of a confession to an OHS inspector.

You see, not all OHS violations are the same. The worst kinds are the ones we call willful. A willful violation is when the employer knows of the problem but doesn't do anything to correct it.

And employers pay for that mistake. Willful violations carry the heaviest fines. Willful violations also do the most damage to your reputation.

I was already going to cite Shady Grove for serious OHS violations. But as soon as I hear Jones say that he knew of at least three prior instances of isotopes being kept in the lunchroom fridge, I knew I was dealing with a willful violation.

Parting Shot

The things you say to an OHS inspector may be held against you. And that includes admitting to know about safety hazards the inspector points out. You don't get any points for these confessions. All you do is serve as a witness against yourself.

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

Nick O'Shay