

To: GOV.MB.CA/Labour/Safety

From: University of Manitoba Faculty Association (UMFA)

Re: Consultations on Manitoba Workplace Safety and Health Act

Date: July 21, 2017

Thank you for the opportunity to provide input to the committee reviewing the Workplace Safety and Health Act. I am responding on behalf of the University of Manitoba Faculty Association (UMFA), based on input from our Workplace Safety and Health Committee. UMFA is a union as defined in the Labour Relations Act. We represent approximately 1,200 full-time academic faculty members at the University of Manitoba (U of M) employed as professors, lecturers, instructors and librarians. Our office is located at 100-29 Dysart Road, in the City of Winnipeg, in Manitoba.

In preparing this submission, we have consulted with our Workplace Health and Safety Committee. We make the following observations and recommendations:

1) Psychological Hazard Identification

There is growing recognition that workplaces not only could present physical health and safety hazards, but psychological hazards too. In fact, the Canadian Standards Association (CSA) has developed a National Standard on Psychological Health and Safety in the Workplace that identifies thirteen psycho-social factors that are well-known to promote or inhibit workplace hazards.

Our Committee notes that this is an area of concern that needs more attention at our workplace. The current WSHA has very few protections related to workers' psychological health and safety. We recommend a new section with corresponding regulations be added to the WSHA to recognize the CSA National Standard on Psychological Health and Safety in the Workplace, to facilitate workplace psychological hazards identification and implement evidence based approaches to prevent illness and injury.

2) Establishment of a Provincial Asbestos Registry.

We have had an UMFA member exposed to asbestos and subsequently die from that exposure. The U of M documents asbestos abatement on campus, but we are not aware of a registry of asbestos within our buildings. We therefore strongly recommend that a registry be created of all provincially-owned buildings containing asbestos to better protect members of the university community.

3) Mandatory, timely and prevention-oriented investigative processes for fatality and critical incidents, and enforcement of the Westray law:

We are in favour of the following:

- Training and directing Crown prosecutors to apply the Westray provisions of the Criminal code;
- Appointing more dedicated prosecutors for workplace health and safety fatalities;
- Training and directing police to apply the Westray provisions of the Criminal Code and consider the possibility of criminal negligence whenever a worker is killed or seriously injured on the job;
- Ensuring coordination among regulators, police and Crown attorneys so health and safety regulators reach out to police when Westray charges may be warranted; and
- Training WSH officers to view every workplace fatality under Provincial jurisdiction as a potential crime scene. That includes coordinating with police in their investigations.

4) Stronger Administrative Penalties

At our workplace, Deans, directors and department heads need to understand that they are responsible for safety and health within their areas and cannot delegate it to subordinates. We recommend that administrative penalties be increased, be given out immediately in cases of non-compliance with safety and health orders (no more warnings and second chances), and increase with the size of employer payroll rather than a flat sum. This would ensure that our central administration places strong emphasis on adherence to safety and health policies within the institution.

5) Engineered Labour Standards

To protect both our members and members of other unions on the U of M campus, we recommend that a new section and Regulation be added to the WSHA to regulate Engineering Labour Standards (ELS) with a clear focus on preventing musculoskeletal injuries through a committee to review ELS prior to implementation, carry out risk assessments, ensure sufficient time is assigned to safely perform tasks and that a Health and Safety Committee is involved in every aspect of the ESL system.

6) Automatic Adoption of Occupational Exposure Limits

We have members working in labs and/or classrooms with hazardous materials. Recently, the Minister responsible for the WSHA ordered yet another review of Manitoba's current process for automatically adopting Occupational Exposure Limits (OELs), which exists to protect workers against seriously harmful exposure to chemicals and other environmental occupational hazards. This issue has been considered several times before by the Minister's Advisory Council on Workplace Safety and Health, and each time, the professional/technical and worker representatives have raised serious safety and health objections with shifting away from the current practice of automatic (immediate) adoption. We recommend that Manitoba maintain the current requirement for automatic

adoption of OELs. Once an OEL is established, employer should not be given months or years to comply – they should be required to meet the standard immediately, in order to keep workers safe.

7) Importance of Prevention

The University of Manitoba stresses the importance of prevention and has created a Chief Risk Officer position whose responsibility is to facilitate prevention programs and oversee safety and health at our institution.

8) Domestic Violence

Although often overlooked as a workplace issue, domestic violence pervades a victim's life, and often follows her/him to their workplace. The effects of domestic violence in the workplace include everything from tardiness, absenteeism, and decreased productivity to serious injury or even death. In 2012, the Canadian Labour Congress (CLC) partnered with researchers at the University of Western Ontario to conduct the first ever pan-Canadian survey on domestic violence in the workplace. Among their findings, of those who reported experiencing domestic abuse, over half reported that it continued at the workplace. When domestic violence impacts the workplace, it becomes workplace violence, putting not only victims but their co-workers at risk. Current violence prevention regulations in Section 11 of the WSHA do not specify domestic violence. As a result, workplace assessments tend to focus on the risk of violence to workers from clients and coworkers, but overlook the risks posed by domestic violence. We recommend that Manitoba follow the lead of Ontario and include domestic violence in their WSHA Regulations, requiring employers to take precautions to protect workers against domestic violence.

Thank you for your consideration,

Janet Morrill,
President, University of Manitoba Faculty Association