

This letter represents my submission to The Advisory Council on Workplace Safety and Health, regarding the 2017 review of the Workplace Safety and Health Act and its associated regulations. This submission deals specifically with asbestos.

Asbestos is a designated substance and exposure to airborne asbestos is far and away the leading cause of occupationally-related deaths in Canada.

The Workplace Safety and Health regulations include certain provisions where asbestos is present in workplaces, but the legislation is overly vague as it relates to abatement work, which potentially leaves Health and Safety officers with less ability to properly enforce appropriate safety requirements.

As it pertains to asbestos abatement work, the legislation simply states (in Section 37.7) that the work must be done in a manner "that does not create a risk" (in addition to notifying WSH). There is a Safe Work Manitoba guideline dealing with asbestos work, however this is not sufficient to ensure that Health and Safety Officers have the ability to compel employers to perform the work in a safe manner. Additionally, the manner in which Safe Work Manitoba issues the documents creates unnecessary confusion and concern amongst industry. Contractors generally want to be compliant with legislation, but it is very difficult for contractors to determine what is appropriate without additional guidance from Workplace Safety and Health.

I submit to the Council that the following is required:

- the Minister should develop, approve and issue a code of practice dealing with asbestos, under section 19(1) of the Act;
- the Minister should hire additional workplace safety and health officers, trained in asbestos-related work requirements;
- the Minister should increase the penalties for non-compliance, including fines that would be sufficient to provide an adequate deterrent to those contractors who intentionally (or repeatedly) remove asbestos-containing materials without appropriate safeguards in place, or without providing notice to WSH.

The code of practice approved and issued by the Minister would represent a middle ground between the overly vague regulations in place and some of the overly burdensome (often costly and unnecessary) recommendations present in the Safe Work Manitoba document entitled *Guide for Asbestos Management*. Without revisions to existing legislation, it can explain what is meant by completing work in a manner that does not create risk, as required by Section 37.7.

There is a code of practice pertaining to confined space entry and the number of workplace injuries or deaths related to confined space entry are minimal in comparison to the number of workplace-related injuries or deaths related to asbestos exposure. Death may not be immediate in the case of exposure to asbestos, but people are still dying from asbestos and additional enforcement options are needed.

The Code of Practice should provide for the following:

- clear requirements for isolation and containment of work areas during asbestos abatement or removal work, based on an assessment of risk considering adjacent spaces;
- clear requirements for air sampling and monitoring during such work;
- minimum expectations for the procedures developed for asbestos control plans;
- requirements for labelling of ACM in different types of workplaces or other settings (Do floor tiles in a mall need to be labelled? Does drywall in an apartment building need to be labelled?);
- clear requirements for notifying employees or others of the locations of ACM (do mall shoppers need to be notified floor tiles contain asbestos?).

Regarding enforcement priorities, it is my contention that the most beneficial approach to reducing exposure to airborne asbestos fibers is to ensure that workplaces where asbestos-containing materials (ACMs) are present are required to inform any and all employees and contractors of the locations of ACM. I routinely complete baseline asbestos surveys for buildings/workplaces, and there is a general tendency for employers to be reluctant to inform their employees. We are often told to not even say the word asbestos as we are doing the survey.

If everyone in the building knows exactly where ACM is located, then there is very little chance that they will allow materials to become damaged or deteriorated, and will immediately stop anyone who is doing any work which may disturb ACM. It may also create pressure to have older ACM removed from buildings.