

# Waiting to Happen

Why We Need Major Changes to the Health  
and Safety Regime in Federally Regulated  
Workplaces

John Anderson





**CCPA**  
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# Executive Summary

THIS PAPER UPDATES the findings of the 2010 Canadian Centre for Policy Alternatives paper, ***Success is No Accident***, written by David Macdonald. That study examined developing problems in occupational health and safety in sectors under federal jurisdiction, which include banking, communications, broadcasting, postal services, road, air, rail and water transport, as well as the federal government. ***Success is No Accident*** found that while provincially regulated sectors improved in terms of health and safety incidents per employee from 2002 to 2007, federally regulated sectors had actually become worse. This current study looks at developments in health and safety in federally regulated workplaces since 2007.

The Macdonald study found there were too few workplace health and safety officers in the Labour Program at the Department of Human Resources and Skills Development Canada (HRSDC), now called Employment and Social Development Canada (ESDC). The Labour Program monitors and regulates health and safety in federally regulated workplaces. In 2007, the last year for which job figures were available for that study, there were only 125 inspectors for health and safety across the country, down from 151 in 2005.

This study finds that the overall situation is now much worse. While certain injury indices for federally regulated workplaces have improved since 2007, the improvements are small compared to those at the provincial level and absolute numbers remain very high. There were still nearly 21,000 disabling injuries in 2012, down only 200 from 2002.

The fatality rate has not really improved. In the 12 years for which we have figures (2002–13), 684 employees died as a result of workplace injury — a yearly average of 57 deaths. In 2013, the number of fatalities was 58. Moreover, the state of health and safety regulation cannot be measured simply by the latest statistics, as the 2013 Lac-Mégantic derailment tragedy confirmed, but rather must include an assessment of the state of government regulation and the currency of inspections.

Since 2007, employment in the federally regulated sector has grown 15%, from 1,018,849 employees (full time equivalents, or FTEs) to 1,173,165 in 2012. At the same time, the number of inspectors has fallen sharply. The Labour Program at ESDC claims there are 90 inspectors today and a recent federal budget promised to hire 10 more. But according to a department employee list there are no more than 67 inspectors currently working. Whether you take the first (government) or second source to be accurate, the cut in absolute numbers of inspectors since 2007 is between 28% and 46%. If one sets 2005 as the benchmark year, when there were 151 inspectors, the cut is between 40% and 56%.

The ratio of workers to inspectors in the federally regulated sector has therefore increased substantially — from an already high 8,151 to 1 in 2007, to 13,035 to 1 today (a 60% increase), based on the government’s insistence on 90 inspectors, or 17,510 to 1 (a 115% increase), based on the departmental employee list. With this kind of ratio it is physically impossible for inspectors to do the regular inspection work required. Human resources are so strained that when multiple crises happen at the same time inspectors have to be brought in from other regions.

At the same time, in 2013, amendments to the Canada Labour Code hidden in a budget bill reduced the power of health and safety inspectors and critically weakened the definition of workplace “danger,” which can be used by employees to refuse unsafe work. These changes, combined with the dismantling of the tripartite oversight committees for health and safety, have left the system much diminished in its regulatory oversight powers.

The situation is a recipe for both potential dangerous occupational health and safety issues and injuries occurring when inspection is absent or else so highly limited that it cannot create the safe workplace environment we all expect and deserve.

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## Recommendations for Change

This paper will come out before the October 19, 2015 federal election, which means there will be a new government to take responsibility for this issue before 2016. We are recommending many of the same changes which were suggested in the CCPA's 2010 paper, but have added some new recommendations based on the significant deterioration in the ability of the regulatory body of ESDC's Labour Program to respond to health and safety issues since then.

For example, a new federal government must make legal changes to amend the Canada Labour Code as well as adopt new strategies to begin regular inspections of all workplaces. It should also significantly increase staff levels and providing new training programs for all health and safety officers.

**1) Repeal the 2013 changes to the Canada Labour Code:** As a first step in rebuilding the occupational health and safety system, the changes brought to the Canada Labour Code in Bill C-4 (2013) should be rolled back. This means restoring the role of health and safety officers and bringing back the previous definition of “danger,” among other changes.

**2) Conduct regular field inspections in all workplaces, with high-risk workplaces especially targeted:** These practices should be combined with unadvertised “blitzes” on targeted employers and business sectors. Virtual inspections and self-inspection should not be used as a substitute for regular government inspections.

**3) Staffing levels of health and safety officers (HSOs) must be increased:** In order to ensure an effective workplace health and safety inspection system, staffing levels — currently between 67 and 90 inspectors — need to return to 2005 levels (151 field inspectors). These numbers should continue to be increased over time in order to meet the goals of regular inspections, meet the need to have inspectors based across Canada, and to make sure staff levels grow in relation to employment and growth in more dangerous sectors.

**4) Introduce a new training program for all HSOs:** This would be modelled on aspects of Ontario's nine-month program, which involves courses, practical training and examinations.

**5) Fix the HSO pay gap:** Compensation levels for HSOs should be commensurate with pay levels elsewhere in the federal government and with best performing provinces for the same kind of work. Currently, federal HSOs are paid \$3,000 per year less than Transport Canada inspectors and much less

than inspectors in the best performing province, Ontario, where the wage gap is around \$10,000 per year.

**6) Develop a strategy for workplace safety on First Nations reserves:** The 2010 CCPA study noted that workplaces on First Nations reserves were not inspected on a regular basis and this remains true in 2015. There is still no working relationship with First Nations communities where the health and safety situation has worsened since the termination of Labour Program fire protection services in 2013. This strategy must, and can only, be developed in partnership with First Nations communities.

**7) Improve data collection:** The government must develop a reliable and transparent statistical base on health and safety incidents and inspections for all federally regulated companies with a common identifier co-ordinated with the Canada Revenue Agency, Workers' Compensation Boards and other sources of information. This should include obligatory Employer Annual Hazardous Occurrence (EAHOR) reporting with fines and penalties imposed on employers that do not report.

**8) Make all health and safety data transparent:** All Labour Program, Transport Canada and National Energy Board health and safety regulatory activities should be made transparent, with all data published on a regular basis as is the case in Ontario. The Canadian population, businesses and unions have a right to know how many inspections, orders for improvement, and penalties were carried out and implemented.

**9) Fire protection services at the Labour Program should be reinstated:** In 2010, fire inspectors for federal government departments, Crown corporations and Aboriginal reserves were eliminated, with the last inspector job terminated in 2013.

**10) Make all Parliament Hill employees subject to federal health and safety regulation:** House of Commons and Senate, Library of Parliament and Parliamentary Protective Services employees need professional regulation of their health and safety work conditions under Part II of the Canada Labour Code and not a separate regulatory system. They are presently not covered by Part II.



# 1. Introduction

THE LAST DECADE has not been a good one for occupational health and safety in the federally regulated workplace sectors.

- **In rail:** On August 6, 2013, 47 people were killed when a Montreal, Maine and Atlantic (MMA) freight train loaded with oil cars crashed into the town of Lac Mégantic.<sup>1</sup> The Transport and Safety Board investigation found numerous problems were factors in the crash. Some of them were linked to Transport Canada's inadequate regulatory supervision of the MMA rail company.<sup>2</sup>
- **In food inspection:** In 2008 a widespread outbreak of listeriosis linked to cold cuts produced at a Maple Leaf Foods plant in Toronto, Ontario killed 22 people and included a total of 57 confirmed cases of food related sickness. At the time Bob Kingston, president of the Public Service Alliance of Canada's Agriculture Union, observed, "We already know the problem is too few inspectors...in a system that relies too much on the food industry to police itself."<sup>3</sup>
- **In the public service:**
  - In 2009 at the federal government's Cliff Street Heating Plant in Ottawa, an explosion of one boiler killed shift supervisor Peter Kennedy and injured three other workers. Public Works was fined \$300,000 in 2014 but not until 2015, after a CBC news report, was the plant inspected by a federal health and safe-

## Where Have All the Health and Safety Officers Gone?

**2005** 997,594 employees (FTEs) with 151 HSOs or 1 officer per 6607 employees

**2012** 1,173,165 employees (FTEs) with 90 HSOs or 1 officer to 13,035 using the current number according to federal government spokespersons or 67 HSOs (2015) or 1 officer per 17,509 employees according to government employee listings

ty officer, even though this had been ordered by the court.  
(see text box on Cliff Plant Explosion)

- In 2015, the Canada Revenue Agency Heron Road Plant in Ottawa was found to contain asbestos which had remained in place and untreated for years, possibly contaminating workers in the building. The building also did not have the appropriate level of sprinklers.<sup>4</sup>

And while all these events were happening:

In 2013, amendments to the Canada Labour Code hidden in a so-called “budget bill”, reduced the power of health and safety inspectors (called Health and Safety Officers) and critically weakened the code’s definition of workplace “danger” which can be used by employees to refuse unsafe work. (See section in this paper on Bill C-4 changes.)

This paper will examine the situation in the federally regulated workplace sectors under the jurisdiction of the Labour Program of the Department of Employment and Social Development Canada (ESDC), which include air, rail, trucking, communications, banking and broadcasting, postal services, as well as the federal public sector. However, it is important to situate what has occurred over the last five years in terms of major problems in health and safety in all federally regulated sectors, some of which such as rail, air and water transport are under dual jurisdiction for occupational health, with the Department of Transport regulating on-board activities and the Labour Program of ESDC regulating what are considered off-board activities.

CCPA’s report in 2010 showed an increase in the rate of disabling injuries, a key indicator of health and safety of rates, to 2007, the last year for which data was available. This report looks at rates with all statistics available until 2012 and with partial statistics available to 2013. While disabling injury rates in 2013 are at slightly lower levels than in 2007, the overall decline in federal rates over the last decade (2002–12) is much less than the decline in equivalent provincial

## What Do the Injury Rate Terms Mean?

The federal government uses three main injury and fatality indicators:

- The Disabling Injury Incidence Rate (DIIR) expresses the number of workers killed or injured at the workplace including injuries that result in lost work, the loss of a body member, loss of the utility of a body member or other type of permanent impairment. The Disabling Injury Incidence Rate is the number of disabling injuries and fatalities per 100 Full Time Equivalents (FTEs).
- The Injury Incidence Rate (IIR) is defined as the total number of occupational injuries, of all kinds, (minor, disabling and fatal injuries), per 100 employees, expressed as full-time equivalents (FTEs)
- The Fatal Injuries Incidence Rate (FIIR) which is a measure of the total number of fatal occupational injuries per 100,000 employees, expressed as full-time equivalents (FTEs).

rates. The overall provincial disabling injury rates declined by 46% from 2002 to 2012, while the decline in federal rates for the same period was only 12%.

In Ontario, the provincial disabling injury rate declined between 2007–12 from 1.51 to .99 incidents per 100 employees per year or a 34% decline. From 2002 the decline was 58%. Over the same period, the federally regulated Canadian rate declined from 2.22 to 1.77 or a more modest 20% decline.<sup>5</sup>

But it would be wrong to think everything has improved since 2007, even if the changes in the federal sector are not as impressive as the provincial injury rate declines. As we will show, during this period, the number of workplace inspectors or Health and Safety Officers (called Labour Affairs Officers in the 2010 report) declined from a high of 151 in 2005 to, only 67 in 2015 according to the figures released by the union and, according to the employer, 90 now with 10 to be hired. In fact, while the federal sector has increased from 1,038,463 workers in 2002 to 1,173,165 in 2012 or a 13% increase in the total workforce, the number of health and safety officers has declined between 40–56%. Even with 10 new officers, slated to be hired this year, the decline would be 33.8%. It is important to separate the Health and Safety officers in the department from the Labour Standards Officers also in the Labour Program who deal with other parts of the Canada Labour Code relating to non occupational health and safety issues.

## 2. What are the Federally Regulated Workplace Sectors?

THE FEDERALLY REGULATED workplace sectors include many key businesses and industries. However, because of the kind of industries they are and because of the assignment of powers in the British North America Act of 1867, they are not subject to provincial labour law, like most industries, but rather are under federal government jurisdiction and regulated by the Canada Labour Code.

The following sectors are the principal ones:

- banks (but not credit unions which have traditionally been provincially regulated but can now apply for federal status)
- marine shipping, ferry and port services
- air transportation, including airports, aerodromes and airlines
- railway and road transportation that involves crossing provincial or international borders
- canals, pipelines, tunnels and bridges (crossing provincial borders)
- telephone, telegraph and cable systems

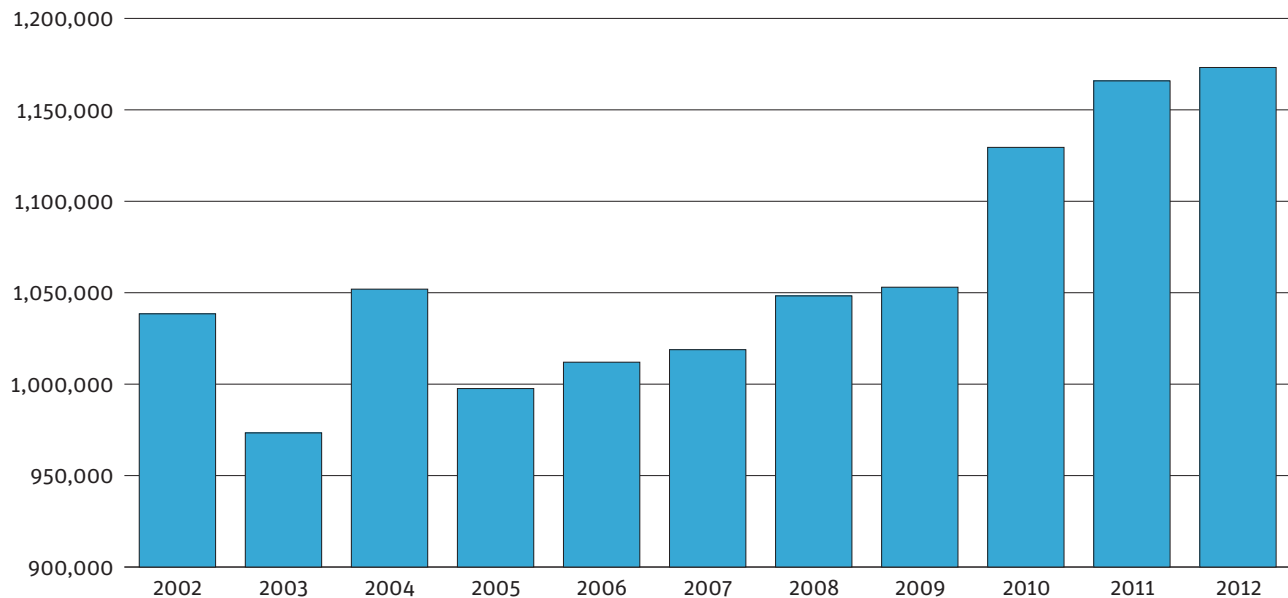
- radio and television broadcasting
- grain elevators, feed and seed mills
- uranium mining and processing
- businesses dealing with the protection of fisheries as a natural resource
- many First Nation activities
- postal services and most federal Crown corporations
- private businesses necessary to the operation of a federal act<sup>6</sup>

According to information on a federal government website, there are 12,000 enterprises and 820,000 employees in the federally regulated sector representing 6% of the total Canadian workforce.<sup>7</sup> However, statistics from the Employment and Social Development Canada (ESDC) department and the provincial and territorial Workers Compensation Boards show a higher number of federally regulated employees for 2012 at 1,173,165 full-time equivalents (FTEs) and, at the provincial level, 13,697,441 FTEs, or roughly 14,870,606 FTEs total in both sectors, with federally regulated workers forming 7.9% of all workers. But even these statistics are not based on accurate and comprehensive annual reported data.<sup>8</sup>

Employment and Social Development Canada is responsible for the enforcement and administration of the *Canada Labour Code* through the Labour Program. It works in partnership with Transport Canada and the National Energy Board which also deliver some of the workplace safety regulation. Transport Canada is responsible for on-board employees in the aviation, marine and rail sectors under federal jurisdiction, while the National Energy Board is responsible for employees in the oil and gas sector under federal jurisdiction. Employment on First Nations reserves is included in the federally regulated sector, however, there is virtually no inspection of this sector, according to many reports.<sup>9</sup>

Parliament Hill employees (House of Commons, Senate, Library of Parliament and Parliamentary Protective Services) are, surprisingly, not covered by Part II of the Canada Labour Code which deals with Occupational Health and Safety. This was again brought to light when the attack by gunman Michael Zehaf-Bibeau caused lockdowns on Parliament Hill in October 2014. After this shooting incident which ended with the killing of the gunman in the central hallway of the Parliament Building, Parliamentary Hill federal

**FIGURE 1** Total of Federally Regulated Employees (FTEs)



Source Occupational Injuries Among Canadian Employers Under Federal Jurisdiction 2002-2007;OHS reports 2011 and 2012

employees found there was no plan for responding to this kind of incident which raised health and safety issues for employees on the Hill and may have long term Post Traumatic Stress Disorder effects for some staff. Many other Federal employees who were not Parliament Hill employees also were affected and found there was no plan to respond to this kind of incident.

According to ESDC figures on workplace health and safety, the federally regulated sector has grown by 15% since 2007 (the time of the last report) and now totals 1.17 million full time equivalent workers (or FTEs).

### 3. The Strange and Ineffective Reporting System

IN ORDER TO understand how the federally regulated system works, it is first important to note that most federally regulated sectors are required to pay provincial or territorial workplace insurance premiums under provincial or territorial Workers' Compensation Boards. Certain industries however, including banks, are not required to participate in a provincial/territorial insurance plan but are to subscribe to "a plan that provides an employee who is absent from work due to work-related illness or injury with wage replacement, payable at an equivalent rate to that provided for under the applicable workers' compensation legislation in the employee's province of permanent residence."<sup>10</sup> Federal government employees, and merchant sailors and federal inmates, use a federal plan.<sup>11</sup>

The major problem with the federal statistics is that they are not taken from the Workers' Compensation Boards (WCB) reports or direct injury reports nor is there any effective interchange with WCBs across Canada. Rather federal statistics are taken from the Employer Annual Hazardous Occurrence Report (EAHOR) forms filled out by federally regulated sector employers.<sup>12</sup> However, it is estimated that only 60% of employers in the federally regulated sector submit these reports and there are no penalties for not submitting the forms.

**TABLE 1** Employment in Federally Regulated Sectors and Percentage of Office Workers

| Sector                     | Year        | Operational Activity | Employment in FTEs |                |                   |
|----------------------------|-------------|----------------------|--------------------|----------------|-------------------|
|                            |             |                      | Total              | Office         | Percentage Office |
| Aboriginal                 | 2012        |                      | 27,111             | 15,806         | 58%               |
| Air Transport              | 2012        | Off-board            | 80,407             | 36,537         | 45%               |
|                            |             | On-board             | 27,049             | 0              | 0%                |
|                            |             | Total                | 107,456            | 36,537         | 34%               |
| Banking                    | 2012        |                      | 206,182            | 202,407        | 98%               |
| Bridges & Tunnels          | 2012        |                      | 383                | 113            | 30%               |
| Broadcasting               | 2012        |                      | 60,915             | 46,062         | 76%               |
| Communications             | 2012        |                      | 95,237             | 79,940         | 84%               |
| Crown Corporations         | 2012        |                      | 35,722             | 21,984         | 62%               |
| Grain Elevators            | 2012        |                      | 2,994              | 1,728          | 58%               |
| Long shoring               | 2012        |                      | 8,464              | 2,351          | 28%               |
| Postal Services            | 2012        |                      | 57,892             | 4,304          | 7%                |
| Public Service Departments | 2012        |                      | 306,002            | 233,210        | 76%               |
| Rail Transport             | 2012        | Off-board            | 22,507             | 1,531          | 7%                |
|                            |             | On-board             | 12,837             | 0              | 0%                |
|                            |             | Total                | 35,344             | 1,531          | 4%                |
| Road Transport             | 2012        |                      | 179,866            | 41,705         | 23%               |
| Water Transport            | 2012        | Off-board            | 18,682             | 9,333          | 50%               |
|                            |             | On-board             | 9,008              | 0              | 0%                |
|                            |             | Total                | 27,690             | 9,333          | 34%               |
| <b>Canada</b>              | <b>2012</b> |                      | <b>1,173,165</b>   | <b>707,319</b> | <b>60%</b>        |

Source Occupational Injuries Amongst Canadian Federal Jurisdiction Employers: 2008–12 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

Also, almost unbelievable but true, the Labour Program of ESDC does not have a complete list of all federally regulated employers. Nor does it have a data sharing agreement with the provinces and their business registration agencies, or with the Canadian Revenue Agency and provincial tax departments. There is thus no income tax code which allows the government to check to make sure all federally regulated employers know they are under federal regulation. If businesses and industries were identified by the WCBs as federally regulated, then their statistics could be easily produced. As one inspector interviewed said: “We have often gone to companies who have said, “We did not know we were federal”.



Another important factor in looking at federally regulated sectors is the high percentage of office workers. While office workers are open to many kinds of industrial diseases and accidents, the overall injury rate is generally lower than the overall rate for most non-office jobs. The overall percentage of federally regulated workers in office jobs in 2012 was 60%. This is a slight increase from the figures for 2007 which were 58.6%. In major sectors, such as public service, banking, communications, and broadcasting, the proportion of office jobs is extremely high, with for example 98% of jobs in banking in offices.

## 4. Recent Growth in Employment in the Federally Regulated Sectors

THE FEDERALLY REGULATED sectors where the number of employees grew significantly from 2007–12 are air transport, broadcasting, public service and rail. The number of employees in air transport grew from 84,368 in 2007 to 107,456 in 2012; in broadcasting numbers grew from 35,183 to 60,915; in federal public service departments, numbers grew from 276, 636 to 306,002; and in rail transportation, the number of employees grew from 15,515 to 35,344. In the federally regulated sectors, 26% of workers are in public service, 18% in banking, 15% in road transport and 9% in air transport. These four sectors make up 68% of workers in federally regulated sector.

**TABLE 2** Employment in Federally Regulated Sectors by Full Time Equivalents, 2012

| <b>Sector</b>              | <b>Number</b> | <b>Percentage</b> |
|----------------------------|---------------|-------------------|
| Aboriginal                 | 27,111        | 2%                |
| Air Transport              | 107,456       | 9%                |
| Banking                    | 206,182       | 18%               |
| Bridges & Tunnels          | 383           | 0%                |
| Broadcasting               | 60,915        | 5%                |
| Communications             | 95,237        | 8%                |
| Crown Corporations         | 35,722        | 3%                |
| Energy and Mining          | 2,994         | 0%                |
| Feed, Flour and Seed       | 8,464         | 1%                |
| Grain Elevators            | 8,573         | 1%                |
| Long Shoring               | 5,053         | 0%                |
| Pipelines                  | 8,281         | 1%                |
| Postal Services            | 57,892        | 5%                |
| Public Service Departments | 306,002       | 26%               |
| Rail Transport             | 35,344        | 3%                |
| Road Transport             | 179,866       | 15%               |
| Water Transport            | 27,690        | 2%                |

## 5. En Route: Bill C-4 and the Destruction of the Federal System or the Brave New World of Workplace Health and Safety

MAJOR CHANGES OCCURRED to the system of health and safety regulation in federally regulated sectors in 2013. The Conservative party achieved a majority government in 2011, and started the dismantling of the existing system of health and safety regulation of the federally regulated workplace sectors. As has been the case for many policy shifts under the Harper government, these major changes were included in an omnibus budget bill, Bill C-4 without any previous notice. Bill C-4, which was introduced in October 2013 and passed in December 2013, was the second large omnibus budget bill stemming from the March 2013 budget.

The many important modifications to the federal workplace health and safety regime were unrelated to the budget (changes not mentioned or hinted at in the March budget). And because this was a huge omnibus bill, with many items in it, and because a lot of attention was focused on the attacks

on public sector bargaining rights, the changes to health and safety did not get as much public or media attention as they could have.

Some of the important changes to the Canada Labour Code included in the Bill were:

**(1) Watering down the definition of “danger”.**

Bill C-4 changed the definition of “danger” to “imminent or serious threat to the life or health of a person”.

Previously the Canada Labour Code had read:

‘danger’ means any existing or potential hazard or condition or any current or future activity that could reasonably be expected to cause injury or illness to a person exposed to it before the hazard or condition can be corrected, or the activity altered, whether or not the injury or illness occurs immediately after the exposure to the hazard, condition or activity, and includes any exposure to a hazardous substance that is likely to result in a chronic illness, in disease or in damage to the reproductive system.<sup>13</sup>

This definition of “danger” in subsection 122(1) of the Canada Labour Code Act was replaced by the following:

(5.1) “danger” means any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered;

The removal of the concept of “potential hazard” and the term “illness” in the definition means that workers in the federal sector are not protected from future harm and cannot likely claim “protection from chronic or slow developing illnesses based on exposure to carcinogens (such as asbestos).”<sup>14</sup>

The third term to be removed was “reproductive system”. The new definition in Bill C-4 means that the impact of working conditions on the reproductive system has also been weakened as a basis of claim.

**(2) Completely weakening the role of the Occupational Health and Safety Officer and politicizing the health and safety investigation and inspection process.**

In the revised legislation, the position of the Health and Safety Officer (HSO) is disempowered. All authority and power in the Labour Code is removed from the HSO and placed with the Minister, thus effectively “politicizing the process of monitoring and enforcing health and safety protections.”<sup>15</sup>

Previously the Labour Code had included a definition of the role of a Health and Safety Officer (HSO) but in the new version all 77 references to this office are eliminated. Instead the Labour Minister is now given full powers to decide who is a “qualified person” to carry out the tasks previously performed by the HSO.

*140. (1) Subject to any terms and conditions specified by the Minister, the Minister may delegate to any qualified person or class of persons any of the powers, duties or functions the Minister is authorized to exercise or perform for the purposes of this Part.<sup>16</sup>*

In the previous versions of the federal labour code it said:

*The Minister may designate as a regional health and safety officer or as a health and safety officer for the purposes of this Part any person who is qualified to perform the duties of such an officer.<sup>17</sup>*

This change meant that the profession of occupational health and safety officer and the description of his or her duties and tasks is done away with in the Act and replaced with a much more arbitrary category of person to carry out the Minister’s bidding. This means power is taken away from qualified public service members and given to politicians.

### **(3) Weakening the right to refuse work.**

This right is weakened as the Minister or his or her appointee can now refuse to look into a refusal if the Minister deems the worker’s health and safety concern to be “**trivial, frivolous, or vexatious**” or the refusal of the employee to work is in “**bad faith**”.

*129. (1) If the Minister is informed of the employer’s decision and the continued refusal under subsection 128(16), the Minister shall investigate the matter unless the Minister is of the opinion that (a) the matter is one that could more appropriately be dealt with, initially or completely, by means of a procedure provided for under Part I or III or under another Act of Parliament; (b) the matter is trivial, frivolous or vexatious; or (c) the continued refusal by the employee under 128(15) is in bad faith.<sup>18</sup>*

Although it is highly unlikely that workers would regularly choose to stop work for reasons other than real danger to their health, these new procedures make it easy for the Minister to choose not to investigate at all as there is no longer a right to appeal except through the court system.

As Mr. Bob Kingston, National President, Agriculture Union, PSAC said to the House of Commons Standing Committee on Human Resources on Nov. 13, 2013:

*First, on the right to refuse being unchanged, it is still there. As was already referenced, the minister now has the right in the proposed amendments to dismiss without investigation. That is simply unheard of in any jurisdiction. This is a first, and it's a shocking first.<sup>19</sup>*

**(4) The right to insure that no one works on a machine or in a process which an individual has deemed dangerous is taken away.**

Repealed is section 127.1 (7) of the Labour Code which states:

If the persons who investigate the complaint conclude that a danger exists as described in subsection 128(1), the employer shall, on receipt of a written notice, ensure that no employee use or operate the machine or thing, work in the place or perform the activity that constituted the danger until the situation is rectified.<sup>20</sup>

In the new version, the employer has the ability to order that work continue while the case is proceeding. The deletion of this section removes the joint health and safety committee's ability to ensure that dangerous work will not continue even when the committee has established that a danger exists.

**(5) The Minister of Labour now has the power to administer or enforce the Canada Labour Code electronically.**

This allows the Minister to do a “virtual investigation” and not have an inspector visit a workplace at all. These regulatory changes came into effect in 2014 in a bill entitled “An Act respecting the Department of Employment and Social Development”.

212. The portion of subsection 71(1) of the Act before paragraph (a) is replaced by the following: 71. (1) Subject to the regulations, the Minister may administer or enforce electronically the Acts, programs and activities referred to in paragraphs 70.1(a) to (e), (g) and (h), *the Minister of Labour may administer or enforce electronically the Canada Labour Code....*<sup>21</sup>

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## How and Why Were the Changes Brought In?

On November 5, 2014, Jinny Sims, Member of Parliament for Newton-North Delta B.C., questioned the Director General of Workplace Directorate, Labour Program in the Department of Employment and Social Development Canada at the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons (HUMA) Committee.

Sims asked, “How many groups and how many unions were consulted, if any?”, in the preparation of the proposed changes to the Canada Labour Code.<sup>22</sup>

The answer given was that new changes were brought in solely on the basis of administrative data without any formal process for stakeholder or expert opinion.

**Director General, Workplace Directorate, Labour Program, ESDC:**

As I mentioned, it’s an accumulation of administrative data. We have regular discussions with our stakeholders.

**Ms. Jinny Jogindera Sims:**

Thank you.

Was a report or a discussion paper written on this, and if so, can it be presented to the committee? Not now, but when you get back.

**Director General, Workplace Directorate, Labour Program, ESDC:**

No, we don’t have a discussion paper, but as I mentioned, we have been looking at our administrative data with regard to refusals to work, and this information has been provided to our stakeholders.”<sup>23</sup>

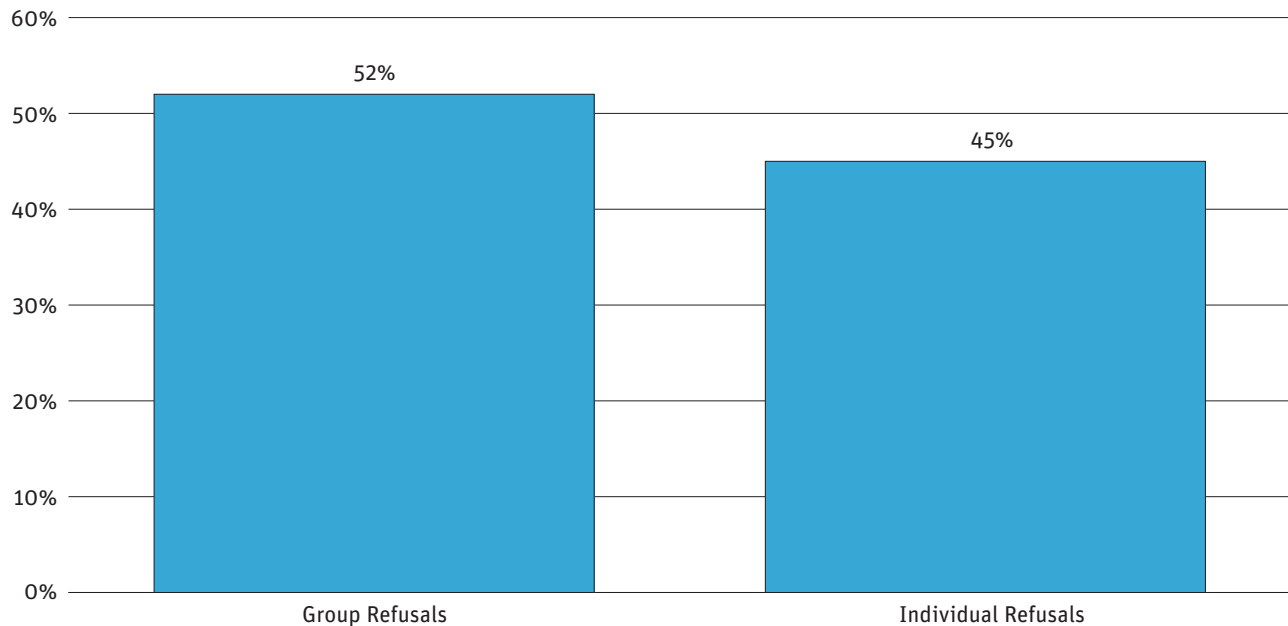
The only reason used or research cited for the changes was a departmental analysis that appeared to show 80% of refusals to work were determined, after investigation, not to have presented situations of danger.

The Committee was then told by the ESDC representative,

The rationale of the proposed amendments to the Canada Labour Code is responding to feedback regarding the legislation, aligning the definition of danger to the working interpretation of danger in case law, and ensuring that workplace parties are more involved in the work refusal process, given that over the last 10 years, 80% of refusals to work were determined to be situations of “no danger”. We did rely on particular information, such as our administrative data and metrics.<sup>24</sup>



**FIGURE 2** Incidence of Enforcement Action in Workplace Safety Refusal Investigations, April 2003 to March 2013



Source: Employment and Skills Development Canada (based on a 40% sample of work refusal files)

The basis of the changes was not because of complaints received from the regulatory review committee, a tripartite body that addresses emerging health and safety concerns in the federal sector, nor from the minister’s advisory committee or the labour operations practice committee.<sup>25</sup>

In the next HUMA meeting, Rodger Cuzner, MP for Cape Breton-Canso noted the Department had said, “...changes were based on “feedback from time to time from our stakeholders” and “our regular discussions with stakeholders”.” He then asked the other presenters including Chris Aylward, National Executive Vice President PSAC, Hassan Yussuf, President of the Canadian Labour Congress, and John Farrell, Executive Director, Federally Regulated Employers – Transportation and Communications, and Prof. Katherine Lippel, Canada Research Chair in Occupational Health and Safety Law, Faculty of Law, University of Ottawa:

However, from what I’m hearing today from FETCO, you guys were not consulted.

Mr. John Farrell (FETCO): We had no consultation about this bill.

Mr. Rodger Cuzner: Okay. Thanks. PSAC? No. CLC? No. Canada's leading expert in occupational health and safety, you must have been consulted. No? Okay. Do any of you know anybody who was consulted? No? Nobody was consulted? Okay, thanks.<sup>26</sup>

Using internal data from government files, the Public Service Alliance of Canada (PSAC) showed that the claim that 80% of work refusals resulted in “no situations of danger” was a misuse of data. PSAC reviewed a large portion of randomly selected files which showed that “a significant number of enforcement actions (Directions to Employers and Assurances of Voluntary Compliance)” arose from the investigation of safety-related work refusals. The study found that 52% of group refusals and 45% of individual refusals resulted in some form of enforcement action. Thus, in many cases, because of the action of workers in refusing to work, the hazard was removed, an injury was prevented and work was able to be resumed safely. The study was based on the examination of 40% of work refusal files from April 2003 to March 2013 at Employment and Skills Development Canada.<sup>27</sup>

# 6. Workplace Occupational Health and Safety Rates in the Federally Regulated Sector: Are They Improving?

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## A. Overall Statistics

The workplace health and safety disabling injury rate in the federally regulated sector has improved slightly since 2007, as the overall disabling injury rate has gone from 2.02 per 100,000 FTEs to 1.77 in 2012 and, according to the latest partial numbers, was at 1.68 for 2013.<sup>28</sup> The fatality numbers and rates, however, are relatively stable and even up to 58 deaths in 2013 or a fatality rate of 5.06 per 100,000 FTEs up from 4.09 in 2012.

As noted earlier, in examining this data, we have serious concerns about how the data is collected and reported and even what data is reported. It is the employers – and not all employers – who furnish the data, and many kinds of data are not reported, such as the number of work refusals and the information about what happened in these cases. The result is that a large part of the federal data may not only be suppressed but be showing up in

**TABLE 3** Injury Rates in the Federally Regulated Industry Sectors 2002–12

| Year | Disabling injuries | Fatal injuries | Minor injuries | Total injuries | Disabling Injury Rate (FTE/100) | Injury Rate (100/FTE) | Fatality Rate (FTE/100,000) |
|------|--------------------|----------------|----------------|----------------|---------------------------------|-----------------------|-----------------------------|
| 2002 | 20,928             | 43             | 38,211         | 59,182         | 2.02                            | 5.70                  | 4.14                        |
| 2003 | 21,617             | 77             | 35,528         | 57,222         | 2.23                            | 5.88                  | 7.91                        |
| 2004 | 23,068             | 76             | 40,573         | 63,717         | 2.20                            | 6.06                  | 7.22                        |
| 2005 | 21,164             | 67             | 37,190         | 58,421         | 2.13                            | 5.86                  | 6.72                        |
| 2006 | 21,503             | 52             | 36,886         | 58,441         | 2.13                            | 5.77                  | 5.14                        |
| 2007 | 22,600             | 65             | 38,463         | 61,128         | 2.22                            | 6.00                  | 6.38                        |
| 2008 | 22,881             | 50             | 36,894         | 59,825         | 2.19                            | 5.71                  | 4.77                        |
| 2009 | 19,737             | 48             | 34,335         | 54,120         | 1.88                            | 5.14                  | 4.56                        |
| 2010 | 18,956             | 40             | 32,519         | 51,515         | 1.68                            | 4.56                  | 3.54                        |
| 2011 | 20,141             | 60             | 35,737         | 55,938         | 1.73                            | 4.80                  | 5.15                        |
| 2012 | 20,738             | 48             | 40,570         | 61,356         | 1.77                            | 5.23                  | 4.09                        |

**Source** Occupational Injuries Among Canadian Employers Under Federal Jurisdiction 2002–07, Occupational Health and Safety Statistical Report 2011 and OHS Statistical Report 2012 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/oiacfe.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/oiacfe.shtml) ; [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2011.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2011.shtml) ; [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

the provincial Workers' Compensation Board data and not in the federal data because some businesses do not know that they are federally regulated.

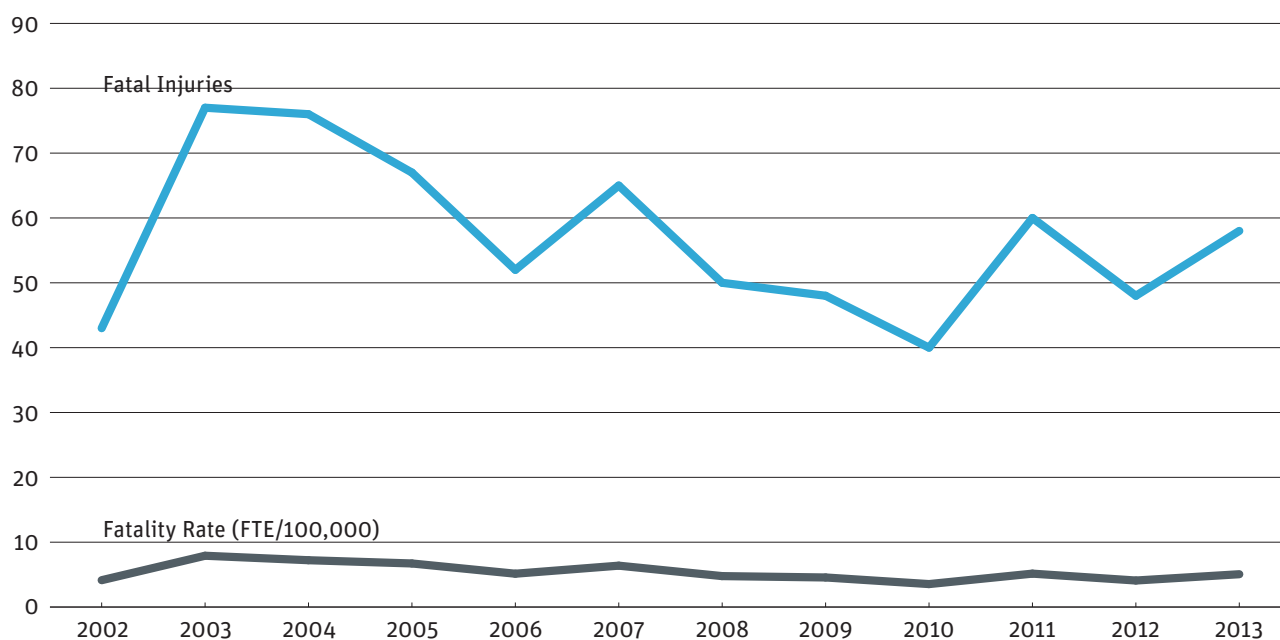
But even if we take federal figures as generally indicative of the health and safety situation nationally, the overall disabling and fatality injury rates can still be considered very high rates because some 60% of the federally regulated jobs are office jobs where injuries are, or should be, less prevalent. In fact, the total number of injuries (major and minor) for the federally regulated sector has increased from 59,182 in 2002 to 61,356 injuries in 2012. And at the same time, the total number of disabling injuries remains at 20,738 only 190 less than in 2002.

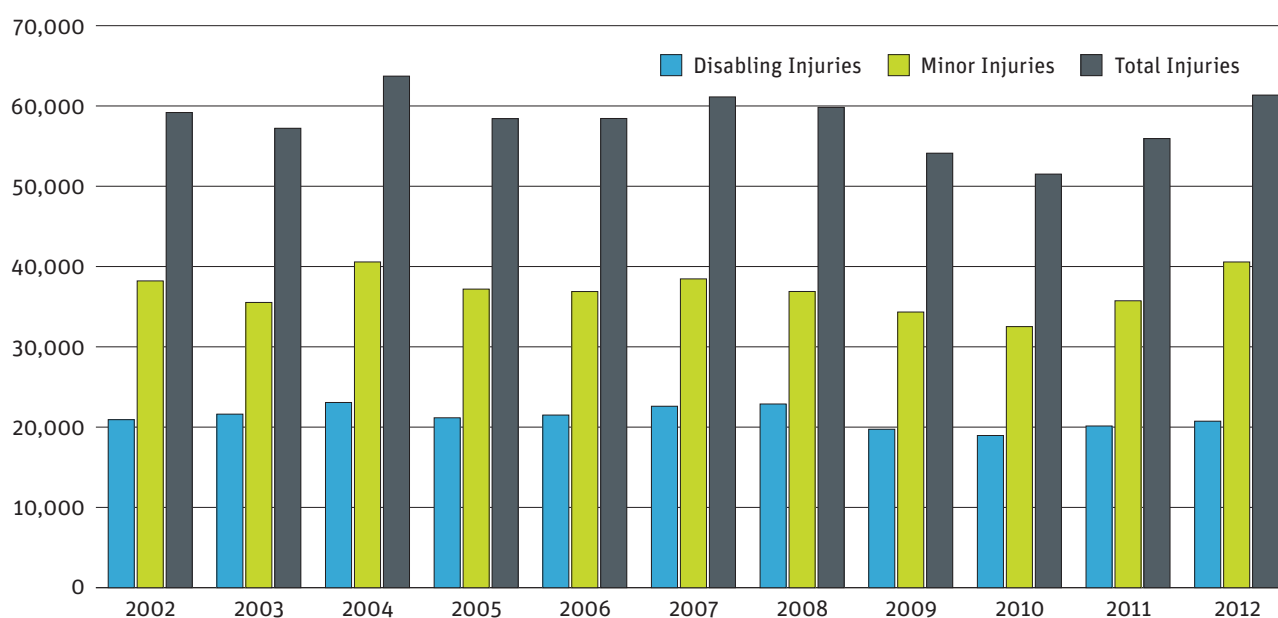
Total fatalities in federal workplaces have remained in the same range since 2002 and the fatality rate has increased to a rate of 5.06 per 100,000 FTEs in 2013 from 4.14 in 2002. So judging from the numbers all is not rosy. More than 684 employees in federally regulated sectors died as a result of workplace injuries in the decade between 2002 and 2013. While the DIIR rates have improved a very small amount since 2007, the total number of people injured and killed has not really improved at all. And this is due, as we shall show in the next section, to the extremely high rates in a few sectors and very low rates in others. But first let us examine the rates in the provincially managed sectors over this same period.

**TABLE 4** Table Federally Regulated Sector Fatalities and Fatality Rates

| Year         | Fatal injuries | Fatality Rate (FTE/100,000) |
|--------------|----------------|-----------------------------|
| 2002         | 43             | 4.14                        |
| 2003         | 77             | 7.91                        |
| 2004         | 76             | 7.22                        |
| 2005         | 67             | 6.72                        |
| 2006         | 52             | 5.14                        |
| 2007         | 65             | 6.38                        |
| 2008         | 50             | 4.77                        |
| 2009         | 48             | 4.56                        |
| 2010         | 40             | 3.54                        |
| 2011         | 60             | 5.15                        |
| 2012         | 48             | 4.09                        |
| 2013         | 58             | 5.06                        |
| <b>Total</b> | <b>684</b>     |                             |

**Source** Occupational Injuries Among Canadian Employers Under Federal Jurisdiction 2002–07, Occupational Health and Safety Statistical Report 2011 and OHS Statistical Report 2012 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/oiacffe.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/oiacffe.shtml) ; [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2011.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2011.shtml) ; [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

**FIGURE 3** Number and Rates of Fatalities in Federally Regulated Sectors

**FIGURE 4** Federal Injuries: Disabling, Minor and Total**TABLE 5** Federal Injuries: Disabling, Minor and Total

| Year | Disabling injuries | Fatal injuries | Minor injuries | Total injuries |
|------|--------------------|----------------|----------------|----------------|
| 2002 | 20,928             | 43             | 38,211         | 59,182         |
| 2003 | 21,617             | 77             | 35,528         | 57,222         |
| 2004 | 23,068             | 76             | 40,573         | 63,717         |
| 2005 | 21,164             | 67             | 37,190         | 58,421         |
| 2006 | 21,503             | 52             | 36,886         | 58,441         |
| 2007 | 22,600             | 65             | 38,463         | 61,128         |
| 2008 | 22,881             | 50             | 36,894         | 59,825         |
| 2009 | 19,737             | 48             | 34,335         | 54,120         |
| 2010 | 18,956             | 40             | 32,519         | 51,515         |
| 2011 | 20,141             | 60             | 35,737         | 55,938         |
| 2012 | 20,738             | 48             | 40,570         | 61,356         |

**Source** Occupational Injuries Among Canadian Employers Under Federal Jurisdiction 2002–07, Occupational Health and Safety Statistical Report 2011 and OHS Statistical Report 2012 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/oiacjje.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/oiacjje.shtml) ; [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2011.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2011.shtml) ; [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

## 7. Provincial Versus Federal Workplace Safety Records

THE OVERALL PROVINCIAL and federal disabling injury rates are now quite similar, with the provincial rates slightly lower at 1.65 per 100 FTEs compared to 1.77 per 100 FTEs for the federal sector in 2012 and 1.68 for 2013.<sup>29</sup>

However, since 2006, the provincial rates have dropped by some 46%, while the federal rates have gone down by only 12%. Thus, while federally regulated sector injury rates are slightly lower in total, there have been huge cuts in the number of time loss injuries at the provincial level over the same period as the numbers have gone down from totals of 338,118 in 2002 to 224,627 in 2012 or over 113,000 fewer people who suffered an injury in 2012 as compared to a decade earlier. The federal disabling injuries totals have remained roughly the same since 2002 dropping only 190 over a decade to 20,738 in 2012.

The provincial rates of disabling injury vary greatly from province to province with high rates in Alberta with a 3.37 rate per 100 FTEs in 2012, which is double the all-provinces rate, and 3.46 in Manitoba. Saskatchewan is also high at 2.90 per 100 FTEs, while Ontario has fallen to a record low of .99. It should be noted that the Ontario rate is 55% of the federal 2012 rate. Ontario has done a lot of things better than in the federally regulated sector and that includes 1) instituting a rigorous 9 month training program for

**TABLE 6** Comparison of Provincial Versus Federal Rates

| Year | Provincial Disabling Injury rate | Federal Disabling Injury rate | Total Provincial Loss Time Injuries | Federal Disabling Injuries |
|------|----------------------------------|-------------------------------|-------------------------------------|----------------------------|
| 2002 | 3.06                             | 2.02                          | 338,118                             | 20,928                     |
| 2003 | 2.77                             | 2.22                          | 327,098                             | 21,617                     |
| 2004 | 2.65                             | 2.19                          | 317,434                             | 23,068                     |
| 2005 | 2.60                             | 2.12                          | 316,766                             | 21,164                     |
| 2006 | 2.42                             | 2.12                          | 307,854                             | 21,503                     |
| 2007 | 2.27                             | 2.22                          | 294,924                             | 22,600                     |
| 2008 | 2.12                             | 2.18                          | 284,921                             | 22,881                     |
| 2009 | 1.82                             | 1.87                          | 240,547                             | 19,737                     |
| 2010 | 1.77                             | 1.68                          | 230,989                             | 18,956                     |
| 2011 | 1.73                             | 1.73                          | 229,370                             | 20,141                     |
| 2012 | 1.65                             | 1.77                          | 224,627                             | 20,738                     |

**Source** Provincial data from Association of Workers' Compensation Boards of Canada, [http://awcbc.org/?page\\_id=14#KSM](http://awcbc.org/?page_id=14#KSM); Federal data from Occupational Injuries Among Canadian Employers Under Federal Jurisdiction 2002–07, Occupational Health and Safety Statistical Report 2011 and OHS Statistical Report 2012 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/oiacfje.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/oiacfje.shtml) ; [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2011.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2011.shtml) ; [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

health and safety inspectors 2) assigning each officer a quota of inspection visits 3) publishing of all enforcement data so that employers, employees and the public can learn from best and worst case examples.



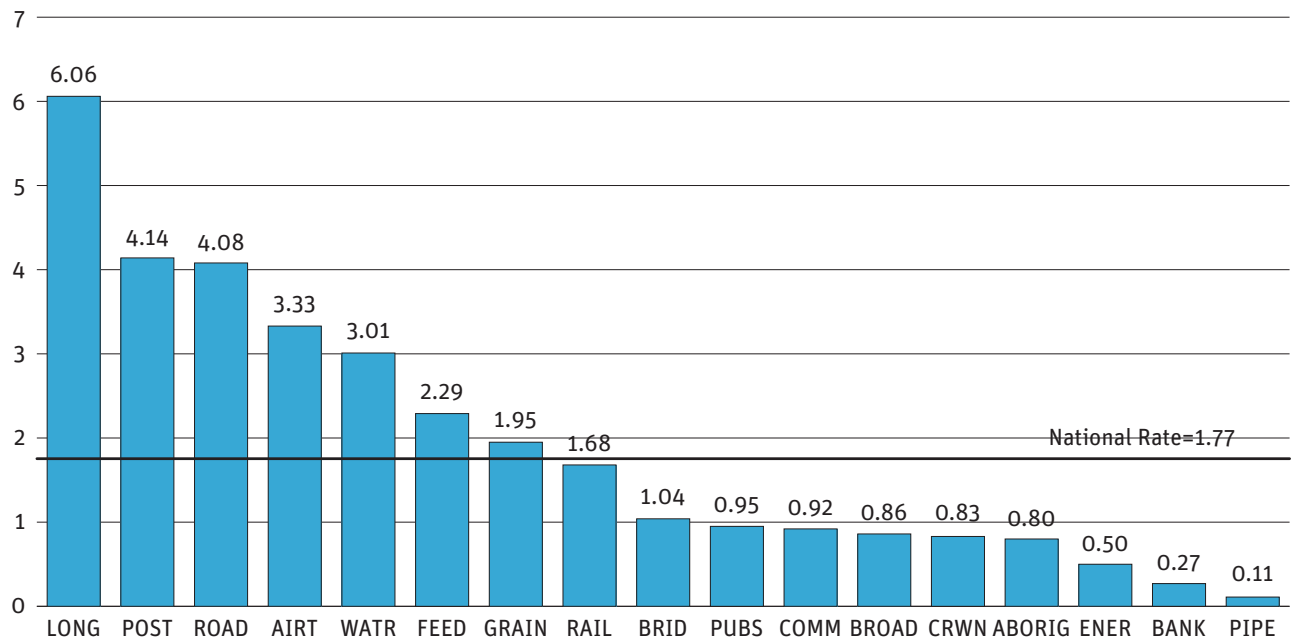
## 8. Rates for Businesses and Industries in Federally Regulated Workplace Sectors: Who Is Best and Who Is Worst

IN 2002, THE five national federally regulated sectors with the highest rates of disabling injuries (DIIR) included Long shoring (9.68 per 100 FTEs), Postal Services (6.34), Road Transport (4.61), Air Transport (4.14) and the Feed, Flour and Seed industries (3.53).<sup>30</sup>

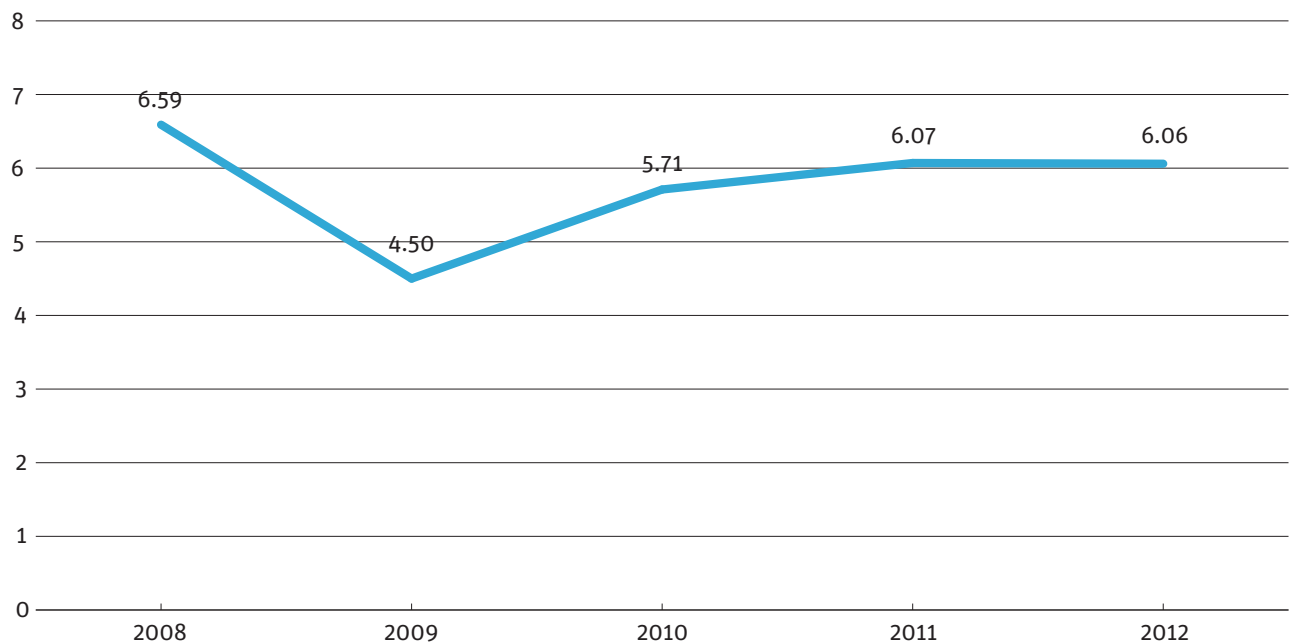
In 2007, the year of the last CCPA report, the rates for the worst five industries were the Postal Services (7.42 injuries per 100 FTEs), Long shoring (5.85), Air Transport (4.59), Road Transport (4.41), and the Feed, Flour and Seed industries (2.99).

In 2012, the federal jurisdiction industry sectors with the highest DIIR values were still Long shoring (6.06 injuries per 100 FTEs), Postal Services (4.14), Road Transport (4.08), Air Transport (3.33), with Water Transport (3.01) replacing Feed, Flour and Seed (2.29). All other federal jurisdiction industry sectors had rates that were below the 2012 national rate of 1.77 with the lowest DIIR values in Pipelines (0.11) and Banking (0.27). In 2013 the top five

**FIGURE 5** Disabling Injury Incidence Rate (DIIR), By Federal Jurisdiction Industry Sector, 2012

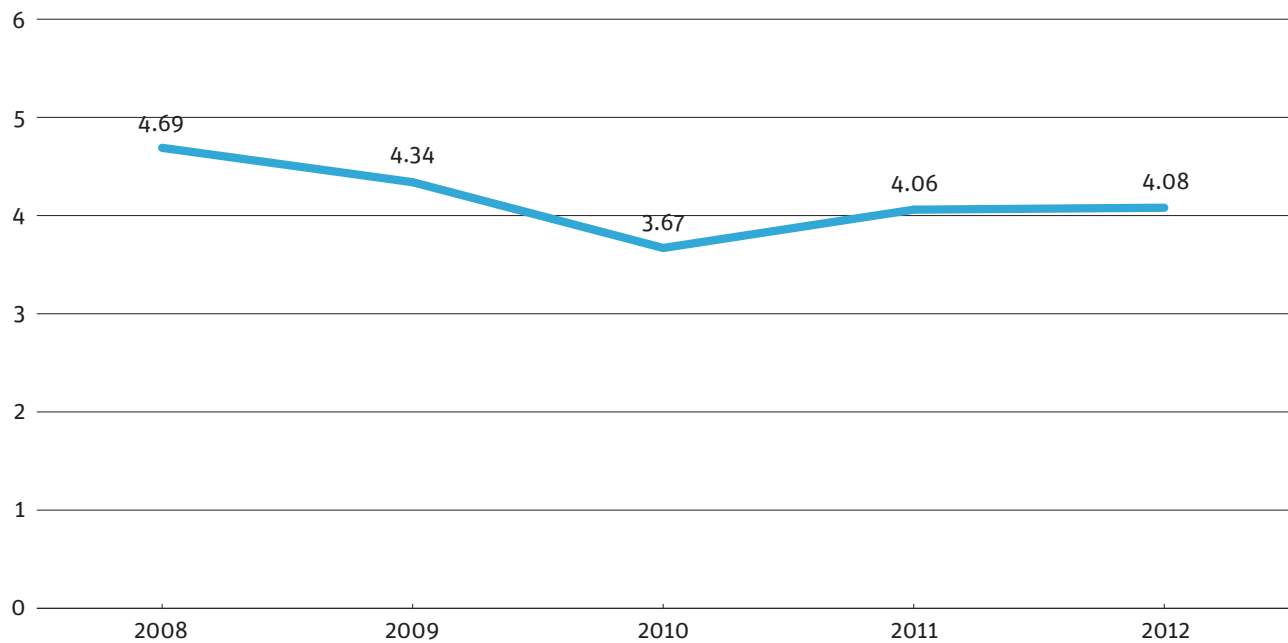


**FIGURE 6** Long Shoring: Disabling Injury Incidence Rates



Source OHS Report 2008–12 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

**FIGURE 7** Road Transport: Disabling Injury Incidence Rates



Source OHS Report 2008–12 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

were Long shoring (5.21), Water Transport (On-Board) (4.67), Air Transport (Off-Board) (3.93), Road Transport (3.84) and Postal Services (3.73).

But, if we look at the total number of disabling injuries, it is the Road Transport and Air Transport sectors (which make up only 15% and 9% of the total jobs in the federally regulated sector) that report 34% and 17% of all disabling injuries or over 50% of injuries. The Postal Services sector also has only 5% of the jobs but nearly 12% of the disabling injuries. And in sectors such as Long shoring and Road Transport, injury rates have hardly changed over the last five years.

**TABLE 7** Percentage of Disabling Injuries by Industry 2012

| Federally Regulated Sectors |           | Disabling Injuries |               |
|-----------------------------|-----------|--------------------|---------------|
|                             |           | Percentage         | Total         |
| Aboriginal                  |           | 1.0%               | 215           |
| Air Transport               | Off-Board | 13.8%              | 2,855         |
|                             | On-Board  | 3.5%               | 722           |
|                             | Total     | 17.2%              | 3,577         |
| Banking                     |           | 2.6%               | 547           |
| Bridges & Tunnels           |           | 0.0%               | 4             |
| Broadcasting                |           | 2.5%               | 522           |
| Communications              |           | 4.2%               | 874           |
| Crown Corporations          |           | 1.4%               | 296           |
| Grain Elevators             |           | 0.8%               | 167           |
| Long shoring                |           | 1.5%               | 306           |
| Postal Services             |           | 11.6%              | 2,396         |
| Public Service Departments  |           | 13.9%              | 2,888         |
| Rail Transport              | Off-Board | 1.4%               | 290           |
|                             | On-Board  | 1.4%               | 300           |
|                             | Total     | 2.8%               | 590           |
| Road Transport              |           | 33.9%              | 7,036         |
| Water Transport             | Off-Board | 2.3%               | 486           |
|                             | On-Board  | 1.7%               | 346           |
|                             | Total     | 4.0%               | 832           |
| <b>Canada</b>               |           | <b>100.0%</b>      | <b>20,738</b> |

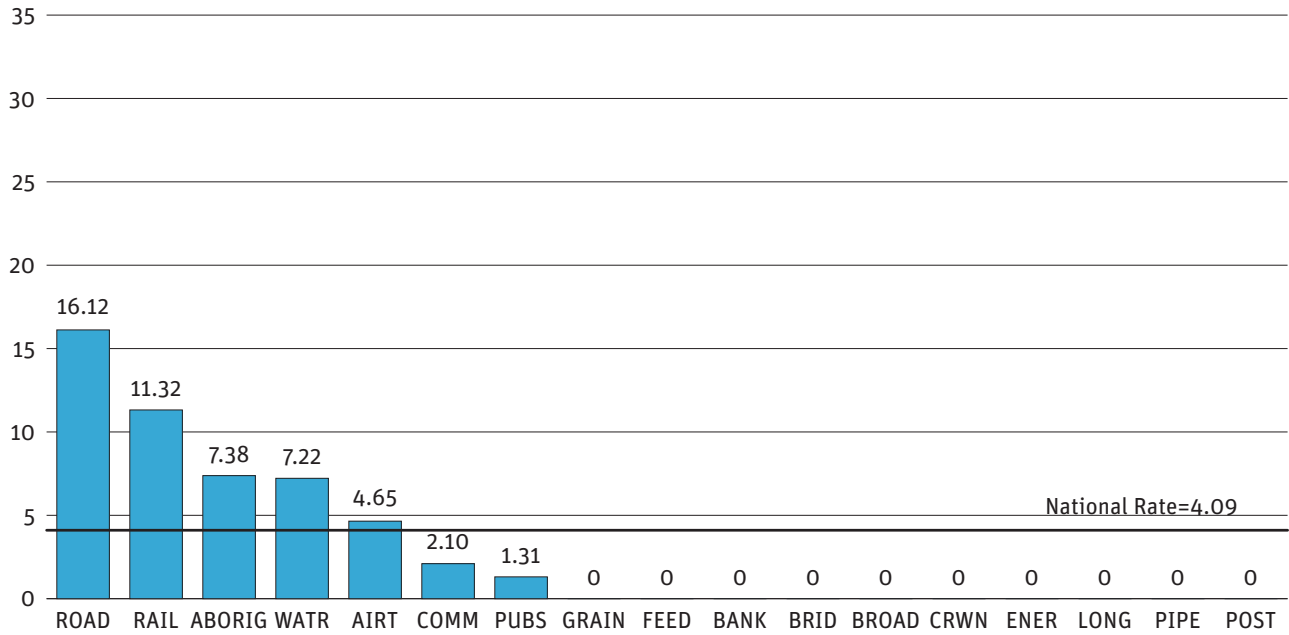
Source OHS Report 2008–12 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

## 9. Fatal Injuries by Sector

ACCORDING TO DATA on fatal injuries, the number of deaths and fatality rates in federally regulated sectors has not declined since 2002. But the rates by sector are very lopsided. More than 60% of deaths in 2011 and 2012 occurred in the Road Transport sector where the rate was 16.12 deaths per 100,000 workers. Rail, Aboriginal and Water also had unacceptably high rates. Rates of injuries in the Aboriginal employment category must be singled out for particular attention as their overall disabling injury rates are very low but the fatality rates at 7.38 per 100,000 workers are the third highest (see *Figure 8*).

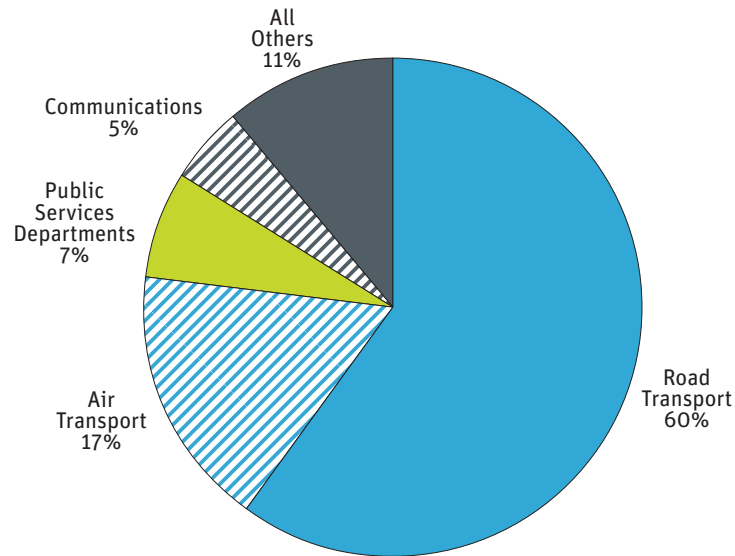
**The number of deaths in road transport in the federal sector which represents 60% of all deaths in federally regulated sectors is particularly shameful and means that over the last twelve years, for which data is available, 359 workers have died in workplace accidents.**

**FIGURE 8** Fatal Injury Incidence Rate (FIIR) by Federal Jurisdiction Industry Sector, 2012



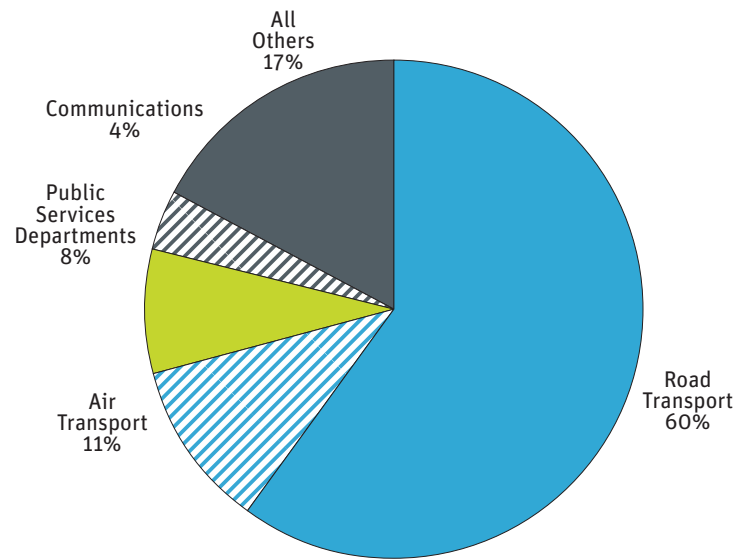
Source OHS Reports 2007–11 and 2008–12 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2011.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2011.shtml) and [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

**FIGURE 9** Percentage of Fatal Work Injuries in Federal Jurisdiction Industries, 2011



Source OHS Reports 2007–11 and 2008–12 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2011.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2011.shtml)

**FIGURE 10** Percentage of Fatal Work Injuries in Federal Jurisdiction Industries, 2012



Source OHS Reports 2007–11 and 2008–12 [http://www.labour.gc.ca/eng/health\\_safety/pubs\\_hs/OHS\\_Stats\\_2012.shtml](http://www.labour.gc.ca/eng/health_safety/pubs_hs/OHS_Stats_2012.shtml)

# 10. Health and Safety Officers: The Steep Decline in Numbers and Their Disempowerment

AS WE HAVE mentioned, perhaps the most important change in the federally regulated sector since 2005, has been the massive decline in the number of Health and Safety Officers coupled with their loss of power under the changes to the Canada Labour Code in 2013.

The number of HSOs was already too low in the period covered by the 2010 CCPA report. In it, Macdonald noted that the number of Health and Safety Officers, then called Labour Affairs Officers, had declined from 151 in 2005 to 125 in 2007.<sup>31</sup> When the Assistant Deputy Minister for the Labour Program, Compliance, Operations, and Program Development appeared in November 2013 before the Parliamentary Committee on Human Resources to defend the changes to the Canada Labour Code in Bill C-4, he said: “This is not about cutting costs, and *it’s certainly not about reducing the number of health and safety officers*. These changes will simply ensure that the time of health and safety officers is used more proactively and effectively to enforce our regulations and to promote prevention.”<sup>32</sup>

But, in fact, the number of HSOs had already been cut dramatically before 2013 and has gone down since that statement. The latest figures are



**TABLE 8** Employees per Health and Safety Officer in the Federal Jurisdiction<sup>33</sup>

| Year | Number of HSOs | Number of Federal Jurisdiction Employees Per HSO | Number of Federally Regulated Workers |
|------|----------------|--|---------------------------------------|
| 2004 | 147            | 7156   | 1,051,958                             |
| 2005 | 151            | 6607   | 997,594                               |
| 2006 | 140            | 7229   | 1,012,013                             |
| 2007 | 125            | 8057   | 1,018,849                             |
| 2008 | 100            | 10,482   | 1,048,253                             |
| 2009 | 98             | 10,745   | 1,053,017                             |
| 2010 | 88             | 12,834   | 1,129,477                             |
| 2011 | 84             | 13,879   | 1,165,838                             |
| 2012 | 88             | 13,331   | 1,173,165 <sup>34</sup>               |
| 2015 | (list) 67      | 17,509   | 1,173,165 <sup>35</sup>               |
| 2015 | (ESDC) 90      | 13,035   | 1,173,165 <sup>36</sup>               |

Sources EAHOR, PSAC Membership Figures, ESDC

even more worrying. According to a departmental document which lists all HSOs in Canada by name, there were only 67 HSOs as of April 2015. And this document does not take into account any changes which have occurred since April. The department still claims that for the last five years the real number has been around 80 but says that “by early 2015” another 10 senior investigators have been assigned to this work, (bringing the total to 90) although no evidence of this number can be confirmed.<sup>37</sup> What is new is that the 2015 Budget proposed “to increase the number of health and safety officers responsible for promoting compliance and enforcing the occupational health and safety provisions of the Canada Labour Code. Funding will support the hiring of 10 health and safety officers, bringing the total number of officers across Canada to 100.”<sup>38</sup> However, with the election call in August 2015, there is no evidence that these workers have been hired.

The cuts in numbers from 2005 when there were 151 to today at 67 or 90 in 2015 have been draconian and are around 40–56% of the workforce. This changes completely the ability of the remaining inspectors to carry out their job in a proper fashion.

If the department’s figure of 90 is accepted, and applied to the 2012 workforce numbers (total FTEs), this means one inspector is responsible for over 13,000 workers. This ratio represents an increase of more than 97% of the number of workers to be covered by one inspector from the ratio of workers per inspector in 2005 of one per 6600 workers. Using the confirmed number

## Death at the Cliff Street Heating Plant

On October 19, 2009, a heating plant explosion blew apart a boiler at the Cliff Plant in Ottawa, a plant which heats numerous government buildings including the House of Commons. Plant shift supervisor, Peter Kennedy, was killed and three other workers were injured.<sup>55</sup> In July 2014, Public Works and Government Services Canada was fined \$300,000 for numerous safety violations. The federal department also paid a total of \$45,000 in victim surcharges.<sup>56</sup> The list of broken rules and non-compliance included that “workers were not given the necessary training and supervision in:

- Operation of the new boiler system.
- Gas line maintenance.
- Standard Operating Procedures.
- Emergency procedures.
- Occupational health and safety that detailed hazards prevention in the workplace.”<sup>57</sup>

Other issues were:

- The court was told that in the days leading up to the explosion, the plant was understaffed.
- Workers complained about a lack of training and faulty or under-functioning alarm systems.
- An investigator with Ontario’s Technical Standards and Safety Authority found that the Public Works boilers didn’t meet provincial safety standards.<sup>58</sup>

While Public Works was fined, this means very little as money was simply transferred from one government department to another while no managers or workers were charged, fined or punished.

On June 10 2015, Julie Ireton of CBC News revealed federal inspectors hadn’t even stepped inside the Ottawa boiler plant almost one year after the Department of Public Works was sentenced, despite a court directive ordering them to inspect the plant.<sup>59</sup> The Judge had said “Based on our conversations with officials at the Labour Program, these plants are priority for the agency, given that a fatality has occurred, and that inspectors will at some point, inspect these plants.”<sup>60</sup>

In the House of Commons, when asked by MP Paul Dewar on June 10, 2015, Minister of Public Works and Government Services Diane Finley answered that there had already been inspections at the Cliff Plant, so no more were needed.

Paul Dewar MP Ottawa Centre: *“Mr. Speaker, in 2009, Peter Kennedy went to work and did not come home. He was killed in an explosion right here, right next to Parliament Hill. Public Works was found guilty of violating health and safety laws. The court ordered safety inspections to ensure that these problems would be fixed.*

*Now we learn that not a single inspection has taken place as per the orders. We have seen the tragedy that can result when the government ignores health and safety laws.*

*The simple question is this: why did the Conservatives put workers at risk by failing to comply with the court's order?"*

Diane Finley, Minister of Public Works and Government Services:

*Mr. Speaker, of course our sympathies rest with Mr. Kennedy's family. I can assure members that in fact regular inspections have been done. The Technical Standards and Safety Authority completed an inspection in May and said that "No non-compliance issues were noted...and...no further actions are required..."*

But the Technical Standards and Safety Authority is a provincial body and not the Labour Canada inspection mandated by the court.

The Plant was finally inspected by federal officers in July 2015 only after the June CBC story received wide coverage.

of 67 inspectors whose names have been provided and comparing that to the total of full time equivalents in federally regulated workforce, we calculate a ratio of one inspector for over 17,000 workers. This is an increase of 165%.

Using either number of inspectors, what this means in practical terms is that it is physically impossible to visit all the federally regulated workplaces on any reasonable regular schedule or even to assure random inspections to all workplace groups. The decline in the number of inspectors means that many centres have few inspectors. Ottawa and Eastern Ontario, which is one of the most concentrated centres of federally regulated workers, has only one HSO effective when in the 1990s it had 12. Hamilton, the third largest population centre in Ontario, now has none.<sup>39</sup>

In other provinces, such as Alberta, the statistics have altered dramatically in a positive way as the number of inspectors has gone from 99 in 2010 to 141 today.<sup>40</sup> This is still not an appropriate ratio of inspectors to workers but does mean that the key role of inspectors has been reinforced. In Ontario in 2004, the Ministry of Labour increased the number of labour inspectors from 200 to 400. This meant a doubling of the number of annual inspections under the Occupational Health and Safety Act (OHSA) to 90,000 per year. From 2004 to 2008, the province of Ontario adopted a labour inspection and enforcement strategy known as the "High Risk Firm Initiative". Under this approach, approximately 25% of inspections went to the 10% of workplaces that had the worst records over three prior years.<sup>41</sup> However, since 2004, the number of inspectors has been cut and is now at only 334.

Inspectors have field visits goals per year of 224 but this can also mean visiting the same workplace multiple times.<sup>42</sup>

The issue of adequate numbers of inspectors for federally regulated workplaces is not isolated to ESDC's program. In discussions at the Transport Committee this year on rail safety and in their March 2015 report, it was found that number of inspectors was low and one of the recommendations of the report was to hire more inspectors. NDP transport critic MP Hoang Mai noted only one inspector has been hired since 2013.<sup>43</sup>

According to Mai, the government is not going in the right direction on rail safety because it has let companies "self-regulate" and "self-inspect." "It shows that the government is letting the railway companies do their own inspection with a lack of oversight."<sup>44</sup>

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## Training

One of the major concerns expressed by federal inspectors in all the interviews conducted for this report is the minimal amount of training required for a federal HSOs compared to that required in many provinces. In Ontario, for example, the training program is much more rigorous. It lasts nine months and includes examinations at the end of the program. "All inspectors complete a rigorous nine-month program of classroom training and field experience with a qualified inspector. New inspectors also receive training on the regulations specific to their respective programs (i.e., construction, mining, health care, industrial and diving)."<sup>45</sup>

The emergence of the Health and Safety Officer at the federal level occurred in 2000. Previously there was only one kind of officer, a Labour Affairs Officer (LAO), who did both labour standards work and health and safety inspections. The group of LAOs were then asked to pick which area they wanted to pursue and two separate categories, Labour Standards Officers and Health and Safety Officers, emerged.<sup>46</sup>

At the federal level, training now usually includes online training and only two weeks of classroom training with material which one interviewee called an "outdated" training curriculum.

# 11. What Is the System of Inspection? Priorities and Blitzes But No Overall Strategy

EVERY YEAR THE ESDC sets priorities for inspections. But, with the lack of officers, the number of proactive inspections (such as random inspections) are dramatically reduced and we are left mainly with reactive inspections after major accidents, work refusals and deaths. In the past, an adequate level of balance (both pro-active and reactive) in inspections was possible. Now, while the program still sets priorities each year, part of the inspection is done by mailing out survey sheets to employers and counting these mail outs as “inspections”.

Rather than developing a proactive strategy of regular visits to all sectors, with priority sectors being inspected more frequently, the department is forced to rely on a strategy based on targeting high-risk sectors with some regional and annual priorities. And unlike the idea of a surprise visit, the department, in its latest strategy document, wants employers to know they are coming.

As research shows there is a great deal of evidence which shows that “only actual citations and penalties reduce the frequency or severity of injuries in the workplace.”<sup>47</sup>

The departmental bulletin on this issue stated, “We ask that you share this information widely with all interested stakeholders so that they are prepared for inspection activities that may occur.”<sup>48</sup> This hardly seems to be a strategy which will lead to understanding how industries have been functioning and how best to help them correct any improper functioning.

Secondly, the period allowed for accomplishing these proactive visits is a very long, three years from 2015 to 2017 (inclusive), with “the following industries are being targeted across Canada for proactive inspection/counselling initiatives: Air Transportation, Road Transportation and Feed, Flour, and Seed.”

Lastly, this strategy means, in fact, that most workers who are in banks, communications, broadcasting, post offices, Aboriginal workplaces, and pipelines will receive no inspections. This means that 458,995 employees out of a total of 1,173,165 workers or 39% of all workers will be receiving no visits over the next three years as they are not included in the three year strategy, the regional strategies or the one year blitz.

But it must also be noted that the public sector is also excluded in many provinces.

#### **2015–17 National Priority Industries<sup>49</sup>**

- Air Transportation
- Road Transportation
- Feed, Flour, and Seed

Also identified are regional priorities “based on an analysis of the rates of disabling injuries and/or fatalities by region and supplemented by information from our regional officers”.

#### **2015–17 Regional Priority Industries Region Industries**

- North West Pacific (includes British Columbia, Alberta & the territories) Rail Transport & Longshoring
- Central (Includes Saskatchewan & Manitoba) Rail Transport & Grain Elevators
- Ontario Rail Transport & Public Service
- Quebec Rail Transport & Longshoring

**TABLE 9** Employment in FTEs in Industries Not in 2015–17 Strategy

| Industry            | Total FTEs     |
|---------------------|----------------|
| Aboriginal          | 27,111         |
| Banking             | 206,182        |
| Bridges and Tunnels | 383            |
| Broadcasting        | 60,915         |
| Communications      | 95,237         |
| Energy and Mining   | 2,994          |
| Pipelines           | 8,281          |
| Postal Services     | 57,892         |
| <b>Total</b>        | <b>458,995</b> |

Source 2012 figures from OHS Report 2008–12 and ESDC Bulletin

- Atlantic (Includes Nova Scotia, New Brunswick, Prince Edward Island & Newfoundland) Longshoring & Public Service<sup>50</sup>

As well the following industries have been targeted for 2015 “blitzes”:

#### **2015 Blitz Industries Region Industry**

- North West Pacific (includes British Columbia, Alberta & the territories) Grain Elevators
- Central (Includes Saskatchewan & Manitoba) Public Service & Crown Corporations
- Ontario Longshoring
- Quebec Grain Elevators
- Atlantic (Includes Nova Scotia, New Brunswick, Prince Edward Island & Newfoundland) Water Transport<sup>51</sup>

## 12. Changing Tripartite Committees to Stakeholder Advisors

IN 2014, THE federal department of Employment and Social Development Canada (ESDC) abolished the Regulatory Review Committee and Labour Operations Practices Committee, tripartite committees representing government, employers and unions. These committees looked at how to manage the system and reform the Canada Labour Code. ESDC described the new committee established in its place in the following terms:

A new Occupational Health and Safety Advisory Committee was established, comprised of stakeholders from federally regulated sectors that experience the highest rates of fatalities and injuries. A key goal of this committee is to improve health and safety outcomes in federally regulated workplaces. Furthermore, discussions were held with stakeholders to raise awareness about the importance of addressing mental health issues in the workplace.<sup>52</sup>

What ESDC left out of this description is that the old tripartite committees had representation chosen by each sector and real power for each sector. In the new system, the union and employer representatives are appointed by the government for limited terms and the role is only an advisory one. The time period for the committees to bring in reforms and updates to the Canada Labour Code was also lengthened so that sections of code which



## The End of Federal Fire Protection Services

As of March 2014, federal fire protection services of the Labour Program of HRSDC now ESDC which had previously been responsible for fire protection for the federal government, crown corporations and Aboriginal reserves were ended. Departments or corporations became responsible for their own fire protection. Particularly important were the results of this cancellation of fire protection services that occurred on Aboriginal reserves and was not replaced. As recently as 2011, a document<sup>61</sup> still on the web notes “HRSDC conducts inspections of schools and public buildings, (on reserves) leaving individual First Nations responsible for inspections of commercial buildings.”<sup>62</sup>

were to be reviewed once every 50 years (already far too long) would be reviewed by one estimate only once every 100 years. Rail was excluded as a sector for review by the Occupational Health and Safety Advisory Committee, as it was not considered “high risk” although 47 people had died in the Lac Mégantic tragedy alone.<sup>53</sup>

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## Low Morale Among HSOs

Low morale was a problem often mentioned by HSOs interviewed for this report. The reasons for low morale are not hard to isolate. One officer mentioned that in the 1980s and 1990s the ratio of HSOs to workers was roughly one officer for every 3,000 to 4,000 federally regulated employees. Numbers have declined continually and today, as we have shown, the ratio of HSOs to employees is between one to 13,000 employees and one to 17,000.

The federal 2014 Public Service Employee Survey (PSES) showed positive rates for employees in the Labour Program that were below overall rates for the Public Service on many issues such as training and training and information on health and safety at work.<sup>54</sup>

HSOs complained about severe restrictions on travel for inspections where they were often forced to beg for travel approval and asked to submit requests to travel a month ahead of time. Often officers were asked to inspect by paper or telephone. This has severely tied the hands of the enforcement regime. Frequently refusals to work and non-compliance issues were handled by telephone.

Inspectors also complained that they were asked to handle both education and enforcement which is contradictory because it is difficult for an inspector to give advice and at the same time return to impose penalties on

the same issues (and this is unlike inspectors' roles in other jurisdictions such as Ontario).

Salaries are also much lower than equivalent inspectors at the provincial level, about \$10,000 per year less than in Ontario and \$3000 per year lower than Transport Canada inspectors doing similar work.

# 13. Conclusions and Recommendations for Change

THIS REPORT MAKES the case that, while some health and safety indicators for federally regulated industries have improved since 2007, a number of important indicators have not. Nor has the slight progress in federally regulated industries in health and safety, according to the limited reporting data used, matched that of many provinces.

However, the most important conclusion from this review is that the measures taken to weaken the Canada Labour Code, contained in the omnibus Bill C-4 in 2013, such as the changes in the process to refuse work and the gutting of the definition of “danger”, combined with the disempowerment of Health and Safety Officers and the brutal cuts to the number of HSOs, have severely undermined the federal health and safety regulatory system.

**The current system is one where self regulation without on-site verification has become the dominant approach. This brave new world of less and less government regulation and inspection leaves the federally regulated industrial sector more open to the possibility of an increase in serious injuries and accidents in the future. This is why major changes are needed in how occupational health and safety works in federally regulated industries, and these changes are needed immediately.**

This report will come out before the October 19, 2015 elections, which means that very soon there will be a new government to take responsibility for this issue. We are recommending many of the changes which were called for in the 2010 CCPA report. However, we are also adding some important new recommendations, because, since 2010, the ability of the regulatory body of the Labour Program of ESDC to respond to health and safety issues has dramatically worsened.

We are calling for the new federal government to make legal changes to mend the Canada Labour Code and to introduce strategies to begin regular inspections of all industries as well as to make major additions to staff and offer new training programs for all health and safety officers.

**1) Repeal the 2013 changes to the Canada Labour Code:** As a first step in rebuilding the occupational health and safety system, the changes brought to the Canada Labour Code in Bill C-4 (2013) should be rolled back. This means restoring the role of health and safety officers and bringing back the previous definition of “danger,” among other changes.

**2) Conduct regular field inspections in all workplaces, with high-risk workplaces especially targeted:** These practices should be combined with unadvertised “blitzes” on targeted employers and business sectors. Virtual inspections and self-inspection should not be used as a substitute for regular government inspections.

**3) Staffing levels of health and safety officers (HSOs) must be increased:** In order to ensure an effective workplace health and safety inspection system, staffing levels — currently between 67 and 90 inspectors — need to return to 2005 levels (151 field inspectors). These numbers should continue to be increased over time in order to meet the goals of regular inspections, meet the need to have inspectors based across Canada, and to make sure staff levels grow in relation to employment and growth in more dangerous sectors.

**4) Introduce a new training program for all HSOs:** This would be modelled on aspects of Ontario’s nine-month program, which involves courses, practical training and examinations.

**5) Fix the HSO pay gap:** Compensation levels for HSOs should be commensurate with pay levels elsewhere in the federal government and with best performing provinces for the same kind of work. Currently, federal HSOs are paid \$3,000 per year less than Transport Canada inspectors and much less

than inspectors in the best performing province, Ontario, where the wage gap is around \$10,000 per year.

**6) Develop a strategy for workplace safety on First Nations reserves:** The 2010 CCPA study noted that workplaces on First Nations reserves were not inspected on a regular basis and this remains true in 2015. There is still no working relationship with First Nations communities where the health and safety situation has worsened since the termination of Labour Program fire protection services in 2013. This strategy must, and can only, be developed in partnership with First Nations communities.

**7) Improve data collection:** The government must develop a reliable and transparent statistical base on health and safety incidents and inspections for all federally regulated companies with a common identifier co-ordinated with the Canada Revenue Agency, Workers' Compensation Boards and other sources of information. This should include obligatory Employer Annual Hazardous Occurrence (EAHOR) reporting with fines and penalties imposed on employers that do not report.

**8) Make all health and safety data transparent:** All Labour Program, Transport Canada and National Energy Board health and safety regulatory activities should be made transparent, with all data published on a regular basis as is the case in Ontario. The Canadian population, businesses and unions have a right to know how many inspections, orders for improvement, and penalties were carried out and implemented.

**9) Fire protection services at the Labour Program should be reinstated:** In 2010, fire inspectors for federal government departments, Crown corporations and Aboriginal reserves were eliminated, with the last inspector job terminated in 2013.

**10) Make all Parliament Hill employees subject to federal health and safety regulation:** House of Commons and Senate, Library of Parliament and Parliamentary Protective Services employees need professional regulation of their health and safety work conditions under Part II of the Canada Labour Code and not a separate regulatory system. They are presently not covered by Part II.

# Notes

**1** Bruce Campbell has produced several excellent studies and several commentaries for CCPA on the Lac Mégantic disaster including: *Loose Ends and Unanswered Questions*, January 20, 2015, *Willful Blindness? Regulatory Failures Behind the Lac-Mégantic Disaster*, August 18, 2014, <https://www.policyalternatives.ca/authors/bruce-campbell#sthash.XUbe31Lb.dpuf>

**2** In the 2014 Transportation Safety Board report “Runaway And Main-Track Derailment Montreal, Maine & Atlantic Railway Freight Train MMA-002 Mile 0.23, Sherbrooke Subdivision Lac-Mégantic, Quebec 06 July 2013” the following findings of cause were among those noted: “16. Despite being aware of significant operational changes at Montreal, Maine & Atlantic Railway, Transport Canada did not provide adequate regulatory oversight to ensure the associated risks were addressed. 17. Transport Canada Quebec Region did not follow up to ensure that recurring safety deficiencies at Montreal, Maine & Atlantic Railway were effectively analyzed and corrected, and consequently, unsafe practices persisted. 18. The limited number and scope of safety management system audits that were conducted by Transport Canada Quebec Region, and the absence of a follow-up procedure to ensure Montreal, Maine & Atlantic Railway’s corrective action plans had been implemented, contributed to the systemic weaknesses in Montreal, Maine & Atlantic Railway’s safety management system remaining unaddressed.”

**3** “Food inspectors’ union slams Tories over listeria probe”, Canwest News Service, September 6, 2008, [http://www.canada.com/story\\_print.html?id=d1f41b59-ad3a-4a45-884d-526b15ec27ad&sponsor=](http://www.canada.com/story_print.html?id=d1f41b59-ad3a-4a45-884d-526b15ec27ad&sponsor=)

**4** Julie Ireton, “Asbestos at federal building was a surprise to electrician”, CBC News, March 9, 2015 <http://www.cbc.ca/news/canada/ottawa/asbestos-at-federal-building-was-a-surprise-to-electrician-1.2983620> and Julie Ireton, Canada Revenue Agency building on Heron Rd. lacks sprinklers, CBC News, March 10, 2015, <http://www.cbc.ca/news/canada/ottawa/canada-revenue-agency-building-on-heron-rd-lacks-sprinklers-1.2984886>

**5** The rate for 2013 was 1.68 but complete data is not publicly available. This would mean a decline of 16.8%

**6** <http://www.labour.gc.ca/eng/regulated.shtml>

**7** Ibid

- 8** Please see section 3
- 9** Interviews with HSOs
- 10** <http://www.mcmillan.ca/files/Employment%20Law%20in%20Canada%20-%20Federally%20Regulated%20Employers.pdf>
- 11** [http://www.labour.gc.ca/eng/health\\_safety/compensation/index.shtml](http://www.labour.gc.ca/eng/health_safety/compensation/index.shtml)
- 12** See the Association of Workers Compensation Boards website <http://awcbc.org/>
- 13** <http://www.lavery.ca/en/publications/our-publications/1824-notice-to-employers-under-federal-jurisdiction-amendments-to-the-canada-labour-code-will-take-effect-on-october-31-2014.html>
- 14** PSAC
- 15** PSAC, Summary of Bill C-4 Changes to Health and Safety Provisions, <http://psacunion.ca/summary-bill-c-4-changes-health-and-safety-provisions>
- 16** Canada Labour Code, <http://laws-lois.justice.gc.ca/eng/acts/L-2/FullText.html>
- 17** Canada Labour Code 2013 version, <http://laws-lois.justice.gc.ca/eng/acts/L-2/20130609/P1TT3xt3.html>
- 18** Canada Labour Code, <http://laws-lois.justice.gc.ca/eng/acts/L-2/FullText.html>
- 19** <https://openparliament.ca/committees/human-resources/41-2/5/bob-kingston-1/only/>
- 20** Canada Labour Code 2013 version <http://laws-lois.justice.gc.ca/eng/acts/l-2/20130609/P1TT3xt3.html>
- 21** Bill C-4 Subsection 212 [http://www.parl.gc.ca/content/hoc/Bills/412/Government/C-4/C-4\\_4/C-4\\_4.PDF](http://www.parl.gc.ca/content/hoc/Bills/412/Government/C-4/C-4_4/C-4_4.PDF)
- 22** Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, November 19, 2013 <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6312085&Language=E&Mode=1>
- 23** Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, Tuesday, November 19, 2013 <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6312085&Language=E&Mode=1>
- 24** Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, Tuesday, November 19, 2013 <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6312085&Language=E&Mode=1>
- 25** Chris Aylward, PSAC Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, Thursday, November 21, 2013 <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6321678&Language=E&Mode=1>
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- 27** Karina Roman, “PSAC claims government officials misled MPs on worker safety”, CBC News Nov. 28, 2013, <http://www.cbc.ca/news/politics/psac-claims-government-officials-misled-mps-on-worker-safety-1.2442736>, and PSAC, Briefing Note, MPs misled about changes to diminish health and safety in the Canada Labour Code, November 25, 2013
- 28** ESDC, Federal Jurisdiction Disabling Injuries and Fatalities Data, 2008–13, January 2015 (Note: only partial data is available for 2013)

- 29** For 2013 we have only partial public data.
- 30** [http://s3.amazonaws.com/zanran\\_storage/www.nationalcomponent.com/ContentPages/2478823680.pdf](http://s3.amazonaws.com/zanran_storage/www.nationalcomponent.com/ContentPages/2478823680.pdf)
- 31** David Macdonald, *Success Is No Accident*, Canadian Centre for Policy Alternatives, 2010
- 32** Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, November 19, 2013 <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6312085&Language=E&Mode=1>
- 33** David Macdonald, *Success Is No Accident*, Canadian Centre for Policy Alternatives, 2010, p.10 [http://www.policyalternatives.ca/sites/default/files/uploads/publications/reports/docs/Success%20Is%20No%20Accident\\_o.pdf](http://www.policyalternatives.ca/sites/default/files/uploads/publications/reports/docs/Success%20Is%20No%20Accident_o.pdf)
- 34** 2012 is the last year for which we have accurate employment FTE numbers for the federal sector.
- 35** *ibid*
- 36** *ibid*
- 37** *ibid*
- 38** Budget 2015
- 39** Interviews with HSOs
- 40** Figures from Alberta Government Information request
- 41** The effectiveness of targeted labour inspections in occupational health and safety [www.iwh.on.ca/system/files/documents/iwh\\_briefing\\_targeted\\_labour\\_inspections\\_o.pdf](http://www.iwh.on.ca/system/files/documents/iwh_briefing_targeted_labour_inspections_o.pdf) number of occupational health and safety inspectors in Ontario
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- 43** “Review Of The Canadian Transportation Safety Regime: Transportation Of Dangerous Goods And Safety Management Systems”, Report Of The Standing Committee On Transport, Infrastructure And Communities, March 2015, <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=7834953&Language=E&Mode=1&Parl=41&Ses=2>, Daniel Katz, “More rail inspectors needed, Commons committee says”, *Ottawa Citizen*, March 12, 2015, <http://ottawacitizen.com/news/politics/more-rail-inspectors-needed-commons-committee-says>
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- 46** Interview HSO
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- 49** *ibid*
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- 53** Justin Giovannetti, Grant Robertson And Jacquie McNish, “As Lac-Mégantic death toll reaches 47, safety board calls for immediate rail-safety changes”, *The Globe and Mail*, July 19, 2013 <http://www.theglobeandmail.com/news/national/investigators-urge-ottawa-to-make-changes-to-problematic-railway-safety-rules/article13320031/>
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- 55** <http://ottawacitizen.com/news/local-news/public-works-fined-300000-in-fatal-heating-plant-explosion>
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- 58** [http://www.ppsc-sppc.gc.ca/eng/nws-nvs/2014/02\\_07\\_14.html](http://www.ppsc-sppc.gc.ca/eng/nws-nvs/2014/02_07_14.html)
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- 60** *ibid*
- 61** <https://www.aadnc-aandc.gc.ca/eng/1317308114314/1317308317352#chp3>
- 62** Aaron Wherry, The quiet cuts, *Maclean’s*, July 30, 2012 <http://www.macleans.ca/politics/ottawa/the-quiet-cuts-21/>



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