



Canadian Centre for
Policy Alternatives
Manitoba Office

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Workplace Safety: a motherhood issue? Not yet.

In Manitoba, messages about the importance of workplace health and safety are hard to miss. The SAFE Work campaigns run year-round by the Workers Compensation Board are trying to foster a culture of workplace health and safety in which it becomes socially unacceptable to put workers in harm's way.

After several years of these campaigns, you could be forgiven for expecting that legislation to strengthen workplace health and safety protections would be noncontroversial. With 39 Manitoba workers killed on the job last year, and another 31,018 injured, you would expect broad political pressure for government to take stronger action to protect workers.

Unfortunately, the recent passage of Bill 31, the Workplace Safety and Health Amendment Act, through the Manitoba legislature shows workplace health and safety has not yet reached the status of a mainstream, "motherhood issue." Although the bill was passed on September 13, 2013, the Official Opposition moved several amendments to water down workplace safety rights, and ultimately voted against the bill. It's worth asking, then, what is so controversial about Bill 31?

Bill 31 is a key component of the Province's new Five Year Workplace Injury and Illness Prevention Plan, a plan announced in April as Manitobans marked the 2013 National Day of Mourning for workers killed or injured on the job. The plan set an ambitious goal of "making Manitoba the safest place to work in North America."

The bill is not a radical rewrite of workplace health and safety rules in Manitoba. It was

largely based on consensus recommendations from the Minister's Advisory Council on Workplace Safety and Health, a body made up of employer, labour and technical representatives. The bill focussed on strengthening three areas: workers' fundamental health and safety rights, tools for enforcing safety rules, and transparency and accountability in our workplace safety and health system.

Strengthening Workplace Health and Safety Rights

Workers who receive safety training through government courses are taught that they have four fundamental rights: (1) the right to know about hazards in the workplace; (2) the right to participate in identifying, assessing and eliminating workplace hazards; (3) the right to refuse unsafe work; and (4) the right to exercise these rights without punishment. However, not all of these rights were specifically mentioned in the Workplace Safety and Health Act. Bill 31 entrenches all four rights at the beginning of the Act.

The bill also:

- makes the right to know more meaningful for workers in workplaces with fewer than 5 employees by granting these workers the same safety information rights currently granted in larger workplaces.
- improves the right to participate in smaller workplaces, by requiring worker elected Health and Safety Representatives in more workplaces, including those with 5-9 employees. This change apparently was too much "red tape" for the Official Opposition, which moved an amendment to exclude these workplaces.

309-323 Portage Avenue

Winnipeg, MB R3B 2C1

204-927-3207

lynne@policyalternatives.ca

www.policyalternatives.ca

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- Other improvements in the right to participate included: a change in how employers respond to Joint Committee recommendations so as to prevent employers from systematically blocking worker recommendations; clarification of rules to ensure workers are fully compensated for time spent working on official committee business; prohibiting an employer from reassigning work that has been refused as unsafe to another worker until the process for investigating the safety concern has been completed; and, a guarantee that when provincial Health and Safety Officers rule against an unsafe work refusal, they will explain in writing why they deem the work to be safe.

More Effective Enforcement Tools

The second focus of Bill 31 is improving the effectiveness of enforcement tools available to provincial Health and Safety Officers who inspect workplaces to ensure employers are in compliance with the Act and regulations. Improvements include:

- Tightening up the provision in the Act which enables the Province to impose administrative penalties up to \$5,000 on employers that fail to take corrective action when found in violation of the Act or regulations. The Manitoba Federation of Labour has raised serious concerns about the fact that employers in violation currently get at least one, and in many cases several warnings before any penalties are imposed. Bill 31 partially addresses this problem by enabling automatic penalties without warnings for high risk violations that pose “imminent risk of serious physical or health injury to a worker.”
- Enabling penalties for employers that punish workers for exercising their health and safety rights. Bill 31 empowers Safety and Health Officers to impose a stop work order on all of an employer’s worksites if there is reason to believe the imminent risk is likely present at the other worksites. Previously the Act only allowed for on-the-spot stoppages, even though the employers could be carrying on similar activities on other sites. This change was opposed by the Official Opposition, which moved an obviously unworkable amendment that would have required the Safety and Health Officer to obtain a second opinion from another Officer before issuing a stop work order on multiple sites. Fortunately, it was defeated.

- Finally, Bill 31 streamlines the application of administrative penalties by transferring the final authority to impose them from the Deputy Minister to the Executive Director of the Workplace Safety and Health Branch. Hopefully, streamlining this process will make administrative penalties a more commonly used enforcement tool.

Transparency and Accountability

It is only in the areas of transparency and accountability where Bill 31 breaks new ground for Manitoba:

- Workers and their parents should have access to information about the health and safety records of employers. Bill 31 legally empowers the province to make more such information public.
- Bill 31 also improves accountability in workplace safety and health by entrenching the office of the Chief Prevention Officer (CPO) in the Act and providing the CPO with a legislated mandate to provide independent advice about workplace illness and injury prevention. The CPO will now be legally required to produce public annual reports on the state of health and safety in Manitoba workplaces.

Bill 31 – important, but no radical changes

Bill 31 is not a radical piece of legislation. The rights it strengthens have been recognized as fundamental to our workplace safety and health system for many years.

The fact that Bill 31 became a partisan, contested issue in the Manitoba legislature shows us that Manitoba has a ways to go in making workplace safety and health a “motherhood,” consensus issue.

Jean-Guy Bourgeois is responsible for Workplace Safety and Health issues at the Manitoba Federation of Labour.

Kevin Rebeck is the elected President of the Manitoba Federation of Labour, representing more than 96,000 workers across Manitoba.

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