

## 8. Health and Safety/Workers' Compensation

The occupational health and safety and workers' compensation systems have not provided proper protection for workers because pieces are missing from the equations. Pieces that labour has long fought to see implemented.

Since 1995, the situation has been made worse by attacks on both the legislated rights and protections, as well as on those institutions established to protect, educate or provide prevention or compensation related services to workers.

- Many have had their budgets cut or eliminated altogether;
- The Ministry of Labour's (MOL) budget went down by 46 percent;
- Inspectors are being told by their managers to do investigations over the phone, and
- The MOL occupational health laboratory has been privatized.

Meanwhile, downsizing and the inclusion of fees for service have created barriers for workers and families in accessing information, transcripts, files, etc.

In workers' compensation, the government has privatized the ability assessment, new vocation determinations and retraining of injured workers, leaving these workers to the mercy of private companies. Just as in Walkerton, the government abdicated its responsibility to protect the vulnerable.

The government has mastered the art of public relations, putting on a happy face while attacking and eroding the rights of workers. It expanded the programs, rewarding employers for hiding accidents and injuries. While some injury statistics go down, we know that many more of our members are working in pain. We also see more and more workers abandoning claims made to the Workplace Safety and Insurance Board (WSIB)<sup>1</sup> from 7 percent of claims filed in 1988 to 17.5 percent in 2001.

An average of 260 workplace deaths are recognized each year. Death by occupational disease continues to increase and is now approaching 60 percent of allowed fatal claims. Approximately 6,000 more workers die of occupational disease each year. They are not part of any official count. This does not include illness in family members affected by workplace substances brought home from the workplace.

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<sup>1</sup> The Workplace Safety and Insurance Board was formerly the Workers' Compensation Board. The WSIB is 100 percent funded by assessments on employer payrolls, not by tax dollars.

In addition to the human costs, unrecognized occupational diseases place a huge burden on our health care system.<sup>2</sup> Physicians have little training on the issue of occupational causes of illness and the current system actually encourages physicians not to report suspected occupationally-related illnesses.

Stress in the workplace is also getting worse whether it be from working faster and longer or from sexual, racial, homophobic or other types of harassment, thus creating a toxic work environment that is no less harmful to the bodies of workers than one filled with hazardous chemicals.

Young workers are especially vulnerable as they have little life experience to fall back on in determining if a situation is a hazard (what most adults refer to as common sense).

As bad as things are for many workers in Ontario, there are others who have it much worse. Thousands of workers are not covered by any health and safety or workers' compensation legislation.

Health and safety at work is a human right. Workers and their families have a right to expect that life, limb and health will not be sacrificed for a job. If workers are disabled, it is a matter of social justice that adequate compensation and job protection be provided.

In the 21<sup>st</sup> century, we have the ability to stop killing our sons and daughters and to stop making them sick. To make this a reality will take real prevention efforts not public relations. It will require political will, public support and political accountability.

### ***Recommendations for A People's Charter:***

*In the area of prevention, the government must:*

- ***Implement the regulatory and enforcement strategy laid out in "Labour's Program for an Effective Enforcement System".<sup>3</sup>***
- ***Restore onsite investigations by Ministry inspectors.***

<sup>2</sup> The treatment costs of occupationally-related illnesses are paid for by the WSIB. All others are paid from tax dollars.

<sup>3</sup> Passed as part of labour's health, safety and compensation policy by the delegates at the 1997 Ontario Federation of Labour Convention, the program addresses ergonomics, violence, worker rights and covers enforcement strategies.

- ***Provide sustainable funding to those agencies that enforce, educate or provide resources and services to workers in the area of prevention and compensation.***
- ***Adopt the Precautionary Principle when regulating new chemicals.***
- ***Establish health-based exposure limits for chemical and physical agents with zero exposure to carcinogens and those that have reproductive effects.***
- ***Require mandatory substitution for those chemicals that have a less toxic alternative.***
- ***Require mandatory coroner inquests for all workplace deaths.***
- ***Establish mandatory training for employers/managers on their responsibilities under the Occupational Health and Safety Act.***
- ***Provide specific legislated training requirements for new or young workers.***
- ***Legislate working alone, violence and harassment protection.***
- ***Provide legal rights to protective reassignment for pregnant or nursing women.***
- ***Bring agricultural workers under the Health and Safety Act including migrant and seasonal workers.***

*In the area of compensation, the government must:*

- ***Establish the Workers' Compensation Bill of Rights.<sup>4</sup>***
- ***Extend coverage to all industry sectors.***
- ***Provide secondary victims' benefits.***
- ***Provide survivor benefits for families when no dependants exist.***
- ***Introduce Universal Disability Insurance (UDI).***

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<sup>4</sup> See footnote 3.

- ***Provide protective reassignment for workers with early symptoms of occupational health effects, ie. Hand-Arm Vibration Syndrome (HAVs) and chemical sensitization.***
- ***Ensure Ontario's workers' compensation system is employer funded but publicly controlled and administered.***
- ***independent institution dedicated to the investigation and research into occupational disease.***

*Issues that impact both areas include establishing:*

- ***A Royal Commission into occupational disease.***
- ***Government based occupational disease/cancer database (including parental occupational information for childhood cancers, birth defects), along with an independent institution dedicated to the investigation and research into occupational disease.***
- ***Multi-language accessibility as well as no cost access to government transcripts or information.***
- ***Physician education of occupational disease and administrative changes to encourage reporting of suspected occupational illness.***

We have a right to safe and healthy workplaces and to expect that the government will do its job and properly enforce the law. Death and disablement should not be the sacrifice that workers make to earn a living.