

SUBMISSION
BY THE
ONTARIO FEDERATION OF LABOUR
ON THE
MINISTRY OF LABOUR
PROPOSAL
FOR A
CODE OF PRACTICE
FOR
SAFEGUARDING OF MACHINERY

March 2004

INTRODUCTION

The Ontario Federation of Labour (OFL) is the central labour organization in the province of Ontario. It has an affiliated union membership of over 650,000 members from all regions of the province. With most unions in Ontario affiliated, membership includes nearly every job category and occupation.

On January 29, we met with representatives of the Ministry to discuss the proposed code of practice. We raised our grave concerns regarding the proposed regulatory revision dealing with machine guarding in the Regulations for Industrial Establishments. We felt that this revision and the accompanying code of practice would create a loophole that would result in less protection for our members, with injury and loss of limbs as a consequence. We then put these and other concerns in a letter to Dr. Ed McCloskey, Director Occupational Health and Safety Branch (attached).

COMMENTS

The amendment to Ontario's Occupational Health and Safety Act which allows the Ministry to utilize a code of practice in place of a regulation stems from the previous conservative government's ideology to restructure the face of government. Its Common Sense Revolution document and the Red Tape Review Commission was very clear in its intent to get rid of shelves full of rules and regulations that were seen as an impediment to economic growth and competition.

It was also very clear in its intention of "changing the regulatory culture of government." It stated that, "the system of regulations is being abused by overloading with unnecessary detail and measures that can be dealt with in other ways." They also wanted, "increased flexibility in meeting standards contained in the legislation."

These "other ways" include moving Ontario's strict prescriptive regulations to performance based requirements. While there may be a place for performance based requirements for complex occupational health and safety issues such as violence, harassment and ergonomics, machine guarding needs prescriptive requirements.

We fully understand what "increased flexibility" with machine guarding means for workers. It means loss of limbs and loss of life.

We fear it will be Ontario's young workers who will bear the brunt of this watered down "flexible" machine guarding requirement. Ontario families do not need another David Ellis or Jared Dietrich to demonstrate the importance of having strong machine guarding requirements strictly enforced by the Ministry.

Those interested in weakening Ontario's occupational health and safety regulations should spend some time contemplating the potential impact of this decision in front of the LifeQuilt.

The Ontario Federation of Labour does not support a code of practice for safeguarding of machinery. If employers think that the current regulations pose a problem, they have the opportunity to discuss their issues at the new Minister's Action Group. We, of course, will have the opportunity to raise our issues as discussed in this document.

We do not understand why this new liberal government is intent on continuing down the same road as the previous conservative government.

It is our opinion that the Ministry should not be working to reduce protections for Ontario workers and for young workers, in particular. The Ministry should be working on changing its policies that allow workers to exercise their right to refuse in potentially violent situations or provide real protection from employer reprisals or regulatory changes such as:

- ? regulations which address the hazards which lead to repetitive strain injuries and other musculoskeletal injuries and
- ? regulations for protection from violence in the workplace.

The Ministry should also be playing a stronger role in enforcing the legislation that exists. Ontario's labour movement has a strategy for better enforcement. It is called "Labour's Program for an Effective Enforcement System" (attached).

We are of the opinion that the Ministry really needs to rethink its priorities.

Respectfully submitted by,

THE ONTARIO FEDERATION OF LABOUR

