

Health & Safety Committee News

Summer Edition 2005

Please share with the Safety Committee

The Right to Refuse Unsafe Work

Our new posters and brochures, entitled Right to Refuse, were sent out recently for you to share with members in your workplace. Please display the poster on your Health & Safety bulletin board.

Workers have three rights under the Occupational Health & Safety Act (OHSA): The Right to Know, The Right to Participate and The Right to Refuse Unsafe Work.

Section 43 (OHSA) is the legislation that applies to the right to refuse. Police, fire fighters, health care providers and some other workers, have a limited right to refuse, in which case the Act lays out the procedure to be followed.

All workplace parties should have a good understanding of the legislation so that when a worker does refuse, each party understands their duty under the Act.

Why we must protect ourselves

One hour into his second day of summer employment, Lewis Wheelan suffered severe injuries when live wires electrocuted him and ignited his body.

Lewis lost both legs, his right arm, and finger on one hand and suffered burns to 60 per cent of his body.

The worker who cut the tree, which fell on the energized power line carrying 7,200 volts of electricity, faced five charges under the OHSA. He was held accountable despite the fact that his lawyer argued it was the employer's responsibility to provide a safe workplace. The worker did not refuse to perform an unsafe job – one that he should have known was unsafe – because of his experience. He did not do everything that a reasonable person would have done to prevent the accident.

A judge from the Ontario Court of Justice, who heard the Lewis Wheelan case through October and November of 2004, stated: "If employers are not going to protect workers then the workers must protect themselves and each other."

This makes it not only a right, but an **obligation**, to Refuse Unsafe Work.



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The Manufacturing Action Group

Cam Sherk from UFCW National is a member of the Manufacturing Action Group, which Minister of Labour Chris Bentley put into place. The group's mandate is to:

- Identify best practices and work to make them more widely available;
- Determine where there are gaps in policy, program and enforcement mechanisms and then locate the necessary expertise to identify solutions; and
- Help develop a coordinated health and safety strategy through training, education, regulation and enforcement.

Presently, Ontario has no Ergonomic Regulations even though soft tissue injuries are the injuries most frequently reported to the WSIB. We hope that this group's findings will result in Ergonomic Regulations. The group's last meeting will be in August 2005.

Occupational Exposure Limits (OEL)

Revisions to the OEL are now online at www.gov.on.ca/LAB/english/hs/oels/05_oels.html. The revisions have effective dates over the next year. Ministry of Labour (MOL) inspectors, during their workplace visits, will suggest that employers substitute less toxic substances for what is presently used in the workplace. Expect to see more changes in the future.

Ticketing by MOL Inspectors

Construction and Mining sectors have had ticketing for a few years. It is only this year that the practice has moved into the Industrial Sector. Inspectors can now issue a ticket for 81 workplace safety violations.

The tickets are aimed at high-risk activities or activities with a high incidence of critical injuries. These tickets carry fines, which include court costs of \$200 to \$300. Money collected from fines goes into the municipality in which the offence took place. In addition, there is a victim fine surcharge, which goes into the provincial Victim's Justice Fund.

Merck Manual

This manual is an excellent resource for medical information. It is easy to understand and can be accessed online at: www.merck.com/mrkshared/mmanual/sections.jsp.

Confined Space Revisions

Draft revisions for Confined Space regulations are now under review. These revisions could become law within the next six months and we will keep you up to date on any progress.

Injured Workers

On June 1, 2005 – Injured Workers Day – Chris Bentley announced that changes will happen for injured workers. "The injured workers of this province must be treated with fairness, dignity and respect," Bentley told injured workers at the Ontario legislature. "Today's announcement by the Workplace Safety and Insurance Board is an important step. It will put more money into thousands of injured workers' pockets. More must be done, however, and I have set a firm deadline of September 30, 2005, for the WSIB to report on its ongoing reforms in key areas – which I expect to see implemented soon after."

The WSIB announcement to which Bentley refers is that the WSIB is changing the way it factor Canada Pension Plan (CPP) payments into its own benefit calculation for disabled workers. The measure, retroactive to January 1, 2004, will result in extra money for more than 3,000 injured workers and their survivors. For more information visit www.wsib.on.ca.