



April 16, 2020

Honourable Jason Copping
Minister of Labour and Immigration
107 Legislature Building
10800 - 97 Avenue NW
Edmonton, AB T5K 2B6
labour.minister@gov.ab.ca

RE: Re-evaluation of “essential services” list and greater oversight and enforcement at worksites deemed essential by government

Dear Minister Copping:

In light of news that a significant and potentially growing number of workers have tested positive for COVID-19 at Imperial Oil’s Kearl Lake project and at least one major meat-packing plant (Cargill in High River), I am writing to urgently request that your government reconsider which worksites are truly essential and which could be temporarily closed to help stop the spread of the coronavirus.

We are also asking that your government stop letting companies essentially regulate themselves when it comes to compliance with public health directives issued by the Chief Medical Officer of Health. Specifically, we think the government needs to beef up its inspection and enforcement efforts – with escalating fines and worksite closures for non-compliance.

The safety of workers deemed essential by the provincial government is becoming an increasing serious concern for us as our province enters into the second month of its COVID-19 lockdown.

We have consulted with infectious disease specialists and occupational health specialists. They’ve told us that, without major physical and procedural modifications at worksites, it would be very difficult to stop the spread of the virus in meat-packing plants, where hundreds of people work in close proximity for hours at a time. They say the same is true for industrial construction worksites and especially for industrial workcamps.

For example, they tell us that adequate hand washing is a problem on construction sites, as is physical distancing and lack of access to personal protective equipment (i.e., masks). Physical distancing is also a problem on the planes that bring workers to and from places like Fort McMurray and on the buses that bring workers to and from industrial worksites. Physical distancing is also a problem when hundreds of workers funnel through gates to punch in and out of work. In industrial construction, the biggest concern remains the workcamps, where people sleep in small, tightly-packed rooms and eat in large, communal cafeterias.

We acknowledge and applaud the efforts many employers have made to address these challenges, especially in industrial construction. But we're not convinced enough is being done to keep workers and the public safe in all sectors, in all workplaces and at all times. We're also not convinced that all employers are following all directives from public health authorities. From our perspective, it's not a question of if there will be more infections, but when and how many. Even though most oil sands employers have done notably more than employers in other sectors, the bar must be higher for them, because the stakes are higher. Given that all oil sands workers have the potential to become "super-spreaders" as they fly back to their home communities across the country, we think the time has come to reassess and re-think our current rules and protocols.

With that in mind – and as I suggested at the start of this letter – we are urging your government to do two things.

First, your government needs to re-visit and re-evaluate the list of sectors and worksites that have been deemed essential. Is a project to build a new restaurant in a mall really "essential" at this time? Are projects to expand oil sands production really essential at this moment, or just those to keep existing plants operating and reservoirs stable? We think it's time to start making distinctions between construction worksites, as they have done in Ontario, rather than giving a blanket exemption to the entire sector.

Given the rapidly changing nature of the situation, this kind of reassessment of what truly constitutes an "essential workplace" should be done on a regular basis (perhaps every second week). This would help keep workers and the public safe now; it would also be useful when the time comes to re-open the economy in stages later. We also think part of this conversation should focus on fly-in and fly-out work. Specifically, we need to ask the question: why are we using fly-in workers from out of province, given those workers could become "super-spreaders", when there are people in Alberta who could do the work and who could drive to Fort McMurray instead of flying?

Second, we urge you to replace your government's current approach to compliance, which largely relies on employer self-regulation, with an approach that focuses on aggressive inspection and enforcement. Employers, in all sectors, who are not following the rules need to be identified and they need to be fined or even shut down.

I have to admit that I'm writing this letter with a growing sense of frustration. I wrote to you on March 23 (three and a half weeks ago) to point out that many employers are clearly not following directives from public health authorities. I asked what you and your department planned to do about it. To date, I have not received a reply.

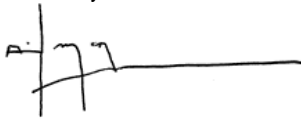
That leads me to my final point. Alberta's workplace health and safety laws are built around three core rights: the rights to know; the right to participate and the right to refuse. What this means is that, at least on paper, working Albertans have the right to know about hazards in their workplaces; they have the right to participate in the creation of procedures to eliminate or mitigate those hazards; and they have the right to refuse to work when hazards continue to exist. Today, I'm calling on you to respect these rights, and defend worker and public health and safety, by promising to re-valuate the list of essential services and to commit to a more aggressive regime of inspection and enforcement.

Sadly, your government has seriously undermined the right to participate by eliminating the requirement for joint worker-management health and safety committees on all worksites.

These committees could have helped us develop more effective work-site specific protocols to address the COVID-19 crisis. You've already told me that your government won't consider re-instating these committees, so, in their absence, I urge you to meet with our AFL Construction during COVID-19 Working Group and with affiliated unions representing Albertans working in other industries deemed essential, so we can discuss the two issues I've raised (re-assessing the list of what's essential; and beefing-up enforcement and inspection to defend worker and public health and safety).

I look forward to your response and opportunities to engage constructively with your government on these important concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gil McGowan', with a long horizontal line extending to the right.

Gil McGowan
President
Alberta Federation of Labour

Cc: Christina Gray, MLA, Alberta NDP Critic for Labour and Immigration
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