May 12, 2020

Honourable Jason Copping
Minister of Labour and Immigration
423 Legislature Building
Edmonton, AB T5K 2B6
labour.minister@gov.ab.ca

Dear Minister Copping,

I am writing to express grave concerns about the Ministerial Order you issued on May 3, 2020 (MO-2020-21).

In it, you use the emergency powers granted to you as Labour Minister under the Public Health Act to make unilateral changes to the Occupational Health and Safety Code.

Specifically, your Ministerial Order makes it permissible for employers to use a wider range of respirators in Alberta workplaces.

There are reasons why the unamended Code gives approval only to respirators that meet standards set out by the National Institute for Occupational Safety and Health (NIOSH). Those reasons include transparency, confidence and scientific rigor.

There is no evidence that the respirators that you have approved provide adequate protection for workers, either in regular day-to-day use or, most importantly, in the context of the COVID-19 pandemic.

When it comes to occupational health and safety legislation, best practice has always been that changes to the rules should only be made after proper consultation and rigorous (and transparent) consideration of the evidence.

None of that was done in this case. To put it bluntly, you need to show your work. Working Albertans should not be asked to simply and meekly accept a plea from your Ministry to “trust us”. When the use of substandard PPE could literally result in death, that’s not acceptable.

We are also puzzled about the timing of your order and troubled by the process.

To the best of our knowledge, health care employers in the province are fully supplied with respirators that meet the old standards; and they are not worried about shortages. So, if these changes are not for our health care system, who are they for? What need are you trying to meet and what constituency or employer group are you responding to?
We’re very worried that our province will become flooded with these potentially sub-standard respirators, and that they will end up being used in a myriad of private-sector work settings (everything from construction and meatpacking to manufacturing and warehousing). If this turns out to be the case, we feel you have a responsibility to share with Albertans all the evidence that you used to determine that these respirators are, in fact, safe – especially in the context of COVID-19.

We understand that we are in the midst of a public health emergency and that your government has given itself special powers to deal with that emergency. However, that doesn’t mean you should abandon best practices in health and safety, which include transparency, consultation and a reliance on evidence-based decision making. What if these respirators fail and make the pandemic worse? What if you use this Order as a precedent to make other changes to the Code that weaken, rather than strengthen, workplace health and safety protections as Albertans go back to work?

With all of that in mind, we demand three things. First, we demand to see the evidence you used to make the changes outlined in your Order. Second, we demand that the Order be suspended until that evidence is shared with the public and working Albertans can be reassured that these masks are, in fact, safe. And, finally, we demand a meeting with you to discuss this issue at greater length. We frame this last request as a demand only because other recent requests for meetings with you have gone unanswered.

I look forward to your reply.

Sincerely,

Gil McGowan
President
Alberta Federation of Labour

c: Christina Gray, MLA
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