



Keeping Albertans Safe We Can Do Better!

Alberta does **NOT** have to be the Most Dangerous Place in Canada to be a worker: **A 10-Point Plan for Safe Workplaces in Alberta**

Alberta is still the most dangerous place in Canada to be a worker. We consistently post the highest number of workplace fatalities, while at the same time we have some of the most lax health and safety policies in the country.

Practical solutions are at our fingertips. Most of the AFL 10-point plan is taken from practices in the rest of Canada – they have proven to work in other places, and they can work here.

When the economy slowed, Alberta saw a small drop in workplace fatalities – though our fatality rates remained among the highest in the country.

If we do not take action on workplace health and safety now, we will continue to be the most dangerous place in Canada to be a worker.

The time to act is now!



1. Mandatory joint worker-employer health and safety committees
2. Administrative fines for employers who break health and safety rules
3. More health and safety inspectors doing more inspections
4. More resources for charges and prosecutions
5. Posting workplace safety records online – for real this time
6. Working Alone
7. Protection for workers who blow the whistle on unsafe workplaces
8. Changes at the WCB
9. Safety Certificates of Recognition should only go to safe workplaces
10. Include farm workers in occupational health and safety and employment standards codes

Learn more about the plan inside...



1 Mandatory joint worker-employer health and safety committees

Joint health and safety committees for workers and employers should be mandatory. Joint committees provide a forum for concerns, a structure for decision-making, and keep employers and workers talking about common ground and practical solutions to health and safety issues.

Alberta is the only province in Canada without mandatory joint health and safety committees.

2 Administrative fines for employers who break health and safety rules

Occupational health and safety (OH&S) inspectors should be able to issue on-site tickets for safety violations during proactive inspections. It should be employers that are fined for safety violations, not workers.

On-site fines are a proactive way to make sure health and safety rules are being followed. Right now, we wait until something goes horribly wrong before laying charges for violations. Fines for worksites that don't measure up during spot inspections are a proven way to address problems *before* they become worker injuries or even deaths.

Alberta must also make greater use of stop-work and/or stop-use orders. Occupational health and safety inspectors need the green light to use these tools more aggressively, as they are a proactive way to address workplace hazards before they cause injury or death.

3 More health and safety inspectors doing more inspections

Alberta's occupational health and safety system has not kept pace with the economy. We need more inspectors conducting more inspections, particularly in the most dangerous industry sectors – construction, oil and gas, manufacturing, and transportation.

ALBERTA'S HEALTH AND SAFETY RECORD

In 2008, there were 8.91 deaths per 100,000 workers in Alberta. The national average was 7.14 deaths per 100,000 workers.

Alberta is the least likely province to penalize workplace safety offenders.

There were 110 occupational deaths in Alberta in 2009.

ADMINISTRATIVE FINES IN OTHER PROVINCES

Five other provinces (B.C., Manitoba, Ontario, Quebec and Nova Scotia) issue fines to employers who maintain unsafe worksites.

NUMBER OF INSPECTORS AND INSPECTION RESOURCES

In 1991, the government of Alberta spent \$11.14 per worker on health and safety programs.

In 2009, we spent \$10.13 per worker.

The government of Alberta employs only 1.4 health and safety inspectors per 10,000 workers.

The national average is 2.08.

4 More resources for charges and prosecutions

Alberta's 2006-2009 prosecution rate for on-the-job deaths was 2.8%. Of the 142 people who lost their lives while at work, the province prosecuted less than 3% of the employers involved. Alberta laid charges in only 15% of on-the-job fatalities during the same period.

When Alberta actually does lay charges, it takes 2 to 3 years to lay a charge. A successful prosecution takes 3 to 4 years. That is far too long for the families left behind after a workplace fatality.

The government has been criticized in the media and the legal community for "cherry-picking" prosecutions — devoting minimal resources to only the most blatant and "winnable" cases, failing to give Crown Prosecutors enough resources to go after more complex cases.

In Ontario, the Crown considers criminal charges when circumstances are serious enough. Under the federal government's *Westray Act* — brought in after the *Westray* mining disaster in Nova Scotia — employers can be held criminally responsible for failing to uphold health and safety laws. Alberta should follow Ontario's lead and encourage Crown prosecutors to use the *Westray Act* if appropriate.

5 Posting workplace safety records online – for real this time

The government's recent announcement that they will post employers' lost-time due to injury is a broken promise.

The Alberta government's initial promise — eight years ago — was to post safety records online. This means health and safety inspection reports, number of fatalities, and number and type of disabling injuries. Instead, lost-time claims are inaccessible statistics that mean little to average workers.

Lost-time claims show only a small fraction of workplace injuries.

Eighty-five per cent of Workers' Compensation Board reported accidents are not covered by this number.

Lost-time claims are not a measure of how safe an employer is; they are a measure of how well the WCB manages injuries after an accident has happened.

Albertans deserve real accountability on workplace health and safety. Inspection reports should be posted in their entirety. Incidents of stop-use and stop-work orders should be posted. These are a straightforward way to show how well an employer complies with the OH&S Code.

6 Working Alone

Alberta needs rules to minimize the risks of working alone. Manitoba, Ontario, and British Columbia have these kinds of rules. Working-alone laws require the employer to explain the hazards of working alone and allow workers to refuse to work alone if they feel their health and safety is at substantial risk. Government should have the power to classify certain types of work as "high hazard" and order that this work not be performed alone at anytime. Working-alone laws should also require employers to have some kind of emergency call-out system in place for those working alone.

7 Protection for workers who blow the whistle on unsafe workplaces

Alberta needs to review the practice of safety bonuses, as they act as a disincentive to reporting unsafe work sites or equipment. Safety bonuses can have the unintended consequence of silencing workers — the people who know best about safety hazards on the job.

Alberta should enshrine whistleblower protection in the Occupational Health and Safety Code and Employment Standards. We should also implement a hotline for reports of unsafe worksites.



ALBERTA FAILING TO CHARGE AND PROSECUTE WORKPLACE INJURIES AND FATALITIES

Between 2006-2009, there were 142 fatalities directly on worksites, but only 4 convictions for fatalities that occurred since 2006. That's a 2.8% conviction rate for worksite fatalities. If we add the 17 charges that are pending, Alberta prosecutes at a rate of 14.8%. What about the 120 other workers who have lost their lives on worksites since 2006?

There are 31 cases where charges have been laid for serious breaches of the Occupational Health and Safety Code (resulting in injury or death), but nothing has been done about them yet.

All active charges, except 1 from 2010, are from 2008 stretching back to 2006.



MORE AND MORE ALBERTANS WORK IN DANGEROUS INDUSTRIES

As Alberta's economy has become more dependent on oil and gas, and oil-sands-related construction activity, our workplaces have changed.

In 1991, 15% (341,000 workers) of the Alberta workforce worked in the top 4 most dangerous industries.

In 2009, 22% (620,000 workers) of Albertans worked in the most dangerous industries.



8 Changes at the WCB

End bonuses for WCB workers who deny claims

Alberta is the only province in Canada that pays WCB workers to deny claims. Our WCB pays bonuses - averaging \$5,600 a year - to staff members who help the board meet its “corporate goals,” reducing premiums for employers and their obligations to injured workers.

These bonuses reflect seriously confused priorities at the WCB. The Worker’s Compensation Board is supposed to be there for injured workers, not to embroil those who have been injured on the job in endless appeals and paperwork just to frustrate claims.

The WCB system must be reformed – by ending bonuses for employees who deny claims, devoting resources to a fair process for injured workers, and by making sure employer premiums are sufficient to cover the cost of claims.

Raise WCB premiums in the most dangerous industries closer to the national average

Alberta has more people working in dangerous occupations than anywhere else in Canada. Alberta workers are three times more likely to be employed in a dangerous occupation.

But our province charges far lower WCB premiums than in the rest of Canada, especially in the most dangerous industries. For example, industrial construction companies in Alberta pay just \$2.04/\$100 payroll hour; in the rest of Canada industrial construction companies pay more than double that, at \$4.30/\$100 payroll hour.

The most dangerous industries need to contribute a reasonable amount to the WCB system. Without reasonable contribution levels, injured workers cannot be assured that support will be there when they need it.

9 Safety Certificates of Recognition should only go to safe workplaces

In early 2010, Alberta’s Auditor General found serious abuses in the Certificates of Recognition (CoR) system. Many companies, particularly in construction, require a valid CoR to bid on large projects. But the Auditor General found that many companies that persistently violated health and safety laws still held a CoR, received WCB premium rebates, and were allowed to bid on major construction projects.

The CoR system depends on accurate and timely inspections, proper resources for OH&S inspectors and auditors, and sufficient follow-up if violations are found. Given that Alberta’s health and safety system is underfunded, based on “collaboration” with industry, and does little to prosecute those who violate the code, the CoR system is ripe for abuse.

A Certificate of Recognition is a privilege and reflects a company’s commitment to health and safety. They must be reviewed on a regular basis. Their granting and review should be arm’s length from industry, and the Alberta Ministry of Employment and Immigration needs to ensure the CoR audits are verified and accurate.

10 Include farm workers in occupational health and safety and employment standards codes

These days, much of the business of farming is done by large commercial operations that employ staff just like any other company. Family farms are far less likely to employ external workers.

But Alberta is the only province where farm workers are not covered under occupational health and safety or employment standards codes. Alberta is the only place in Canada where farm workers don’t have the same rights as everyone else – the right to refuse unsafe work, the right to Workers’ Compensation benefits if injured on the job, or even the right to overtime pay.

