



**Making it Home Safely  
from Work**

**May 25, 2011**

**A Report Card on  
Manitoba Political Parties**

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# Making it Home Safely from Work

## A Report Card on Manitoba Political Parties

Every year, more than 1,000 Canadians die as a result of their work. Last year in Manitoba, 29 workers died as a result of a serious incident or occupational disease. Another 15,000 Manitobans suffered a workplace injury serious enough to miss work.

Behind these statistics are countless working families that have been scarred by workplace injuries and fatalities. There is a young woman who won't get to fulfill her dream of becoming an architect. There are children who will grow up without their father. There are seniors facing retirement without their husband.

These tragedies don't have to happen. We can take action to make our workplaces safe and healthy. With the right policies and investments, we can ensure workers make it home from work healthy and in one piece, every day.

On October 4, 2011, Manitobans will go to the polls to choose their provincial government. When they vote, Manitoba's working families deserve to know where the political parties stand on the policies that keep their loved ones safe and healthy at work.

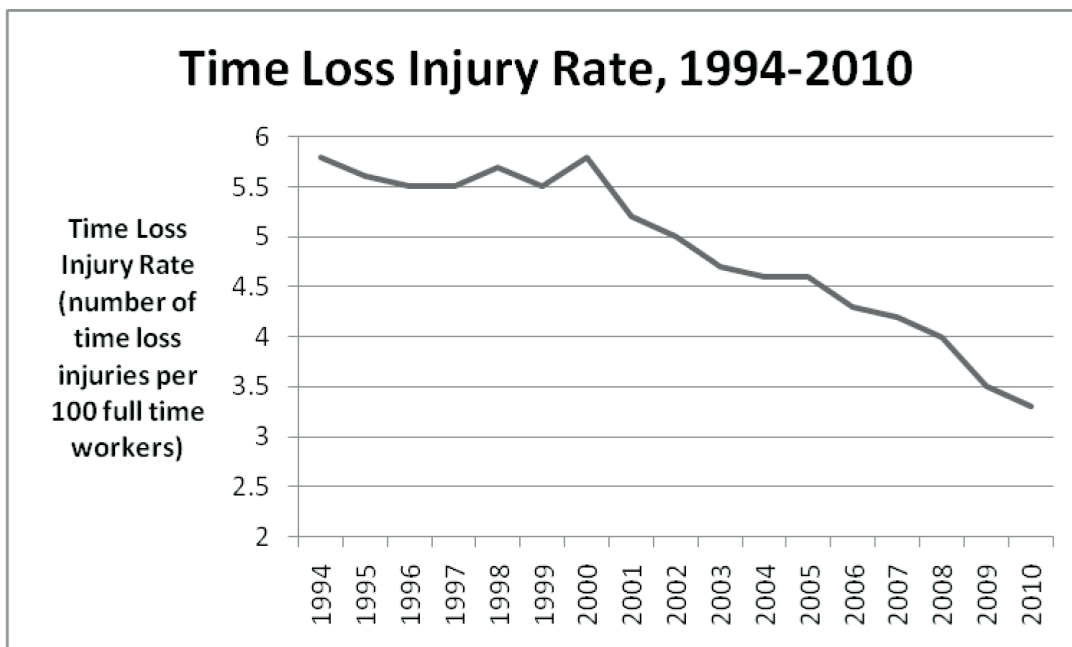
Making it Home Safely from Work is a report card that shows where Manitoba's political parties stand on workplace health and safety. In preparing this report card, we have found major differences among Manitoba's political parties on this critical issue. There are real choices to be made for working families.

We hope this report card helps working families make their choices. We also hope it encourages all political parties to take workplace health and safety as seriously as it deserves to be taken. It is, after all, a matter of life and death.

### Where is Manitoba today on workplace health and safety?

Far too many Manitobans continue to be injured or killed on the job. In 2010, 15 Manitobans died in a serious incident at work, and another 14 died of occupational disease.

There is, however, some good news. The workplace injury rate has been falling for a decade. The time loss injury rate is a measure of how often workers sustain injuries serious enough to require time off work. After a decade where that injury rate remained stubbornly high (in the range of 5-6 injuries per 100 workers), the rate has been on a downward trend since 2000, falling by more than 40% to 3.3 injuries per 100 workers in 2010.



This positive trend coincides with a period of significant change in provincial policy on workplace health and safety. A comprehensive overhaul of the Workplace Safety and Health Act was passed in 2002. The regulations under that Act were reviewed and modernized in 2006. Significant new resources were invested in enforcement and prevention over this period.



# What needs to be done to make Manitoba Workplaces Healthy and Safe?

While Manitoba is headed in the right direction, there is much more to be done to ensure the safety of Manitobans at work. Further progress requires the following steps:

## **Even more resources for enforcement**

Increased resources for the Workplace Safety and Health Division have allowed for more health and safety officers to be hired and for more workplace inspections to be performed. These increases have produced major improvements in health and safety. However, even with these increases, only 1 in 4 Manitoba workplaces is inspected by a health and safety officer each year. More officers and more inspections are needed to continue the progress.

## **Levying the increased fines and penalties**

Fines and penalties for employers that fail to keep workers safe have been increased. This creates an important incentive for employers to take their health and safety responsibilities seriously. That incentive will be strengthened if employers see the new fine levels being applied to more employers who have failed to live up to their responsibilities.

## **Criminal Prosecutions – “Kill a Worker, Go to Jail”**

With the passage of Bill C-45 (the “Westray Bill”) in 2003, employers can be charged under the Criminal Code of Canada if they are responsible for a workplace fatality. This is another important incentive for employers to take their workplace health and safety responsibilities seriously. While there have been some criminal prosecutions for workplace tragedies in other provinces, no criminal charges have been laid in Manitoba. More resources should be devoted to criminal investigations and prosecutions. Investments in training and investigative capacity will increase the likelihood of successful criminal prosecutions where employers are responsible for workplace tragedies.

## **Expand Victims’ Services**

Over the past 20 years much attention has been devoted to services for the victims of crime. Similar attention needs to be devoted to the victims of workplace injuries and fatalities. Families and injured workers deserve timely access to information about their investigations and deserve help accessing support services to help them cope with their losses. Manitoba has recently announced a new position responsible for these services. While this is a positive development, the rights of families and injured workers need to be protected in law, just as they have been protected for victims of crime.

## **Crack down on employers that suppress injury reporting and claims (WCB “Claims Suppression”)**

The Workers Compensation system sets up numerous incentives for employers to suppress injury reports and claims. This deprives injured workers of compensation and undermines the ability to identify and address hazardous workplaces. More resources need to be devoted to enforcing the legal prohibition on claims suppression, to educating employers and workers of their rights and responsibilities under the WCB Act, and to reducing WCB incentives to engage in claims suppression.

# The Report Card - Methodology

## Grading Criteria

We have evaluated Manitoba's political parties on the basis of their actions and statements on key policies that protect the health and safety of Manitobans in the workplace. Specifically, the parties have been graded on the following criteria:

### Reducing Workplace Injuries:

- Reducing the time loss injury rate – a measure of how often workers sustain injuries serious enough to require time off work.

### Enforcement of the Workplace Health and Safety Rules:

- Increasing the number of enforcement inspectors in Manitoba workplaces;
- Increasing the number of workplace inspections;
- Increasing fines for employers that refuse to comply with workplace health and safety rules; and
- Increased resources for investigation and prosecution of employers responsible for workplace injuries and fatalities.

### Expanding Health and Safety Protections for Workers

- Ensuring that workplace health and safety regulations keep up with:
  - new hazards that arise from the introduction of new production processes, equipment and chemicals to the workplace;
  - the latest lessons that have been learned from reviews and investigations of workplace injuries and fatalities; and
  - the recognition of existing workplace hazards that have not previously been addressed (eg. psychological harassment)

### Prevention:

- Increasing awareness of health and safety rights among workers;
- Increasing awareness of health and safety responsibilities among employers; and
- Promoting a culture of workplace health and safety.

### Victims' Services:

- Providing resources to connect injured workers and their families with support services and to obtain information about the status of their investigations.

### Workers Compensation:

- Increasing the number of Manitoba workers covered by the Workers Compensation Board (WCB);
- Improving WCB benefits for sick and injured workers and their families;
- Cracking down on WCB "claims suppression," the practice where employers pressure sick or injured workers not to report workplace illnesses and injuries.

## The work on which the parties were evaluated

Political parties were evaluated on the basis of:

- Their statements on the public record;
- their votes in the legislature; and
- their records when in government.

## Grading System

The following grading system was used to award grades to the parties:

- A's** Demonstrated commitment to moving forward in most areas that protect the health and safety of workers
- B's** Demonstrated commitment to moving forward in some areas that protect the health and safety of workers
- C's** Committed to moving forward in some areas that protect the health and safety of workers, but opposed to some key policies that make workplaces safer and healthier
- D's** Demonstrated commitment to policies that make workplaces less safe in most areas
- F** Demonstrated commitment to making workplaces less safe in every area

# Making it Home Safely from Work REPORT CARD



A-

## Meeting Expectations:

Reducing the workplace injury rate	✓
More enforcement inspectors	✓
More workplace health and safety inspections	✓
Higher penalties/fines	✓
More resources for investigations & prosecutions	✓
New legal & regulatory protections for workers	✓
Investment in prevention	✓
Victims' Services	✓
Expanded WCB coverage for injured workers	✓
Improved WCB benefits for injured workers & their families	✓
Outlawing WCB claims suppression	✓

## Needs Improvement:

Criminal prosecutions	✗
Enforcement of ban on WCB claims suppression	✗

## Comments:

Greg and his party have made considerable effort in every area of workplace health and safety policy. These efforts have proven successful with an impressive 40% reduction in the workplace injury rate. It would be nice to see Greg work more on WCB claims suppression, but overall, if his efforts continue we expect continued progress in making Manitoba workplaces healthier and safer.

Summary document only - see full report card for further details

# New Democratic Party

## Meeting expectations in the following areas:

### Reduced injury rates

- Over the period the NDP has been in office, Manitoba's time loss injury rate has been reduced by more than 40%, meaning that over 10,000 more Manitoba workers are making it home after their shift without sustaining an injury serious enough to miss work.

### More enforcement inspectors in the workplace

- Since taking office in 1999, the NDP has doubled the number of workplace health and safety inspectors.

### More workplace health and safety inspections

- Since taking office, the NDP has more than quintupled the number of workplace health and safety inspections from 1,600/year in 1999 to over 10,000/year at present.

### Higher fines

- In 2002, the NDP government amended the Workplace Safety and Health Act to add new administrative penalties for employers that refuse to comply with workplace health and safety improvement orders.
- In 2010, the NDP increased maximum fines for employers convicted of breaking the Workplace Safety and Health Act, from \$150,000 to \$250,000 for first offences, and from \$300,000 to \$500,000 for repeat offences.

### Increased resources for investigations and prosecutions

- After taking office in 1999, the NDP government funded a dedicated crown prosecutor for workplace safety and health violations.

### Expanding health and safety protections for workers

- In 2002, the Workplace Safety and Health Act was amended to require health and safety programs in smaller workplaces, to better protect workers from workplace reprisals when they report safety concerns, and to clarify employer responsibility when contractors and sub-contractors are involved.
- In 2002, the Workplace Safety and Health Act was amended to require health and safety programs in smaller workplaces and to better protect workers from workplace reprisals when they report safety concerns.
- In 2006, regulations under the Workplace Safety and Health Act were modernized, adding new protections:
  - to protect pregnant and nursing workers;
  - to address violence in the workplace;
  - to reduce the risk of musculo-skeletal injuries;
  - to keep workers safe in particularly hazardous work environments (egs. work with asbestos, in confined spaces and in excavations).
- In 2011, the NDP government implemented new workplace safety and health regulations to protect workers from workplace harassment and bullying, and to implement recommendations from the inquest into the Steven Ewing tragedy.

### Increased resources for workplace injury and illness prevention

- In 2003, the NDP government launched a new partnership between its Workplace Safety and Health Division and the WCB to collaborate on building a strong workplace safety and health culture in Manitoba. Measures implemented have included public awareness and education campaigns, training, and prevention-oriented regulations.
- More than \$1 million is now devoted annually to the SAFE Work campaign.
- The NDP provided the first government funding for the Safe Workers of Tomorrow program and has doubled that funding over the past decade. This has enabled the program to reach one out of every three Manitoba high school students with a face-to-face message about their health and safety rights at work.

## **Victims' Services**

- On the 2011 Day of Mourning, the NDP government announced:
  - establishment of a new Victims' Services Coordinator at the Manitoba Labour and Immigration Workplace Safety and Health Division "to assist families and workers in accessing information on the status of their investigations and to help link them with additional support services"
  - a \$10,000 grant for Threads of Life, A \$10,000 grant for Threads of Life, an organization that provides peer-to-peer support to victims and families of workplace tragedies in Manitoba.

## **Expanded Workers Compensation coverage for injured workers**

- Over the past decade, WCB coverage has been expanded to 37,000 more workers.

## **Improved WCB Benefits for injured workers and their families**

- In 2002, the NDP introduced presumptive workers compensation for certain cancers in firefighters. This presumptive coverage was further expanded in 2005, 2009 and 2010.
- In 2005, the NDP government's overhaul of the WCB Act included a package of WCB benefit improvements. These included:
  - eliminating benefit reductions for injured workers with longer claims and for older workers;
  - increased benefits for workers with permanent injuries; and
  - full wage replacement for minimum wage earners.

## **Outlawing WCB claims suppression**

- In 2005, the NDP government amended the WCB Act to expand the prohibition on WCB claims suppression to include actions taken to prevent the filing of a claim, interference with a claim once filed, and taking retaliatory action in connection with the filing of claim.

### **Needs improvement in the following areas:**

#### **No criminal prosecutions to date**

- Despite funding a dedicated prosecutor and facilitating collaboration between police, prosecutors and the Workplace Safety and Health Division, there have been no criminal prosecutions of employers responsible for workplace fatalities since the Westray Bill was passed in 2003.

#### **More concrete action needed to crack down on WCB claims suppression**

- Despite strengthening the legal prohibition on WCB claims suppression, there has not yet been concrete action to increase enforcement of these provisions and to remove employer incentives to engage in claims suppression.

#### **Teacher's Commentary:**

*Greg and his party have made considerable effort in every area of workplace health and safety policy. These efforts have proven successful with an impressive 40% reduction in the workplace injury rate. It would be nice to see Greg work more on WCB claims suppression, but overall, if his efforts continue we expect continued progress in making Manitoba workplaces healthier and safer.*

#### **Grade: A -**

# Making it Home Safely from Work

## REPORT CARD



# C+

### Meeting Expectations:

New legal & regulatory protections for workers	✓
Expanded WCB coverage for injured workers	✓
Improved WCB benefits for injured workers and their families	✓
Outlawing WCB claims suppression	✓

### Needs Improvement:

More enforcement inspectors	✗
More workplace health and safety inspections	✗
Higher penalties/fines	✗
More resources for investigations & prosecutions	✗
Advocating for prevention programming	✗
Advocating for victims' services	✗

### Comments:

*When called on, Jon sometimes provides the correct answer, but he usually needs prompting and encouragement to make an effort on workplace health and safety issues. He deserves some credit for his work on psychological harassment, but unfortunately, he still seems confused about the role of penalties in enforcing workplace health and safety rules.*

# Liberal Party

## Meeting expectations in the following areas:

### Expanding health and safety protections for workers

- In 2002, Liberal leader Jon Gerrard voted for the NDP's strengthening of the Workplace Safety and Health Act.
- In 2006, Liberal leader Jon Gerrard introduced a private members bill to bring psychological harassment into the Workplace Safety and Health Act regulations.

### Expanding Workers Compensation coverage for injured workers

- In 2005, Liberal leader Jon Gerrard supported the NDP government bill that has since expanded WCB coverage to 37,000 more workers.

### Improving WCB Benefits for injured workers and their families

- The Liberals have supported the NDP's introduction and expansion of presumptive workers compensation for certain cancers in firefighters.
- In 2005, Liberal leader Jon Gerrard supported the NDP government bill that included a package of WCB benefit improvements.

### Outlawing WCB claims suppression

- In 2005, Liberal leader Jon Gerrard supported the NDP government amendment to the WCB Act strengthening the prohibition on WCB claims suppression.

## Needs improvement in the following areas:

### Increasing the number of enforcement inspectors in the workplace

- The Liberals have voted against every Manitoba budget that increased the number of workplace health and safety inspectors over the past decade (the one budget that Liberal leader Jon Gerrard supported in 2003 did not increase inspectors).

### Increasing the number of workplace health and safety inspections

- The Liberals have voted against every Manitoba budget that increased resources for the Workplace Safety and Health Division over the past decade (the one budget that Liberal leader Jon Gerrard supported in 2003 did not increase resources for the Division).

### Higher fines

- Although Liberal leader Jon Gerrard supported the NDP's 2002 bill to amend the Workplace Safety and Health Act, he criticized and expressed "concerns" about the amendments that imposed new penalties on employers that refuse to comply with improvement orders (Hansard, August 6, 2002).

### Increased resources for investigations and prosecutions

- Liberal leader Jon Gerrard voted against the budget that brought in funding for a dedicated crown prosecutor for workplace safety and health violations.

### Increased resources for workplace injury and illness prevention

- Manitoba Liberals have not been advocates for prevention programming

### Victims' Services

- Manitoba Liberals have not been advocates for services for victims of workplace tragedies

### Teacher's Commentary:

*When called on, Jon sometimes provides the correct answer, but he usually needs prompting and encouragement to make an effort on workplace health and safety issues. He deserves some credit for his work on psychological harassment, but unfortunately, he still seems confused about the role of penalties in enforcing workplace health and safety rules.*

**Grade: C +**

# Making it Home Safely from Work

## REPORT CARD



### Meeting Expectations:

Expanding WCB coverage for injured workers	✓
Improving WCB benefits for injured workers and their families	✓
Outlawing WCB claims suppression	✓

### Needs Improvement:

Reducing the injury rate	✗
More enforcement inspectors	✗
More workplace health and safety inspections	✗
Higher penalties/fines	✗
More resources for investigations & prosecutions	✗
New legal & regulatory protections for workers	✗
Prevention programming	✗
Victims' services	✗

### Comments:

*Hugh and his party are failing to meet expectations on almost every policy that would keep Manitoba workers safe and healthy. Hugh and his team rarely raise workplace health and safety issues, and when they do it is often to oppose actions that make workplaces safe. Their support for one NDP bill is the only thing that saved them from a failing grade.*

# Progressive Conservative Party

## Meeting expectations in the following areas:

### Expanding Workers Compensation coverage for injured workers

- In 2005, the PC caucus supported the NDP government bill that has since expanded WCB coverage to 37,000 more workers. Unfortunately, this positive is undercut by 11 years in office when nothing was done to expand WCB coverage even though Manitoba had the lowest percentage of workers with WCB coverage in Canada.

### Improving WCB Benefits for injured workers and their families

- The PC caucus has supported the NDP's introduction and expansion of presumptive workers compensation for certain cancers in firefighters.
- In 2005, the PC caucus supported the NDP government bill that included a package of WCB benefit improvements. This represents some improvement from the last PC government that significantly reduced benefits for injured workers and their families when it amended the WCB Act.

### Outlawing WCB claims suppression

- In 2005, the PC caucus supported the NDP government WCB Act amendment bill that included a measure to strengthen the prohibition on WCB claims suppression.

## Needs improvement in the following areas:

### Reducing the injury rate

- When last given the opportunity to reduce the workplace injury rate, the PC government was unable to make progress. WCB reports that Manitoba's time loss injury rate remained stuck in the range of 5 to 6 injuries per 100 workers in the 1990s.

### Increasing enforcement inspectors in the workplace

- The former PC government, in which Hugh McFadyen served as Chief of Staff and Director of Policy, cut the number of workplace health and safety inspectors by 8% and cut the number of Mines Inspectors by 28%.
- The PC caucus has voted against every Manitoba budget that increased the number of workplace health and safety inspectors over the past decade.

### Increasing workplace health and safety inspections

- The former PC government, in which Hugh McFadyen served as Chief of Staff and Director of Policy, cut the number of workplace health and safety inspections by 63%.
- The PC Caucus has voted against every Manitoba budget that increased resources for the Workplace Safety and Health Division over the past decade.

### Higher fines

- When the NDP government moved to increase maximum fines for serious violations of the Workplace Safety and Health Act in 2010, Hugh McFadyen and his PC Caucus fought the increase. McFadyen attacked the higher fines as nothing more than "red tape, regulation and bureaucracy" (Brandon Sun, April 9, 2010). His Conservative MLAs were equally critical:
  - The PC MLA for Pembina rejected the higher fines for serious violations of health and safety violations as "just a tax grab" (Hansard, June 15, 2010);
  - The PC MLA for Arthur Virden attacked the fines as a "heavy hand," and called on government to simply encourage employers to follow the rules instead of actually enforcing the rules (Hansard, June 15, 2010).

### **Increased resources for investigations and prosecutions**

- The PC Caucus voted against the budget that brought in funding for a dedicated crown prosecutor for workplace safety and health violations.

### **Expanding health and safety protections for workers**

- When the NDP strengthened protections in the Workplace Safety and Health Act in 2002, the PC caucus voted against the bill.

### **Prevention**

- When the Progressive Conservatives were last in office, there was no comprehensive plan or program to promote a culture of workplace health and safety in Manitoba. There was no provincial government funding for Safe Workers of Tomorrow.

### **Victims' Services**

- When the Progressive Conservatives were last in office, there were no dedicated programs or services for victims of workplace injuries and fatalities.

### **Teacher's Commentary:**

*Hugh and his party are failing to meet expectations on almost every policy that would keep Manitoba workers safe and healthy. Hugh and his team rarely raise workplace health and safety issues, and when they do it is often to oppose actions that make workplaces safe. Their support for the NDP's WCB bill is the only thing that saved them from a failing grade.*

**Grade: D -**