

Manitoba Federation of Labour Submission to the WCB Workplace Injury and Illness Prevention Consultation

Thank you for this opportunity to provide input into the Workers Compensation Board of Manitoba (WCB) review of services and supports to reduce work related injuries and illness in Manitoba workplaces.

The Manitoba Federation of Labour (MFL) represents 95,000 unionized workers across the province. For decades, the MFL has been the leading voice for Manitoba workers in promoting safe and healthy workplaces. Workplace health and safety is the issue area about which our members are most passionate and active. To support this concern, the MFL:

- holds an annual Health and Safety Conference providing training workshops from a worker perspective;
- nominates labour representatives for the Minister's Advisory Council on Workplace Safety and Health, the Workers Compensation Board, and the WCB Appeals Commission;
- works closely with the MFL Occupational Health Centre and SAFE Workers of Tomorrow to promote awareness of workers' health and safety rights;
- has active committees where health and safety activists work together to promote safe and healthy workplaces and to promote workers' interests at the WCB; and
- lobbies the provincial government and WCB for stronger workplace safety and health provisions.

The MFL offers the following input into your review of:

- the planning of injury/illness prevention initiatives,
- improving and addressing gaps in health and safety training/education programs,
- developing safety standards and accreditation programs, and
- addressing obstacles to reducing workplace injuries/illness.

1. An Excessive Focus on Time Loss Injury Rates

The MFL firmly believes that continued progress on reducing workplace injuries and illness will require prevention initiatives to reduce their excessive focus on the time loss injury rate as the central benchmark for measuring progress. This focus is problematic for two key reasons.

First, as we documented in our 2010 report, *An Investigation into the Incidence of WCB Claims Suppression* (<http://mfl.ca/content/investigation-incidence-wcb-claims-suppression>), the WCB's Experience Rating rate model creates significant financial incentives for employers to engage in claims suppression, a reality that causes time loss injury rates to

be under-reported. As a result time loss injury rates cannot be relied on as meaningful measures of workplace injuries.

Second, because the Experience Rating rate model confers financial benefits on employers that experience reductions in time loss injury rates, the focus on these rates often turns injury reduction initiatives into financially driven exercises that miss opportunities to make real, sustainable improvements in workplace safety and health. Measures that do not translate into immediate time loss injury rate reductions tend to be neglected in favour of short term financial gains. In the worst cases, claims suppression and overly aggressive return to work programs replace a true focus on injury reduction and illness prevention.

We recommend instead a broader, more comprehensive approach that focuses on addressing hazards and risks rather than generating short term rate reductions and the corresponding financial benefits.

2. Union/Worker Input is Essential

For workplace health and safety training/education/prevention programs to be truly effective, it is essential that workers and their unions are meaningfully involved in their design and implementation. This involvement significantly improves their effectiveness by bringing the workers' perspective and direct knowledge of the workplace to the table. It also improves cooperation towards the goal of reducing workplace injury and illness.

This means that if workplace safety associations and accreditation programs are to be assigned greater responsibility in Manitoba's injury prevention infrastructure, it is critical that they include meaningful representation from workers and their unions. Specifically, they should be managed in a bipartite basis with equal representation from labour and employers.

Similarly, if workplace safety and health standards are to be developed or implemented for Manitoba, it is essential that workers and their unions are meaningfully involved. Again, bipartite structures with equal labour and employer representations should be employed.

3. Behaviour-Based Safety Approaches are inconsistent with Manitoba's Workplace Safety and Health System

Too often workplace health and safety training, particularly when provided by employers or safety associations, follows a "behaviour based safety" (BBS) approach that blames workers for injuries. Instead of addressing the root causes of the illness or injury by identifying the hazards and eliminating or reducing them, BBS approaches

emphasize the need for workers to work more carefully around hazards that should not be there in the first place. In short, BBS emphasizes working safely rather than safe work. BBS blames workers for workplace injuries and illness and places the locus of responsibility for workplace safety and health on workers rather than employers.

The BBS approach is inconsistent with Manitoba's Workplace Safety and Health Act, which places primary responsibility on the employer to "ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his workers" (section 4(1)).

Clearly there is an important role for workers in an effective workplace health and safety system, but the almost exclusive focus on worker behaviour in BBS is inconsistent with the Internal Responsibility System's emphasis on active participation from everyone in the workplace, including management.

For these reasons it is essential that more attention be paid to the design of workplace safety and health training programs to ensure they do not follow a BBS approach and are more consistent with the Manitoba legislation. Training programs should focus on eliminating and reducing hazards rather than adapting worker behaviour to work around hazards.

Avoiding BBS approaches also means that training/education programs should be targeted not just to workers, but also to managers/supervisors and employer representatives on health and safety committees. Without adequate training, employers cannot live up to their legal responsibilities to maintain safe and healthy workplaces.

4. Union Training Programs are an Essential Component of Manitoba's Workplace Health and Safety Infrastructure

In examining the array of workplace health and safety training programs offered in Manitoba, it is important that the review include the significant training programs offered by unions to their members. In addition to providing additional training opportunities, these union programs provide training from a worker perspective that is very different from the many BBS training opportunities offered by other organizations.

5. Manitoba's prevention infrastructure should also serve the unique needs of particularly vulnerable workers, notably young and newcomer workers

Given the high injury rates for young and newcomer workers, there is a need for prevention programs targeted at the unique needs of these workers.

The SAFE Workers of Tomorrow (SWOT) program has been extremely successful in educating young Manitobans about their workplace health and safety rights as they are entering the workforce. This program should be considered an essential part of the

injury/illness prevention system, and should be expanded so that all high school students receive a face-to-face presentation from SWOT. The benefits to the WCB and the Province would likely exceed the cost of such an expansion.

Targeted training resources should also be made available to young workers in the workplace. British Columbia has adopted enhanced training and orientation for younger workers. The training programs developed to meet these requirements would provide some guidance in developing young worker training resources for Manitoba. The expertise, experience and capacity of SWOT should be harnessed to develop and deliver these training programs.

Newcomer or recent immigrant workers are also particularly vulnerable to workplace injury and illness. Newcomers often lack knowledge of Manitoba's health and safety rules. Limited capacity to speak the workplace language can make it difficult to communicate about job hazards and risks. Accessing workplace safety and health resources is difficult if materials are not available in newcomers' first languages.

For these reasons it is important that prevention programming:

- provide information and training about workplace safety and health in the first languages that are spoken by current waves of immigration to Manitoba;
- support Community-based outreach programs that target newcomer communities with information about workplace safety and health rights and resources; and
- support the ongoing efforts of the MFL Occupational Health Centre in working with newcomer workers on workplace safety and health.

6. Public Awareness Campaigns set the context for Effective Workplace Prevention Programs

In recent years, the WCB has greatly expanded its public awareness campaigns in the area of workplace safety and health. This effort has made a significant contribution towards the development of a culture of workplace safety and health in Manitoba.

Making progress on workplace safety and health in the workplace is most effective when everyone in the workplace is committed to making progress and participates in the effort. Successfully securing such support and participation in a workplace is made easier when the broader public culture values and indeed expects safe and healthy workplaces.

The MFL believes improving Manitoba's injury/illness prevention programming requires a continued commitment to broad-based public awareness campaigns that promote a culture of safety and health. This effort should continue until it becomes social unacceptable for workplaces to neglect workplace safety and health.