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SUBMISSION TO THE MINISTRY OF LABOUR

SAFE AT WORK ONTARIO CONSULTATION 2018-2019

**Provincial Building and Construction Trades
Council of Ontario**

February 2018

The Provincial Building and Construction Trades Council of Ontario is an umbrella organization that represents 13 construction craft unions with a total of over 150,000 construction workers from throughout the province. The Council's mission is to give construction workers a collective voice, to help ensure that workers are well-trained to meet industry needs, and to promote healthy and safe work conditions with decent wages, pensions and benefits.

Part of the Council's success stems from the effective partnerships that have been established with signatory contractors and owner-clients who work with affiliates to achieve public and private infrastructure needs in all seven bargaining sectors of construction. The Council also works with provincial government ministries and agencies to ensure that the construction industry is effectively regulated, competitive, well-resourced, and safe.

We appreciate the opportunity to present our views on the "Safe At Work Ontario" (SAWO) Consultation 2018-19."

➤ **ONTARIO'S CONSTRUCTION SECTOR**

The construction sector is a priority because of its size, diversity and the nature of health and safety challenges. Construction accounted for 6.7 percent of Ontario's GDP in 2015. It is the province's seventh largest sector, with approximately 500,000 current workers.

Approximately 85,000 construction workers, or 21 percent of the current labour force, are expected to retire over the next 10 years. At the same time, the province's construction labour force will need to grow by approximately 23,000 workers to meet the demands created by increased construction activity. As a result, Ontario will need to attract about 110,000 new construction workers by providing opportunities for young workers or newcomers.

Construction work includes the labour of specialized trades that work on major industrial, commercial or institutional projects. It can also include workers on small-scale residential and home renovation projects, some of which might be operating on a cash basis within the underground economy. Construction work activities are also performed in other industries such as manufacturing and industrial establishments, health care facilities or schools. Construction workers include sheet metal workers, rod workers, drywall finishers, painters, electricians, precast concrete erectors, plumbers, hoisting engineers, and masons, to name a few.

In construction, many workers continually change workplaces. On a single job site, the environment changes as work progresses, which can create challenges in controlling hazards. The majority of construction firms are small businesses, with 45 percent of Ontario's construction workers employed by businesses with fewer than 20 workers. These and other factors present challenges unique to the sector.

➤ **CONSTRUCTION HEALTH AND SAFETY ACTION PLAN**

According to the Ministry of Labour (the "MOL"), approximately thirty (30) percent of all work-related traumatic fatalities and occupational disease fatality claims occur in Ontario's construction sector. However, Statistics Canada has confirmed that construction sector jobs account for less than seven (7) percent of employment in Ontario. According to the WSIB, thirty-six (36) percent of traumatic fatalities allowed by WSIB were due to falls from heights because of inappropriate fall protection.

In 2015, the Ontario legislature presented Minister of Labour Kevin Flynn with a mandate letter stating that the province's chief prevention officer would be working with the construction sector on improving workplace safety. After consulting with industry stakeholders, Mr. Flynn indicated that the number of deaths and serious injuries in the construction sector continued to be "unacceptably high".

On May 12, 2017, the Ministry of Labour announced an action plan entitled the "*Construction Health and Safety Action Plan*" (the "Action Plan"). The Action Plan contains sixteen (16) recommendations:

1. Create a culture and climate of safety within construction by planning, creating and supporting ongoing multi-media OHS awareness campaigns that promote the importance of workplace occupational health and safety with industry stakeholders as well as consumers.
2. Increase safety knowledge in the construction sector by promoting awareness of the top construction sector hazards (falls from heights, motor vehicle incidents, struck by objects, machinery) and how to control these hazards through new and improved information channels, including industry, government and other stakeholder partnerships.
3. Support the role of the supervisor in creating and maintaining a culture that fosters worker participation in identifying and mitigating workplace hazards.
4. Identify and develop "workplace friendly" resource tools focused on the top hazards in construction (falls from heights, motor vehicle incidents, struck by-object, machinery), with a particular focus on small and medium-size businesses.
5. Build and support multi-stakeholder partnerships and distribution channels that enable better flow of health and safety resources.
6. Create a strategy for career-long health and safety learning for the construction sector.
7. Develop stronger partnerships with the education system to reach students, teachers and employers that participate in construction-directed experiential learning programs.
8. Identify, review and enhance health and safety content of apprenticeship training standards.
9. The Ministry of Labour (MOL) is to work with health and safety (H&S) system partners to create plain language resource materials on high-priority hazards to help small and medium-size employers interpret existing legislative and regulatory requirements and understand what is required to comply.
10. The MOL to support the development of guidance material, in future, when making regulatory changes to assist the construction sector in complying with new requirements.
11. The Chief Prevention Officer (CPO) to work with stakeholders to improve the use and design of fall-protection equipment in the residential construction and roofing sectors by:
 - a. Exploring opportunities to work with the Ministry of Municipal Affairs to require fall-arrest anchor points on residential low-rise buildings including single family residences.
 - b. Collaborating with engineering and fall protection system experts to find innovative approaches to the use of existing equipment as well as the development of alternative approaches to preventing falls of workers from residential roofs.
12. The MOL to explore opportunities to work with the Ministry of the Attorney General and stakeholders to expand the application of tickets to a broader range of contraventions of the construction project regulation and increase the current fine amounts.
13. The MOL to work with stakeholders to explore the use of Administrative Monetary Penalties under OHSA and identify specific offences to apply them to the construction sector.
14. The CPO to explore opportunities to work with stakeholders to create incentives that motivate excellence in health and safety beyond minimum compliance, such as accreditation.
15. The MOL to conduct strategic enforcement campaigns in construction based on risks and high hazards for the sector on a continuous basis.
16. Enhance information sharing within OHS system and other stakeholders to support blitzes and other targeted enforcement.

Of the 16 recommendations, the MOL has already implemented the following measures to reduce the frequency of construction industry workplace injuries:

- Developing a web tool by the Infrastructure Health and Safety Association (IHSA) and Canadian Centre for Occupational Health and Safety to help construction employers and workers understand key topics in the regulation for construction projects
- Conducting training, blitzes and underground economy enforcement by the Ministry of Labour targeting working at heights and residential roofing projects
- Launching radio and online campaigns to raise awareness about new working-at-heights training requirements
- Launching an IHSA media campaign on public transit to improve the culture for working safely
- Implementing an advanced training program for construction supervisors to improve their skills in communicating health and safety information to workers
- Establishing Ministry of Labour partnerships with municipalities to pilot a web-based software program that enables municipal building inspectors to report unsafe work practices to the ministry
- Establishing a Ministry of Labour partnership with the City of Toronto to promote health and safety resources and information

After implementing all the above recommendations, the Ministry of Labour will attempt to achieve the following Key Performance Indicators (“KPIs”) over the next five years:

1. Reduce the allowed lost-time injury rate per 100 workers by 10% over five years (through robust education, training and certification programs and enforcement).
2. Reduce traumatic fatalities per 100,000 workers by 2% over five years (through education, training, certification programs and enforcement).
3. Increase number of businesses engaged by the H&S system in Ontario by 15% over four years.

➤ **SAFE AT WORK ONTARIO (SAWO) CONSULTATIONS & CONSTRUCTION INDUSTRY**

It is our position that much of what is being contemplated in the *SAWO* consultation has already been incorporated and is being implemented for the construction sector in the above noted “*Construction Health and Safety Action Plan*.” (the “*Action Plan*”) The Ontario Building Trades and its representatives were active participants in developing the action plan.

Therefore, our comments will focus on a few general key areas which we feel need to be highlighted and that the Ministry of Labour (MOL) and the prevention office need to pay attention to in the construction industry.

➤ **ONTRAI0 LOST TIME INJURIES (LTI’s) LOWEST IN CANADA?**

Statistics indicate that Ontario’s workplaces continue to be among the safest in Canada. Since 2009, Ontario has had the lowest lost-time workplace injury rate in the country. The average lost-time injury rate for Canada in 2015 was 1.5 per 100 workers, compared with Ontario’s, which over the last four years has been below 1 per 100 workers, according to a report by the Workplace Safety and Insurance Board (WSIB). The 2016 lost-time injury rate was 0.94 lost-time claims per 100 workers¹.

¹ *By the Numbers: 2016 WSIB Statistical Report* highlights trends in Ontario for work-related injuries and illnesses, as well as recovery and return-to-work outcomes.

We acknowledge that there has been an improvement in safety compared to 20 years ago. However, we are not convinced that the dramatic decrease in LTI's can be all be attributed to improved safety. It is our position that a great deal of the decreases in LTI's has been due to employers "managing claims" and "claim suppression."

Claims Management

Essentially, instead of implementing real tangible health and safety protocols employers simply turn all reportable/compensable accidents into no lost time claims so they do not negatively impact the precious accident record and experience rating profile.

The Workplace Safety & Insurance Board (WSIB) current adjudicative approach in industries like construction encourages bad behavior by condoning and enabling "fake" job offers. Once a worker is provided modified work the accident is classified as NLT and has no negative impact on the employers' safety record.

Regardless that the worker had an incident resulting from a workplace hazard and resulted in an injury and medical attention it doesn't show up on an employer's safety record. When a worker raise's issue with the employer's job offer the case manager simply threatens the worker with "non-cooperation." Workers and their union simply go along to get along.

Claim Suppression

The other factor that has lead to the dramatic decrease in LTI's has been employer claim suppression. A great majority of claim suppression has been due to employers wanting to avoid lost time claims so as not incur "Experience Rating" surcharges by WSIB.

Section 83 of the Workplace Safety and Insurance Act provides the Workplace Safety and Insurance Board with discretionary authority to establish experience rating programs. The Board first introduced an experience rating model in 1984 with the intent to promote good health and safety and provide insurance equity to employers based on claims experience. Unfortunately, experience rating hasn't had any measurable impact on prevention and in many cases, has led to claim suppression and fabricated safety performance.

From 1998 to 2007 experience rating rebates to employers exceeded surcharges by a total of \$880 million.² Since 1984, almost \$3 billion have been returned to employers in the form of rebates. It is our position that most employers have been more interested in maximizing their potential experience rating rebate and, in turn, have diverted resources to seek immediate gains through claims management strategies, rather than by investing in long term prevention.

All experience rating has done is create an artificial safety climate and helped drain the WSIB Accident Fund by employers who know how to game the system.

² Recommendations for Experience Rating Morneau Sobeco October 28th, 2008 page 7.

Both the *Expert Advisory Panel on Occupational Health & Safety (Dean 2010)* and Professor Arthurs’ *“Funding Fairness” (2011)* raise serious concerns by relying on claims experience to calculate premium rates.

Professor Arthurs’ *“Funding Fairness”* advised the Board that continuing to maintain and support an experience rating program amounted to a moral crisis. The relevant sections of Professor Arthur’s comments are provided below:

In my view, the WSIB is confronting something of a moral crisis. It maintains an experience rating system under which some employers have almost certainly been suppressing claims; it has been warned – not only by workers but by consultants and researchers – that abuses are likely occurring. But, despite these warnings, the WSIB has failed to take adequate steps to forestall or punish illegal claims suppression practices.

Unless the WSIB is prepared to aggressively use its existing powers ... to prevent and punish claims suppression, and unless it is able to vouch for the integrity and efficacy of its experience rating programs, it should not continue to operate them³

WSIB New Rate Framework

The WSIB in the last few years has been revising the process in how it sets employers rates and classifications. Additionally, it has indicated that experience rating- where employers receive financial rebates or surcharges- will be eliminated soon.

However, the proposed new rate framework will still be relying on claims experience to calculate individual employer’s premium rates. Essentially, the Board will be embedding the experience rating into new rate setting process.

It is disconcerting that despite Professor Arthur’s warnings about claim suppression the Board is proposing a rate framework which will perpetuate artificial safety records and employer gaming of the system.

There is no doubt that claims experience has created a system which encourages claim suppression and ineffective and artificial safety records. There is little evidence in Ontario and anywhere in the world that experience rating provides little or no incentive for employers to improve safety. The evidence that experience rating leads to better prevention and therefore fewer injuries.

We acknowledge that in the rate framework materials, the Board has asserted that it has set up a “Specialized Employer Compliance Team” to deal with incidents of claim suppression which “may persist notwithstanding the proposed preliminary Rate Framework.”⁴ However it remains to be seen whether this unit is given the resources, authority, and properly defined objections. Other than this new compliance team, the Board hasn’t implemented one of the Funding Review recommendations to deal with claim suppression.

³ Professor H. Arthurs, *Funding Fairness: A Report on Ontario’s Workplace Safety and Insurance System*, p. 81.

⁴ The Proposed Preliminary Rate Framework, at pp. 70-71.

It is submitted that the Boards current proposed frame work which will rely on claim experience will do little to curtail bad behavior and will perpetuate claim suppression. There isn't anything in the rate frame work proposals which lead us to conclude that employers will change behaviors.

If the SAWO is to accomplish its stated goal of keeping Ontario workplaces safe it needs to ensure that the "data on workplace accidents is correct." The current reliance on LTI's, other than making for positive press coverage, really hasn't done much to improve workplace safety.

Specifically, the MOL needs to ensure that the WSIB, its biggest system partner is taking all necessary steps to ensure that employers are not suppressing claims and not creating an artificial safety environment.

RECOMMENDATION 1	MOL needs to be more proactive on ensuring that the WSIB, prior to finalizing its rate frame work process, implement all Professor Arthurs recommendations to deal with claim suppression.
For clarity Professor Arthur's specific recommendations on claim suppression are provided below:	
<ol style="list-style-type: none"> 1. Adopt a "firm" policy to protect the integrity of its experience rating programs. (Recommendation 6-1) 2. Train staff to detect claims suppression and require them to report it. (Recommendation 6-2.3) 3. Establish a special compliance unit, headed by a senior officer and sufficiently resourced to detect and initiate the process for punishing employer abuses. (Recommendation 6-2.3) 4. Require employers to designate a Health, Safety, and Insurance Officer (HSIO) responsible for ensuring compliance with the <i>WSIA</i>. (Recommendation 6-2.1) 5. Require that HSIOs ensures that every worker gets a Board-prepared document briefly summarizing their rights under the <i>WSIA</i>. (Recommendation 6-2.1) 6. Require that each HSIO make sure that every worker is told of their right to file a claim in the event of a workplace accident or illness. (Recommendation 6-2.1) 7. Amend its experience rating policies to provide that employers found to have violated the <i>WSIA</i> or other occupational health and safety legislation be automatically ineligible for favourable premium adjustments or rate rebates. (Recommendation 6-2.3) 	

➤ **TRAUMATIC DEATHS ONTARIO CONSTRUCTION INDUSTRY 1997 TO 2017**

Despite the decrease in LTI the number of construction worker deaths hasn't really decreased despite all the extra government emphasis on safety. From 1997 up until the end of 2017 a total of 412 construction have died because of work place accident. (See Table 1)

Table 1 CONSTRUCTION FATALITIES 1997 TO 2017

YEAR	TOTAL FATALITIES
2017	22

YEAR	TOTAL FATALITIES
2016	15
2015	16
2014	20
2013	16
2012	13
2011	22
2010	25
2009	16
2008	19
2007	15
2006	27
2005	20
2004	21
2003	30
2002	20
2001	21
2000	15
1999	20
1998	24
1997	15

Note: The above totals due not include deaths resulting from occupational disease

➤ **HAZARDS “FALLS” & “CRUSHED OR STRUCK BY”**

A closer review of construction deaths for the period 1997 to 2017 indicate that a majority have resulted from falls and crushed or struck by. Some review of 2017 construction fatalities indicate that “falls” and “crushed or struck by” are the greatest hazards.

In 2017 **5 construction workers died because of “falls” and 14 from “crushed or struck by.”** (Table 2)

TABLE 2: 2017 CONSTRUCTIO DEATHS BY CATEGORY

FALLS	5
ELECTRICAL	2
CRUSHED OR STRUCK BY	14
TRENCHING	1
TOTAL	22

Note: The above totals of crushed by may include deaths from other industrial sectors

FALLS

The *Expert Advisory Panel on Occupational Health & Safety (Dean 2010)* was instrumental in the creation of a new mandatory health and safety awareness training program, which has since become law in Ontario, as well as the development of a new Working-at-Heights Training Program Standard. (WAH)

Yet despite the mandatory WAH training standard construction workers continue to die from falls. However, the numbers are going down and with increased awareness, enforcement the numbers of workers killed from falls should eventually be eliminated.

CRUSHED OR STRUCK BY

Struck-by is the term that Ontario’s prevention system uses for the various injuries that occur when workers are hit—or struck—by tools, materials, equipment, or vehicles. Just like falls, struck-by is a leading cause of injury in the industries.

According to the 2016 WSIB Statistical Report By the Numbers, Struck By/Caught in Objects has accounted for 13% of all workplace fatalities in Ontario over the last ten years (2007–2016). It’s the third-highest cause of work-related deaths behind Motor-Vehicle Incidents (36%) and Falls (18%).

Construction Fatalities Struck By

In the September 2016 Construction Sector report, Key Hazards in Construction Health and Safety “Struck-By” hazards were identified as one of the priority areas that needs to be addressed⁵. According to the report, between 1997-2011, 28 workers were killed when they were struck by mobile equipment and 17 of those were killed when a vehicle was backing up.

Moreover, in 2014, six workers on Ontario construction sites died when they were hit by mobile equipment and two of those workers were the signal person responsible for directing the vehicle that ultimately struck and killed them.

The report goes on to talk about actions that can be taken to prevent “struck-by” accidents from occurring by ensuring:

- trained signalers and competent equipment operators are in place, as required
- construction projects are planned and organized to eliminate or reduce the reverse operation of vehicles and construction equipment
- personal protective equipment (PPE), including high visibility clothing, is worn by workers, as required.

Considering that in 2017 a total of 14 workers died because of “struck by, pinned or crushed” it is a priority area which the MOL needs to immediately address.

RECOMMENDATION 2	MOL NEEDS TO MAKE “STRUCK BY” AN IMMEDIATE PRIORITY AND DEVELOP A STRATEGY
<p>The Strategy could include:</p> <ol style="list-style-type: none"> 1. Industry Task Force 2. More rigorous training and enforcement in the following sections of regulations <ol style="list-style-type: none"> a. Section 104 of the Regulations for Construction Projects (O.Reg. 213/91) requires that a construction project 	

⁵ Ministry of Labour (2016). Key Hazards in Construction Health and Safety (<https://www.labour.gov.on.ca/english/hs/sawo/sectorplans/construction/hazards.php>)

RECOMMENDATION 2	MOL NEEDS TO MAKE “STRUCK BY” AN IMMEDIATE PRIORITY AND DEVELOP A STRATEGY
<p>be planned and organized so that vehicles, machines, and equipment are not operated in reverse (or operated in reverse as little as possible) and only when there is no practical alternative to doing so.</p> <p>b. Section 104 also requires that if vehicles must operate in reverse and there is a potential for injury to workers, the operator shall be assisted by a signaler. The operator and the signaler must jointly establish procedures for communication such as traffic control hand signals (and follow those procedures. In addition, signs shall be posted in conspicuous areas to warn workers of the danger.</p> <p>c. Section 106 requires that the signaler be a competent worker, not perform other work while acting as a signaler, wear the proper high-visibility clothing, and receive adequate oral instructions and training.</p> <p>3. Better training on all sites for workers to Avoid Blind Spots. Every worker on the jobsite should know where the blind spots are located on different types of vehicles and equipment. If workers know where the blind spots are, they can avoid them.</p> <p>4. MOL whether the mandatory Use Warning Devices or Detection Systems.</p> <p>5. Increased unannounced safety blitzes specifically related to identifying “struck by” hazards and risks on construction projects.</p>	

OCCUPATIONAL DISEASE

Given the nature of occupational exposures that are prevalent in the construction industry, workers have an increased risk of developing occupational cancers and other chronic diseases. Large numbers of construction workers have exposure to known and suspected carcinogens including dusts, fibers, metals, organic chemicals and solar radiation because of outdoor work.

Few employers and Canadian jurisdictions have paid much attention to reducing and documenting occupational exposures. For instance, only recently did the Ontario construction industry become subject to the occupational exposure limits (OELs) set out in provincial regulations. Construction has traditionally been exempted from OELs.

The true burden of occupational cancer in Ontario’s construction industry and throughout Canada is currently unknown. The future burden is similarly unknown. Thus, existing methods for estimating the current burden and predicting future burdens needs to be improved in Ontario and across all provinces.

CAREX Canada is an organization dedicated to the surveillance of environmental and occupational exposures for cancer prevention, and according to it, there are a number of carcinogens that have a broad impact on Canada’s construction workforce:

MOST COMMON EXPOSURES AMONG ONTARIO CONSTRUCTION WORKERS	
1.	The most common carcinogen among Ontario construction workers is solar UV radiation (121,000 workers exposed), which causes squamous and basal cell skin cancers [IARC 100D].
2.	The second most common is crystalline silica (87,000 workers exposed), which causes lung cancer, as well as silicosis [IARC 100C].

MOST COMMON EXPOSURES AMONG ONTARIO CONSTRUCTION WORKERS

3. **Wood dust is the third most common (50,000 workers exposed)** and is a cause of Sino nasal and nasopharyngeal cancers, as well as asthma [IARC 100C]
4. **Asbestos is the fourth most common (48,000 workers exposed)** and causes lung cancer, mesothelioma, and a variety of other cancers as well as asbestosis [IARC 100C].
5. **Diesel engine exhaust is the fifth most common (28,000 workers exposed)**, which was recently classified as a cause of lung cancer and suspected of causing bladder cancer [IARC 105].
6. In addition, there are smaller numbers of workers exposed to various **other carcinogens, such as metals (e.g. from welding fumes), chemicals (e.g. solvents in paint, fumes from road paving), and UV radiation from welding.**

CANCER CLAIMS IN ONTARIO'S CONSTRUCTION INDUSTRY

- **Between 2006 and 2010, there were 237 accepted fatal cancer claims** in Ontario among construction workers.
- **Representing 22%** of all fatal cancer claims among all Ontario workers in that period.
- **Half of these were mesothelioma claims due to asbestos exposure; the second most common was lung cancer (36%)⁶.**
- The majority of these cancers were attributed to asbestos exposure, despite the fact that we have known that it was a carcinogen for many decades and have taken steps to reduce exposure and limit its use.
- **Relatively few cancer fatalities have been compensated for other carcinogens, despite the fact that they are well-known and common.**
- Because cancer may only develop decades after exposure, it is often very difficult to identify its specific causes for a given cancer case and only a small fraction of claims are compensated.

CANCER RISKS – WHAT WE KNOW

1. **Lung cancer (hazard ratio (HR) = 1.14, 95% confidence interval (CI)=1.01-1.19)**
2. **Larynx cancer (HR=1,18, 95% CI=1.02-1.37)**
3. **Stomach cancer (HR=1,12, 95% CI=1.01-1.24)**
4. **Mesothelioma (HR=2.38, 95% CI=1.95-2.92)⁷,**
 - Higher risks were observed for some specific cancers among groups such as plumbers (mesothelioma) and painters (lung and liver cancer).
 - The Canadian cancer Registry does not track non-melanoma skin cancer.
 - Given the high levels of exposure to solar UV, it is reasonable to expect that skin cancer rates are higher than reported.

⁶ Del Bianco & Demers (2013)

⁷ Peters et al., 2012; Serrano et al., (2013)

WHAT IS CURRENTLY UNDERWAY TO PREVENT OCCUPATIONAL DISEASE IN CONSTRUCTION?

New Noise Regulation

- New Noise Regulation under the *Occupational Health and Safety Act* (OHSA) was approved and came into effect on July 1, 2016
- Extends noise protection requirements contained in regulations for Industrial Establishments, Mines and Mining Plants, and Oil and Gas-Offshore; to all workplaces (including construction) under OHSA

Extending the *Control of Exposure to Biological or Chemical Agents* Regulation (Regulation 833)

- Extending the application of the regulation to construction projects was approved and came into effect on July 1, 2016

Updating Ontario Exposure Limits (under Reg. 833) and Additional Regulatory Changes Proposed

- MOL is consulting on new and revised Occupational Exposure Limits for hazardous substances. Amendments that will, if approved, introduce new respiratory protection and measuring provisions. Other proposed changes include the frequency of medical examinations under the regulation respecting Asbestos on Construction Projects and in Buildings and Repair Operations.

Occupational Disease Action Plan (ODAP)

The Ministry of Labour Prevention Division currently is in the process of developing an Occupational Disease Action Plan. The action plan will target all industry sectors but will have a primary focus on higher risk sectors, like construction.

The objective is to develop an action plan aimed at reducing illnesses and fatalities associated with occupational diseases in Ontario workplaces. The priorities will be determined based on the best available evidence (research and data sources), the current environment and where the best opportunities exist to have an impact.

On April 18, 2016 the MOL had a meeting with leading system partners, occupational disease researchers and data experts to help determine where prevention efforts should be focused based on the severity and prevalence of exposures and disease.

Based on the available data and evidence, the research experts recommend:

- Focusing on occupational exposures that lead to diseases as opposed to the diseases alone;
- Ensuring new and emerging risks are included in the list of priorities (e.g. radon, nanotechnology);

The research experts also recommend that the strategy focus on the following occupational disease exposures:

Occupational Diseases	Occupational Exposures
<ul style="list-style-type: none"> • Skin Diseases • Respiratory • Noise Induced Hearing Loss • Cancer • Infectious Diseases • Hand Arm Vibration Syndrome and other vibration diseases 	<ul style="list-style-type: none"> • Diesel engine exhaust • Noise • Allergens such as diesel, fumes, smoke • Asbestos • Shift Work • Organic Solvents • Solar ultraviolet radiation • Silica

Implementing a long-term disease plan will take time and there will need to be major rethinking by all workplace parties. Employers will need to become more serious about preventing exposures. This will include appropriate engineering controls and the adoption of Personal Protective Equipment (PPE) where such equipment has not been used before. There will also need to be improved practices to better document and register occupational disease claims by local unions.

RECOMMENDATION 3	IMPLEMENT THE OCCUPATIONAL DISEASE ACTION PLAN
	<ol style="list-style-type: none"> 1. Explore the creation of an occupational disease exposure database, especially in high-risk industries like construction. Such a database may be similar to the “Mining Master File” which has proven to be a useful source in documenting exposures in the mining industry. Much of our information today about cancer in the mining industry has come from analysis of this data. 2. The Occupational Disease Action Plan should call for the Prevention Office, in association with Cancer Care Ontario (CCO) and other system partners to set up databases, exposure records and worker job records for all Ontario workers so that new knowledge is gained and used to better-understand the relationship between workplace exposures and the incidence of occupational cancer. 3. Increased inspections/blitzes targeted at reducing common occupational exposures to: <ul style="list-style-type: none"> ✓ Noise ✓ Solar UV radiation ✓ Crystalline silica ✓ Wood dust ✓ Asbestos ✓ Diesel engine exhaust is the fifth most common 4. Working with system partners to develop and implement exposure risk assessment tools to decrease exposures. 5. Increased inspections/blitzes to ensure that to ensure that all parties are complying with section 30 of the Occupational Health & Safety Act (OSHA) section 8 of O. Reg. 278/05. <ol style="list-style-type: none"> a. Property owners all complying with section 30 of the Occupational Health & Safety Act (OSHA). Section 30 provides that prior to the scheduling of building renovations or service the owner of the property needs to conduct a designated substance assessment. b. Additionally, section 30 of OSHA and section 8 of O. Reg. 278/05 the owner is obligated to provide a copy of the assessment report to all prospective contractors at the time of tendering any work at the building. c. In turn the contractor once they receive the “designated substance assessment” needs to take action to prevent exposures to workers.

RECOMMENDATION 3	IMPLEMENT THE OCCUPATIONAL DISEASE ACTION PLAN
<p>There is break down in compliance with section 30 of OSHA and section 8 of O. Reg. 278/05. Increased unannounced inspections/blitzes will ensure that parties comply with act and regulations.</p>	

➤ **IMPROVED PROTECTION: FOR WORKERS, HEALTH & SAFETY REPRESENTATIVES & NEED FOR MORE EFFECTIVE JOINT OCCUPATIONAL HEALTH & SAFETY COMMITTEES TO IMPROVE SAFETY ON CONTRSUCTION PROJECTS**

The SAWO consultation paper in question 7 asks “What are the top three items that the ministry should focus on that will support your own efforts to improve health and safety.” For the construction industry the top three items are:

1. Protect construction workers who raise health safety issues. Currently, workers are penalized (through re-assignments or layoffs) when they speak out about safety contraventions in the workplace. Such practices that intimidate workers must end; workers should be incentivized and rewarded for pointing out safety hazards so that future injuries and deaths are prevented.
2. Construction Health and Safety representatives are reluctant to report and exercise their duties due to fear of reprisals and being blacklisted. Consequently, our members are reluctant to take Health and Safety representative positions or refuse unsafe work due to fear of employer reprisals.
3. In Ontario worker participation has been institutionalized by the legal requirement for employers to inform and involve workers, and where certain conditions prevail, establish Joint Health and Safety Committees. (JHSCs) When JHSCs are allowed to function on a construction project the health safety performance increases dramatically. However, in Ontario the role of JHSCs has been diminished and employers do not always actively consult.

The current occupational health and safety system in Ontario has done little to create a supportive culture for workers to empower change in the workplace.

RECOMMENDATION 4	IMPROVED PROTECTION: FOR WORKERS, HEALTH & SAFETY REPRESENTATIVES & NEED FOR MORE EFFECTIVE JOINT OCCUPATIONAL HEALTH & SAFETY COMMITTEES TO IMPROVE SAFETY ON CONTRSUCTION PROJECTS
<p>The Ontario system is predicated on “participation” and that workers are an integral part of the internal responsibility system. Unfortunately, in most workplaces workers have little control and no ability to make change or even report health and safety concerns without fear of employer reprisals.</p> <p>The MOL & prevention office should as part of its SAWO initiative include the following:</p> <ol style="list-style-type: none"> 1. Promote and enforce legal requirements relating to employee-participation systems. 2. The MOL and CPO need to ensure that workers and worker health and safety representatives are protected when exercising their rights in the workplace. The strategy needs to clearly indicate that the government is committed to ensuring that workers who exercise their rights in the workplace won’t suffer reprisals. This needs to be communicated to all workplaces and part of a prolonged and sustained campaign which includes media, print and social networks, 	

RECOMMENDATION 4	IMPROVED PROTECTION: FOR WORKERS, HEALTH & SAFETY REPRESENTATIVES & NEED FOR MORE EFFECTIVE JOINT OCCUPATIONAL HEALTH & SAFETY COMMITTEES TO IMPROVE SAFETY ON CONTRSUCTION PROJECTS
<p>etc., to get that message to every worker and employer in the province. Employers who coerce and threaten workers that report Health and Safety violations will be prosecuted to the fullest extent of the law, with no exceptions.</p> <ol style="list-style-type: none"> 3. Raising awareness about the benefits of employee participation, and about employers' legal obligations to involve workers in workplace health and safety. 4. Providing practical guidance for workplaces on employee-participation systems and practices to support effective regulation. 5. Increasing the involvement of workers in health and safety matters and recognizing the role that health and safety representatives play in the workplace, and providing them with the support, resources, and practical tools they need. 6. Developing an incentive system that encourages workers to raise legitimate health and safety concerns in the workplace, without fear of reprisal. 7. Building the capability of health and safety representatives through ongoing training. 	