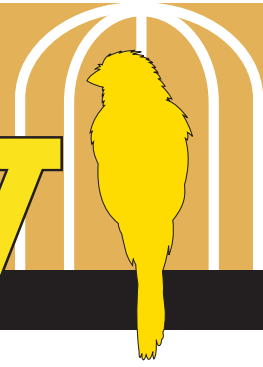


THE canary



SPRING 2012

WORKPLACE INJURIES **ENFORCEMENT**

Charges dropped, low fines issued after road workers hit by car

After pleading guilty to two offences under the occupational health and safety legislation in Newfoundland and Labrador, the City of Corner Brook has been fined \$7,000 and must contribute another \$2,500 toward a public education event supporting workplace safety awareness.

Those were the sole consequences after almost three years of investigations and deliberations following an incident on the night of March 3, 2009, when two members of CUPE 706 were struck by a car while repairing potholes. Both workers suffered very serious injuries and were unable to work for an extended period. The driver of the vehicle was also hurt.

The two men were wearing reflective vests and the hazard lights on the truck were flashing, but there was no flag person working with the crew and the truck was not equipped with an amber light bar on the cab.

Two years after the incident, the provincial government finally filed five charges against the city, charging them with three

breaches of the occupational health and safety regulations requiring a flag person working

continues on page 2



INSIDE

2 HAZARDOUS MATERIALS
Important facts about WHMIS



3 ENFORCEMENT
Charges laid in case of power worker's death



4 SAFE@WORK
Refusing Unsafe Work

CUPE / Canadian Union of Public Employees

continued from page 1

on site, one count of failing to provide and maintain a safe workplace and necessary equipment, and one count of failing to provide information, instruction or supervision to ensure health, safety and welfare.

However, almost a year later the city managed to plead guilty to only two of the charges. Three of the five offences were withdrawn by the Crown attorney.

“This is a serious incident. These members were hurt quite badly,” said CUPE staff representative Donna Ryan. “There is one major risk while working on the road: traffic. A flag person absolutely has to be in place to manage traffic so that the workers can concentrate on the job they are trying to perform.”

CUPE has long fought to have governments issue tougher penalties when employers break the law. When employers do not properly staff job sites, they are able to reap financial rewards that are far greater than the meager penalties that are applied when people get hurt. Without larger and more frequent penalties, there’s no incentive to change the practice, and workers pay for it with their lives.

Following the incident, the city was ordered to modify traffic control procedures. According to their lawyer, the city complied with the order. CUPE 706 is currently taking action to ensure the city puts proper lighting on their vehicles and improve signage for workers in the field.

HAZARDS HAZARDOUS MATERIALS

Important facts about WHMIS

The Workplace Hazardous Materials Information System (WHMIS) is a Canada-wide system designed to give employers and workers information on hazardous materials in the workplace. WHMIS came into effect in 1988 to reduce injury and disease by communicating specific health and safety information about controlled products.

There are three ways that information on hazardous materials is provided:

1. Product labels
2. Material safety data sheets (MSDS)
3. Worker education

The supplier of hazardous materials should provide the labels and MSDS to the employer, and the employer should provide this information to the worker, along with education related to the material.

It is your employer’s responsibility to make sure you have been properly trained in the WHMIS program. Unfortunately, workers are often not given enough or

proper information. There are many employers who have adopted simple or very basic e-learning tools that do not adequately train workers about how to properly read an MSDS, or about the serious consequences of mishandling the hazardous substances.

If your workplace falls into this category, bring it up at your next joint health and safety meeting, and demand that workers dealing with controlled products, that include chemicals and biological agents, get the training they are entitled to by law.

FIND OUT MORE

For more information on WHMIS and the specific legislation related to it in your province, check out cupe.ca/health-and-safety/WHMIS



The Canary, CUPE’s health and safety newsletter, is published four times a year. Canaries were once used in mines to warn mineworkers about changes in air quality. Since then, the canary has become a symbol of workplace safety, and an important reminder of dangerous working conditions. For more information on the importance of the symbol, check out cupe.ca/canary.

Please email Troy Winters at health_safety@cupe.ca with corrections, questions or suggestions.

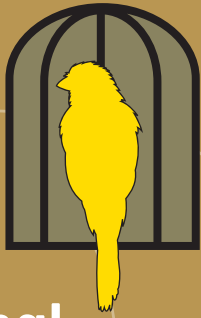
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CUPE / Canadian Union
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COPE 491



The National Day of Mourning is just around the corner

Fight for the elimination of injuries and fatalities at work.

Here's what you can do:

- Take part in area activities through your local, labour councils, and community organizations.
- Use April 28 to spread the word by bringing workplace hazards to the forefront in your workplace.
- Attend an event in your community or workplace on or around April 28.
- Work with your local union stewards to conduct regular workplace safety inspections. Help ensure you and your fellow workers are getting the best protection available.

For posters, t-shirts and other materials, go to CUPE.ca/health-and-safety

WATCH FOR the special edition poster in the upcoming issue of Counterpoint—CUPE's quarterly publication.

Your workplace. Your health.

Join us for a conference that will help develop the tools to reenergize CUPE's work in health and safety as we chart our priorities for the future.

CUPE PRESENTS

11th National Health and Safety Conference

October 12 to 14, 2012

Ottawa Convention Centre

Ottawa, ON

Watch cupe.ca for registration details

Sign up for *The Canary* online to be notified

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WORKPLACE DEATHS **ENFORCEMENT**

Westario Power faces maximum \$500,000 fine Charges laid in case of power worker's death

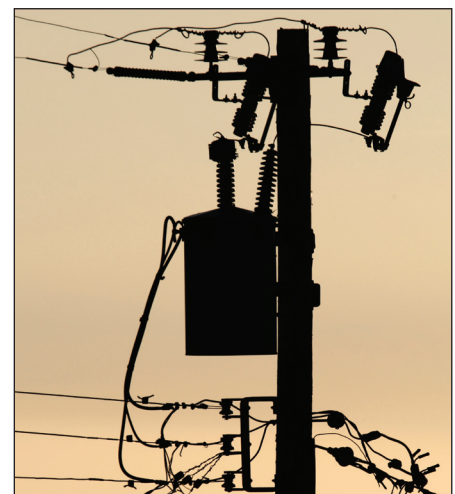
Westario Power is facing three charges under the Ontario Occupational Health and Safety Act following the death of CUPE 255 member Brodie Schwartz, who was electrocuted while working on a transformer in Port Elgin on September 21, 2010.

The Ontario power company could be subject to a maximum \$500,000 in fines for allegedly failing to provide proper information, instruction, or supervision; failing to ensure reasonable precautions were taken; and failing to ensure that the power supply was cut before work began.

Representatives for Westario were in court on Jan. 16, 2012 and officially charged with the three violations. Another court date was scheduled for Feb. 27, 2012. CUPE continues to monitor the proceedings.

Schwartz, 26 at the time of his death, was born in Kitchener and

lived near the town of Elmwood, about 50 km southeast of Port Elgin. He was married and had a young daughter.





Refusing Unsafe Work

A worker's right to refuse unsafe work is one of the most important victories in the history of the labour movement. It is one of the three basic health and safety-related workers' rights achieved by the labour movement, along with the right to know about the hazards in your workplace, and the right to participate in workplace health and safety decision-making.

How does the right to refuse process work?

A worker can refuse work if they believe that the situation is unsafe to themselves or their coworkers. A worker can also refuse to use equipment that they believe would injure themselves or their coworkers. In some provinces, carrying out any work where a hazard is known to exist is illegal.

Exercising the right to refuse sets a series of steps in motion to resolve the situation:

1. The employee must report to their supervisor that he or she is refusing to work because the work is unsafe, and state why the situation is unsafe.
2. The employee and supervisor may work out a solution on how to safely perform the work.
3. If the employee and supervisor cannot agree on a resolution, then they should contact employee members of the joint workplace health and safety committee, or an employee representative, to investigate.
4. If the problem is resolved with mutual agreement, the employee returns to work.
5. If the problem is not resolved, a government health and safety inspector is contacted.
6. The inspector investigates and gives a decision in writing.
7. If the inspector makes a ruling of no danger, then by law the refusal is at an end, and the employee must return to work. However even the inspector's ruling can be appealed.

It is important to note that no other worker should be assigned to do the work unless they have been informed of the original work refusal and the reasons why.

Can I be disciplined or fired for refusing to work or raising concerns?

You cannot be disciplined for complying with the legislation. If your employer or supervisor takes actions, makes remarks, or even implies that you will be disciplined for refusing to perform a task that you think is dangerous, contact your local executive or CUPE service representative immediately. Remember that if you allow them to bully you back to work, it is your own health and maybe even your life that is at risk.

WANT TO KNOW MORE?

For more information and for specific health and safety legislation in your province on the right to refuse, check out our new fact sheet: cupe.ca/health-and-safety/righttorefuse

CHECK OUT OUR WEBSITE! cupe.ca/health-and-safety

• more information on workplace health and safety issues • fact sheets and guidelines on a wide range of topics • the latest health and safety news AND MORE