

UNITED STEELWORKERS LOCAL 6166

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"Steelworkers - Striving For A Safer Workplace"

**President
Les Ellsworth**

July 28, 2017

The United Steelworkers Local 6166 represents approximately 1200 workers in Manitoba, predominantly in the mining industry but also in several other types of workplaces as well. We welcome this opportunity to provide input into Manitoba's five-year review of The Workplace Safety and Health Act.

It is our strong belief that every worker has the right to a safe and healthy workplace, and every family has the right to expect that their loved ones will return home safely at the end of their day.

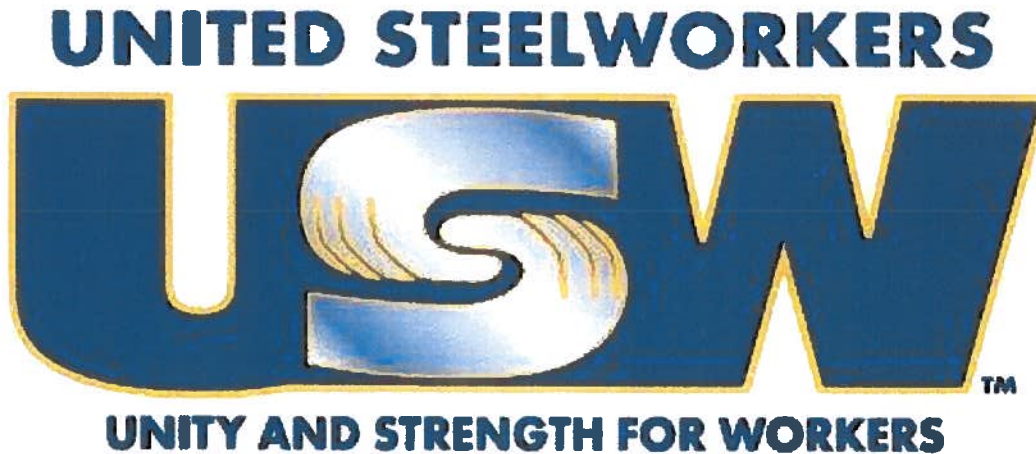
Workplace tragedies don't have to happen. With the right laws, policies and investments, we can ensure that all workers stay safe on the job

The approach taken by our provincial government to workplace health and safety – including focus on injury prevention, the strength of laws and regulations to protect workers, and commitment to enforcement activities – has a big impact on whether working families can count on their loved ones being safe at work.

It is because of this strong belief that we would like to respectfully submit the following recommendations to be considered during this review.

Regards,

Les Ellsworth
President



2017 Regulations Review MR 217/2006

"The council is asked to begin work on recommendations toward the development of a new practice for establishing OELs in Manitoba that provides for sufficient review and consultation periods prior to adoption of a new OEL."

It is the view of the USW lu 6166 that the Province of Manitoba maintain the current practice of adopting the ACGIH TLV as the OEL. ACGIH is an independent organization, without influence from stakeholders. The TLVs set by ACGIH are not consensus standards but are based on reviews of existing published, peer-reviewed scientific literature. The focus used when establishing a TLV is on the safety & health of the worker and not on what impact the TLV will have on the economic or technical feasibility of the employer.

It is our belief that by moving away from the auto adoption of ACGIH TLVs as OELs will lower the safety standard for the workers of Manitoba.

Part 3: Workplace Safety and Health Committees and Representatives.

- 3.3(1) *"A committee must meet within one month after it has been established and, after that, (a) at regular intervals not exceeding three months;" This section should be amended to read "A committee must meet within one month after it has been established and, after that, (a) at regular intervals not exceeding 30 calendar days;"*

This change would bring the wording of this section in line with that of MR 212/2011 which would reduce the risk of confusion for those workplaces that have to follow both regulations. Also with the growing safety and health concerns in Manitoba workplaces today the committee needs to meet more often than quarterly to resolve them.

- 3.3(3) *"A committee member must be given at least three days' prior notice of a regularly scheduled committee meeting." This section should be amended to read "A committee member must be given at least seven days' prior notice of a regularly scheduled committee meeting."*

With the demands on people time both at work and at home seven days' notice seems to be a more realistic expectation so that they can make any arrangements needed to be able to attend the meeting.

- 3.7(2) *"An employer or prime contractor must, within seven days of receiving a copy of the minutes of a committee meeting, ensure that a copy is sent to the branch and to each committee member"*. This section should be amended to read *"An employer or prime contractor must, within seven days of **the committee meeting**, ensure a copy of the minutes is sent to the branch and to each committee member."*

This change will establish a time frame to produce the minutes of a committee meeting, rather than a time frame for distribution. This will ensure pertinent information discussed at the meeting is communicated in a timely manner.

Part 5: First Aid.

- Section 5.7: *"An employer must ensure that any illness or injury suffered by a worker in the course of the worker's work is promptly recorded and that the records are retained for five years from the date the record is made."* This section should be amended to read *"An employer must ensure that any illness or injury suffered by a worker in the course of the worker's work is promptly recorded and that the records are retained until **termination of the worker's employment**, then the said records shall be turned over to the employee or their family."*

This change would allow for records to be available to an employee later in their career if an issue came up.

Part 6: Personal Protective Equipment.

- 6.4 (b) *"the equipment provided fits the worker correctly and can be used by the worker without an adverse effect to the worker's safety or health from the use of the equipment;"* This section should be amended to read *"the equipment provided fits the worker correctly and **shall** be used by the worker without an adverse effect to the worker's safety or health from the use of the equipment;"*

This change would make this a definitive requirement and not an option.

- 6.13 (2) *"For certainty, prescription lenses or prescription eyewear are not included as eye protectors under this section"*; This section should be amended to read *"For certainty, prescription lenses or prescription eyewear **that meet CAN/CSA-Z94.3-02, Eye and Face Protectors and CSA Standard Z94.3.1-02, Protective Eyewear: A User's Guide** are included as eye protectors under this section. **Over the Glasses Eye Protectors, used in conjunction with normal prescription eyewear, shall only be used on temporary basis and not as a means of everyday eye protectors.**"*

The practice of using over the glasses eye protection over normal, non-safety rated prescription eye wear will expose an employee to more risk of injury if the normal eye wear is broken due to impact.

Part 12: Hearing Conservation and Noise Control.

- It is recommended to add a section 12.2 (d) that states *"If it has been determined that a worker is or likely to be exposed to noise at a workplace in excess of 80 dBA, the employer shall institute, in consultation with the committee, a hearing loss prevention program which complies with CSA Standard Z1007-16 Hearing Loss Prevention Program Management."*

Having the requirement to develop a prevention program at the 80 dBA level should help reduce the risk of noise induced occupational hearing loss

Part 14: Fall Protection.

- Consideration to be given to convert the fall protection guideline into a code of practice.

Part 15: Confined Spaces.

- To clarify the requirements for an emergency plan and rescue plans including what these plans are to entail.

Part 22: Powered Mobile Equipment.

- To develop a code of practice for powered mobile equipment.

Part 35: Workplace Hazardous Products Information Systems.

- The implementation of WHMIS 2015 and the global harmonized system will address any changes that are required to this section.

Part 36: Chemical and Biological Substances Application.

- Aside from the statement above concerning OELs there are no other recommendations for changes.

Part 37: Asbestos.

- 37.7- *"An employer must ensure the abatement or removal of asbestos-containing material is done in a manner that does not create a risk to the safety or health of any person"*. This section should be amended to read *"An employer must ensure the abatement or removal of asbestos-containing material is done in accordance with Safe Work Manitoba "Guide for Asbestos Management"*.

This change would give clear direction when working with asbestos containing material.

2017 Regulations Review MR 212/2011

Part 2: Duties of Employers, Supervisors and Workers.

- 2.6(2) *“An employer must ensure that a worker who performs work alone and who does not have direct communication with another person makes contact, at least every two hours, with a supervisor or a person authorized by the supervisor.”* This section should be amended to read; *“An employer must ensure that a worker who performs work alone and who does not have direct communication with another person makes contact, at least every two hours **or sooner if the work to be performed is hazardous**, with a supervisor or a person authorized by the supervisor.”*

When workers, who are working alone, are performing hazardous work the risk of harm is greater therefore the frequency of the check ins should be increased. This frequency should be determined through a risk assessment conducted in consultation with the joint safety and health committee.

- 2.6(3) *“If it is not practicable for the worker to make contact in accordance with subsection (2), and the location of the worker is not known to the employer at all times, the employer must assess the conditions and develop and implement safe work procedures for (a) making contact between the worker and the supervisor or person authorized by the supervisor and; (b) initiating emergency procedure.”* It is recommended that the following be added to this subsection; *“(c) **if direct contact is not practicable, whichever form of reliable means of communication is to be utilized must be within fifty feet of where the work is to be performed. Where this is not practicable an additional worker will be required.**”*

It is not practicable for a worker to have to travel up to a few hundred yards, which in the case of below the collar of a mine could be to a different level, to be able to make the required contact. This would be even more difficult if the worker had sustained an injury.

Part 9: Conveyors.

- 9.1(1) *“The employer must ensure that a conveyor belt installed underground or in any other place at a mine where, because of **limited access**, a fire could endanger the lives of workers.”*

To provide a definition of “limited access”.

Part 10: Protection from Molten Material.

- 10.2(2) *“The employer must ensure that a mould, ladle or slag pot used for molten material and found to be defective is (a) marked with the defect identified; and (b) removed from service until it is (i) repaired, and (ii) certified by a qualified worker and by the Supervisor to be safe for use.”*

There needs to be a clear definition on what a “qualified worker” is.

Part 13: Safety Precautions Underground.

- Currently there are no requirement under this section for an employer to safe guard workers who are required to work under or around open holes in the back. It is recommended that the

following be added; *“When there is an open hole in the back, the immediate area shall be roped off at a distance to safe guard workers, with appropriate signage warning of the hazard.”*