PANEL 2: OCCUPATIONAL SAFETY AND HEALTH: INTER-SECTORAL COORDINATION AND LABOR INSPECTION

A Canadian Perspective

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Occupational Health and Safety in Canada

Outline

• Mandate and Purpose of Canadian Federal Labour Program

• Inter-Sectoral Coordination

• Compliance Activities

• Challenges

• Lessons Learned

• Questions
Occupational Health and Safety in Canada

Occupational Health and Safety (OHS) in Canada is administered across 14 distinct jurisdictions:

• 1 federal
• 10 provinces & 3 territories

Federal

ESDC - Labour Program is responsible for promoting safe, healthy, cooperative and productive workplaces and for ensuring that employees are treated fairly on the job.

• Ensuring that stakeholders in federally regulated sectors understand and follow the various legislation, programs and services for which we are responsible.
• Working closely with provincial and territorial governments, unions, employers, international partners, and other stakeholders to promote fair, safe and productive workplaces and collaborative workplace relations in all workplaces.
Occupational Health and Safety in Canada

OCCUPATIONAL HEALTH AND SAFETY PROVISIONS OF THE CANADA LABOUR CODE

FEDERAL JURISDICTION BUSINESSES AND INDUSTRIES

INTERPROVINCIAL AND INTERNATIONAL TRANSPORTATION
- Railways
- Road transportation - trucks and buses
- Airports, aerodromes, airlines and aircraft operations
- Marine navigation and shipping, port services and maintenance of waterways
- Ferries, tunnels, canals and bridges
- Pipelines - oil and gas

APPROX. 19,000 EMPLOYERS
AND
APPROX. 1,235,000 EMPLOYEES* (9% OF ALL CANADIAN WORKERS)

ARE SUBJECT TO PART II OF THE CANADA LABOUR CODE

* This includes full-time and part-time employees, and seasonal, temporary and casual employees.

GRAIN
- Grain elevators
- Feed and seed mills
- Feed warehouses and grain-seed cleaning plants
- E.g. Bank of Canada

BANKING

URANIUM
- Uranium mining and processing
- Atomic energy
- E.g. Uranium mining and production

TELECOMMUNICATIONS AND BROADCASTING
- Radio, television, telephone and internet
- E.g. Telecommunications and broadcasting

FEDERAL PUBLIC SERVICE AND PARLIAMENTARY PRECINCT
- Persons employed by the public service, federal crown corporations, agencies and parliament (e.g. Senate, House of Commons, Library, etc.)
- E.g. Federal public service and parliamentary precinct

FIRST NATIONS BAND COUNCILS
- Certain community services
- E.g. First nations band councils
Occupational Health and Safety in Canada

10 Provinces & 3 Territories

The remaining industry sectors are regulated by the Provinces or Territories, and account for approximately 90% of employers and employees in Canada.
Within the federal government, Labour Program officials worked hand-in-hand with other key departments to ensure a Canada-wide preparation, and that Canadians had ready access to consistent information and guidance. These preparation took place before the first case was reported in Canada and was based on the evolving science. Key departments in this effort included:

- Public Health Agency of Canada
- Transport Canada
- Canadian Centre for Occupational Health and Safety (CCOHS)
- Community of Federal Regulators
- Health Canada
- Industry Canada
- Treasury Board
- Public Safety Canada
- Justice Canada

The Labour Program immediately implemented more frequent and broader consultations with stakeholders and our OHS provincial/territorial counterparts, through:

- Occupational Health and Safety Advisory Committee
- Canadian Association of Administrators of Labour Legislation – Occupational Health and Safety
- Email blasts, Hazard Alerts, enhanced web and social media presence
Inter-Sectoral Coordination - COVID 19

Other examples include:

• Creation of a network of departmental Emergency Operations Centres, feeding information both horizontally and vertically to the Government Operations Centres to ensure seamless resolution of emerging issues and events;

• Cross departmental interface and communications to stakeholders and workplaces;

• Supporting whole of government approach to communications;

• Working horizontally with OHS counterparts in weekly meetings during the peak of the pandemic to problem solve urgent and ongoing COVID related health and safety issues and share best practices for inspections and investigations;

• Working closely with key federal departments to ensure evolving scientific knowledge; and,

• Consistent regular messaging on public health topics, interpreted through an OHS lens, was sent to our stakeholders and made available to all Canadians.
Compliance in the context of COVID-19

Refusal to Work Investigations
• Primarily occurring in transportation sectors (Aviation, Rail, Marine) and Public Service
• Peaked early following the onset of COVID-19 in Canada

Hazardous Occurrence Investigations
• Reports of employee illnesses were investigated virtually

Stakeholder Counselling
• Hazardous Occurrence Investigation Reports to the Labour Program
• Importance of the Health and Safety Committees and Representatives
• Hazard Prevention Program
• Personal Protective Equipment (PPE) requirements

Interim Adjustments
• First Aid certificates - extensions
• Virtual investigations & inspections

Return to Workplaces
• Reopening occurring in phases led by provinces/territories
Challenges

Coordination of Effort
• 14 OHS jurisdictions
• Federal, Provincial/Territorial and Municipal Public Health Authorities
• Intersection of Public Health Orders and OHS in workplaces
• Distinguishing true PPE needs

Impact of Layoffs and Leave on Workplaces
• Health and Safety Committees
• Work from Home and OHS

Unintended Consequences
• Burden on employers and employees delivering critical services in implementing safety measures, particularly in Aviation
• Confusion about the roles of Public Health and OHS

Mental Health
• The mental health toll on those delivering critical services over a sustained period

Fear and the Unknown
• Dispelling false science and fear when scientific knowledge is still evolving
Lessons Learned

Communication is Key

• Consistent, regular communication, geared to specific workplaces has been very effective to ensure all workplaces have the information needed to develop procedures to safely mitigate against employee exposure;

• Workplaces with poor safety culture prior to the pandemic were more challenged to adapt quickly to the new reality;

• Severe impacts on effective health and safety committee participation means lessened information for employees;

• Working more closely with key departments and stakeholders has improved relationships and health and safety outcomes for workplaces; and,

• Stakeholders were looking to the regulators to help translate Public Health Guidance for use in workplaces.
Questions?