

## WORKING TOGETHER ON PREVENTION

### Feedback Session for Employers

May 18<sup>th</sup>, 2005

Training Room

Workers' Compensation Health & Safety Board

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#### PRESENTERS:

Craig Tuton	Chair, YWCHSB
Gerry Meier	Acting President, YWCHSB
Kurt Dieckmann	Director of Occupational Health & Safety
Jim Stephens	VP of Operations, YWCHSB
Sheila Lilles	VP of Programs, YWCHSB

#### PRESENT:

Arden Meyer	Trans North Helicopters
Richard Zral	Zral Safety Services, Consultant
Melanie Pettefer	Yukon Construction Safety Association
Kevin Wood	Multiple Chemical Sensitivity
Myrielle Cooper	Occupational Health Nurse, WGH
Blaine Rapp	Safety & Emergency Services, City of Whitehorse
Terry Demianenko	Corporate Health & Safety, Government of Yukon
Ralph Shopland	Corporate Health & Safety, Government of Yukon

#### ALSO PRESENT:

Becky Striegler	Public Relations, YWCHSB
Kyla Smeeton	Program Assistant, YWCHSB

#### WELCOME AND INTRODUCTIONS

Mr. Tuton welcomed everyone to the meeting. Craig informed everyone that the Safe Communities program was launched this morning, and that is an initiative that is showing some really great promise for the future.

Today's meeting is being held to receive feedback from the employers' perspective. It is hoped to spend more time today on prevention and safety. The Board has focused its attention on those areas, but that does not mean that any of the Board's other responsibilities under Workers' Compensation or the Occupational Health and Safety system are being deflected.

Mr. Tuton informed the meeting that they have just finished their consultation on the reserve structure, and the Board, in principle, intends to allocate a portion of what was reserves, into what will now become known as a prevention and safety fund. And "fund" has a connotation that indicates that it will be drawn down. The Prevention Committee's recommendation to the Board was that the Prevention Fund would be seen to be a start-

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up fund, to provide seed money in areas of prevention and safety to benefit workers and employers. The next step would be to see how this fund could be best utilized.

## **PREVENTION**

Mr. Tuton explained that one of the hardest things the Safety/Prevention Committee had to deal with was effecting a change in the culture of how safety is thought about. An atmosphere and environment must be created so that the employer will know that if you spend extra money to acquire proper equipment, it will not only last longer and be used, but it is going to prevent incidents from happening. As well, the employees must be encouraged to let the employer know if the equipment provided is not suitable to provide the safety required.

- Mr. Rapp – One of the major roles of the Board is to create an environment for prevention. Things like Safe Communities, Passport to Safety Program, and having a safety management system in place, are very good things. The role of the Board should be as the provider of the education and the training programs to accomplish this environment.

Mr. Tuton responded that the WCB sees itself being in partnership with a whole bunch of different groups. The Board does not want to be in charge. The Board wants its role to be that, when a worker is injured, they will come to the Board for compensation, to be rehabilitated, to be retrained, and to do all those things required to get the worker back into the workplace as quickly as possible. With respect to prevention and safety programs, the Board wants to do those in partnership with a wide variety of individuals and/or organizations. The Board just wants to provide the vehicle and the seed money to make things happen, and then let the partners take on their role.

- Mr. Rapp – Partnerships should be built to educate.

Mr. Tuton replied that that is what Kurt Dieckmann's mandate is going to be over the next period of time. He will need the support and the help of partnerships.

## **INCENTIVES**

Mr. Tuton indicated that possibly "incentives" is the wrong word to use. What is meant is that the Board would like to provide a method for employers to be recognized. It is sometimes difficult to get employers to buy into the concept of providing safety education to their employees and they don't tend to get involved until you really affect them, and affecting them in the pocketbook is the quickest way, but that is not the right way. The Board would like to do it in a way that is more meaningful and more rewarding.

- Mr. Meyer – Can you elaborate on the target date of 2008 for "Safety Management System"; what does that mean? Is that what other jurisdictions would identify as a "COR" certificate?

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Mr. Tuton replied that COR is a separate program. The Board has looked at a number of jurisdictions to see what they were doing. They talked about the incentives a bit, but they wanted to tie a few things to that (e.g. early return to work; a safety management program)

Every jurisdiction struggles with what size of employer do you say a safety management program is going to fit. A company with two employees just cannot have a safety management program; there are just not the resources available. It may be that a company with a small number of employees may only have to have a safety program manual that would have to be audited and approved by the Board.

By way of example, Mr. Dieckmann spoke about the potential for a small operation coming in and discussing the type of business they are in, what they do, and what boxes they have to fill in order to meet the need, and then the Board designing a process for auditing that. He explained that COR is a safety management system; that is one method of doing it, it works very well in the construction and some other heavy industries, such as mining, etc. Nobody has ever measured the effectiveness of COR for small employers in service industries.

COR was designed by industry, for industry. What is needed is for other industries that do not fit into that mould, such as the service industry, the medical industry, etc., to tell the Board what they need, and then the Board can help them through the process.

Mr. Dieckmann pointed out that the Board cannot design the program for them; they don't want to, and they don't know the business. But they can help provide the expertise and the resources that they might need to design their own program.

- Mr. Meyer – Most of the basics will work in almost all industries.

Mr. Tuton agreed, but there are some things are going to be specific to different industries.

- Mr. Rapp – The Board should play a major leadership role in assisting the employers to develop those basic things. Whether it is a two person company, or a large employer, there are common basics. It would be up to the individual organizations to determine which things can or cannot work for them, as long as it is a program that can be audited.
- Ms. Demianenko – There should be a lot stronger focus on prevention. This can be arrived at through promotion, education and all those kind of things. There is no disagreement with focusing on high school students, but the focus should be on workers, too.

A lot more education should be offered the worker and the employer. This could take the form of specific tasks, or templates for the safety program, or a

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template for an audit pamphlet; a design to assist the large and the small employer to implement the things that will put them in compliance with Health and Safety Regulations and the Act, as well as give them best practices that are industry standards as well.

These things should not cost a lot for the employer; and should not require a lot of time for the worker to be away. It cannot be a two week program; it has to have a modular approach, it's got to be designed so a person can take components. It cannot be focused on just one industry; it must be modified for everyone.

To follow on what Ms Demianenko said, Mr. Tuton indicated that the program has to be accountable and affordable, and has to focus on prevention.

- Ms Pettefer – The Construction Safety Association has put on three programs: The Principles of Health and Safety Management, \$70; Leadership for Safety Excellence, two days, \$140; and Auditor Training Program, two days, \$140. Those courses have been reworked to apply to non-construction business and industry.
- Ms Demianenko – Government has been told that, when putting on a program, if there is no cost to it, no one would come. That is the wrong attitude. The programs must be cost-effective, but there should be things that are available without a cost being factored in.
- Mr. Zral – Comparing the courses put on by the Safety Association, for which there was a charge to attend and people were competing to get a seat, to programs put on for free, there is a huge difference in the response and the attitude of the people attending the programs.
- Ms Demianenko – Information sessions in seminar or conference format are wonderful opportunities to see what is happening elsewhere.
- Mr. Meyer – Have we looked at the immediately neighbouring jurisdictions of Alberta and B.C.? They have the most common workplace comparisons to Yukon; certainly much more than the NWT and PEI.

Given the small size of our jurisdiction, we better not be reinventing the wheel. A major role of Workers' Compensation Occupational Health & Safety, through partnerships with neighbouring jurisdictions with already functioning programs, is to provide access to that information and those resources to employers. An example would be the COR programs in Alberta and B.C.; if you're okay in Alberta, you're okay in B.C. The Yukon had better make sure we do the same thing here, so local employers are not made to duplicate efforts.

This Board should not be getting involved with additional personnel to go out and physically do the audit work; that is something employers should pay for. But the Board should facilitate it by creating a skilled pool of auditing resources, with various expertise, in the Yukon.

Mr. Dieckmann explained that the Construction Safety Association has been established to handle a great deal of that need, and they will be able to manage it in most industry in the territory. The Association has reciprocity agreements with all the construction safety associations across the country.

Essentially, COR is the same everywhere, but when you want to establish a workplace in Yukon, you have to satisfy the needs of the COR program here, which requires doing an audit here by one of Yukon's auditors. No matter which jurisdiction you go to, that is a requirement if you want to establish a workplace in their jurisdiction. If you are going to another jurisdiction only to work, COR is accepted by the receiving jurisdiction.

- Mr. Meyer – How do other jurisdictions handle the small operations that do not fit a large industry mode?

Mr. Dieckmann explained that in Ontario they use safety groups. The safety groups concept entails a large employer sponsoring another group; so the large employer essentially looks after that group. People from all different organizations can join that safety group, and that one sponsor makes sure the group works.

Under that program, they lay out a number of program elements, and they require the employer to implement five of these elements every year until they have a safety management system that works for the organization. If you only need seven elements, it will only take two years; if you need 15, it will take three years.

Through doing that, and through lowering the experience rating of the safety group, everyone qualifies for any incentives that might be associated with it.

In B.C., they only go in on a one-on-one basis with safety officers, and try to help them over the hurdles.

In Alberta, there are associations for just about everything. These associations are large enough that the association can handle the specific needs.

In Yukon, we have to look at it in the Yukon context. The Board feels that the best way to meet the needs of a lot of smaller organizations is for the Board to provide the help that they need to build their own programs. The intent is not to put the program together for them, but just to help them do it. That is the route the Board envisions, but if employers and workers' groups have a different point of view, let the Board know.

- Mr. Meyer – Employers have a large incentive to make this happen because, before long, they will not be able to provide their services to anybody without

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some kind of officially recognized safety management system or program in place.

- Mr. Rapp – The Board should help, and foster, and partnership, and facilitate, whether for Government or the small operation, to insure a safety management system is available to all employers.
- Mr. Meyer – The Board’s biggest role in facilitating is going to be dealing with the small operations that do not fit the established modes that are out there in every jurisdiction.
- Ms Cooper – Drawing on a wide variety of experiences in the health care industry, the perception is that larger employers perhaps feel more responsibility or duty to comply with some form of OH&S management system. The difficulty is not for employers to find that there is a need for a management system; it is to actually make the employer accountable; make sure that certain elements don’t slip by.

What seems to be lacking for some larger and smaller employers is people in position to remind the employers of potential dangers that are being overlooked; or to make recommendations on what can be done in certain areas if there seems to be an increase in injuries. There is a lack of an audit system to make the employer and employees more accountable.

There should be a better word than “audit”; employers seem to shy away from the word “audit”.

Mr. Dieckmann suggests “evaluate for continuous improvement”.

- Mr. Zral – There was earlier discussion about the difficulty a small employer, of two or five employees, would have in putting a program in place. This should not be any different than an employer with 20 employees. The needs for all the elements of a safety program to be in place are the same.

Mr. Tuton spoke about the problem of a negative perception that occurs when someone from the YWCHSB appears on the jobsite. The Board would like to see a more positive attitude developed.

- Mr. Rapp – There is a problem when the Board not only tries to play the role of an educator, but also as an enforcement agency.

The City has no problem with officers coming out to enforce the regulations. They would like to see more enforcement because it creates a level playing field. Organizations that are not following the regulations should have disincentives first as incentives; if you’re not following regulations, you pay

the price; if you follow the regulations, then you get recognized, in whatever form that takes.

- Ms Pettefer – The whole assessment process has to be fair. Whether it's compliance and enforcement, or enforcement and compliance, prevention will harmonize the whole process.
- Mr. Zral – Out of 500 inspections, there might only be one that ends up with some kind of charge.
- Mr. Rapp – To a certain extent, that's part of the problem. More people should be held accountable.

Mr. Tuton asked everyone present whether they see the Board concentrating more on the Occupational Health & Safety side, with respect to education.

- Mr. Wood – If everybody on the job is more educated, more of the violations can be caught and reports made. Education should be the main focus.
- Mr. Zral – Speaking from the experience of many years in enforcement and training programs, and having made presentations for and with the Construction Safety Association, and comparing them to the programs done through the Board and through the Alberta and B.C. Board, the Yukon is getting a bigger bang for the buck through the Safety Association. People want to become involved because it is their association; it's not the Board.
- Ms Demianenko - The main difference is the style between the training programs delivered by the Board, versus the Safety Association. The information provided by the Safety Association is communicated in a simpler way, which makes it more effective and better received by Government's employees.

Mr. Dieckmann indicated that providing practical solutions to real problems is the key. The Board is trying to determine what the problems are, and what are the practical solutions that can be worked on together to satisfy the employers' needs. A practical solution might be for the Board to help develop some programs and hand them over to the Yukon Safety Association for delivery. The Board is looking for feedback on whether that is a way to proceed; or if there are other more creative ways to go about it.

- Mr. Zral – If you're going to expand your education unit or keep it the same as it is, have that unit develop some programs that are needed in industry, and give them to whatever organization is in place to deliver the program.

Mr. Zral used the example of an employer with 20 employees, who has put a good safety program in place and has put his crew through a training program, and is now looking for some payback on their investment. What is that person

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receiving for their investment; what incentive is there to keep on with this program?

Mr. Tuton responded that the employer will get a lot of peace of mind because they have done the right thing. As well, the employer has saved itself a lot of money because of the savings realized from workers not becoming injured.

- Mr. Shopland – Using the example of an employer who has no regard for safety programs, and is not participating to the same extent as the employer in Mr. Zral's example, where does Mr. Zral's employer get rewarded, and where does the non-compliant employer get punished?
- Mr. Rapp – For the employer who does well, there has to be some positive recognition; for the employer who does poorly, there has to be some form of punishment as an incentive for them to do better.
- Mr. Shopland – For the employer who has not previously participated in safety programs, but who is now inquiring about how to become involved, will the Board disproportionately give them an opportunity to access the training programs, in comparison to the employer who has participated fully from the beginning?
- Mr. Rapp – It doesn't matter if it is disproportionate; the bottom line is they want the employer to have a safe workplace.
- Mr. Shopland – That is acceptable, as long as there is not a sense of jealousy created because someone received more than someone else.

Mr. Tuton indicated that is the other part of the process the Board would like to hear feedback about. He provided an examples of how Newfoundland and NWT handled this situation. Neither of these solutions would work in Yukon.

The Board wants to hear from the employers what they think would work.

Mr. Dieckmann indicated that yesterday the Federation of Labour was here, and they do not want to see anything that is tied to any kind of a merit rebate program; but they certainly would support some incentives tied to prevention initiatives or safety performance and those types of things.

Mr. Dieckmann provided examples of how other jurisdictions handle incentives.

- Mr. Zral – Some of the people really do want to see something in the way of a rebate system. Alberta does have a nice system in place for rewarding people and who are getting their certificate of recognition. The Board is encouraged to have a hard look at the Alberta situation and give some consideration to implementing something similar.

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Mr. Tuton reiterated that eventually, if someone isn't a COR certified employer, they will not get the jobs.

- Mr. Zral – That will happen eventually within the territory. However, if there are two construction companies competing for a job, if there is no requirement for COR certification, the one without the COR is going to get the job. That is the concern on the street.
- Mr. Meyer – The Board is just an insurance company.
- Mr. Zral – It's an enforcement agency as well.

Mr. Tuton disagreed with Mr. Meyer's comment.

- Mr. Meyer – OH&S isn't linked to the WCB in all jurisdictions; Yukon just happens to be. For the purposes of today's discussion, about merit rebates and putting programs in place, accident prevention, lowering costs, the Board is an insurance company. When employees are hurt, the Board should be taking care of them, and they had better not be charging more than competitive market insurance rates to do that.

Everyone knows prevention pays; every employee and employer is encouraged to subscribe to some form of safety, but there has to be some incentive there. That incentive is not viewed as costing the Board, as an insurance fund, any money because, if it is working, money is being saved by eliminating accidents. If it doesn't work, overall rates will go up anyway.

The Alberta model is an excellent one, where any employer that subscribes and meets the basic COR requirement automatically falls in line for something. In addition to that, there should be some form of merit rebate or assessment. It is acknowledged that Labour does not subscribe to the merit rebate approach.

Mr. Tuton indicated that there is no appetite for the Board to deal with anything that's called "merit rebate". There is movement within the Board to deal with the issue of incentives.

- Mr. Shopland – Following along with the car insurance analogy, there are some things which work, such as varying the rates for the experience of different age groups; whether the person has been professionally trained, as opposed to self-taught, etc.

Mr. Tuton pointed out that if things continue on the same slope, with claims going up, duration going up, etc., the pressures on certain employers are going to be horrendous. Some rates may have to rise dramatically.

- Mr. Meyer – We have to believe that safety and prevention is going to lower costs. It may not in all years, but overall we have to believe that.

On that assumption, no difference can be seen down the road. Once the safety management system is in place, rebates are given because of good work experience, or some are paying more because of bad experience, that keeps the fund, actuarially, the way it is today.

Mr. Tuton pointed out that the next part of the process in the fall will be talking about assessment rates. That will be the time to look at classifications and see if there is anything that can be done within classifications.

- Mr. Meyer – WCB should not be building its overhead in terms of people, etc., expanding to facilitate a safety program. Employers should pay for the cost of doing that. But if the program is successful, the employers should reap the rewards. The reward should be based on practice and performance.
- Ms Cooper – Who would supervise the monitors?
- Mr. Meyer – The Board would.

Mr. Tuton agrees; it has to be the Board.

- Ms Cooper – The example of a successful partnership between the hospital and the therapy departments, related to injury prevention, was given, and it was suggested that Yukon is small enough that partnerships should be able to be formed with other professional groups. A program put on by one segment of industry (eg. WHMIS) may have real application to other areas, such as the health care industry.

There is the perception that WCB feels that the health care industry is able to take care of itself and, indeed, the health care industry has focused on returning its employees back to work; but, at the same time, there should be more focus on prevention. The health care industry should be brought into compliance with more of a structured educational prevention program.

**At this time, with apologies, Mr. Tuton left the meeting, and Mr. Meier assumed the role of Chair of the meeting.**

- Mr. Zral – If Ms Cooper attended the Leadership for Safety Excellence course and the Principles of Health and Safety Management, put on through the Safety Association, she would find that setting up a safety program in the hospital is no different than setting up a safety program for the City or an airline company. All the elements are the same.

- Ms Pettefer – If you think of the hospital, there are many different departments, and each one is going to have a safety manual, or a portion thereof, that is pertinent to their unit.

Mr. Dieckmann used the example of the Alberta Construction Safety Association program being adopted by a number of other associations in Alberta, and modifying the material to suit the needs of each particular association.

Mr. Meier pointed out that there is a bit of a dilemma for the Board, because Craig has talked in terms of expanding the Construction Safety Association into a Yukon Safety Association, and Kurt has highlighted some of the possible shortcomings, and the Board doesn't want to run the risk of weighing individual organizations down, and having the members feel like their interests and needs are being compromised. At the same time, there is a risk in the Board getting too involved and pushing and promoting.

The Board is not sure how strong other associations are in the territory, to pick up the ball to the same extent that the contractors have. There are options like possibly the Canadian Federation of Independent Business, which has a real interest in promoting partnerships. Any thoughts people have about where to find the middle ground, and to build a partnership that will complement the CSA, rather than overburden it, that would be very welcome.

## **INDOOR AIR QUALITY/WORKPLACE SMOKING**

- Mr. Rapp – When it comes to indoor air quality and workplace smoking, it is a workplace issue. The Board should be part of a discussion around this issue. Other than that, there are no ideas to present, other than smoking is an issue and that the Board should have some role with education or facilitating whatever program should be implemented.

Mr. Rapp was not too sure whether the City should have gotten involved, as opposed to the Board. If looked at as a workplace issue, it is the Board's job.

- Ms Demianenko – If the Board does become involved with workplace smoking from a regulatory point of view, there is concern with the definition of "workplace". If the employer has followed the present bylaw, and allows their workers to smoke outside, no one is smoking in the workplace, and then the workplace is defined as the parking lot, and people have to go across the street to smoke, this creates a whole other safety issue. To add another layer of enforcement is not going to work.

Mr. Meier indicated that in discussion, it is the Board's desire to move further down the road of prevention, education, enablement or empowerment, and less with the enforcement. The Board hears people say there is a role for them; just be careful what role they take upon themselves.

- Mr. Meyer – It is very fortunate that the municipalities have taken it upon themselves to regulate this, and the Board should stay away from it; deal with it as an air quality issue, using a prevention and education approach.
- Mr. Shopland – “Indoor Air Quality” is too broad a term, and it means too much to too many different people for the Board to even hope to aspire to stay on top of it. The Board should choose its language or definition with regard to indoor air quality. If it means environmental tobacco smoke, or particulate monitoring, name it that.

Mr. Meier agreed that this is a huge issue, and the Board may choose not to put on an OH&S enforcement hat on this particular issue, but Labour has indicated that there may be a huge price to pay in terms of claims being recognized if it is a legitimate workplace injury.

- Mr. Wood – Yesterday, there was mention about surveys conducted in Yukon, but there was nothing mentioned about across Canada. Some of the recent surveys show over 50% of people have difficulties with colognes or perfumes, or any of those types of products. Multiple Chemical Sensitivity (MCS) is a major concern in Yukon. Yukon doesn't even rate on a pollution line; statistics show Yukon is less than 1% overall. If we want people to come here, we have to be the ones that head forth for air quality in buildings. This does not involve hard science; it is only a little bit of education to know what can be done to help eliminate certain pollutants. Not all pollutants can be completely eliminated, but at least the situation can be controlled inside the building.

It is not possible to have everybody not wear any scented products; however, the employer can be educated as to what alternatives can be used instead of using products that have many chemicals in them.

All people are at risk to develop MCS and, once you get it, you don't return to your previous condition. Once a person has developed MCS, they can lose months or years of work time. Some people cannot even live within the city because they have reached the point where it is impossible for them to handle anything.

Mr. Meier thanked everyone for their input today, and for their attendance. He indicated that the Board looks forward to receiving written comments, and told people to contact the Board staff if they have further comments or inquiries that they wish to pursue outside the formal setting.

(The meeting adjourned at 4:05 p.m.)

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