

**WORKING TOGETHER ON PREVENTION**

**Feedback Session for Workers**  
**May 17<sup>th</sup>, 2005**  
Training Room  
Workers' Compensation Health & Safety Board

---

**PRESENTERS:**

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

**PRESENT:**

Gerry Meier	Acting President, YWCHSB
Phil Dyke	Alternate Chair, YWCHSB
Barb Evans	Labour Representative, YWCHSB
Jim Brohman	PSAC, Regional Health & Safety Committee
Douglas Rody	Yukon Federation of Labour
Luigi Zanasi	Economist
Douglas MacLean	Energy Solutions Centre Inc.
Kevin Wood	Multiple Chemical Sensitivity
Liz Reichenbach	Worker
Myrielle Cooper	Occupational Health Nurse, WGH
Elaine Kennedy	Interested Party
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. He explained the timelines involved in the consultation process. As an update, he indicated that it would appear that an announcement with respect to the reserves will likely be made towards the end of June.

Those present were asked to introduce themselves.

Mr. Tuton explained that the purpose of today's meeting is an opportunity for those present to provide feedback, and anyone with a presentation, or questions to ask, was invited to do so at this time.

## **INDOOR AIR QUALITY**

- Mr. Brohman received confirmation from Mr. Tuton that the purpose of today's meeting was to hear from labour/employees.

Mr. Brohman explained that he is present as a technical advisor to the Regional Health and Safety Committee of PSAC. He explained that about nine years ago, there was a Regional Health and Safety Conference, and an ad hoc committee was created to become the communications and research channel, etc., for assisting the union in addressing issues of health and safety. Arising from another recent conference, more people have become involved, and it is expected that similar committees will be established in Nunavut and NWT in the coming months.

One task the Committee has taken on is the issue of indoor air quality. There has been some success that has been driven by crisis. Where there have been serious incidents, it has educated small groups of people and small groups of management in terms of addressing the issue of indoor air quality.

Jim explained that when this issue has been raised during bargaining with employers, the union has come up against a wall. Employers have not recognized a problem, and the union has been hard-pressed to show there is a problem other than perception. As a result, the Committee had a survey conducted to determine whether there is a problem, where the problem exists, and other relevant information around the topic. The survey was conducted by an independent organization (DataPath).

More work is required to develop strategies with respect to how to proceed using the information learned from the survey.

Mr. Brohman introduced Mr. Zanasi, from DataPath.

- Mr. Zanasi presented an overhead display of the results of the survey he conducted (hard copies were provided).
- Mr. Brohman pointed out that the Committee is going to do more work in terms of specific worksite locations; however, since feedback was requested with respect to indoor air quality, the Committee felt they would take the opportunity to share the results of the survey.

Mr. Tuton reminded everyone that the major question the Board wants to ask during this process is what people think the involvement of the Board should be with respect to

**DOUG AYERS REPORTING SERVICES**

**(867) 667-6583**

**dayers@yukon.net**

indoor air quality, more specifically dealing with tobacco smoke. The issue of tobacco smoke has been handled differently in jurisdictions across Canada.

- Mr. Brohman – The Board has a role to play. Indoor air quality is a workplace issue and at some point in time there will be a liability in terms of the Board if this issue is not dealt with.
- In regard to tobacco smoke, this was not a focus of the Committee because there are very few institutions where there is any smoking allowed. However, at the northern Regional Health and Safety Conference, there was a resolution passed, which was brought forward by Nunavut and NWT delegates, that the Board's approach in those two jurisdictions is the one that should be adopted right across the north.

Mr. Tuton then called upon Douglas MacLean to provide an overhead presentation.

- Mr. MacLean provided an overhead presentation of a study entitled "Indoor Air Quality: Solutions that Work" (a hard copy to be provided).
- Mr. Rody – On behalf of the Federation of Labour, the Board is urged to consider moving to ban smoking in all workplaces. The reason for saying that is that the legal precedent has been set in B.C., wherein the courts have ruled that the Board had to accept a compensation claim for cancer. The Board is exposed to a fairly significant liability in the long run, and the responsible thing to do is to move to mitigate that liability. Labour does not expect this to happen next week or next month, but it is something that the Board is encouraged to consider at some point in the not too distant future.
- Ms Reichenbach – Mainly here to talk about indoor air quality as it relates to multiple chemical sensitivity (MCS). Liz was elated when she heard that the WCB was finally recognizing MCS in relation to indoor air quality in the workplace. She referred to the Indoor Air Quality Bulletin prepared by the WCB.

Ventilation should be the last measure to be implemented as a remedy. The first remedy should be to change the workplace, remove the contaminants or make the workplace safer. Ventilation only dilutes the contaminant; it does not remove it.

The remedy for anyone who has MCS is the same as the prevention would be. The good news is that "prevention" is synonymous with management of MCS, which is very complex. Once a person has MCS, there is no easy way out of the situation. Prevention also results in fewer new cases, as well as minimizing the existing and potential disabilities that a person can get.

Asthma, multiple sclerosis, and other environmental illnesses are also affected by poor indoor air quality. People with these problems are chemically sensitive, as opposed to having MCS. MCS is the most extreme form of sensitivity that is encountered.

People with MCS are often isolated in their homes and have a hard time going anywhere, including work. Some people cannot manage the whole lifestyle imposed on them, and it can end up in suicide.

Asthma is on the increase. From 1996 to 1998, the asthma rate in Yukon was 5.7; this increased, in the year 2000, to 9.2. It is on the rise not only in Yukon, but everywhere. MCS is also on the increase.

Safer, healthier, workplaces result in healthier and more productive workers. This also results in healthier and more productive children, future workers and future generations. It can also increase the potential for those with chemical sensitivities and MCS to continue or return to work. As well, this will lead to a decrease in claims, and also a decrease in grievance costs. For employers or services, safer and healthier workplaces can increase the accessibility to their services.

As soon as measures are implemented to improve indoor air quality, the benefits are immediate. Immediately, a lot of people, who are off work because of MCS in the workplace, can likely return to work. The results are immediate for a considerable number of situations.

Multiple chemical sensitivity is considered a disability, which extends to the Human Rights Act, and the responsibility extends to the employers, services, unions, Workers' Compensation and OH&S. It is their responsibility to insure a safe and healthy workplace for all workers. The Human Rights Act prohibits discrimination.

For remediation, it is suggested there should be a workshop with persons who are chemically sensitive or have MCS, to determine their needs, and find out what is or is not working in various workplaces.

With regard to environmental tobacco smoke, this is a part of the indoor air quality issue. The allowable exposure to carcinogenic agents is as close to zero as you can get.

Ms Reichenbach referred to an article entitled *The Economic Impact of Smokefree Workplaces, an Assessment for Nova Scotia*, prepared in 2001 (the website will be included in the final written submission).

There is consensus among most reputable scientific and medical academies and government health agencies, on serious health hazards with secondhand

**DOUG AYERS REPORTING SERVICES**

**(867) 667-6583**

**dayers@yukon.net**

smoke, that exposure causes heart disease, lung cancer, nasal and sinus cancer and respiratory ailments. In Nova Scotia, it causes about 200 deaths per year, and it is considered the leading cause of workplace deaths. More recently, research has found a link between secondhand smoke and cervical and breast cancer, stroke, miscarriages and initiation of asthma, as well as various problems for children.

In restaurants and bars, secondhand smoke levels are twice as high as other workplaces that do not have smoking restrictions. In bars and casinos they are three to six times as high. Excess mortality for workers in smoking lounges, bars, restaurants, casinos and bowling alleys is 15 to 26 times higher and poses significant risk levels.

Based on Conference Board of Canada estimates, it costs Nova Scotia's employers an estimated \$250 million per year, or \$2,280 per smoking employee, to employ smokers rather than non-smokers, including on-the-job productivity losses, increased absentee costs, increased life insurance premiums and smoking area costs.

In another study, the costs went up to \$4,600 per employee.

## **BEST PRACTICES**

- Ms Reichenbach – Return to work is a good thing. However, the return to work recommendations must be based on the recommendations of the worker's doctor, and that can't be trumped by a Workers' Compensation doctor.

Education and audits are key elements.

- Ms Reichenbach – There was some confusion with regard to the claims cost analysis, in relation to Bill 83, the Workers' Compensation Appeal Tribunal; the impact of Bill 73, the pre-1993 maximum wage rate; and Bill 64, reinstatement of spousal pensions. It states that these have had a great impact on the cost increase in the year 2000 and 2001.

Were you trying to say that, because these things were increasing those costs, they should be abandoned?

Mr. Tuton answered that those were legislative changes; so they are changes that the Board had no control over.

Ms Evans explained, also, that they weren't injuries, so they wanted people to know that all this liability was not due to injuries and diseases and bad things going on; it is legislative changes.

- Ms Reichenbach – The workers must have had accidents or issues in order to get to the Appeal Tribunal.

Barb Evans explained that, once the Tribunal was implemented, their focus was totally on appeals. A lot of really old appeals were brought forward and, the longer it took to reach a solution, the more the costs escalated. By severing the Board to do administration work, and having a Tribunal to do all the backlog of appeals, they were able to process the appeals very quickly and efficiently, which meant that in one year they did a lot of work and it cost a lot of money for that year.

- Ms Reichenbach – Really, that is amortized over the years.
- Mr. Rody – In defence of the Board, it was explained that this is beyond the control of the Board because it is a legislative matter. All the Board is doing is saying, take note of this and set it aside. In terms of addressing issues the Board can address, they don't want those costs to steal away peoples' attention from other things, like claims duration.

## **INCENTIVES**

- Ms Reichenbach – Totally against incentives for the employer, because it sends everything underground. Employees are strong-armed not to report, employers don't report, accidents that happen.
- Mr. Rody – The possibility that there may be a Prevention Fund is welcome news. There has previously been a Benefit Enhancement Reserve, but it wasn't really used. The time is coming, with prevention consultations, etc., that hopefully the Prevention Fund will be used.

Mr. Tuton pointed out that if the Prevention Fund was adopted, the Board is very clear that they do not want to refer to it as a "reserve"; it will be referred to as a fund, which means that it will be used.

- Mr. Rody – There are many things that can be done for economic incentives, but the two that Labour would oppose are merit rebates and experience rating. The costs of administering those programs are prohibitive. Mr. Rody referred to a paper entitled "Incentive Programs, a Discussion Paper", prepared by Tina Sebert.

Reference was made to a presentation by the Nova Scotia Construction Safety Association, with regard to a safety management program with audits. When the Government of Nova Scotia required employers/contractors bidding on government jobs to take the program, the uptake on the program increased significantly, and there was a dramatic decline in construction injuries. The anticipation was that assessments would likely drop. That is the type of program Labour would encourage employers to adopt.

**DOUG AYERS REPORTING SERVICES**

**(867) 667-6583**

**dayers@yukon.net**

Labour challenges employers to come up with something more imaginative around return to work; or incentive programs to encourage employees to take safety training.

Many employers with small numbers of employees cannot afford to have a person away taking safety training, and that would be where the Prevention Fund could be used to good advantage; to assist employers to allow their employees to take time off for training. This is a concept that there needs to be more time spent thinking about and, if that means extending the consultation on this issue into the fall, Labour is agreeable.

Mr. Tuton indicated that this Board has been speaking about duration and early return to work. At the end of the process, the Board wants to be sure that there is really a quality of life for injured workers, whether they are retrained or returned to their old jobs. If their injuries are such that they cannot work, the Board wants them to have a real quality of life.

Mr. Tuton assured everyone that the Board has not suggested moving in any one direction. They are in the process of consulting and listening to the stakeholders and will incorporate a number of suggestions. This is a very important process because it means that the Board is changing the way they do business, changing the way the Board thinks, and on a more regular basis involving the stakeholders.

The Board is not looking at merit rebates; they are looking at incentives. Before they get to the incentives stage, they want to make sure things are built around safety management programs; and they want to make sure that the company with a small number of employees is able to fit into the program.

The Board does not have a cut-off date, at which time a decision will be made regardless of whether the consultation is complete. The only thing that is important is that, at a certain point in the year, decisions have to be made respecting assessment rates.

- Mr. Rody – Labour would like to see assessments drop. They are not entirely opposed to incentive programs; they are just opposed to certain ones. As this consultation process carries on, there would be an advantage to having a joint meeting, perhaps the Stakeholder Advisory Committee, so that Labour can engage in dialogue with employers about what might work other than merit rebates and experience rating.
- Ms Kennedy – Banning smoking from bars is not a solution. Most people who work in unions or work for government have no idea about making a balanced bottom line; but when you're not feeding your children because somebody says your clientele can't smoke, it is an issue.

Employers should be allowed to make their own judgment, and let employees who work there make their own decisions. If there is an unhealthy building, the employer should be made aware of it.

The Meeting adjourned at 4:00 p.m.

---

Doug Ayers, Court Reporter