



Health | Safety | Environment



IN THIS ISSUE

The Unifor Local 1859 Susan Markus Health and Safety Award

2018 Internal Audit of Local Health and Safety Committee

Right to Refuse Dangerous Work

Fatigue in Transportation Forum 2018

Capacity Building at the BC Regional Council Health, Safety and Environment Forum

Speaking up for Workers' Rights

CONTRIBUTORS

Ken Cameron, National Health and Safety Representative for VIA Rail

Tana MacKay, British Columbia Regional Council Health, Safety and Environment Standing Committee, Local 333

Dianna VanHooren, Joint Health and Safety Committee Co-Chair, Local 1859



Health and Safety

The Unifor Local 1859 Susan Markus Health and Safety Award

Local 1859 recognized two admirable health and safety activists on October 20, as Dianna Van Hooren was awarded the first ever Susan Markus Health and Safety Award. Susan was past President of Local 1859, Health and Safety Representative for her workplace and an experienced Discussion Leader for our Health and Safety courses. Susan left us far too early in February 2017, but her legacy of activism continues to live on through her local and through all of the members that benefited from her health and safety instruction.

Susan's daughters made a heartfelt presentation to the local membership, adding that Susan would be greatly honoured



Susan Markus

to have an award in her name, recognizing her efforts "to make a difference." Both Casandra and Vicky have followed in their mother's footsteps, as active members of their Joint Health and Safety Committees

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Health and Safety

in the workplace. It is comforting to know that Susan's commitment to workers' health and safety has inspired such activism in her family and her union.

Dianna is very much a fitting activist and workplace representative to follow in Susan's footsteps. Dianna works tirelessly to represent her members as Workplace Health and Safety Co-Chair, and now the Local

Union Compensation Advocate. As a Discussion Leader for Health and Safety courses, she also leverages her experience and determination to help improve workers' lives.



L-R: Ken Bondy - National H&S, Mike Martin - Susan's Partner, Dianna Van Hooren Local 1859 H&S, Casandra Turnbull - Susan's Daughter, Vicky Valcker - Susan's Daughter, Ron Roberts - Past 1859 President

2018 Internal Audit of local Health and Safety Committee

Report by Ken Cameron, National Health and Safety Representative for VIA Rail

The VIA Rail—Unifor Policy Health and Safety Committee serves employees working on trains, in stations and offices, and in maintenance and yard operations. It supports 17 workplace committees for larger locations and a dozen representatives in smaller ones, at locations from Halifax to Vancouver. Once again, this spring participants from all locations were invited to a conference, the seventh of its kind, hosted by the Policy Committee, to share experiences, foster encouragement and share the latest information on initiatives.

All committees were invited to send their chairpersons, both management and union, and "a new face". Senior representatives from Unifor and officers from Transport Canada and Labour Canada also assisted with the conference, held on April 4 and 5 at the Hotel Intercontinental in Montreal. This demonstrated a considerable investment by the employer in wages, transportation, accommodations, facilities and planning.

As in the past, the event was jointly planned and hosted, and presentations were delivered jointly where appropriate. Participants were

expected to report back to their work locations on the proceedings of the conference, and to apply what they learnt.

A wide range of subject matter was presented, including:

- A welcome from senior VIA Rail and Unifor officials, Jean-François Legault and Bruce Snow respectively.
- A review of the strategic long-term health and safety plan.
- A presentation by senior safety executives, introducing themselves and their staff, and outlining what they do to contribute.



Health and Safety

- A report from the Policy Committee on past objectives, accomplishments to date and current objectives, serving as a reminder for local workplaces to do the same.
- Current statistics relating to accidents.
- A report from the representatives at the Railway Association of Canada on a survey of safety culture conducted for VIA.
- A victim of a life-changing workplace injury told her story, the moral of which was to speak up when you see an unsafe condition or behavior.
- Psychological health and safety was a key subject, with a presentation from Sari Sairanen, Unifor's Director of Health and Safety. Sari emphasized the fact that stressors originate in the workplace as well as in private life, and that employees should treat these as they would any workplace hazard.
- To give a view from beyond the railway sector, Scott Smith, Unifor's representative at Ford spoke about their struggle, following some fatalities, to convince the employer to adopt a different approach.
- A plan under development for better incident investigation procedures.
- A group exercise on conducting better inspections.
- An update on the status of the fatigue management plan, as mandated by the Railway Safety Act regulations.
- Representatives from several workplaces presented on initiatives and objectives at their locations.
- Risk mapping, or job safety analysis, will be initiated as part of a long-term plan, with local employees participating.
- An audit of the effectiveness of committees and representatives was introduced, to be conducted jointly by union and management.

The fact that this event continues to be held is proof that it contributes to improvement in many ways. It offers:

- A demonstration of commitment by senior management.
- Promotion of the corporate vision.
- Opportunity for networking and sharing of best practices.
- Validation of the value of collaboration.
- Meeting the requirements of the Railway Safety Act's Safety Management System regulations.
- Recognition of employees in attendance, for their engagement with health and safety.





Right to Refuse Dangerous Work

Report by Dianna VanHooren, Joint Health and Safety Committee Co-Chair, Local 1859

As the first female co-chair in the history of the Joint Health and Safety Committee at Autoneum in Tillsonburg, Ontario, I was always made to feel like a second class person, less than the men who previously held this position and as if I had no clue what I was doing. I worked twice as hard at my duties to ensure the safety of all my co-workers and made it very clear that I was asking for the law to be upheld; I was not asking for the moon and stars.

In subtle ways, I was receiving small retributions for exercising my rights and for letting my co-workers know that they too had power in their hands. For example, my vacation requests were denied or not given back in timeframes laid out in the policies; my shift rotation would be changed unexpectedly and other such rebukes. I was at the point of

being so frustrated that I was going to give up my position; no amount of fighting was worth my health and well-being.

One day I went into work and noticed that a piece of lifting equipment was not in working order. I asked the operator why they were lifting totes of parts that weighed almost 70 lbs. She replied that work orders were submitted; she had spoken with the supervisor and still the issue had not been resolved. I asked the supervisor if a timeline was in place to get this piece of equipment fixed or replaced, adding that it was unreasonable to ask workers to lift these totes. However, I got no acceptable response in return.

Then I went for our regular safety issue meeting with the Manager of Health and Safety, the Advisor of Health and Safety and the Manager of the Supervisors. At the end of the meeting, I told them that I was

exercising my right to engage in work refusal on behalf of the worker, and that I was going downstairs to lock out the job and explain to the worker why I was doing this.

The managerial team was furious and started yelling at me that I cannot refuse because I am not running the job. In response, I remained calm and simply asked them to refer to the Occupational Safety and Health Administration Handbook. When they came to the machine, they said they had no idea how to handle this or even where to start. This confirmed my suspicions that they were not competent in their duties. An issue that could have been solved in ten minutes took over an hour. To be clear, I did not direct them how to solve this issue; I simply stated that my concern was for the worker involved.

I was so scared to initiate that work refusal because I simply did not know what they would do in retribution. However, once I saw that I had the power to affect change; it was a complete shift in the dynamics. I did know what I was doing and I certainly knew my rights and how to exercise them.

These rights are so precious and we need to use them to keep them. I have had these rights put into our terms of reference for the Joint Health and Safety Committee so that even if the law changes, these rights are enshrined in our facility regardless. Being an educated union worker is what gave me the strength to do this and I will not hesitate to do it again. I gained the respect of my co-workers that day and more importantly, their trust.





Fatigue in Transportation Forum 2018

Report by Ken Cameron, National Health and Safety Representative for VIA Rail

Bruce Snow, Unifor’s Director of Rail recently sent me to a gathering of fatigue specialists and scientists from academia, the transportation industry and the fatigue management community. The gathering was in Montreal and when I arrived, I had a Dylan song stuck in my head—“The Day of the Locusts”, and these lines:

*I glanced into the chamber where
the judges were talking.
Darkness was everywhere, it
smelled like a tomb.**

The four main themes at the forum were:

- Principles of Fatigue and Fatigue Management
- Fitness for Duty
- Medical And Sleep Disorders
- Fatigue Risk Management Systems in Transportation

Often, the only union representatives at such events are from Unifor and the Teamsters. In contrast, at this event a flight attendant from the Canadian Union of Public Employees (CUPE) was present, as well as a representative from the BC Ferry & Marine Workers’ Union.

Fatigue is pervasive in the transportation sector, where 24/7 operations, 365 days a year are the norm and workers are subjected to shift work, disruptive schedules and long hours of work. It is a way of life that fundamentally affects not only work, but also sleep patterns and the management of health, family and social lives. With this in mind, a fatigue risk management system is a scientifically based, data-driven set of integrated management practices, beliefs and procedures to identify and manage fatigue and associated safety risks.

In the keynote presentation at the forum, Dr. Drew Dawson explained how, in Australia, the more it can be demonstrated that the employee failed to advise the employer that he/she was sleepy, the greater the reduction in said employer’s liability in court. I asked how this might encourage corporate lawyers to systematically shift blame to employees. While acknowledging an employee’s duty, I suggested that such an approach was an extension of behavior-based safety.

The head of the Transportation Safety Board (TSB), and former air traffic controller, Kathy Fox delivered one of the best presentations. She included three case studies, one each in rail, marine and air. Her comments were clear and pointed, with a sense of urgency and frustration.

A flight attendant interested in ways to investigate the hazards of fatigue





Health and Safety

for prevention asked if she could use the TSB's Securitas confidential reporting mechanism. In response, Mme Fox failed to mention that the primary avenue for an employee faced with a hazard is to report the matter to the employer and her Workplace Health and Safety Committee. When I pointed this out, she hurriedly agreed that that was the proper route to follow.

Overall, the conference was very informative but unfortunately, no

one had the internal responsibility system in mind, where workers have an active role to play in the elimination of workplace hazards.

To sum up, all the presentations were thought provoking, depending on one's interests. In contrast, a panel discussion by some big bosses at the end was comparatively dreary, validating the song that had been in my head. They were from the "top of the pyramid", discussing how to get the message to the "bottom" i.e.

you and me. In the end, I said what I thought, "While the Railway Safety Act governs operational safety, the Canada Labour Code, Part II, governs occupational safety. These two forces need to converge and support each other. The Code can support the Act so that input can come from the bottom of the pyramid up to the top!"

*<https://youtu.be/m-HTbrY-RNk>

Capacity building at the BC Regional Council Health, Safety and Environment Forum

Report by Tana MacKay, British Columbia Regional Council Health, Safety and Environment Standing Committee, Local 333

In April 2017, the BCRC HSE Standing Committee, with support from the National HSE Department, hosted a forum for health and safety advocates in BC. This two-day conference proved to be the ideal

setting to meet other advocates facing similar challenges and to share ideas, strategies and learnings with each other.

After the forum, Roger Haggerty of Local 592, Port Alberni reached out to the attendees to seek input on a platform for connecting with

each other, to help with common ongoing issues such as dealing with WorkSafe BC claims and other non-occupational claims. The group enthusiastically agreed to stay in contact via email with questions, suggestions, ideas and the like.





Worker's Compensation

Speaking up for Workers' Rights

Report by Tana MacKay, British Columbia Regional Council Health, Safety and Environment Standing Committee, Local 333

A few years ago, BC Transit, in trying to adhere to a Human Rights complaint, demanded operators to "Call out stops" for the passengers

As a union advocate and a member of the Occupational Health and Safety Committee, we found this to be a burden and an unsafe work practice.

The employer did not want to pay for an automated system, thus burdening the worker once again.

In consultation with the local, we decided to take a stance. We submitted an unsafe work claim through WorkSafe BC. In fact, we submitted approximately 200 unsafe work claims; the workers were quite passionate and were upset with the employer's demands.

We followed the proper procedures, informed the supervisors and submitted the claims. During the initial investigation, no agreement could be reached. As a result, WorkSafe was called in. We were first asked to dismiss the 200 claims; we complied and submitted a cross section of the claims. In response, WorkSafe met with three individuals on a one to one basis.

WorkSafe conducted their investigation and concluded that the practice was not unsafe. Needless to say, we disagreed and went through an appeal process with both WorkSafe and the employer. As a result, the employer did purchase an automated system. While it may not be perfect, it does take the burden off the operator, which was our goal.

We thought this was a closed chapter, but that was not the case.

BC Transit decided to remove me from my duties as an On Road Supervisor, because of my submission of an unsafe workplace practice claim. As we know, a person cannot be discriminated against for exercising their right for a safe workplace. So once again, the meeting process began with the employer, myself and WorkSafe, leading to mediation. The employer did not want to comply with mediation, so the claim was processed through WorkSafe. We are pleased to report that the outcome was favorable for the worker; the employer did discriminate against the worker.

The purpose for sharing this is to demonstrate that the process can work, and to remind fellow activists that if we see an unsafe practice, it is critical and in everyone's best interest that we speak up.

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