

Spotlight on Workplace Health and Safety

This issue of Union Update focuses on health and safety in the workplace. April 28 marks the International Day of Mourning for Workers Killed and Injured on the Job. This month, take some time to learn about the ways that you can protect yourself and your coworkers against hazards on the job. Remember: you have the right to refuse dangerous work. Healthy workplaces build healthy communities.



April 28: Mourning and working for change

The observance this year of the International Day of Mourning on April 28 marks the 25th anniversary of this solemn day, marked annually to commemorate workers who have been killed, injured or made ill because of their work.

Established first in Canada by the Canadian Labour Congress in 1984, the April 28 date was chosen to commemorate the passage of Ontario's *Workers' Compensation Act* in 1914 – the first such legislation in the country.

In December 1990, the Canadian Parliament passed the *Workers Mourning Day Act* and observance of the Day of Mourning became a national event. Across the country flags are flown at half-mast and a moment of silence is observed at 11 a.m. as part of the many ceremonies and observances that are conducted.

In 1996, April 28 was adopted as the International Day of Mourning

and now workers from more than 100 countries join Canadians in marking the day.

The annual observance of the Day of Mourning serves to strengthen everyone's resolve not only to establish safe conditions in the workplace for all but to demand an end to the suffering caused by hazardous working conditions.

Know your rights:

Violence is a workplace hazard

Did you know that your employer is legally required to prevent and protect against violence in the workplace? This could mean physical violence, harassment, bullying or intimidation. None of this behaviour is acceptable and you have a right to a work environment that is free from both physical and emotional danger.

When the *Canada Labour Code* was revised in 2000, a significant change was made that compels employers to ensure that their workplaces are violence-free. A new Violence Prevention in the Workplace Regulation finally came

into force on May 8, 2008. It provides the following new protections for workers in federally-regulated workplaces:

- “Violence” is defined as any action, conduct, threat or gesture that can reasonably be expected to cause harm, injury or illness to an employee. In other words the concept of violence is not limited to physical acts of violence, but also includes harassment, including psychological harassment, discrimination and bullying.
- Employers must consult with the appropriate National Health and Safety Policy Committee in their workplaces – ensuring that they meet their obligations and are held to account for their actions.
- Employers must develop a Violence Prevention Policy and post it in the workplace. It spells out their obligations to provide a safe, healthy and violence-free workplace. This policy compels employers to

develop a program that provides sufficient attention, resources and time to address factors that contribute to workplace violence including bullying, teasing and other abusive or aggressive behaviours. It also requires them to help employees who have been exposed to workplace violence.

- Employers must take all reasonable steps to prevent

workplace violence and they must review their anti-violence policies and procedures at least once every three years.

Responding to workplace violence

In addition to all of the preventative measures required by the new regulation, employers are responsible for developing emergency notification procedures to help put a stop to violence as quickly as possible. This emer-

gency plan needs to be posted in a prominent place in the workplace.

The new regulation also compels employers to resolve a workplace violence incident with the employee affected, as soon as possible. If the matter can't be resolved this way, the employer must appoint an impartial investigator.

Education is the cure

The best way to stop violence before it starts is to provide training for employees, spelling out what constitutes workplace violence – focusing on creating a welcoming and discrimination-free environment for all workers. The new regulation compels employers to offer this type of training at least once every three years.

You have the right to refuse dangerous work

Has your boss ever asked you to do work that you felt was unsafe? According to the *Canada Labour Code*, you have the right to refuse dangerous work. Here are some guidelines:

- Report the details of the perceived hazard to your employer without delay and indicate that you are exercising your right to refuse work because you believe that the hazard constitutes a danger.
- If your employer agrees that a danger exists, the employer is then obliged to take immediate action to protect you and other employees from the danger and to inform the workplace committee or the health and safety representative about the action(s) taken to resolve the problem.

Scholarships available for PSAC members and their children

Will your children be attending college or university next year? Are you thinking of returning to school? Could you use a little financial help?

Once again, PSAC is offering 15 scholarships ranging from \$1,000 to \$4,000, available for dependant children of PSAC members. As well, three out of the seven \$1,000 PSAC Regional Scholarships may be awarded to PSAC members who are returning to university, college or a recognized institute of higher learning on a full-time basis.

PSAC members (as parents of applicants or as applicants) must be in good standing as of March 31, 2009.

The scholarships are not restricted to first-year students. No more than one scholarship will be awarded to the same family in a given year and no applicant will be awarded a scholarship more than once.

The scholarships are awarded primarily based on the merit of the 800-word essay on the following topic:

The nature of the workforce and PSAC's membership is changing. Workplaces in Canada are experiencing an unprecedented wave of retirements and, as a result, the demographic is changing to reflect a younger and more diversified workforce. PSAC's membership is no different.

Please discuss two strategies outlining how PSAC can broaden its appeal in order to remain relevant to a younger and more diversified membership.

Deadline is July 16, 2009 at 4 p.m.

Visit psac-afpc.com for the full list of available scholarships and application guidelines.

If there's no resolution:

- You may continue the work refusal, reporting the circumstances of the matter without delay to your employer and to the workplace committee or the health and safety representative.
- After being informed of the continued refusal, your employer is required to investigate the matter in your presence and in the presence of either a worker member of the workplace committee or a health and safety representative or, if neither is available, a person from the workplace selected by you.
- If your employer disputes that the situation constitutes a danger, but you have reasonable cause to believe that the danger continues to exist, you may continue the work refusal.
- Upon being notified of your continued refusal, the employer will notify a Health and Safety Officer from Human Resources and Social Development Canada (HRSDC) of the refusal.
- You may then be assigned reasonable alternative work or be asked to remain in a safe location in the workplace.
- Once informed of the continued refusal, a Health and Safety Officer will investigate the matter in the presence of all parties.
- The Health and Safety Officer will decide if danger exists and provide written notification of the decision to you and your employer.

Appealing a decision you disagree with:

- An employee who disagrees with the decision of the Health and Safety Officer is not entitled to continue the work refusal, however, he or she will have 10 days in which to file a written appeal with an Appeals Officer from The Occupational Health and Safety Tribunal Canada (OHSTC).
- An employer, employee or trade union may appeal a Health and Safety Officer's direction by filing a written appeal with an OHSTC Appeals Officer within 30 days of the initial direction.

Feeling the strain?

Musculoskeletal injuries affect workers everywhere – and can be prevented

Work-related musculoskeletal injuries (MSIs) continue to present a significant threat to workers everywhere. Sometimes referred to as “repetitive strain injuries,” MSIs occur in all kinds of workplaces and affect workers in many occupations. It is estimated that one in 10 Canadians will suffer an MSI and that these injuries account for about 30 per cent of all the work-related injuries in federally-regulated workplaces.

Musculoskeletal injury is a generalized term that describes a number of painful disorders that can affect the tendons, muscles, nerves and joints in the neck, upper and lower back, chest, shoulders, arms and hands. These disorders are caused by work activities that are frequent and repetitive and/or that involve awkward postures.

Ten years ago in February, a

number of injured workers who were suffering the effects of musculoskeletal injuries launched Repetitive Strain Injury Awareness Day. The annual event, which is observed on the last day of February, was originally planned and organized by Catherine Fenech, an injured worker from Toronto. Today the movement to raise awareness about these types of injuries has gone international as efforts continue to identify the causes of MSIs and to develop solutions to control or eliminate these injuries.

Now, along with increased awareness about these injuries, federally-regulated workers have a tool to help with MSI prevention. New regulations on ergonomics were added to the Canada Occupational Health and Safety Regulations – part of the *Canada Labour Code Part II* – in December 2007. Measures to assess and address ergonomics-related hazards must now be included in a workplace's Hazard Prevention Program, which is mandatory in all federal workplaces.

Employers, with the participation of Workplace Health and Safety Committees, will be required to identify and assess ergonomic hazards in the workplace, and to introduce appropriate corrective measures – whether that requires equipment redesign or mechanical aids – to address the identified ergonomic hazards.

If you have questions about ergonomics or the Hazard Prevention Program, ask your health and safety representative or a member of the joint occupational health and safety committee. Visit the Canadian Centre for Occupational Health and Safety (CCOHS) at www.ccohs.ca for more information.

You may be eligible for cash compensation thanks to a recently-settled federal pay equity complaint

Attention former federal government workers who were transferred to provincial governments in 1992, 1997 and 1998 under the terms of an employee transfer agreement.

You may be entitled to cash compensation under the terms of settlement of a recently settled federal human rights complaint. Note that this settlement is in addition to any monies you may have received as a result of the Global Pay Equity decision that dealt with pre-transfer pay inequities.

Contact PSAC immediately if:

- You are a former federal government employee (or the heir or assigned successor of such an employee).
- You transferred from Citizenship and Immigration Canada (CIC), or from Human Resources and Development Canada (HRDC) to work for the government of Alberta, Manitoba, Quebec or New Brunswick in 1992, 1997 or 1998 and you were transferred under the terms of an employee transfer agreement.
- You worked in the CR (clerical)

occupational group at the time of transfer.

The terms of settlement has strict timelines for the provision of information to the federal government so that eligible individuals can be identified and payments can be made. Accordingly, you should contact PSAC as soon as possible.

If you believe that you may be one of those entitled to compensation or you know someone who might be, contact Annette Marquis at PSAC for

more information:

E-mail

- amarquis@psac.com

Voicemail

- 1-888-604-7722 ext. 5457

Mail:

- Annette Marquis
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901-233 Gilmour Street
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