



# HEALTH, SAFETY & ENVIRONMENT NEWSLETTER

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## DO YOU FEEL SAFE AT WORK?

By: *Kesang Kashi*



**Kesang Kashi, H&S Rep. Unifor Council 4000**

We all want to feel safe at work. Unfortunately, that is not often the case. In fact, an increasing number of violent incidents are being reported.

As an onboard service employee at Via Rail Canada, I have been a victim of workplace violence. The aggressors were passengers that were verbally abusive and at one time physically violent. This has made me examine the workings of the system set up to handle such a situation from the inside. The experience was a real wake up call. I had always thought of myself as a strong modern woman. Being a victim put into light a vulnerable side that I did not expect at a professional level. I went through a range of emotions associated with victims: loss, vulnerability, inequity, guilt, anger and injustice.

Having met many colleagues who have also been victims of workplace violence, I know that most incidents go unreported. Victims feel that it is a sign of weakness and that they failed at controlling the situation. Many do not want to be labeled a "troublemaker" or a "snitch" so they keep quiet, hoping the problem will go away. It does not. In fact, it makes it worse by undermining a healthy work environment. Bullying and aggressive behavior feed on ignorance and fear. It takes courage to denunciate and to speak out. We cannot remain silent witnesses. That culture has to change.

As a member of the Health and Safety Committee, I investigated many different cases. I understand the importance of establishing the root causes and following up with useful recommendations. Without data to give us a better idea of the reality we work in, we cannot pressure the employers for solutions. For example, the internal investigation of my violent incident with an aggressive passenger led to a couple of positive changes. The employer followed recommendations that posters be put up and that public announcements onboard trains were added saying that violence will not be tolerated. If all we have are concerns that are left unanswered, we have a very volatile situation. Workplace violence will not be resolved without the cooperation of both sides coming to the table to find clear and practical solutions.



The responsibility of providing a safe environment is a shared one with our employer. Keeping track of passengers traveling is an essential part of the process. This can only be accomplished by making it mandatory to show IDs when purchasing and validating tickets and by putting aggressive passengers on a list (similar to the airline's "No-Fly List"). Our employer owes it to the employees and the passengers to provide a safe mode of transportation. With today's technology, it is difficult to understand the absence of such a program.

How do we feel safe at work? Essentially, it is by knowing that the structure is in place to provide an environment that protects its employees. We can achieve this by supporting each other and being vigilant about taking a stand against violence.

## First Unifor Ontario Regional Council

The first Unifor Ontario Council was held in Toronto December 6, 7, and 8<sup>th</sup>. Amongst the many interesting topics and guest speakers the first ever executive committee for the Ontario region was elected. Congratulations to Dino Chiodo elected chair, and to the entire elected committee. Seven Standing committees were established also. Three delegates were elected to each standing committee. Health safety and environment was one of the committees. We were honored and privileged to be nominated then elected by the council to the HS&E committee. We would like to thank the council delegates for their overwhelming support.

The mandate of the Health, Safety And Environment standing committee as explained in the bylaws adopted at council, is to advise and give guidance on policy and action concerning the social and political goals of Unifor within the scope of the Committee's activities. Standing Committees regroup activists within Unifor and work to initiate campaigns and action and assist in mobilizing members.



The Health, Safety and Environment committee held its first meeting on Saturday Dec. 07, 2013 and a number of interested delegates attended that meeting. We had some good discussion on next steps, who, what and how this new committee should move forward.

With the new executive for this committee now in place there will letters sent to all Ontario Local union presidents and requesting names of elected delegates, whom are looking to be on this committee.

You might be asking yourself by now, who are these three newly elected members of the Ontario Region HS&E Committee? Good question! . In this our first newsletter report we thought we would take the opportunity to introduce ourselves.

The Three elected delegates to the Unifor Ontario Regional Council Health Safety and Environment Committee are:

Stephanie Brownlee, Scotty McIlmoyle and Jamie Wright.

## HEALTH, SAFETY AND ENVIRONMENT



### Stephanie Brownlee

Stephanie Brownlee has worked in the telecommunications sector for the last 17 years. Her union activism started 14 years ago and she has served in many positions including, steward, chief steward, and bargaining representative. Stephanie is currently the secretary of Unifor Local 26. Stephanie has been active in health, safety and environment for the past 13 years and co-chairs her workplace committee, assisting with medical accommodations. She is a certified instructor for both federal and provincial health and safety and has instructed in many different sectors. Recently, she participated in dialogues on an international front with other unions on how to improve the role of health and safety globally.



### Scotty McIlmoyle

Scotty McIlmoyle started work at Dehavilland Aircraft in Toronto and has been a member of Unifor since May 1985. He has held numerous elected positions within Local 112, including committeeperson and member of numerous standing committees. Scott was elected full-time WSIB and benefits representative in 1999, representing more than 2,000 members. In 2010, he was elected as the financial secretary of the Local 112 representing more than 3,200 members working in the aerospace, heavy equipment manufacturing and auto parts sector. He was appointed to the National WCB council committee in 2004 and became the chair of that committee in 2009.



### Jamie Wright

Jamie Wright began as a safety advocate elected to the joint health and safety committee representing the members of Unifor Local 88 GM CAMI Assembly. He has held the elected full-time Health and Safety Rep position for the past 25 years. Previously, Jamie held the position of chairperson for the CAW Council Health and Safety Committee (2005-2011). Drawing on his safety experience and certifications such as a CRSP, WHSC Instructor and a Unifor Discussion Leader, Jamie applies his expertise in all facets of health and safety. In 2005 he was awarded the CAW Bud Jimmerfield Award for outstanding contribution to health, safety and the environment.

## Bill C-4 will destroy workers health and safety, Unifor to tell House of Commons committee

*Submitted by: Ken Bondy, National Coordinator*

Bill C-4 will have a dramatic impact on workers' health and safety under Part II of the Canada Labour Code. Buried deep in the government's latest budget bill tabled on October 22 are amendments to the health and safety provisions of the Code that have nothing to do with balancing the budget, and everything to do with putting workers' lives at risk.

On November 19<sup>th</sup> Unifor Health, Safety and Environment Director Sari Sairanen and Unifor Atlantic Regional Director Lana Payne kicked off our union's opposition to the omnibus Federal Budget Implementation Bill C-4 that contains serious changes to existing legislation for the health and safety of the tens of thousands of workers in federally-regulated sectors.

The full submission is available at: [www.unifor.org/en/whats-new/briefs-statements/briefs-submissions](http://www.unifor.org/en/whats-new/briefs-statements/briefs-submissions)

The proposed amendments would: weaken right to refuse dangerous work, end the role of federal Health and Safety Officers in the investigation process and give employers the power to discipline workers when they invoke the right to refuse dangerous work. All together, these changes would make the Canada Labour Code provisions on the right to refuse dangerous work the weakest in the country, and put workers' lives at risk. These proposals have no business being put in a budget bill.

This is a despicable attack on workers' Health and Safety rights by the Harper government – when Harris tried this in Ontario, we pushed back and won – WE CAN DO IT AGAIN!!

Please follow this link to sign on to the CLC letter protesting changes to the Federal Right to Refuse:

[www.canadianlabour.ca/right-to-refuse-unsafe-work](http://www.canadianlabour.ca/right-to-refuse-unsafe-work)

The letter urges your MP to fight to remove the provisions relating to the health and safety of workers from the budget bill! A copy of your letter will go to Labour Minister Kellie Leitch and to the Minister of Employment and Social Development Jason Kenney.



**SPEAKING OUT  
AGAINST  
BILL C-4**

## Let's Talks about Bullying at Work

By: Anne MacMeekin, Human Rights Rep. Unifor Local 88 & Jamie Wright, Health and Safety Rep. Unifor Local 88

Aside from unaddressed mental health needs in the workplace, psychological harassment may be the biggest hurdle facing workplaces today despite the prevalence of discussion and awareness-raising stimulated by the media. It is costing employers and their employees millions of dollars in lost productivity, lost time and employee turnover.

We all call it bullying and it means different things to different people. A more formal name for bullying is psychological harassment. Regardless of its title, it is planned and preventable. Despite our assumptions about bullies being impulsive and unable to control themselves, they actually possess patience and determination. Bullying requires persistence.

Bullying in the workplace can be defined as ..... a course or pattern of unwelcome behaviour perpetrated by one or more individuals that is meant to intimidate, embarrass, annoy and/or upset another individual. Workplace bullying is insidious as well as subtle, deliberate, and secretive. Workplace bullying is not a result of an accidental exclusion or slight. It is rarely comprised of one event and although one serious event is possible, it is less common because that would be more accurately characterized as violence in the workplace.

There are two types of bullying: Physical violence, which is covered under the Criminal Code and Ontario Safety and Health Act, and psychological harassment, which is now covered in the OSHA through the enactment of Bill 168 in Ontario in 2010. Employers are expected to have policies on both violence and harassment.

There are also two differing potential categories of workplace bullying. One category is co-worker to co-worker (hourly or salary) harassment, which is common when the parties have no formal power differential in their work relationship. The other type is management to subordinate worker, known the abuse of authority. Abuse of authority is defined by Jean-Maurice Cantin as "an improper use of authority, a behaviour that is known or ought to be known to be unwelcome and/or an intention to endanger an employee's job, undermine the performance of that job, threaten economic livelihood of the employee in any way or interfere with or influence the career of such an employee."

Psychological harassment has a huge impact on the workplace and its subjects. In the workplace, some people resist the label "victim" so we often use the term "target". For the target, the impact of workplace bullying widely varies.

As the bullying events escalate or increase in number, they exponentially increase in impact as the target's anxiety escalates. It may result in a fear for one's safety and/or job security. The reason is twofold: One, workplace bullying sometimes involves making complaints about the target's job performance or even outright sabotage of their work. Two, the target's anxiety can often begin to appear to bystanders as if the target is suffering from paranoia about what the perpetrator will do next and the potential outcome of the events. The target may begin to look like the troublemaker especially if they begin to retaliate.

For uninvolved parties, the bullying is not easily detected or apparent. In fact, it is very common for the target to be accused of harassment by the perpetrator(s) of bullying, especially when the perpetrator(s) realizes that they are close to being caught. Sometimes we find that the target is accused of harassing the bully, particularly if the target has finally lashed out at the bully. Dissecting this scenario involves cautious investigation.

The target can feel socially isolated which in turn can result in feelings of hopelessness, increased attendance problems, deterioration in job performance, a decision to quit their job, or even the consideration of suicide. The target may need to attend counselling or seek medical intervention, which is costly in terms of time and money.

Many people who bully don't really think that they are bullies. This is why so many campaigns are falling short of success. Awareness-raising is good for victims/targets because it gives them a voice and a more receptive audience. It is less-effective as a preventative measure in terms of bullies identifying themselves and making change.

Perpetrators of workplace bullying also experience impacts even if they don't recognize them as negative. Perpetrators are often in conflict with someone even if they appear to be the most popular person in the workplace. They sometimes begin to believe that they are exempt from the rules if they have been successful at avoiding detection. Workplace bullies tend to rely on safety in numbers and so they become vulnerable to retaliation if they are separated from their protective group for any period of time, thereby possibly becoming the victims themselves.

Some workplace bullies don't know any alternative relationship or relational skills for addressing conflict. Others join in to bullying because they feel that is necessary to be accepted. Others do not trust workplace bullies; therefore



they sometimes find themselves exiled or unwelcome from social networks and from social events outside of work.

It is stressful. Where bullying is happening, the environment is reduced to the law of the jungle, where only those with the toughest defenses can survive, let alone flourish. Ultimately, a workplace in which bullying and harassment are not adequately addressed fosters a culture of mistrust and reduces the chance of collaboration.

In terms of workplace culture, bullying can cause a poisoned work environment, not only for the intended victim but for co-workers and depending on the workplace, clients/patients/customers. When an employer or union suspect or have an allegation of workplace bullying, they invest time and money to investigate and correct any injustices. Workplace bullying causes employees to take additional time off of work, which is detrimental to any successful workplace. Bullying costs employer's money.

Besides a loss in productivity and other hidden costs, bullying can cost an employer big money in a public way. Courts, Tribunals and Arbitrators have indeed supported claims of psychological safety, psychological harassment or in everyday terms, bullying in the workplace. In the flagship Arbitration case in the effort to diminish workplace bullying, the Toronto Transit Commission (TTC) 2004, the Arbitrator ordered the TTC to pay the Griever \$25,000 in general damages for mental distress. The Griever accused his Supervisor of long-time harassment to the point where the Griever could not function at work.

In the decision, the Arbitrator Shime stated that, "after all the consideration of the evidence, I conclude the supervisor abused his authority and harassed the Griever by publicly ordering him back to work when others were not so ordered, by unjustifiably complaining about his work .... and by making demands on him with respect to his work performance which were not demands of others." The Arbitrator was also critical of the TTC saying, "(N)or does it appear that the TTC took any steps to investigate the matter. Management was callously indifferent to his plight. He was totally stonewalled, which further frustrated him

and aggravated his mental condition.” [Toronto Transit Commission v. Amalgamated Transit Union, 2004 CanLII 55086].

Although this case was prior to the amendments to include provisions for workplace violence and harassment in the Ontario Occupational Health and Safety Act (Bill 168), the Arbitrator did conclude in determination of jurisdiction that the Collective Agreement provided for the establishment of a Joint Health and Safety Committee (JHSC). The role of the JHSC was to monitor and ensure the safety of the workers. The Arbitrator further determined the word safety in the Collective Agreement embraces both an employee’s physical, as well as their psychological safety.

Employers expect a certain level of performance and work from their employees. Their expectations are unrealistic if they discount bullying as schoolyard behaviour that won’t permeate their workplace. Employers cannot simply put a zero-tolerance policy in place and expect that workplace bullying will be prevented. Having solid policies and procedures in place for addressing workplace bullying is a great first step. However, knowing how to react to bullying is limited if there is no coordinated attempt to reduce and prevent workplace bullying. Anti-bullying initiatives can actually help stimulate those difficult discussions.

Further, while disciplining, even dismissing, an employee who engages in workplace bullying can send a strong message about an employer’s intolerance for unwelcome behaviour; it does nothing to remedy the real problem. People who engage in bullying may need to be shown or taught alternate ways of handling conflict. Employers should have at their disposal programs that can assist both the targets and the perpetrators of bullying. For example, conflict coaching or personal coaching is an invaluable service for restoring workplace dignity and presenting alternative ways of interacting with co-workers. Some employers can access conflict counselling or anger management counselling for the bully through their EAP provider.

It requires a commitment from employers to provide the tools to create a respectful environment. Punishing the bully without teaching or providing alternatives might be rewarding in the short term but damaging later to the establishment as a whole later. It is essential to find teachable moments and a way to restore justice. A bully is often also a valuable employee with skills that are an asset to your business. Like other bad habits, inappropriate behaviours can be addressed and reformed. Occasionally it will be necessary and restorative to dismiss an employee who reverts back to harassing behaviours. We are suggesting that dismissal is an option, but it need not be the first or only option. Alternate behaviour is achievable but it doesn’t happen without a plan and an interest in pursuing it.

Restorative justice and compassion are essential elements in creating a climate where people feel safe and where people realize that bullying will be addressed. The target/victim of bullying may expect their employer to impose the harshest response available on the perpetrator, which to most people mean termination of employment. It is essential for the target to know that their employer and union are addressing the harassment they have experienced. Ensure that both the target and the bully understand that if the behaviour continues into the future, it will be addressed on an escalating continuum of consequences.

By all means, we encourage employees to approach a co-worker that they perceive to be a target. Too often, the target does not come forward because they think that no one will believe them, they think that no one will support them, that no one is aware of it, or they think that the problem is a personal and private one.

Everyone has a right to a safe, harassment-free workplace, regardless of whether they are the target of bullying or not. Employers can encourage co-workers to confront bullying when they see it happen. How co-workers confront it is a matter of choice and comfort. For some, a direct approach will work best but for others, approaching a person in authority instead is a better option; A co-worker should not

be expected to directly confront a bully in a way that puts them in harm's way. It isn't that simple.

An employer must create a culture that supports a co-worker to speak up against a bully. Co-workers should use discretion in reporting as well because some events that resemble bullying might only be a matter of understanding the context.

Consider how your establishment and union can deal with bullying. Regardless of how psychological harassment has been addressed with the perpetrator, do not forget to return to the target and determine how their safe environment can be restored for them.

Consider the culture of your workplace. If the culture in your workplace values stoicism and tenacity and devalues empathy and compassion, then it may be creating a safe space for bullying or psychological harassment to occur. The way to find out is to ask employees, co-workers, or even supervisors in a climate of confidentiality and safety. You might be surprised at the response.

Cantin, Jean-Maurice. [Abuse of Authority in the Workplace: A From of Harassment.](#) Scarborough. Thomson Canada Limited. 2000.

## Let's Talk About Psychological Safety at Work

By: *Anne MacMeekin, Human Rights Rep. Unifor Local 88 & Jamie Wright, Health and Safety Rep. Unifor Local 88*

When we talk about psychological safety at work, what are do we mean? Psychological safety is a concept that is not so different from our physical safety at work, which means keeping employees insulated from injury. On the subject of psychological safety we are talking about protecting employees from hazards that put their mental well-being at risk. Not all psychological hazards can be prevented, however most of them can be or at least minimized, just the same as physical hazards.

When we think about psychological safety at work, we mostly think about immediate stress and fear (of a person or situation). We envision something inherently dangerous such as a robbery or an accident. A more common form of threat to psychological safety at work is bullying and intimidation. Another form of anxiety that threatens our psychological safety is procedural entrapment. The most common form today might be described as the lower level of stress and anxiety that employees increasingly experience due to tightened deadlines, inadequate budgets or training, and downsizing or a shortage of people performing or supporting the actual work. The results of unrealistic expectations on employees can end up costing in many ways.

What types of things endanger our psychological safety at work?

- Workplace competition
- Uncertainty / lack of predictability
- Fear of change
- Boredom
- Lack of training or skills for the job
- Unrealistic expectations, workloads and deadlines
- Psychological harassment / bullying / backlash or reprisal / exclusion
- Workplace conflict
- Discrimination or harassment
- Fear of management or authority
- Abuse of authority
- Fear of physical dangers such as working with dangerous equipment
- Fear of clients, customers, patients (in some settings)



*Anne MacMeekin, Unifor Local 88*

Some people are more vulnerable to risks to their psychological safety than others. This is true of every workplace. This fact is necessary and even desirable, as employers benefit from the creativity that comes with a diverse set of employees.

While individuals with and without unions are challenging the lack of support and services from WSIB for psychological injuries, they are doing so under the Appeal system, which by its nature is private and not advertised. That makes it difficult to determine the prevalence of workers seeking benefits for psychological injury or damage.

Recently the OHS in Ontario has enacted a definition for harassment and the requirement for harassment and a violence policy by employers. It opens the doors to an employer taking all reasonable precaution for the safety to also consider physical violence, harassment, bullying and even domestic violence as part of their consideration of their employees in the workplace. The OHS has provided an opening, if you will, for psychological safety to be tied to the concept of accommodation if a worker alleges some sort of harassment that can present an immediate threat to them.

Acute harassment is reasonably clear to employers. We do not expect employees to work in conditions that pose clear danger to their well-being. Chronic harassment is the more challenging concept when we consider what immediate or imminent danger means. That road map will have to be



developed though court challenges of the future. For the time being, employers and unions must work with the information available to them.

What do we mean when we say procedural entrapment or procedural injustice? Procedural entrapment can occur when the rules and expectations of the workplace are not clear or not communicated in an understandable format. Entrapment can also be the outcome when differing rules are applied to different employees. For example, one employee might have the leeway to vary their start and stop hours without permission from management, however a different employee might find himself or herself being disciplined for the same actions. Whether the application of varying rules is fair or not may be less important than the appearance of fairness and equal application of rules and freedoms in the workplace, in terms of how safe employees feel from arbitrariness or uncertainty. Perceived fairness can be almost more important than actual fairness.

Employers have the duty to ensure that their employees have a reasonable expectation of safety at work. This includes psychological safety. We talk about it because addressing it is so difficult. Every person experiences the world subjectively; therefore we cannot judge or measure their experience or the impact on them specifically. Some outcomes can be objectively measured. For example, productivity levels can be evaluated. If productivity and performance levels are below an employer's expectations, the causes can be explored.

Turn now to the issue of the Occupational Health and Safety laws and psychological safety; Although, at least in Ontario, the legislators stop short of including psychological safety in the definition of harassment, the Courts, Tribunals and Arbitrators have indeed supported claims of psychological safety, psychological harassment or in layman's terms, bullying in the workplace. In the arbitration case between the TTC and the Union, the Arbitrator ordered the TTC to pay the Griever \$25,000 in general damages for mental distress.

The Griever had accused his Supervisor of long-time harassment to the point where the Griever could not function

at work. In the decision, the Arbitrator stated that, " after all the consideration of the evidence, I conclude the supervisor abused his authority and harassed the Griever by publicly ordering him back to work when others were not so ordered, by unjustifiably complaining about his work .... and by making demands on him with respect to his work performance which were not demands of others," The Arbitrator found the supervisor had abused his authority, and abused and harassed the Griever. The Arbitrator was also critical of the TTC saying, "(N)or does it appears that the TTC took any steps to investigate the matter. Management was callously indifferent to his plight. He was totally stonewalled, which further frustrated him and aggravated his mental condition." [Toronto Transit Commission v. Amalgamated Transit Union, 2004 CanLII 55086].

One could conclude this amounted to nothing short of bullying by a co-worker in a position of power. Although this case was prior to the amendments to include provisions for workplace violence and harassment in the Ontario Occupational Health and Safety Act, the Arbitrator did conclude in determination of jurisdiction that the Collective Agreement provided for the establishment of a Joint Health and Safety committee under the OHS. The role of the Joint Health and Safety Committee (JHSC) was to monitor the and ensure the safety of the workers, coupled with the further provisions suggesting employees consult their Safety Representative if they have concerns pertaining to safety. This landmark case implies that the management's rights clause must be exercised with a broad view of the safety of the employees. The Arbitrator further determined the word safety in the collective agreement embraces both an employee's physical, as well as their psychological safety.

When we look at other jurisdictions across Canada with the exceptions of New Brunswick, Newfoundland and Labrador, Nunavut, Northwest Territories and the Yukon the other provinces and the federal jurisdictions have adopted legislation regarding violence and or harassment in their health and safety laws. Quebec specifically defines psychological harassment. Nov 01 2013 WorkSafeBC released a new policy to include a broader definition of workplace harassment and bullying. However regardless of the lack of specific violence and harassment laws in some jurisdictions one must consider that all jurisdictions have, minimally, a general duty clause within their respective legislation mandating the employer take reasonable precautions for worker's safety.

Since the inception of the Ontario health and safety violence and harassment legislation there has been only one precedence setting case known as Canadian Union of Public Employees, Local 109 v. City of Kingston. The city had terminated a 28 year employee for a threat to a co-worker.

The city took the position that it had no choice but to terminate the grievor and that the threats of violence were unacceptable considering the amendments to the OHS specific to workplace violence. They argued that after taking into consideration the employees past conduct and previous attempts to rehabilitate the employee combined with the employer's responsibility to provide a safe workplace the employer had no choice but to terminate the employee.

The union grieved that the OHS did not mandate a zero tolerance to workplace violence and that termination of employment was too severe. The Arbitrator dismissed the grievance and up-held the employee's termination. The arbitrator did clarify that appropriate discipline must be determined on the facts of each case and that automatic termination is not necessarily appropriate [Kingston (City) v Canadian Union of Public Employees, Local 109, 2011 CanLII 50313 (ON LA)]. Employers and union alike are in a quandary when it comes to balancing the rights of employees. There is value in providing rehabilitation to employees who jeopardize the psychological safety of others but there are also limits to interminable digressions.

How is psychological safety linked to the duty to accommodate? It is not, unless an employee has a mental health condition. Sometimes the duty to accommodate a mental health condition is present even when the employee is unable to report or even detect that they are experiencing a mental health illness. Employees who are able to report that they experience a mental health condition or disorder are protected under Human Rights law related to disability. However, there is no template or clear model for determining how to accommodate an employee whose psychological safety may be more vulnerable to various stressors.

The duty to inquire cannot be underestimated and neither can its benefits. The "duty to inquire" is enshrined in the employment policy, "Human Rights at Work", 2008, 3<sup>rd</sup> Edition, by the Human Rights Commission of Ontario. What it essentially means is that when someone in a position to assist notices behaviour or work performance that is awry, different, detrimental or out of the ordinary with an employee, they should be asking that employee if there is something that needs to be addressed. Sometimes the employee is unable to disclose or even self-identify that they are experiencing a problem but the inquiry itself is the first step in opening a line of communication by which the employee might seek assistance.

What are the costs or repercussions of not addressing psychological safety at work? The financial costs of not addressing are tied to absenteeism, presenteeism, loss in productivity and employee turnover, which results in a loss of the skills and knowledge base. Another direct cost is in health care and related medications that are inevitably sought to cope with workplace stress. Some of these costs could be

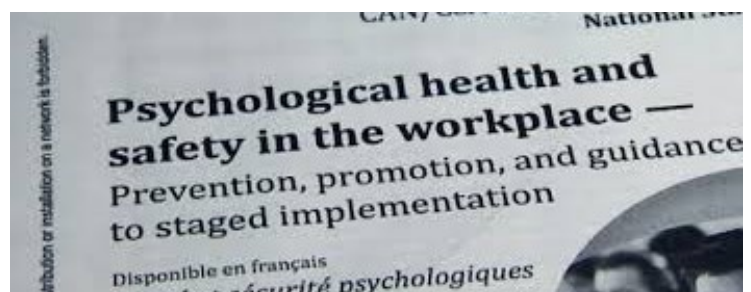
avoided if threats to psychological safety could be minimized. There are other costs associated with unaddressed psychological safety beyond simple lost time: A result of unaddressed psychological safety is an increase in workplace conflict, which can result in increased time, energy and effort put forth separating or appeasing parties, mediating or attempting to settle conflicts. Loss of creativity and loss of loyalty also cost employers dearly.

What if everyone in the workplace had access to mediation services when a conflict arose? Or even were required to engage in mediation? A seemingly simple policy can alter the perspective of employees if they one, feel that they may have recourse if they are feeling pressured or harassed and two, some might be less likely to engage in conduct that decreases a co-worker's psychological well-being, if they wanted to avoid having to face the target of their behaviour.

Proper policies need to be developed in the workplace dealing with workplace violence and harassment. This alone still is not sufficient if an employer is to prove due diligence. These policies need to be implemented with precision and accuracy. Immediate investigations need to be conducted at the onset of any complaint or when an employer is aware or ought to be aware of workplace violence or harassment. Further to the implementation the employer needs to ensure all workplace parties are aware and trained in the policies and consequences. The training needs to ensure complaint procedures are understood. It is clear the employer cannot ignore workplace violence, harassment or bullying in the workplace.

The incidents of workplace violence ,harassment and bullying must be investigated promptly by the workplace parties, In the majority of decision researched the judge or arbitrators all emphasized the necessity to promptly and diligently investigate all complaints or suspected complaints of violence or harassment in the workplace. To simply ignore any such complaints could possibly end in litigation or arbitration and possible charges under their respective provincial or federal health and safety laws.

As we can see the landscape of the modern workplace is one where workplace violence, harassment including psychological safety and bullying are not acceptable or tolerated by the legislators and arbitrators, and increasingly, by employees.





## NIDMAR

Just two short years ago CEP National Representative Karen Cooling was asked to replace retired CEP President Brian Payne as a labour representative on the NIDMAR board. Naturally, this leads to the questions: what exactly is NIDMAR?



*Karen Cooling*

The National Institute of Disability Management and Research (NIDMAR) was founded in 1994 and today is an internationally recognized organization committed to reducing the human, social and economic costs of disability.

We know that injuries or illness can strike anyone, anytime. In the past, we trusted that workers who became temporarily or permanently disabled would be looked after by the "system". We thought that sending them home to recover or supplying them with a disability pension was enough. Little thought was given to the full impact of a disabling injury or illness - the social, psychological and economic reality faced by the disabled worker and the potential costs to workers, employers and society.

As an education, training and research organization, NIDMAR's primary focus is the implementation of workplace-based reintegration programs which international research has proven is the most effective way of restoring and maintaining workers' abilities, while reducing the costs of disability for workers, employers, government and insurance carriers. NIDMAR's main areas of activity are: Education and Training, Workplace Program Implementation Support products, services and programs, Consensus Based Disability Management Audit™, Research and Policy Development Research initiatives, and REHADAT Canada, a comprehensive electronic information resource provides a wide range of data for employers, unions and healthcare practitioners.

What is most interesting – and important for UNIFOR members – is that NIDMAR's success is a result of collaborative initiatives undertaken by leaders in labour, business, government, education, insurance and rehabilitation. In fact, the legislation permitting NIDMAR and the Pacific Coast University require union representatives on the Board of Directors.

Since 1995 NIDMAR has been providing curriculum for the Return to Work Coordinator (RTWC) and the Certified Return to Work Coordinator (CRWC) programs. The curriculum has been continually updated and upgraded and has also been

changed in format to consist of 25 modules which may be offered as an entire program or as independent workshop topics. The program has been reformatted for online delivery and is available through the Internet.

The RTWC program emphasizes the skills and knowledge required to return to work individuals who have incurred injuries or illnesses and provides an introduction to the competencies that are required to administer disability management programs. Certified Return to Work Coordinators may work internally within their own organization or externally as providers. Responsibilities include, but are not limited to expediting, coordinating and facilitating the return to work of persons with temporary or permanent injuries, illnesses and disabilities in a range of settings.

In 2005, a Memorandum of Understanding was signed between the British Columbia Ministry of Advanced Education and NIDMAR to establish a new global center of excellence and degree-granting educational institution. The signing of the agreement followed months of negotiations with government with initial support for the proposal coming from key business, labour and government leaders across Canada and around the world.

In 2007, the Pacific Coast University for Workplace Health Sciences Act, proposed and advocated by NIDMAR, passed third and final reading in the Legislative Assembly of British Columbia with unanimous bi-partisan support. In 2009, the Government of Canada announced that PCU-WHS would be the recipient of a \$1.65 million grant under the Knowledge Infrastructure Program. Also that year the City of Port Alberni donated a 3.5-acre parcel of land that allowed for the construction of the university's campus.



Just this year (2013), the final approvals were granted by the Ministry of Advanced Education to permit PCU to offer a Bachelor of Arts in Disability Management. The first student intake is planned for September 2014.

Sister Cooling's contribution as a Board Member comes from her more than 30 years of experience in the labour movement. She recently completed a Master's degree in Environmental Education and Communications from Royal Roads University and completed the Provincial Instructor Diploma in 2008. She worked at a pulp mill on BC's west coast for 17 years as an environmental technician and is fully aware of the dangers of industrial workplaces. Cooling's educational experiences, both as a labour education instructor and as a student has helped to play an important role in the creation and development of the new education programs for PCU.



## “No Half measures; Workers compensation 100 Years after Sir William Meredith”.

Workers' compensation in Canada had its beginnings in the province of Ontario. In 1910, Mr. Justice William Meredith was appointed to a Royal Commission to study workers' compensation. His final report, known as the Meredith Report was produced in 1913. As a result, the labour movement organized an international conference in Toronto to commemorate the anniversary of the publication of the “Final Report” of Meredith’s three-year Royal Commission – and the passage in 1914 of Ontario’s first “modern” Workmen’s Compensation Act. Meredith’s principles and recommendations have come to be understood as the foundation of workers’ compensation also in other Canadian provinces and Commonwealth jurisdictions

The Meredith Report outlined a trade-off in which workers' relinquished their right to sue in exchange for compensation benefits. Meredith advocated for no-fault insurance, collective liability, independent administration, and exclusive jurisdiction. The system exists at arms-length from the government and is shielded from political influence, allowing only limited powers to the Minister responsible.

The conference explored the evolution of the Compensation System, discussed pathways to change along with visions of hope and action. In addition, the conference reaffirmed the importance of building coalitions with the injured worker movement. <http://meredith100.ca/>



## Unifor Ontario Council Calls for National Energy and Environmental Strategy

Delegates to Unifor’s recent Ontario Council meeting unanimously supported a call to develop a national energy and environmental strategy for Canada, to ensure that our energy resources are developed in a way that maximizes environmental sustainability and the creation of good, stable jobs in Canada.

The recommendation outlines several principles for a progressive energy and environmental strategy for Canada, including the need to manage future energy expansion in line with clear and binding limits on greenhouse gas emissions; requirements for made-in-Canada upgrading and refining, and greater use of Canadian-made inputs and services; and the completion of a Canada-wide energy grid. It calls on government to begin a national dialogue, engaging all stakeholders: workers, business, environmental NGOs, First Nations, and federal and provincial governments. The recommendation also endorsed the Unifor National Executive Board’s call for a moratorium on unconventional fracking, until environmental and First Nations concerns associated with that new technology have been fully addressed.

The goal of developing a national energy and environmental strategy will be taken up by Unifor’s new Energy Council, to be constituted in coming months by delegates from all energy-related locals in the union. Unifor hopes to present its strategy to Canada’s premiers next year.

Participants in the floor debate over the recommendation included Lana Payne (Unifor Atlantic Director), Scott Doherty (Unifor Western Director), and Unifor National Executive member Angela Adams (Secretary-Treasurer of Unifor Local 707A in Fort McMurray), all of whom attended the Ontario Council as observers and supported the recommendation. That input demonstrated Unifor’s ability to pull together working people from all sectors, in all regions of Canada.

Ontario Regional Director Katha Fortier heralded the recommendation as an example of the careful, consensus-building approach to energy and environmental issues that will be needed in order to win the reforms we need. “Unifor represents members in all parts of Canada, and virtually all sectors of our economy. We are passionate environmentalists, and we are determined to defend our jobs and widely manage our resources. In that way, Unifor is like a microcosm of Canada.

For more detailed information visit the Unifor website at: [www.unifor.org](http://www.unifor.org)

# LOOKING AFTER OUR ENVIRONMENT

## "THE WINDSOR WAY"

*By: Richard St. Denis*

*UNIFOR Local 444, Joint Workplace Environment Committee (JWEC)*



In August Local 444 hosted our Joint National Environment Conference. This gathering includes union representatives from both Windsor and Brampton as well as National UNIFOR members. Management from Chrysler and Corporate offices also participate as we discuss issues around our workplace and our environment.

September 15<sup>th</sup> more than 50 people volunteered at our 6<sup>th</sup> annual tree planting event. To-date 352 new trees have been planted around the facility. These Eastern Red Cedars provide a nice separation between our parking lot and the neighbours homes. Essex Region Conservation Authority provided us free trees, the city of Windsor provided free mulch, and Local 444 provided the bar-b-q for volunteers.



The JWEC hooked up with the Working Toward Wellness Committee again. This time the program was a "Healthy and Green" family outing on October 6<sup>th</sup> at Ojibway Nature Centre and Trail. Families came out to see deer in the woods, feed the birds, crafts, nature hikes and displays where they learned about living "healthy and green." Each person was also given a native plant to take home and healthy snacks. Many community partners also participated in this event.

Richard St. Denis, UNIFOR Local 444 JWEC Rep, and Mark Bartlett, UNIFOR Local 444 Community Rep, participated in the 6 millionth tree ceremony. The Essex Region Conservation Authority (ERCA) is celebrating 40 years of conservation and planting 6 million trees. We did our part with our 6 events at the facility in the fall plus spring planting events in the community.



The JWEC at Windsor Assembly Plant hosted 3 environmental events in one week, from October 7 to 11. "We wanted to reach as many of our members as possible, and the best way to do that is by taking our message to where they are" said Richard St. Denis, UNIFOR JWEC Rep. Our annual week-long Waste Reduction Week featured rotating gate displays set up at a different location each day, covering all three shifts. There were table give-away items, environmental information, and the opportunity to enter a draw for prizes at the end of the week. 1,830 attended this year bringing our total since we launched the program to 6,039 visitors.



Our second annual "Earth Day is Every Day" program asks employees to answer "what does the environment mean to me?" They could enter electronically or by providing their answer on the ballot. 175 people provided feedback, up 37.8% over last year. "People like to share their ideas with us about the environment," said Albert Nari, Alternate JWEC Rep

Three years ago we launched our Litter Less Lunch campaign. It started off just one day, then expanded to a week long event. We wanted people to start thinking about the waste they create all year long and try to reduce as much as possible. The JWEC randomly found people on the shop floor participating and rewarded them with a new lunch pail compliments of Waste Management.

## Unifor Health and Safety Working Around Motor Vehicle Traffic

### Pedestrian Vehicle Hazards

More than 30% of fatal accidents happen at intersections.

From a motorist's perspective, there are many things competing for their attention while driving. Therefore, you as a stationary pedestrian handing out material or as a moving pedestrian may not always be the biggest "attention grabber".

- ✓ **The worker should wear a high visibility reflective vest at all times while near the roadway and traffic area and be clearly visible to approaching motorists at all times.**

When deciding on your location relative to vehicle traffic it is important to assess the area to determine if there are other things that will distract motorists. Billboards, equipment, large vehicles, work activities, and changeable message boards tend to overshadow pedestrians.

- ✓ **Workers should be located for good, conspicuity and contrast so that the motorist does not have to compete for visual attention with other objects.**

Some other factors that may create a hazard for you as an active pedestrian could be; drivers not slowing down, driver error due to visual distraction and careless or aggressive driving behaviours.

- ✓ **Workers should be alert and standing at all times while near the roadway and traffic area.**

Take into consideration additional physical factors such as, inclement weather conditions including snow, rain, fog or poor visual conditions, including physical obstructions like trees, shrubs or other vehicles, shadows, darkness or sun glare. These factors may result in the driver operating the vehicle in an unpredictable manner or hinder safe braking/stopping of the vehicle.

You should not stand in the traveled portion of roadway, even after the first vehicle is stopped; an accident at the end of the queue could force the first car forward and strike you.

Do not stand in the path of the vehicle or on the traveled portion of roadway with your back to the traffic. If you can't see the vehicle coming, you cannot move out of the way.

- ✓ **Workers should be facing oncoming traffic.**

### Physical Hazards

For you as the pedestrian, you must be aware of your surroundings. Slip trip and fall obstacles must be identified and avoided; curbs, pot holes, loose gravel, snow and ice all present unsafe footing conditions.

- ✓ **Ensure you are wearing proper clothing and footwear for present conditions.**

### Violence

Drivers that are frustrated with traffic congestion or that are opposed to Union activity can become violent. This may include verbal abuse or threats or aggressive driving maneuvers.

You should be located in a position that will permit you to make evasive maneuvers required to avoid being struck by a vehicle. You should not be positioned in such a way that the presence of another vehicle or other equipment reduces the options for evasive maneuvers. The same principle applies to other physical barriers, or opposing traffic.

For the most part, you should be positioned in the shoulder of the road or in the closed lane when stopping traffic and ensure your sole focus is on the vehicle traffic.

- ✓ **Workers should be plan a route and be prepared to move to a safe alternative position if a driver error occurs.**

### Problems

If problems arise, follow these steps:

- 1) Report motorists who are endangering the safety of the public or union workers to the National Representative or Strike Captain in charge.
  - 2) Keep a pad and pencil to jot down violators' licence numbers.
  - 3) Ask for assistance from police in difficult or unusual traffic situations.
  - 4) Never restrain a motorist forcibly or take out anger on any vehicle.
  - 5) Always be alert to the needs of emergency vehicles. Ambulances, police, and fire vehicles have priority over other traffic.
- ✓ **Report to your designated leader any activity which may endanger you or another worker.**

# 2014 UPCOMING EVENTS

## One Week PEL Courses—Family Education Centre, Port Elgin, Ontario

|  |                          |
|--|--------------------------|
| Health & Safety                                  | February 23-28, 2014     |
| Toxic Substances in the Workplace                | February 23-28, 2014     |
| Stress: The Workplace Hazard                     | March 2-7, 2014          |
| WSIB I&II (Ontario Only)                         | March 2-7, 2014          |
| Introduction to Ergonomics                       | March 9-14, 2014         |
| Health & Safety                                  | March 30 - April 4, 2014 |
| Health & Safety - WOMEN                          | April 16-11, 2014        |
| WSIB Appeals (ON only) Pre-requisite WSIB I & II | April 16-11, 2014        |
| Toxic Substances in the Workplace                | April 27 - May 2, 2014   |
| Health & Safety                                  | May 4-9, 2014            |
| Good Jobs in a Green Economy                     | May 11-15, 2014          |
| WSIB Topical Issues (Pre-requisite WSIB I & II)  | May 11-15, 2014          |
| Stress: The Workplace Hazard                     | May 25-30, 2014          |
| Introduction to Ergonomics                       | May 25-30, 2014          |
| WSIB: Return to Work (Pre-requisite WSIB I & II) | June 22-27, 2014         |
| Stress: The Workplace Hazard                     | June 22-27, 2014         |

### E-Updates...

In our efforts to keep our membership well informed, please take the time to give us a current e-mail address so we can send you Health, Safety, Environment and Workers' Compensation updates as they become available.

Send you first name, last name and email address to: [healthandsafety@unifor.org](mailto:healthandsafety@unifor.org)

