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Roof structure collapse claims two workers

Provincial and federal governments are being urged to start asking tough questions about the temporary foreign workers program after an accident in which six Chinese workers were injured, two fatally, at an oil site in Alberta.

“Every accident raises questions,” acknowledges Gil McGowan, president of the Alberta Federation of Labour (AFL). “But because this accident involves temporary foreign workers, it raises a few more,” McGowan suggests.

On April 24, at approximately 2:28 pm, the roof support structure at a tank erection site near Fort McMurray, Alberta collapsed, sending beams tumbling down both inside and outside of an uncompleted storage tank.

Two workers received treatment from on-site medical staff before being shuttled to an Edmonton hospital, and later released. Two others still in hospital had “stabilized” and were “recovering” at press time, notes Real Doucet, senior vice-president of oil sands for Canadian Natural Resources Limited (CNR), owner of the site.

Liu Hong Liang and Ge Genbao, however, succumbed to their injuries.

All six workers had been hired by a Canadian welding contractor, operating under a contract with CNR, Doucet says. The contractor had logged 165,000 man-hours with CNR over the past year without a single day of lost time, he reports.

The contractor had been hired to raise steel plates to the ringed façades of the circular tank, which measures between 200 and 300 feet in diameter, before the plates are welded together, says Doucet. Starting at the bottom, the process continues upward until reaching

the top and constructing a roof.

Structural beams are installed to hold up the roof, Doucet explains, adding that construction was in its later stages when the deadly collapse occurred.

Barrie Harrison, a spokesman for Alberta Workplace Health and Safety (WHS), expects it will take some time before investigators identify the factors that contributed to the collapse. An independent engineer will be used to help with the provincial probe, Harrison says.

Collapse spurs immediate stop-work order

As of press time, WHS had issued a single stop-work order related to tank construction. It was determined that other work on the site could continue.

McGowan says the accident demands a different take than a run-of-the-mill investigation. Examining any possible link between the accident cause and the deceased employees’ status as temporary foreign workers should be a top priority, he contends.

McGowan encourages investigators to explore whether or not the temporary workers in question received adequate occupational health and safety training when they arrived in Canada, if they had proper supervision, and if differing workplace experiences may have contributed to the accident.

McGowan has also requested that there be a public federal inquiry into the foreign workers program.

Though guest workers in Alberta are covered by both employment and oh&s legislation, McGowan’s take is that the employee/employer relationship is skewed in the latter’s favour. That adds to the already vulnerable position of temporary foreign workers, he argues, since they may not understand their rights.

And even if they are aware of their right to refuse

Two released from hospital, two more remain

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unsafe work, for example, these workers may not feel comfortable voicing concerns, fearing expulsion from the country, McGowan says.

Doucet points out that all contractors for CNR must “demonstrate to our satisfaction that they do have a safety program.” Beyond that, he says, a contractor’s oh&s program must complement that of CNR.

Company safety officers, as well, are available to make regular inspections of worksites, he points out.

Contracted workers (foreign or domestic) with safety protocols that differ from CNR standards “have to adapt,” Doucet says.

McGowan remains skeptical. “We’ve heard stories from workers on the site that suggest these workers may have been using antiquated machinery and building processes,” he relates.

An inquiry, he is quick to add, would help develop an accurate picture of what went wrong that day.

Doucet says that company officials do not believe foreign worker status played any role in the accident.

Of the 5,000 workers on site, he says, 200 to 300 are temporary foreign workers.

Contract workers must adapt, CNR makes clear

Mining reg overhaul seeks to boost worker safety

The Ontario government and workplace parties in the mining sector have teamed up to identify how to combat what labour minister Steve Peters calls the “potentially dangerous situations” workers face on a daily basis.

Figures from the Mines and Aggregates Safety and Health Association show that explosion, falls, and power haulage — each at 18 percent — represented the leading causes of work-related death in Ontario’s mining industry between 2000 and 2004.

Amendments to the *Regulations for Mines and Mining Plants*, under the *Occupational Health and Safety Act*, reflect the latest developments in industry and will help improve mine safety, says a statement from Ontario’s Ministry of Labour (MoL). The changes will serve to help ensure workers are “better trained and protected and continue to contribute to a strong economy and a healthy Ontario,” Peters says.

Specifically, the changes deal with the following:

- * **Training:** The amendments reflect the most current programs offered. A user-friendly table detailing training programs has been developed. The amended regulation now also provides proper recognition of programs, such as Common Core Training for supervisors in both hard rock and soft rock mining.
- * **Vehicle safety:** Among other things, there are updates to standards for overhead protective devices against falling objects, and revisions to braking standards for various types of motor vehicles used both underground and on the mine’s surface.

- * **Underground storage and transportation of explosives:** New provisions include noting all explosives on a plan that is readily available, updating electrical safety requirements for explosive storage areas, and introducing a requirement for motor vehicles or trains transporting explosives to display and operate a flashing red light; and

- * **Elevator safety:** Related requirements have been updated to reflect the more recent Canadian Standards Association standards for elevators installed on or after this October.

The training requirement took effect April 1; the remainder come into force October 1. The longer lead time offers employers a chance to ensure compliance, says MoL spokeswoman Belinda Sutton.

The changes were deemed necessary despite Ontario’s mining sector being one of the safest in the world. The Ontario Mining Association (OMA) reports that, in 2006, the frequency of lost-time injuries was 0.7 per 100 workers — lower than all other sectors in the province, except health care, and pulp and paper.

“The decline in accident frequency has been consistent since the late 1970s,” says John Blogg, the OMA’s secretary and manager of industrial relations.

Members of the bipartite Mining Legislative Review Committee (MLRC) regularly assess regulatory requirements and make “consensus-based recommendations” to the ministry, Sutton says.

Glenn Staskus, health and safety coordinator for the Mine Mill & Smelter Workers, Local 598, and a member of the MLRC, says the number of work-related accidents and inquest recommendations provide some direction on where improvements can be made.

Need to get provisions in place more quickly

Local 598 president Rick Grylls says workers seem to support the changes, though some concerns remain. “Worker committee members, especially in non-union workplaces, should have more training and input in having the worksite committee recommendations implemented,” Grylls argues.

Another problem is the time required to get regulatory changes into effect. “We need these regulations to be finalized in a timely fashion,” Staskus insists.

Blogg predicts some tweaking here and there. “You can expect further changes to better reflect what the industry parties support over the next few months.”

— *Trisha Richards*

NS review could help get a better grip on chronic pain

The Workers’ Compensation Board (WCB) in Nova Scotia is inviting stakeholders to weigh in as it considers formulating a new chronic pain adjudication policy.

Last month, the WCB released an issues identifica-

tion paper that sheds light on how chronic pain claims are now being adjudicated, and highlights a concern that employers and board identified with this process.

Employers have asked the board to consider developing a policy that clearly sets out what guidelines to follow when establishing a causal connection between an injured worker's chronic pain and an on-the-job injury, says Mary Kingston, director of marketing and communications for the WCB.

Multi-causal nature makes identification tough

Like some occupational diseases that develop over time, chronic pain's multi-causal nature can make it difficult to ascertain a root cause. A complex mix of psychological, behavioral, social and cultural factors may also come into play, says the issues paper.

To complicate matters further, the paper notes, chronic pain is not a "protective response to an injury" like acute pain. While acute pain — an immediate pain experienced after an injury — can demonstrate something is wrong with the body (such as a fractured bone), chronic pain generally gives no such clue and can occur far later than the injury date itself.

The American Medical Association notes "chronic pain is difficult to assess because there is often no active disease or unhealed injury," the paper states.

A chronic pain claim — and the difficulty in assessing it — is similar to one submitted by a worker who is a heavy smoker, who is employed in a toxic factory and who develops lung cancer, Kingston says. "Can you clearly establish that the lung cancer resulted from the workplace, or was it something else in the environment that contributed to it?" she asks.

The WCB currently assesses chronic pain claims using "informal causal connection criteria" which consider, among others things, the original compensable injury; medical opinion linking the pain and compensable injury; and evidence suggesting the pain is continual and consistent with a compensable injury.

The issues paper suggests adopting a policy that "would outline the evidence to be considered" as it "would enhance consistency, accountability and transparency" of claims adjudication.

The WCB placed the spotlight on chronic pain following a Supreme Court of Canada ruling in 2003, Kingston says. The court found the board was not examining chronic pain claims in the same manner as other compensation claims. It ordered the WCB to review cases for the last 20 years to see whether or not these workers were entitled to other benefits.

New policies were adopted in 2004, but the number of review cases and costs caused stakeholders to pose questions about how the review process works.

Stakeholders can submit comments to: angela.peckford@wcb.gov.ns.ca or to: Angela Peckford, Policy Analyst, Workers' Compensation Board of Nova Scotia, PO Box 1150, Halifax, NS B3J 2Y2.

Pilot in Winnipeg court over criminal negligence charges

A pilot involved in a deadly plane crash in Winnipeg five years ago is facing charges of criminal negligence leading to death.

On June 11, 2002, the day that the Piper Navajo aircraft crashed, Mark Tayfel had 12 years of experience, had logged about 3,000 hours of flight time, and was working for Keystone Air Services Ltd. Now, Tayfel is on trial and facing a total of six criminal charges: one count of criminal negligence causing death; one count of operating an aircraft in a dangerous manner; and four counts of criminal negligence causing bodily harm.

Mary Beth Currie, a partner with Bennett Jones LLP in Toronto, regards the decision to prosecute the pilot, but not the employer, as reinforcing that, while at work, individual workers and supervisors owe a duty of care to others. The individual must be mindful of that obligation and act appropriately, Currie suggests.

And that's an important message not only for those who work in the transportation field, but in other workplaces as well.

On that June day, Tayfel was piloting the small aircraft ferrying six fishermen from Gunisao Lake, Manitoba to Winnipeg International Airport when it ran out of fuel. The plane crashed landed in the city, close to an intersection, colliding with traffic signals and vehicles.

Passengers onboard the plane and a number of occupants inside the vehicles that were hit suffered serious injuries. One fisherman later died.

George Riopka, a spokesman for Keystone Air Services, says Tayfel was fired immediately after the crash. "He wasn't following company procedures."

In a report issued almost a year after the accident, investigators with the Transportation Safety Board of Canada (TSB) concluded that both Tayfel and Keystone Air Services had made a number of errors.

No further checks done following initial estimate

For his part, Tayfel miscalculated how much fuel would be required to fly from Winnipeg to Gunisao Lake, and back. The plane had been fueled to capacity at the company headquarters in Swan River, Manitoba, before another pilot traveled to Winnipeg in preparation of the Gunisao Lake trip. Tayfel, however, did not refuel the tank, which was three-quarters full.

The report notes that Tayfel estimated he would have 50 minutes of fuel left when he returned to Winnipeg. Upon arrival in Gunisao Lake, the pilot "made no further weight and balance or fuel calculations on the operational flight plan and load control." Investigators estimate Tayfel had only six minutes worth of fuel when he returned to Winnipeg.

The TSB further concluded that Tayfel was flying

Plane runs out of fuel, forced to land in city

“well above the glide path” and at “higher-than-normal” airspeeds, resulting in an “ineffective approach from which a landing could not be made,” and that his calls to air traffic control were made far too late to be effective.

As for the company, the TSB report notes, Keystone Air Services failed to provide an “adequate level of supervision,” allowing “the flight to depart without adequate fuel reserves” and an autopilot.

In response to the accident — and others that had occurred in the air charter service’s history — Riopka says Keystone Air Services implemented a safety management system. The system is a self-auditing, self-correcting system that allows the company to easily gather and document all incidents, he reports.

Following receipt of that information, Riopka says, it is entered into a database and reviewed periodically to identify trends and root causes for specific occurrences. A number of issues are considered, including whether or not a pilot paid close enough attention when completing flight planning, and what weather conditions produce pilot behaviour that is more likely to lead to an accident.

“You can have small incidents popping up all over the place, but there may be an underlying cause that caused them all,” Riopka says.

Interest surrounding criminal prosecutions, those with a work-related link, has been high since the adoption of a new occupational health and safety duty under the *Criminal Code of Canada*, as outlined in Bill C-45, Currie notes.

The “new” duty falls on anyone who undertakes, or has the authority, to direct how another person does work or performs a task. Reasonable steps must be taken to prevent bodily harm to the worker, or any other person, arising from that work or task.

In negligence cases, what is deemed “reckless” must be assessed for each circumstance. Conduct may be reckless, however, if an individual doing the work ignores or fails to comply with “measures and procedures designed to ensure safe operation, whether designed by the employer, or a government authority, or possibly an industry association,” Currie says.

To prove negligence, she adds, the Crown must prove that the individual demonstrated a “marked and significant departure from the standard expected of a reasonably prudent person in the circumstances.”

Renewed effort needed to stem work deaths, illnesses

Yet another year; yet the same message.

“Every workplace injury and every workplace death can be prevented,” Ontario labour minister Steve Peters said in a statement on the Day of Mourning, held each April 28 to honour workers who have been killed,

injured or become ill in the workplace.

Peters reiterated the need to continue to work together to make workplaces healthy and safe. “We all have a role to play,” the minister says.

It was a sentiment echoed by Roberta Dugas, chair of the Board of Directors for New Brunswick’s Workplace Health, Safety and Compensation Commission. “Because we believe injuries are no accident, it’s all the more tragic when you know these deaths could have been prevented,” Dugas says.

But the day is not just one of remembrance. “It is also a day to strengthen our own commitment to workplace safety and education,” says Tom Farrell, chair of the Workers’ Compensation Board (WCB) in Manitoba. “It’s important for people to feel safe at work and for everyone to make safety an ongoing priority,” Farrell says.

No province was untouched by work-related death last year. A sampling shows that 124 workers in Alberta were killed at or because of work, the labour federation reports; 160 work-related fatality claims were accepted in British Columbia, WorkSafeBC notes; 101 Ontario workers lost their lives as a result of traumatic injuries, the Workplace Safety and Insurance Board (WSIB) says; 30 work-related fatalities were witnessed in Manitoba, the WCB reports; 22 workers died in Nova Scotia; and there were eight deaths on the job in both Newfoundland and Labrador, and New Brunswick.

Illnesses also an important part of picture

While New Brunswick’s WHSCC reports a work-related death toll of eight, “many more were injured or became ill.” In Newfoundland and Labrador, there were 10 deaths from occupational disease.

In British Columbia, WorkSafeBC notes that 61 of the accepted fatality claims last year were the result of occupational diseases.

“While we mourn for those who have been killed as a result of injury or illness, we must always fight for the living,” says Leo Gerard, president of United Steelworkers International.

The Canadian Labour Congress called on all governments to step up enforcement of oh&s requirements. “We mark this solemn day with a mixture of sadness and frustration,” CLC president Ken Georgetti says in a statement. “So many of these deaths and injuries could be prevented through improved regulation and better enforcement,” Georgetti says.

“If we hope to see a cultural change to improve workplace safety and health, it is up to government, employers, business and labour to take up the challenge and work together to make it happen,” says Rick Clarke, president of the Nova Scotia Federation of Labour.

“The sad reality is that for the victims of workplace tragedy and their families and friends, every day is a day of mourning,” adds WSIB chair Steven Mahoney.

Sometimes underlying cause can be identified

No clear way to suppress dust ends in penalty

Northern Sawmills Inc. has been handed fines totaling \$80,000 for its failure to ensure workers at its sawmill in Thunder Bay, Ontario were properly protected.

In mid-February of 2005, two workers were investigating smoke coming from the “baghouse” — a building where dust from planer machines is collected in bags — when a dust explosion occurred. They received minor burn injuries in the blast, says a news release from Ontario’s Ministry of Labour (MoL).

Provincial investigators determined that a fire had started on a planer machine and been extinguished. However, a spark somehow traveled to the baghouse through the dust collection system, the MoL statement says.

Northern Sawmills received \$60,000 and \$20,000 fines, respectively, after being found guilty of two breaches of the *Occupational Health and Safety Act*.

The first charge cited the failure to ensure there was a spark detection or spark suppression system in the dust collection system between the planer and baghouse, and to ensure workers were not working at or near the baghouse’s blast doors. The second count cited the company’s failure to provide information, instruction and supervision to the two workers so they were aware of how to protect their health and safety in the event of an explosion in the baghouse.

The vast majority of natural and synthetic organic materials, as well as some metals, can form combustible dust, says a safety bulletin prepared by the Occupational Safety and Health Administration in 2003.

That means a dust explosion hazard may exist in a number of industries, including food, plastics, wood, rubber, furniture, textiles, pesticides, pharmaceuticals, dyes, coal, metals, and fossil fuel power generation.

Internet Resource

Safe Saskatchewan. This website wants everyone thinking “safety first” — all the time and wherever they may be. Safe Saskatchewan’s goal is to achieve a continuous reduction in the number of unintentional injuries in the province. This can be achieved through a three-step strategy that takes account of awareness, attitude and safe lifestyles. “An injury-free Saskatchewan where safe lifestyles influence how we live, work and play,” should be the overall objective. The site offers a number of headings that visitors can check out. The *Injury Prevention* option provides information on injuries relating to children, seniors, farms/ranches, motor vehicles, sports and the workplace. **Site address** — www.safesask.com.

COHSN Update

Creative sentence follows oilfield injuries. St. John Ambulance in Calgary will be the thankful recipient of the bulk of a safety penalty against an oilfield service company in Alberta. Gene’s Oilfield Services Ltd. was ordered to pay a total of \$75,750 in the wake of a tank-cleaning accident four years ago in which two employees were injured, says a statement from Alberta Employment, Immigration and Industry (AEII). The lion’s share of the penalty — \$70,000 — has been directed to St. John Ambulance; the remainder is a \$5,000 fine for the company and an associated \$750 surcharge. Gene’s Oilfield Services pleaded guilty to failing to ensure worker health and safety, contrary to the *Occupational Health and Safety Act*, in connection with the accident near Standard, Alberta on September 23, 2003. Two workers were cleaning a trailer tank when a flash fire explosion occurred, injuring them, the AEII reports.

Sticking up for health workers. Ontario health workers are calling on the government to take 10 minutes — the time to pass a New Democrats-tabled private member’s bill — and, maybe, prevent the more than 90 needlestick injuries that occur every day in the province. Bill 30, the *Safe Needles Save Lives Act*, was introduced by NDP health critic Shelley Martel last year, says a statement from the Ontario Public Service Employees Union (OPSEU). If passed, the legislation would make it mandatory to use safety-engineered sharps and needles in the health care system. Such devices cover the sharp part of the needle, meaning they may also cover off concerns regarding potential exposure to bloodborne pathogens. Bill 30 made it through first and second readings, but seems to be stalled in committee. “If the government chooses not to move Bill 30 forward, this inaction is as criminal as any employer action not to protect the health and safety of their employees,” Cathy Carroll, secretary-treasurer of Local 1.0n of the Service Employees International Union, charges in the statement.

Company
pleads guilty
to one oh&s
charge

News Summaries

Runway changes to improve safety

Merritt, BC — Operational safety at British Columbia’s Merritt Airport is expected to get a big boost with a \$50,000 injection of provincial funds. The money will be used to construct turnarounds at either end of the airport’s runway, establishing more room for pilots to move and position aircraft, says a statement from the Ministry of Transportation. “Investing in local airports will help provide new economic opportunities, and ensure safer and more reliable air services,” trans-

portation minister Kevin Falcon announced in late April. The project, in partnership with the City of Merritt, is to be completed this spring or summer.

WCB fraud nets claimant probation

Saskatoon, Sask — A Saskatchewan man who bilked the Workers' Compensation Board (WCB) of more than \$17,000 was ordered not only to repay all the money, but received a nine-month suspended sentence and probation as well. Gilbert Florent Larocque was handed the sentence upon pleading guilty to resuming work while still receiving benefits from the WCB. Larocque has paid the \$17,399.16 in full.

WCB posts hefty operating surplus

Regina, Sask — It looks like smooth sailing, financially, for the Saskatchewan Workers' Compensation Board (WCB). Figures from the WCB's 2006 Annual

Lower injury rate, higher returns spell good news

Report show that the board recorded an operating surplus of \$18.88 million. This is the third consecutive year the WCB has posted a surplus in its year-end financials, says a statement from the WCB. Board chair John Solomon credited two major factors for the healthy numbers: a declining injury rate, as well as increases in premium income (because of higher payrolls) and in investment returns. As a result of the operating surplus, \$16.4 million will be applied to the Injury Fund, reducing its deficit to \$4.6 million, and \$2.5 million will be funneled into the Economic Stabilization Fund.

Scaffold collapse injures worker

Ottawa — An Ontario construction company has been fined \$65,000 for a single safety violation in the wake of a scaffold collapse more than a year ago. Bassi Construction & Masonry Ltd. was fined after pleading guilty to failing to ensure a scaffold outrigger/side bracket was securely and/or properly attached to the scaffold. A bricklayer sustained serious injuries to an arm and leg on December 9, 2005 after falling about four metres at a home construction site in Ottawa, says a statement from Ontario's Ministry of Labour. The worker, standing on the second level section of a scaffold, had been receiving a shipment of bricks when the scaffold failed and he fell.

Two treated following farm blaze

Sussex, NB — Two people were injured as a result of a fire breaking out inside a building at a chicken farm in Kars, New Brunswick. A firefighter battling the blaze, which took place at about 9 am on April 20, received treatment at the scene, says a statement from the Sussex RCMP. As well, a farm employee with smoke inhalation was taken to a nearby hospital for care, but later released. The blaze did not move beyond the building, which was destroyed. The RCMP reports that damage is expected to be in excess of \$200,000.

Mapping out better service

Halifax — New atlases will give the more than 270 volunteer fire departments and brigades throughout Nova Scotia a little guidance. The *Nova Scotia Street and Road Atlas* is a 500-page resource that provides comprehensive coverage of the province. The atlases were purchased by the Emergency Management Office and the Department of Environment and Labour. "This project will ensure that the volunteer fire service and 911 call-takers are literally on the same page when it comes to determining the exact location of an emergency," says emergency management minister Carolyn Bolivar-Getson. Getting to an emergency more quickly, adds labour minister Mark Parent, "will save lives, prevent injuries and protect property."

Certification requirement takes effect

Charlottetown — Steamfitters and pipefitters in Prince Edward Island are now required to be certified. As of April 30, the workers must hold a certificate of qualification or be a registered apprentice under PEI's *Apprenticeship and Trade Qualification Act*. Steamfitters and pipefitters join automotive service technicians, plumbers and construction electrician trades as certified trades in the province. "Certification of the trade will mean improved safety for workers and the public," education minister Mildred Dover says in a statement. A grandparent provision in the province's apprenticeship act provides tradespeople who have worked in the steamfitter/pipefitter trade for five of the last seven years the opportunity to apply for a work permit without testing. Testing will be done to national standards.

Acting Editor: **Angela Stelmakowich**; Editorial Assistant: **Corey Lewis**;

Circulation: **Eleanor Goolab**; Publisher: **Peter Boxer**

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