



Global Scan

April, 2008

“Global Scans” are a free service brought to you by [Global Training Edge](http://www.globaltrainingedge.com/). Each Scan highlights major or interesting news in occupational health and safety, with a concentration on Canada.

To sign up to receive regular editions of the Global Scan, or to offer comments on how we can improve our service, please [e-mail us](mailto:info@globaltrainingedge.com).

[Quebec Company Fined Under Criminal Code](#)

[P.E.I. Looks at Including Farming, Fishing in Compensation Act](#)

[Contractor Jailed and Fined for Pushing Safety Inspector at Job Site](#)

[WSIB Reviewing Its Experience Rating Program](#)

[Study Finds “Extraordinary” Amount of Violence in Canadian Long-term Care Facilities](#)

[Four Workers Injured as Montreal Canadiens' New Practice Rink Crumbles](#)

[Alberta Requires Security Staff at Bars to be Trained](#)

[BC Forestry Safety Subject of Two Reports](#)

[Railway Safety Report Tabled](#)

[OSHA Updates Standards](#)

[NIOSH Database for Assessing Exposure to Power-Frequency Magnetic Fields](#)

[Workplaces with High Injury and Illness Rates Notified by OSHA](#)

[OSHA Unveils New Interlinked System on its State Plan State Web Site](#)

[British Spot Checks Find Unacceptable Performance in the Construction Industry](#)

[Near Explosion Brings Hefty Fine](#)

[Britain Regulates Noise in the Music and Entertainment Sectors](#)

[HSC and HSE merge](#)

[European Agency Releases Injury Data](#)

[Europe to Allow Cell Phone Use on Planes](#)

[United Nations Moves on Improving Road Safety](#)

Quebec Company Fined Under Criminal Code

Transpavé Inc., a Québec manufacturer, has been ordered to pay \$100,000 in fines plus a \$10,000 victim surcharge for a criminal negligence case involving the death of a worker. This represents the first court decision since the Criminal Code duties with respect to workplace safety were expanded in 2004.

The victim was killed in October 2005 when he was crushed by a machine that was used with an unplugged emergency safety device.

The fine has been the subject of controversy, seen as too low by some who wanted a fine over \$1,000,000 and others who see the fine as appropriate. The actual fine level was based on a joint submission by the crown prosecutor and the defence.

For information, the average fine in 2007 for a conviction involving a fatality under the Ontario

Occupational Health and Safety Act was \$165,924 (Quebec does not publicize its fines).

See [Details](#).

[Back to top](#)

P.E.I. Looks at Including Farming, Fishing in Compensation Act

A Prince Edward Island Legislative Review Advisory Committee has recommended that PEI include fishing and farming workers within mandatory WCB coverage. In addition, the committee recommends that supervised volunteer emergency services also be covered.

In all, the report makes 25 unanimous recommendations for change and 55 unanimous recommendations for no change. There are 13 non-unanimous issues noted.

The WCB must now consider the recommendations.

See the [Report of the Legislative Review Advisory Committee on the Workers Compensation Act](#).

[Back to top](#)

Contractor Jailed and Fined for Pushing Safety Inspector at Job Site

A Kitchener plumbing contractor was sentenced to seven days in jail and a fine of \$3,000, plus a \$750 victim surcharge, for pushing an Ontario Ministry of Labour health and safety inspector visiting a Toronto construction site. The incident occurred at a Scarborough construction site during a follow-up inspection. Ion Cenuser, the owner of a plumbing contracting business working on the site, shouted and swore at the inspector and, finally, grabbed and pushed the inspector across a trailer.

Cenuser was convicted on one count of hindering, obstructing, molesting or interfering with an inspector in the exercise of a power or the performance of duty.

See [Details](#).

[Back to top](#)

WSIB Reviewing Its Experience Rating Program

The Ontario Workplace Safety and Insurance Board (WSIB) is conducting a review of its Experience Rating program. Experience rating is an incentive program through which employers receive rebates or surcharges according to their performance based on claims costs. One area for immediate change is that a company that has had a fatality will not be eligible for a rebate.

The review will make recommendations to modernize and strengthen the program, in areas such as: accounting for legislative non-compliance, creating a process to validate workplace health and safety performance, and a long-term plan to directly tie all incentive programs to proactive health and safety initiatives.

See [Details](#).

[Back to top](#)

Study Finds “Extraordinary” Amount of Violence in Canadian Long-term Care Facilities

York University has published a study called “[“Out of Control”: Violence against Personal Support Workers in Long-Term Care](#)”, in which they review violence in long-term care facilities.

The study compared violence experiences in Canada (specifically Manitoba, Nova Scotia, and Ontario) with violence experiences in Scandinavian countries and found that:

- Canadian personal support workers are almost seven times more likely to experience violence on a daily basis than workers in Nordic countries. Violence is a constant and ongoing part of working in Canadian facilities and includes physical, verbal, racist and sexual attacks.
- nearly half of the Canadian long-term care workers experience physical violence on a daily basis
- most incidents of violence go unreported
- Canadian personal support workers are twice as likely to end the day feeling physically exhausted, three times as likely to experience back pain, and four times as likely to be mentally exhausted as Nordic workers.

The study recommends that:

- Governments recognize chronic short-staffing as a key contributor to workplace violence
- An empowering work environment needs to be fostered;
- Better documentation of violence is necessary
- Appropriate training that recognizes the complete medical, mental, emotional and social needs of residents is essential.

[Back to top](#)

Four Workers Injured as Montreal Canadiens' New Practice Rink Crumbles

Metal beams began falling apart in part of the large, multi-use sports and practice facility being built for the Montreal Canadiens just south of Montreal on February 25, 2008. The part of the structure that actually collapsed was the metal skeleton of an indoor soccer pitch that was being constructed alongside the Canadiens' training facility.

Four workers received minor injuries, helped in part by their safety harnesses.

The Quebec Commission de la santé et de la sécurité du travail (CSST) and outside engineers were evaluating the incident.

[Back to top](#)

Alberta Requires Security Staff at Bars to be Trained

The Alberta Gaming and Liquor Commission is requiring security staff at bars to take a mandatory safety course. The course teaches observation and communication skills to better prevent, defuse and manage customer disturbances before violence escalates. It is specifically designed for workers responsible for monitoring and controlling the entrance and lineups outside licensed premises, requesting proper identification from patrons before allowing entry into an establishment, monitoring activities of patrons while in the establishment, controlling crowds and intervening to prevent aggressive actions.

Individuals who work in a security position or manage/supervise security staff in bars and nightclubs must successfully complete the training program by January 1, 2009. This also applies to people who own, manage or work for a security company contracted to provide security in the same type of licensed premises.

See [details](#).

[Back to top](#)

BC Forestry Safety Subject of Two Reports

The British Columbia Forest Safety Ombudsman (a position established by the BC Forest Safety Council) has concerns about the province's forestry road network (a system of 400,000 kilometres of what used to be called logging roads. 16 drivers have died on these roads in the past three years). In a report called "[No Longer the Road Less Travelled](#)", the Ombudsman makes 17 recommendations, including:

- establishing a new public highway designation for resource roads that serve as the primary or secondary access roads for communities. The new designation would have clearly defined standards for construction, maintenance, enforcement and be funded/resourced similarly to the public highway system.
- establishing regional Road Safety Management Groups with the responsibility to manage all activities on resource roads in the province
- undertaking a full review of the inter-agency training for all government agencies responsible for enforcing provincial statutes to ensure that agencies responsible for enforcement of provincial statutes are applying those laws and regulations equally and with the same interpretation.

The Ombudsman report falls on the heels of a report by the British Columbia Auditor General. In that report, called "[Preventing Fatalities and Serious Injuries in B.C. Forests: Progress Needed](#)", the Auditor General notes that "Every year from 1996 to 2006 an average of 22 workers died and 92 workers suffered serious injury". Some of his conclusions and recommendations are:

- Government assign one ministry to lead in issuing policy direction
- self-employed forest workers be brought under the province's occupational health and safety regulations
- a mandatory prequalification requirement for all firms be put in place, ensuring that forest industry firms be required to demonstrate safe operation and organization as a precondition for working in the industry.
- Government should consider economic incentives, outside the workers' compensation system, for rewarding safe operators
- existing health and safety regulations be more vigorously enforced by WorkSafeBC through inspections, follow-up on infractions and punishment of non-compliance
- robust safety planning in all aspects of forest operations should be made mandatory
- Government should enforce safe use of resource roads
- training relative to known risks should be made mandatory
- Government should identify, through credible third party research, safe work hour limits for high-risk forestry occupations and then regulate and enforce those limits accordingly
- Government should coordinate sharing and consolidation of information on fatalities, serious injuries and near-misses to support more extensive educational and enforcement activities to promote safety.

[Back to top](#)

Railway Safety Report Tabled

The federal Minister of Transport has tabled in the House of Commons the Railway Safety Act (RSA) review report - [Stronger Ties: A Shared Commitment to Railway Safety](#). The Minister launched a review of the RSA in December 2006. The report presents the findings, including 56 recommendations to improve rail safety in Canada.

An independent RSA review panel found that the framework of the Act is fundamentally sound and that there have been positive efforts to improve rail safety in certain areas, such as at grade crossings. However, more needs to be done.

Key recommendations include:

- requiring railway companies to obtain a rail operating certificate
- imposing administrative monetary penalties when safety rules are broken
- requiring railway companies to file annual environmental management plans.

To implement the report, the Government has:

- created the Advisory Council on Railway Safety to address future directions in rail safety, rule making, regulation, policy and other issues of concern
- created a joint Transport Canada-industry steering committee to develop an action plan to address the recommendations in the report.

[Back to top](#)

OSHA Updates Standards

The US Occupational Safety and Health Administration (OSHA) has updated several standards as of March 13, 2008. The updating, that applies to general industry, removes requirements in standards that duplicate or are comparable to other OSHA rules.

See [details](#).

[Back to top](#)

NIOSH Database for Assessing Exposure to Power-Frequency Magnetic Fields

A new job-exposure matrix assessing exposures to magnetic fields from electric power has been posted to the NIOSH Web site. NIOSH collaborated with researchers from the University of Washington to study disease risks from occupational magnetic field exposures, which have been identified as a possible human carcinogen by the National Institute of Environmental Health Sciences and the California Department of Public Health. The result of the research was a job-exposure matrix that links exposure statistics with disease and death certificates. The matrix, which has already been used in three epidemiologic studies, can be obtained as [MS Excel® files](#).

[Back to top](#)

Workplaces with High Injury and Illness Rates Notified by OSHA

Approximately 14,000 employers received a letter in March, 2008 from the US Occupational Safety and Health Administration (OSHA) telling them that their injury and illness rates are above the national average, and that the agency can offer assistance to help fix safety and health hazards. The notifications were based on 2006 data reported by approximately 80,000 employers. The notification was a proactive step to encourage employers to take action now to reduce rates

and improve safety and health conditions in their workplaces.

Workplaces receiving notifications had 5.4 or more injuries resulting in days away from work, restricted work activity, or job transfer (DART) for every 100 full-time employees. Nationally, the average U.S. workplace had 2.3 DART occurrences for every 100 employees.

See [Details](#).

[Back to top](#)

OSHA Unveils New Interlinked System on its State Plan State Web Site

The US Occupational Health and Safety Administration (OSHA) and the Occupational Safety and Health State Plan Association jointly developed a [new Web page](#) with interlinked information about State Plans' responses to new federal OSHA standards or directives issued since June 2006. State Plan States are required to have standards, policies and procedures at least as effective as those of Federal OSHA and to respond to significant new changes to the Federal program.

Links to charts show which State Plans have adopted standards or procedures identical to OSHA's, and which have adopted something different. If different, the chart provides a direct link to the State Plan's document on its website or information on how to obtain a copy. In addition, each new Federal standard or directive links back to the specific State response chart. New State charts and crosslinks to the Federal standard or directive will be posted six months after each new Federal issuance.

[Back to top](#)

British Spot Checks Find Unacceptable Performance in the Construction Industry

Spot checks conducted by the British Health and Safety Executive (HSE) found that "[o]ver one in three construction sites visited put the lives of workers at risk and operated . . . far below the acceptable standard". The project involved over 1000 spot checks of refurbishment sites across Great Britain during February, 2008 as part of a rolling inspection program targeting poor performing sectors in the construction industry. The HSE issued approximately 300 stop work orders. Over half of the enforcement action taken during this inspection initiative dealt with lack of fall protection (in 2007, 23 British workers died as a result of falls).

In 2007, over half of the workers who died on British construction sites worked in refurbishment, and the number of deaths on refurbishment sites rose by 61%.

During the spot checks, HSE inspectors looked at whether:

- Jobs that involved working at height had been identified and properly planned to ensure that appropriate precautions were in place
- Equipment was correctly installed / assembled, inspected and maintained and used properly
- Sites were well organised, to avoid trips and falls
- Walkways and stairs were free from obstructions
- Work areas were clear of unnecessary materials and waste
- Workers were made aware of risk control measures.

See the [press release](#) with site pictures.

[Back to top](#)

Near Explosion Brings Hefty Fine

Shell UK Oil Products Limited had a ‘narrow escape’ after 20 tonnes of highly flammable isobutane mixed with toxic hydrogen fluoride escaped through a corroded pipe at their Stanlow Manufacturing Complex in Cheshire, England. Fortunately, the gas cloud dispersed without exploding.

As a result of the incident, Shell UK Oil Products Limited pleaded guilty to failing to comply with the duty imposed by Regulation 4 of the Control of Major Accident Hazards Regulations 1999 to take all measures necessary to prevent major accidents, by its failure to contain a flammable toxic gas. The company was fined £266 681 (CAN\$534 000) and ordered to pay £37,131.62 (CAN\$75 000) in court costs for the incident, which happened on May 29, 2003. Health and Safety Executive (HSE) experts inspected the site after the incident and concluded that Shell had lost control of corrosion processes within the pipe to such an extent that a failure became inevitable. An internal Shell reports estimated that the incident could have resulted in multiple fatalities and damage to buildings over a significant area and secondary explosions could have resulted in a major fire leading to catastrophic damage.

See the [press release](#).

[Back to top](#)

Britain Regulates Noise in the Music and Entertainment Sectors

The Control of Noise at Work Regulations 2005 came into force for the music and entertainment sectors on April 6, 2008 (they came into force elsewhere in 2006). The aim of the Noise Regulations is to ensure that workers' hearing is protected from excessive noise at their place of work, which could cause them to lose their hearing and/or to suffer from tinnitus (permanent ringing in the ears).

The [European Directive \(2003/10/EC\)](#) on which the Regulations are based allowed the music and entertainment sectors a two-year transitional period. This recognised that music is unusual as it is noise deliberately created for enjoyment and therefore practical guidelines are necessary to help workers, employers and freelancers in the music and entertainment sectors protect their hearing and safeguard their careers.

The regulations are performance-based giving a wide range of options. However, the Health and Safety Executive (HSE) does note: “The tighter noise exposure action values will not outlaw particular pieces from orchestras’ repertoires but the loudest pieces may be played less often.”

See [details](#).

[Back to top](#)

HSC and HSE merge

In order to improve governance arrangements, the Health and Safety Commission and the current three person Health and Safety Executive have agreed to merge into a new unitary body, bringing together their powers and functions, and retaining the name Health and Safety Executive. In doing so, they are committed to maintaining the current legal position whereby

only duly authorised officials make individual enforcement decisions.

For [details](#).

[Back to top](#)

European Agency Releases Injury Data

[Eurostat](#) (the statistical office of the European Commission) and Member States are working on a program to give consistency to workplace injury statistics in the European Union (EU). Recently, Eurostat has published standardized 2005 statistics for fatal injuries, and injuries leading to more than 3 days absence. Highlights include:

- In 2005, there were 4 011 work-related fatalities in the EU
- There were 3 628 work-related deaths in the 9 branches of industry that are covered by injury notification in all member states (1 054 in construction, 726 in manufacturing, 637 in transport, 514 in agriculture, 320 in retail and wholesale trade, 276 in the two branches of financial and business services, 62 in hotels and restaurants and 39 in utilities)
- Of these, traffic accidents accounted for 1 402 fatal injuries.
- In 2005, the EU average rate of work-related fatal injury was 3.5 per hundred thousand workers and the non-fatal injury (over 3 days) rate was 3.1 per 100 workers
- The EU average rate of fatal injury has decreased by 15% since 2001.

Equivalent Canadian figures for 2006 (the latest year for which data is available) are 5.6 deaths per hundred thousand workers participating in the workforce and 5.7 accepted WCB claims per 100 workers.

For details, see the [HSE information page](#), [Statistics Canada](#) and the [Association of Workers' Compensation Boards of Canada](#).

[Back to top](#)

Europe to Allow Cell Phone Use on Planes

By May, 2008, mobile phone calls could be allowed on planes flying in European airspace under new European Commission rules. The decision to offer the services now falls to individual airlines.

The plan is to install small mobile phone base stations, called pico cells, in aircraft that will be switched on after take-off. The base station generates a bubble of coverage in and around the aircraft. Calls made via the pico cell will be routed to land-based networks via satellite link.

The services could stop working once aircraft leave European airspace.

For [press release](#).

[Back to top](#)

United Nations Moves on Improving Road Safety

The United Nations General Assembly adopted [Resolution A/62/L.43 on "Improving Global Road Safety"](#) on March 31, 2008. The Sultanate of Oman introduced the resolution, which was sponsored by more than 90 countries and adopted unanimously. The resolution includes encouragement for "organizations in both private and public sectors with vehicle fleets to develop and implement policies and practices that will reduce crash risks for vehicle occupants

and other road users." For the first time, a United Nations resolution includes specific language that notes the importance of fleet operations to worker safety and public safety.

[Back to top](#)