



January 19, 2007

Premier Dalton McGuinty
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Dear Premier McGuinty,

Re: Spring of Fear – The SARS Commission Final Report

Justice Campbell ended his four-year investigation of SARS in Ontario with a resounding condemnation of the state of occupational health and safety in the province's health care sector. Justice Campbell found:

"Hospitals are dangerous workplaces, like mines and factories, yet they lack the basic health and safety culture and workplace safety systems that have become expected and accepted for many years in Ontario mines and factories and in British Columbia's hospitals."

His findings are particularly disturbing in light of the fact that the *Occupational Health and Safety Act* has been the law in Ontario health care facilities for almost three decades now.

Justice Campbell did not apportion blame but he did point the way forward. It is a matter of urgency for health care workers and the public that we establish a health and safety culture in our health care sector before some other infectious disease disaster befalls us. He agreed with unions who pointed out that, "If workers are not protected from health and safety hazards, patients and the public are not protected either. It's that simple."

Justice Campbell scolded the provincial and federal governments for their bickering during SARS, and soundly criticized the Ministries of Labour and Health for their failure to cooperate, communicate and to clearly understand and define their roles during the crisis. He said that the divide between infection control and worker safety disciplines must be bridged before a strong safety culture can be created. He counseled your government and employers to act quickly and to listen to workers and their unions in matters of health and safety and he challenged us all to collaborate to implement his comprehensive slate of recommendations.

As unions, we have come together to urge you to take swift and decisive steps to:

- Immediately amend the *Occupational Health and Safety Act*, the *Health Protection and Promotion Act* and all relevant health statutes and regulations, and revise all government operational standards and directions, to expressly adopt the "precautionary principle." Acting quickly on the Commission recommendation to enshrine this principle in legislation and throughout the entire health system will set the tone and pace needed for the hard work required to effect the necessary changes. As Justice Campbell cautioned, "Until this precautionary principle is fully recognized, mandated and enforced in Ontario's hospitals, workers will continue to be at risk." Prompt enactment of such legislation would be a fitting

tribute to the memories of Nelia Laroza, Tecla Lin and Dr. Nestor Yanga, three heroes who succumbed to SARS after valiantly caring for victims in their workplaces.

- Appoint health and safety champions to key positions to steadily lead the health care sector away from our current inadequate and dysfunctional health and safety systems and toward one which is comprehensive and effective. Bold changes in leadership are needed because:
 1. It has taken three years of struggle to convince bureaucrats to incorporate only minimal occupational health and safety elements in the province's Pandemic Influenza Plan. One pandemic bureaucrat's supercilious dismissal of union health and safety concerns was noted in the Commission's report:

"...a Ministry of Health official, responding to union concerns that safety issues had been ignored in pandemic planning, did not address the issue on the merits but dismissed the well-expressed union concerns by saying, "I am not sure we will ever meet the expectations of organized labour regarding health and safety..."
 2. Members of the province's Provincial Infectious Diseases Advisory Committee (PIDAC) continue to squander precious time and resources in battling against the precautionary principle and challenging the value of equipping workers with proper respirators.
 3. In response to Justice Campbell's evidence-based recommendation to adopt the "precautionary principle" the president of the Ontario Hospital Association reportedly said, "...it's really safer to use the level of personal protective equipment that is called for by the science and not lead to the highest level of equipment."
 4. The newly created Champlain Local Health Integration Network (LHIN) established its own 14-member "Scientific Advisory Committee" with no health and safety expertise, and in December 2006, the committee joined the resistance to the precautionary principle and issued a statement advising its health care facilities against equipping workers with N95 respirators in other than high risk respiratory procedures.

The attitudes of these and other bureaucrats reflect the "...profound lack of awareness within the health system of worker safety best practices and principles," that Justice Campbell observed. It is imperative the government signal its commitment to Justice Campbell's plan of action by promptly appointing occupational health and safety experts to lead such projects as pandemic planning, for the government to use its influence on health care sector employers to do the same thing and to remove the bureaucrats who continue to resist the precautionary principle and impede health and safety progress. None of us can afford to waste more years arguing about the value of basic health and safety principles and law.

- Immediately appoint a universally respected independent occupational health and safety leader to oversee the complete implementation of Justice Campbell's comprehensive list of recommendations within a tight timeframe.

Justice Campbell called on employers and the government to listen to unions about health and safety concerns and to consult them in reviewing legislation and measures to improve health and safety in this sector. He expressed concern about the details of your government's planned Ontario Agency for Health Protection and Promotion, about which labour was never consulted. His Honour praised British Columbia's SARS response, which was partially led by the Occupational Health and Safety Agency for Healthcare (OHSAH).

He described the agency as, "...an innovative approach to improving workplace health and safety in the healthcare sector...jointly governed by employers and unions." It will therefore be especially important for the new overseer of the SARS commission implementation plan to fully involve unions and to carefully examine the Justice's concerns and the BC model to determine whether Ontario's structure should be refashioned to make the health care sector safe and healthy for workers and the public.

We applaud the government for appointing a Section 21 committee to advise the Minister of Labour about health and safety issues important to the health care industry. However we caution the government not to use this newly formed committee as an excuse to postpone action on Justice Campbell's recommendations. Similar to a workplace Joint Health and Safety Committee, the Section 21 committee is not charged to implement, only to recommend. It is your government's duty to execute Justice Campbell recommendations. The time to do so is now.

Our unions are eager to collaborate with the government and employers to effect the profound changes that are needed to finally establish an occupational health and safety culture and structure in Ontario's health care sector. Justice Campbell's work is every bit as important to workplace safety as the work of Dr. Ham in the 1970s. It is crucial that Justice Campbell's recommendations be fully implemented. We look forward to a prompt response to our appeal, outlining your plans and timeframe for implementation. In Justice Campbell's own words:

"The Ontario government has a clear choice. If it has the necessary political will, it can make the financial investment and the long-term commitment to reform that is required to bring our public-health protection against infectious disease up to a reasonable standard. If it lacks the necessary political will, it can tinker with the system, make a token investment, and then wait for the death, sickness, suffering and economic disaster that will come with the next outbreak of disease."

Sincerely,

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Hon. Steve Peters, Minister of Labour
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John Tory, Conservative Leader
Shelley Martel, NDP Health Critic
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