

## National Day of Mourning, 2008

On April 28, OPSEU members join workers, other unions, families and friends to remember and mourn for workers who have been killed, suffer illness or have been injured as a result of work.

This year, we mourn the loss of three OPSEU members – **Johnny Lo, Terry Wach and Steve Timmins**. **Johnny Lo** was critically injured on his job at the Ontario Clean Water Agency and died in hospital on July 7, 2007. **Terry Wach**, who worked for the Ministry of Children and Youth Services, was killed in a car accident commuting to work last October after her work was transferred from St. Catharines to Hamilton. And **Steve Timmins**, Local Vice-President from Central North Correctional Centre died on April 18, while representing his members at OPSEU's Convention. All of these members and their families will be remembered on this Day of Mourning.

This year marks the 24<sup>th</sup> anniversary of the National Day of Mourning, first declared by the Canadian Labour Congress in 1984 and now recognized by the Canadian government and governments of more than 100 countries around the world. Yet, despite widespread recognition of the Day of Mourning, increased enforcement efforts by Ontario's Ministry of Labour and a vivid media campaign launched by the Workplace Safety and Insurance Board, workplace fatality rates in Ontario remain high. Since 2000, more than 300 Ontario workers have been killed every year as a result of their work – either from traumatic injuries or from occupational illnesses. Last year, 378 workplace fatality claims were recognized by WSIB; 45 more fatality claims are still under review.

These fatality figures do not reflect the true toll taken by occupational diseases. Just 376 fatal occupational disease claims were made to the WSIB in 2007. Yet, a recent study titled "Occupational Disease and Workers' Compensation" prepared by Dr. Annalee Yassi for an inquiry into the Ontario workers compensation system estimates that as many as 6,000 Ontario workers die every year from occupational diseases.

The Day of Mourning not only allows us an opportunity to remember and reflect on work-related fatalities, injuries and illnesses, it is also an opportunity to renew our struggle to create safer and healthier workplaces. Two important health and safety issues which affect almost all OPSEU members are musculoskeletal disorders (MSDs) and workplace violence, bullying and harassment.

Labour's unified effort to convince the government to implement ergonomic regulations to prevent disabling MSDs has been unsuccessful so far, even though 40 per cent of all lost-time injuries allowed by WSIB are for MSDs. The Ministry of Labour is now relying on a trio of resources – the MSD Guideline, Resource Kit and Toolbox – when they investigate complaints about poor ergonomics. OPSEU members, especially those on Joint Health and Safety Committees should take advantage of the MSD Toolbox, posted on the MOL website, and use it

to fight for improved ergonomics in their workplaces. 2 Make recommendations for improvements and if your employer refuses to cooperate, call the MOL for assistance.

OPSEU and other unions are also lobbying the government to introduce legislation to address workplace violence, bullying and harassment. More than 2,100 lost-time claims for assault, harassment and violent acts were allowed by WSIB in 2005. And we know that many acts of violence, bullying and harassment are never reported to employers or WSIB. Despite these numbers and the tragic toll on workers and their families, Ontario has refused to follow the lead of five other provinces and the federal government, all of which have amended their health and safety legislation to address workplace violence.

OPSEU members should take every opportunity to lobby their MPPs for workplace violence legislation. In their workplaces, OPSEU members on JHSCs can work for the implementation of effective policies, procedures and training to address this hazard.

Many workplace injuries and illnesses could be prevented if the government and employers would shift their focus to prevention by adopting the first recommendation made by Justice Archie Campbell in the final report of the SARS Commission. Justice Campbell recommended adoption of the “precautionary principle,” which states that action to reduce risk need not await scientific certainty. He recommended that the precautionary principle “be expressly adopted as a guiding principle throughout Ontario’s health, public health, and worker safety systems by way of policy statement, by explicit reference in all relevant operational standards and directions, and by way of inclusion through preamble, statement of principle, or otherwise in the *Occupational Health and Safety Act*, and all other relevant statutes and regulations.”

The precautionary principle has been included in one piece of legislation so far, the *Health Promotion and Protection Act*. When the Chief Medical Officer of Health is issuing directives to healthcare workers in a health emergency, the CMOH is required to consider the precautionary principle. Labour will continue to lobby for inclusion of this requirement in the OHS Act as well. Inclusion of the precautionary principle in collective agreement language will also assist improve health and safety conditions to prevent injuries and illness.

OPSEU members, Joint Health and Safety Committees and Health and Safety Representatives can work together to insist on the implementation of the precautionary principle in law and in their workplaces. We can all demand action to prevent workplace violence, bullying and harassment. And we can all work together to ensure that workers are protected from painful MSDs.

Please take time on April 28 to remember all those working people who have died or suffered injuries and disease on the job this year and in years past. And as you reflect on those losses, consider how you can contribute to the important struggles to make all of our workplaces safer and healthier.