

General Safety Regulation Task Force Working Alone Provisions

Minority Report

October 2000

Labour representatives on the General Safety Regulation (GSR) Task Force have decided to issue a minority report on the provisions related to Working Alone.

The members who have signed below wish to clarify our position regarding the hazards of working alone and the adequacy of the new provisions to protect workers.

The provisions being presented by the Minister are a step forward, but we believe an opportunity to move forward has been lost. It has been lost because many employers and this government are not yet prepared to take serious steps to protect workers working alone.

1. What Happened

The GSR Task Force was struck in 1999 to review the entire GSR regulation and propose amendments to the entire document. The Task Force is made up of seven labour representatives and nine representatives from employers and industry associations. The Task Force works on a consensus model, with non-consensus items forwarded to the Minister for his final decision.

In these deliberations, the labour representatives brought the issue of working alone to the table. The Task Force began work on new provisions before the Subway murder in Calgary that prompted the ministerial review.

Labour's initial position was that working alone should be banned in some circumstances, and stronger regulation required in those instances when working alone was not avoidable.

Following the death of Tara McDonald, the Minister of Human Resources decided to fast-track the working alone provisions, and pulled it out of the GSR review timetable. The Task Force was asked to finalize the working alone provisions as soon as possible, outside the rest of the regulation.

The labour representatives were concerned about the Minister's decision. Fast-tracking working alone has resulted in the Task Force recommending only one piece in a complex puzzle. The adequacy of the provisions is highly dependent upon the resolution of many other issues still being debated by the Task Force.

Without the benefit of seeing the entire regulation, we are in the difficult position of recommending changes without seeing how they will fit in the final product. This made our work more difficult.

2. New Amendments

Currently in Alberta, there are no provisions protecting workers who are required to work alone. The hazards directly associated with working alone do not have to be addressed by the employer. There are no circumstances in which working alone can be prohibited.

The six new sections to be added to the GSR received the support of the Labour representatives. They received our support because they are a step forward in protecting workers. Employers will now be required to conduct an assessment of the hazards and act to minimize the hazards. A mandatory part of the control will be an effective communication system.

We see the new wording as a first step, one that will increase protection somewhat for workers over the status quo.

The Labour representatives see the provisions as the best compromise possible under the circumstances. It was clear from input to the Task Force and debate at the table that many employers were unwilling to take any further steps to protect workers. Had Labour refused to support the new provisions, the entire issue would have been sent up to the Minister's office for his decision. We are not confident that the Minister would have implemented even the six sections the Task Force recommended.

It was also clear that, politically, a ban on working alone was not possible. The Minister communicated to a number of parties that he was not interested in a ban on working alone, but wanted a regulation that would make working alone safer. This message affected the Task Force's deliberations.

3. Shortcomings in the Provisions

The new provisions fail to address important issues to make workers safe. The first is that the adequate performance of a hazard assessment is dependent upon a well-informed employer serious about fulfilling their health and safety obligations. All too often, this is not the case. With less earnest employers, the status quo will remain.

Second, there is no provision to require that the employer review scheduling and work arrangements to determine if it is appropriate to eliminate the incidence of working alone (ie. two workers per shift), rather than simply establish a communications system. Without a mandatory requirement to examine two workers, few employers will consider the possibility.

Third, what constitutes an 'effective communication system' is ill-defined. Labour representatives would have preferred to see wording which spelled out what would be considered effective. We advocate for a two-part system: a method for emergency call out by the employee, and some method for regular check-in by someone able to provide assistance.

These two components are both needed, at a level appropriate to the hazard present, to ensure the ongoing protection of the worker who is working alone.

Fourth, there is no provision to permit a worker to refuse to work alone if they feel their health and safety is at substantial risk. The employer can still compel or force an employee to work alone, even against their will.

Fifth, and likely most important, there is no tool to compel an employer to prevent working alone, or to ban working alone in some high hazard situations. We acknowledge there are times when eliminating working alone is not possible or practicable. We also know there are circumstances in which more than one worker will not necessarily make the work situation safer. However, there are times when eliminating the incidence of working alone is the most effective answer.

Potentially the most serious flaw in the new provisions is there is nothing to require an employer to seriously consider the advantages and disadvantages of eliminating working alone by scheduling or placing a second worker.

Until most employers seriously examine working alone and how it can be eliminated, hazardous working alone will continue to exist.

4. Our Proposals

The Labour representatives attempted to propose greater protection for workers at the Task Force. These proposals fell far short of consensus, and therefore were not implemented.

Labour representatives called for the following provisions to be included:

- That eliminating the occurrence of working alone be considered before other methods of hazard control are implemented. And that working alone should only occur when unavoidable.
- That the employer must present a document, to be signed by the employee, detailing the hazards of the working alone and how they have been addressed by the employer before the worker would be permitted to work alone. This is to ensure adequate information sharing.
- That the worker be allowed to refuse to work alone if they feel their health and safety is at 'substantial risk' due to the hazards of working alone.
- That the Minister be given the power to order certain types of work as 'high hazard' and that this work not be performed alone at anytime. The hazard would need to be substantially high and the ability to control the hazards poor.

- That an 'effective communication system' be defined as one that provides a method for the worker to call out in an emergency, as well as a system for regular check-in by a person able to provide assistance, to a level appropriate to the hazards present.

Not all labour representatives agreed with every proposal listed above. However, we are in agreement that more needs to be done to protect workers who work alone. We are in agreement with the following principles:

- That eliminating the occurrence of working alone must be the first consideration.
- That workers should have a right to refuse to work alone in a dangerous situation.
- That some types of work should not be performed alone.

We intend to continue to push for these principles whenever appropriate. Our organizations will continue to call on the government to do more to protect workers working alone. And when the next review of the health and safety regulations occurs, we will again call for stronger regulations.

We also call on employers to leave behind their old biases against banning working alone. It can be done and should be done far more often to protect their workers.

Respectfully submitted,

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