



# Modernization of the *Workers' Compensation Act and Occupational Health and Safety Act*

## Acts modernization external advisory group meeting 4 - occupational health and safety issues

### Coast High Country Inn, Whitehorse

Thursday, November 14, 2019, 12:30 p.m. to 2:30 p.m.

#### Introduction

This is a summary of comments made by participants at the external advisory group session on November 14, 2019. For more information on the topics that were discussed [download](#) the occupational health and safety issues paper.

#### Method

Participants were divided into groups randomly and were asked to discuss acts modernization policy topics. Through group discussions that included Yukon Workers' Compensation Health and Safety Board (YWCHSB) staff, participants had their thoughts recorded on poster paper. The groups discussed three questions for each topic.

1. *What are the benefits to this approach?*
2. *What are the disadvantages/risks?*
3. *What are some other options to consider?*

The poster paper notes are reflected in this document.





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## Safety management systems

### Proposal

The Government of Yukon is proposing to base the requirement to have a workplace health and safety management system on the number of workers an employer regularly employs, without reference to the hazard classification.

### Benefits

- More proactive and could provide the opportunity for recognition or incentives;
- Clarity around requirements and easier to understand;
- Administratively easier for both workers and employers;
- More tailored approach for employers;
- Enforcement is made easier;
- Clear expectations for employers;
- Safe work procedures;
- Clear language;
- Strengthens internal responsibility system; and
- Holds workplaces accountable.

### Risks and challenges

- May not improve compliance;
- Issues with interpretation;
- Standards not aligned;
- Employers may push back due to red tape associated with the process;
- What will this mean for CHOICES program;
- What will happen to safety programs already available;
- YWCHSB being viewed as an enforcement tool only; and
- Are best practice policies required?



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## Other options to consider

- Plain language;
- Audits and training from occupational health and safety (OHS);
- Cohesive standards;
- Alternative and organic options for resolution;
- More procedural than “inspection” or “refusal”;
- Clarity around safety procedures and when they are necessary;
- More training and education options rather than a one stop shop approach;
- Increased flexibility;
- Reporting and investigation for small employers;
- YWCHSB to provide tools for employers to pro-actively promote safety management systems;
- Include safety committee elements;
- A,B,C classifications may work for Yukon employers; and
- Minimum first aid regulations.





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## Joint health and safety committees

### Proposal

The Government of Yukon is proposing to update and modernize the roles and duties of committee members, and clarify the orientation and training requirements.

### Benefits

- Defined roles of committee members;
- Simple, plain language with understanding;
- Lessens administrative burden;
- Easier to comply when employers know what's required of them;
- Increased training; and
- Improves the culture of safety.

### Risks and challenges

- No consideration to the types of work and hazards involved;
- Workers may have less representation if the requirement for safety representatives starts at 10 or more workers;
- Training can be a daunting prospect for employees;
- Does streamlining requirements “water-down” safety requirements;
- Potential for increased costs to employers; and
- Taking hazards out of classification should be done carefully.

### Other options to consider

- Clarity around “workplace” vs “employer”;
- Aligning requirements for safety management system with rep and committee requirements;
- Requirements more accessible to employers online;
- Need to be clear on committee training requirements;
- Possible incentives to increase compliance;
- Make training available online;
- YWCHSB to make standardized checklists to follow; and
- Create a guideline that fleshes out the act.



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## Duties of workplace parties

### Proposal

The Government of Yukon is proposing to update the legislation to ensure that duty sections are consistent and comprehensive.

### Benefits

- Managers need to know that they are responsible for their own safety;
- Removes any confrontation in regards to similar duties and overlapping responsibilities;
- Opportunity for duty expansion;
- Ease of interpretation;
- Clearer from a teaching perspective;
- Clarity on what employers are responsible for;
- Clear duties allow for focus on prevention; and
- More definitions equal less room for misinterpretation.





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## Risks and challenges

- Could lead to less delegation;
- Ensuring that no additional duties other than those that already exist are put forward for consideration;
- Ensure that employer responsibilities are easily communicated; and
- There is a need to be clear otherwise an opportunity for loopholes may appear.

## Other options to consider

- Delegate tasks as a high level decision maker, but not their responsibility;
- Top level delegation begins with the employer;
- Employers responsibility to make training available;
- Requirements for training are made clear;
- Duties to be specified in a contract;
- Work towards contract management;
- Clarify the role of a YWCHSB safety officer;
- Produce guidelines and/or manuals for employers and workers to assist with understanding and interpretation of duties;
- Responsibilities do not shift when hiring contractors; and
- Plain language document to accompany legislation.

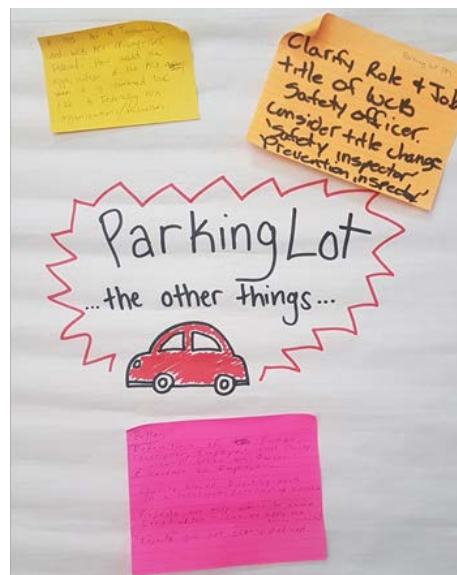




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## Parking Lot

When questions or statements arose throughout the meeting that were unrelated or were not covered by the topic under discussion, participants we encouraged to record thoughts on the “parking lot” poster paper.



*If Occupational Health and Safety Act is territorial and Workers' Compensation Act encompasses Federal, how would the application of the act when it is combined look like to federally run organizations/businesses?*

*Clarify role and job title of the YWCHSB Safety Officer. Consider title change 'safety inspector', 'prevention inspector'.*

*Better definitions of owner, constructor, employer and clarity around when an owner becomes an employer.*

*Better clarity around directing work in a constructor/contracting situation.*

*Projects are only means to name constructor – can we apply to service contracts?*

*“Projects” are not clearly defined.*