

## HEALTH & SAFETY

# Ontario's mining industry undertaking health and safety review

*Grassroots oversight, public consultation could shape H&S capacity, legislation*

By Megan Waqué

**M**any people don't realize the role the mining industry has played in influencing health and safety legislation. Much of the language in Ontario's Occupational Health and Safety Act (OHSA) regarding worker, supervisor and employer duties was largely shaped by the recommendations of the Ham Commission Report of 1976.

The reason for the Ham Commission? Uranium miners in Elliot Lake, Ont., had gone on strike after becoming alarmed about the high frequency of lung cancer and silicosis amongst co-workers.

In 2003, Bill C-45 was passed — also known as the "Westray Bill." The federal bill made it possible to charge corporations, directors and executives under the Criminal Code of Canada if employees are injured or fatally injured while at work. This legislation rose from the ashes of Nova Scotia's 1992 mine disaster in which 26 miners were killed in an underground explosion. Union representatives and families of the deceased miners persistently advocated for this bill for more than a decade.

### **MINES and the MHSPR**

Today, a Mining, Health, Safety and Prevention Review (MHSPR) is underway in Ontario, led by the Ministry of Labour's prevention office and chaired by the province's chief prevention officer, George Gritziotis. The review was strongly advocated for by a grassroots movement called MINES (Mining Inquiry Needs Everyone's Support), formed in response to eight mining deaths that occurred in Ontario between 2011 and 2013.

The review is "a huge leap forward toward ensuring the safety

of the men and women working in industry," said MINES chairperson Wendy Fram, whose son was fatally injured in an underground mine in 2011.

The MHSPR is a one-year project that began in January 2014. It will take an in-depth look into mining health and safety practices and release interim reports as the year unfolds, as well as a final report on mining health and safety at the end of this year.

The review is heavily focused on public and stakeholder consultations taking place in the spring of 2014 across mining towns in Ontario including Sudbury, Timmins, Red Lake, London, Kirkland Lake and Marathon. They will gather information as to what the issues are, how they should be fixed and what is required to fix them.

An advisory committee and a variety of working groups will look at specific issues, including the Internal Responsibility System (IRS), the capacity of organizations in the health and safety system, and issues relating to technology and risk assessment.

### **Internal Responsibility System**

IRS was introduced as a concept by the Ham Commission in 1976. It outlines a key principle that employers, supervisors and workers have a duty to work safely and inform each other of hazards and take every reasonable precaution for worker safety, as seen in part III of the Occupational Health and Safety Act. It emphasizes that everyone in the workplace shares a responsibility for health and safety, and workplace parties are in the best position to identify and address health and safety hazards.

While the duties of workplace parties are outlined in the act, IRS is

not — it can take on many forms and definitions. It has been described as a "dynamic problem-solving tool" in which small problems (such as puddles or tripping hazards) are resolved at the worker level, where the worker is most likely to encounter this hazard first and have the know-how to solve the problem.

As problems increase in size and complexity, they move up the chain to supervisor or employer since large and complex hazards require substantial resources, planning and cross-organizational co-ordination to solve.

While roles and responsibilities help define the structure of the IRS, the heart of the IRS is communication and culture — this is the grease that keeps its wheels and cogs moving.

But do workplace parties understand the IRS and their responsibilities for each other's safety? Is the reporting of safety hazards encouraged and rewarded? The mining review will look at how well the IRS is working in the mining industry, what barriers there are that prevent it from thriving, and what can be done to enhance the IRS.

### **Capacity of current system**

While the IRS looks at the internal structure of an organization, a health and safety system in Ontario serves as external support and enforcement for the IRS. Ministry of Labour inspectors visit worksites to verify compliance and have the authority to issue stop-work orders in the face of unsafe conditions. Health and safety associations provide the industry with up-to-date health and safety information, training and consultants to work with firms to build safety programs and identify program gaps.

The MHSPR will be examining

if these two systems, prevention and enforcement, have not only the capacity but also the expertise and knowledge to meet the needs for support and conduct effective monitoring of the mining industry.

### **Technology, risk assessment**

Mining is changing — the last two decades have seen mines reach staggering depths, new efficiencies and the continuous introduction of new technology. Without a doubt, new equipment and innovative methods lead to safer practices, but with every new procedure or product, there is the potential for the introduction of new hazards to the mining environment.

The mining review is seeking information on how new technology is introduced to the workplace, how an effective risk assessment is completed and acted on, and how to promote best practices within the industry.

It holds great potential, through grassroots oversight and extensive public consultation, to once again help shape Ontario's health and safety capacity and legislation through its final report and recommendations. If the past is any indication, these recommendations have the potential to cascade across all industries, making Ontario a safer place to work.

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