

REPORT ON CONFERENCE ATTENDED:

- 1. Health and Safety Conference Update 2007**
- 2. Workplace Safety and Insurance Conference**

WHEN: November 7-8, 2007, Lancaster House, Toronto.

WHO: Ravin Narain, Associate Professor, Department of Chemistry and Biochemistry

First of all, I would like to thank LUFA for giving me the opportunity to attend the Health and Safety and Workplace Safety and Insurance Conferences. Those conferences were very interesting and gave the opportunity to learn many issues in regards to health and safety and workplace safety and the legal implications. As a member of the Occupational health and safety committee (LUFA representative) of the university, it was a very enriching experience for me to attend those conferences. I will describe briefly below the different aspects discussed in the conference. The original binders for those conferences are at the LUFA office. The conferences were well attended. Many health and safety representatives of government and private institutions were present from Ontario and Nationwide. I have made copies for my own reference of the binders and I have requested that the university should as well have a copy.

HEALTH AND SAFETY CONFERENCE

SARS Commission and Recommendations

The conference kicks off with a detailed discussion of the SARS commission report and recommendations. What were the key recommendations of the Campbell Commission? How will they change the approach to health and safety in the province?

The precautionary Principle:

When there is reasonable evidence of an impending threat to the public health, it is inappropriate to require proof of causation beyond a reasonable doubt before taking steps to avert the threat.

The importance of the precautionary principle that reasonable efforts to reduce risk need not await scientific proof was demonstrated over and over during SARS. The need to apply it better is noted throughout.

Bullying, Harassment and Violence in the Workplace

Workplace harassment continues to take centre stage in the case law dealing with human rights in the workplace. The panel of experts analyzes several cases in this developing area. The session aimed at providing practical tips on the prevention, investigation, and resolution of harassment claims in the workplace before they end up at arbitration.

Topics addressed:

1. Preventing Harassment and Violence
2. Investigation Harassment and Violence
3. Litigating Harassment and Violence Complaints

Improving Safety and Performance across Canada

The following were discussed in this session:

What are employers, union and governments doing to improve safety records?

What are courts, tribunals and arbitrators doing to enforce safety standards?

How do provinces and industries compare with each other in improving safety records?

What measures and methods have the most potential to improve workplace health and safety?

Should employees be entitled to complain directly to a tribunal in the event of a concern regarding health and safety without having to go to a health and safety committee, or after going to the committee, and without having to resort to the refusal to work procedure which requires proof of danger?

Dealing with Drugs and Alcohol at the Workplace

Addictions to all types can have a harmful effect on a worker's performance. From alcohol and gambling to drugs, the panel discusses the responsibilities employers and employees have in dealing with addictions in the workplace. The panel also discusses emerging addiction issues in the workplace and focuses on key accommodation issues.

Claims and Prosecutions in the Courts

Under changes to the criminal code effected by Bill C-45, corporations and their senior managers can be held directly accountable if they recklessly endanger the safety of the public and workers in the workplace. The panel discusses the expanding responsibilities under health and safety legislation of employers, officers, directors, supervisors and employees and review the law on civil liability for damages and criminal responsibility for health and safety offences.

WORKPLACE SAFETY AND INSURANCE CONFERENCE

Amendments to the Ontario Workplace Safety and Insurance

The Ontario government has announced its intention to move forward with amendments to the workplace safety and Insurance Act designed to improve the benefits available to injured workers. The panel discussed the key features of the proposed amendments.

Paralegal Regulation

Ontario recently became the first jurisdiction in North America to provide for the licensing of independent paralegals. This task will be the responsibility of the law Society of Upper Canada and will include determining what types of services paralegals can offer without the supervision of a lawyer.

Occupational Diseases – The expanding Scope of Compensation

The past failure of the system to provide compensation workers who have developed occupational diseases as a result of workplace exposure has increasingly come to be seen by legislators and policy makers alike as an injustice correction. Recent sector specific changes have made it easier for some groups of workers to obtain compensation. The panel discusses the current approach to occupational disease, how is it changing, and what the future approach to compensating occupational illness in Canada should be.

Mental Stress Claims: Where are We at in the Compensation of Psychological Injuries

The panel discusses the expanding scope of coverage for mental stress claims and provides practical advice on how to respond to those claims. The panel also reviewed how recent tribunal decisions have dramatically expanded what will be accepted as a mental stress claim within the meaning of the WSIB policy.