



Legislative Assembly of Alberta

The 29th Legislature
Third Session

Standing Committee
on
Public Accounts

Labour

Tuesday, May 23, 2017
8:30 a.m.

Transcript No. 29-3-6

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Third Session**

Standing Committee on Public Accounts

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Dach, Lorne, Edmonton-McClung (ND), Deputy Chair

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Standing Committee on Public Accounts

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Ross Nairne, Executive Director, Occupational Health and Safety Policy and Program Development

Jeff Parr, Deputy Minister

Leann Wagner, Assistant Deputy Minister, Strategy and Policy

8:30 a.m.

Tuesday, May 23, 2017

[Mr. Cyr in the chair]

The Chair: Good morning, everyone. I would like to call this meeting of the Public Accounts Committee to order and welcome everyone in attendance. My name is Scott Cyr, MLA for Bonnyville-Cold Lake, the chair of the committee.

Before we move to our usual introduction of the members and those joining us at the committee table, I would like to recognize two guests from the Legislative Assembly of British Columbia. Joining us at the table this morning are Ms Lisa Hill – if you can wave, thank you – and Ms Jennifer Arril from the parliamentary committee office. Welcome.

Now to the introduction of attendees at the table, starting at my right with the deputy chair.

Mr. Dach: Lorne Dach, MLA for Edmonton-McClung, deputy chair.

Mr. Malkinson: Brian Malkinson, MLA for Calgary-Currie.

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie.

Ms McKittrick: Annie McKittrick, MLA for Sherwood Park, replacing Marie Renaud, MLA for St. Albert.

Dr. Turner: Bob Turner, Edmonton-Whitemud.

Mr. Nielsen: Good morning. Chris Nielsen, MLA for Edmonton-Decore.

Mrs. Littlewood: Good morning. Jessica Littlewood, Fort Saskatchewan-Vegreville.

Ms Miller: Good morning. Barb Miller, MLA, Red Deer-South.

Ms Luff: Robyn Luff, MLA for Calgary-East.

Mr. Feagan: Rob Feagan, executive director of occupational health and safety, Alberta Labour.

Ms Hogemann: Dana Hogemann, acting SFO, Labour.

Mr. Parr: Good morning. I'm Jeff Parr. I'm the Deputy Minister of Labour.

Ms Wagner: Leann Wagner, assistant deputy minister, Labour.

Mr. Nairne: Ross Nairne, executive director, OHS policy and program development.

Mr. Driesen: Rob Driesen, Assistant Auditor General.

Mr. Saher: Merwan Saher, Auditor General.

Mr. Gotfried: Richard Gotfried, MLA, Calgary-Fish Creek.

Mr. Fildebrandt: Derek Fildebrandt, Strathmore-Brooks.

Mr. Panda: Good morning. Prasad Panda, Calgary-Foothills.

Ms Arril: I'm Jennifer Arril. I'm with the research services team at the Legislative Assembly of British Columbia.

Ms Hill: My name is Lisa Hill. I'm a committee research analyst with the parliamentary committee office of the Legislative Assembly of British Columbia.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Mr. Fraser: Rick Fraser, Calgary-South East.

The Chair: If the members on the phone could announce themselves as well, please.

Mr. Barnes: Good morning. Drew Barnes, Cypress-Medicine Hat.

The Chair: Okay. The following substitutions are noted for the record: Mr. Nielsen for Mr. Westhead, Member Loyola for Ms Goehring, Ms McKittrick for Ms Renaud.

A few housekeeping items to address before we turn to the business at hand. The microphone consoles are operated by *Hansard* staff, so there's no need to touch them. Committee proceedings are audio- and video streamed live on the Internet and recorded by *Hansard*. The audio- and video stream and transcripts of the meetings can be accessed via the Legislative Assembly website. Please set your cellphones and other devices to silent for the duration of the meeting.

Let's move on to approval of the agenda. Are there any changes or additions to the agenda? Seeing none, would a member move? Mr. Nielsen. All in favour? Any opposed? Carried.

Let's move to approval of minutes. Do members have any amendments to the May 16, 2017, minutes? If not, would a member move? Mr. Panda. Thank you. Any discussion on the motion? All in favour? Any opposed? On the phone? Carried.

I'd like to welcome our guests, who are here on behalf of the Ministry of Labour to address the occupational health and safety systems. Members should have the research report prepared by research services, the Auditor General briefing document, as well as the status of Auditor General recommendations document completed and submitted by the ministry.

I invite the deputy minister to provide opening remarks not exceeding 10 minutes.

Mr. Parr: Well, thank you very much, Chairperson, and thank you to members of the committee. Good morning. My name is Jeff Parr, and I'm the Deputy Minister of Labour. It's our pleasure to be here today to discuss the Auditor General's recommendations on how to improve occupational health and safety in Alberta. Let me just once again introduce who's here with me. Leann Wagner is the assistant deputy minister for strategy and policy. In the gallery is Melissa Banks, the assistant deputy minister for corporate services. To my far left is Mr. Rob Feagan, executive director, occupational health and safety program delivery. To my far right is Ross Nairne, executive director, occupational health and safety policy and program development. And to my immediate left is Dana Hogemann, the acting senior financial officer for the Department of Labour.

Alberta occupational health and safety enforces OHS legislation through inspections, investigations, and prosecutions. As a department we also establish minimum standards for safe and healthy practices in our workplaces. Workers have the right to a healthy and safe workplace from their first shift through to their retirement. Consistent, rigorous enforcement of OHS legislation does help to prevent workplace illness and injuries and fatalities in the workplace. Enforcement coupled with education, training, in some cases public awareness efforts as well as proactive programs encourage compliance with OH and S legislation and contribute towards safer and healthier workplaces in the province.

Since the 2010 audit of OH and S by the Auditor General the department has made significant progress in implementing the recommendations. Specifically, the department has strengthened its inspection programs by analyzing employer safety data to identify, select, and inspect work sites and employers within high-risk sectors. It has developed an OHS index to identify employers who require enhanced attention from occupational health and safety.

The department has improved controls over its legislative permits and certificate programs by implementing a new system and policies, in particular for issuing asbestos certificates. The department has improved processes for reviewing and monitoring external agencies. It has obtained assurance that certificates of recognition are properly issued and maintained. It has implemented controls over the quality of data in its computer system. It has started issuing fines and tickets to employers and workers who continue to break the law.

The department also established an occupational disease and injury prevention unit to increase our capacity to make evidence-informed decisions in the area of research, surveillance, informatics, and evaluation. The department also implemented a quality, training, and operations unit within the safe, fair, and healthy workplaces division to improve training and ensure that data used for compliance is complete and accurate.

In 2010 and 2012 the Auditor General's report outlined various recommendations to improve our occupational health and safety system, two of which remain outstanding. They are improving evaluation and reporting and, second, clarifying procedures and enforcing compliance by high-risk employers and workers. The Auditor General recommended that we improve evaluation and reporting by

- obtaining data on chronic injuries and diseases to identify potential [OHS] risks
- completing the current update of the Work Safe Alberta Strategic Plan
- measuring and reporting the performance of [OHS] programs . . . that support key themes of the strategic plan.

To address the first recommendation, an evaluation framework was developed and implemented to guide how evaluations are conducted. This included developing 32 performance indicators which aligned with the strategic goals of the occupational health and safety program. A reporting schedule for these performance indicators was developed and implemented for the 2017-2018 fiscal year.

With regard to the second outstanding recommendation the Auditor General recommended that we clarify procedures that enforce compliance by high-risk employers and workers. We fully implemented this recommendation, with the exception of some additional training and administrative steps to document a manager's approval when an officer gives a second extension to an order and to document stop-use and stop-work orders. To fully address this final recommendation, we have updated these procedures.

As well, the OHS IT system was updated to prevent extensions unless the appropriate manager has indicated approval in the inspection reporting system. Training sessions were developed and delivered to all staff and management in order to successfully implement the Auditor General's recommendations. The department completed these actions relating to this recommendation in September 2016 and continues monitoring to confirm that these are being approved in the IT system.

Overall, the ministry has been committed to implementing all of the recommendations from the Auditor General's report in a timely manner. I'm happy to report that as of April 1 we have fully addressed both of the outstanding recommendations. The

department staff have been working with the office of the Auditor General to arrange for a follow-up audit to confirm that all of these recommendations have been addressed.

Thank you, all, very much.

8:40

The Chair: Thank you, Mr. Parr.

I will now turn it over to the Auditor General for his comments. Mr. Saher, you have five minutes.

Mr. Saher: Thank you, Mr. Chairman. The deputy minister has briefed the committee on the department's response to our recommendations. I'd just like for the record to read in what the situation was when we finished our second follow-up audit and reported publicly in July 2016, so that's just about a year ago. Our overall conclusion a year ago was as follows:

In the six years since our original audit, the department has made a number of recommended improvements to OHS systems. However, the department has still not fully implemented process improvements to enforce compliance for all OHS orders issued and to evaluate and report on OHS program results analysis compared to desired results. The department is unable to demonstrate, with evidence, that it has a complete set of processes to apply department policies to keep Alberta's workers safe.

Thank you.

The Chair: Thank you, Mr. Saher.

We will follow our usual time allotment format for a one-and-a-half-hour meeting for questions from the committee members. The first rotation will be two rounds of questions of eight minutes each for the Official Opposition and government members, followed by five minutes for the third-party opposition. The second rotation will be five minutes for each of these parties. With the agreement of the committee, any remaining time will be distributed equally among the three parties, with the final one to two minutes designated for outstanding questions to be read into the record.

We ask that officials provide their names before responding to questions. This is for the benefit of those listening online and for those instances where the committee members may be participating via teleconferencing. If an attendee in the gallery is called on to respond to a question, please identify yourself for the record before responding.

I will now open the floor to questions from members. Mr. Fildebrandt.

Mr. Fildebrandt: Thank you, Mr. Chair. Thank you, department officials, for joining us today. My questions are generally quite brief. If you can keep your answers pointed and substantive, that would be very much appreciated.

In 2016 the department spent \$42 million on OHS programs, and the 2017-18 estimates for Labour show that there is \$49 million budgeted for this year. The report indicates there was little effective oversight of this significant sum of money or analysis of the outcomes it was trying to create. The first Auditor General audit of these recommendations came in 2010. In July 2016 this report was the second follow-up to this. According to the status report your department has now fully implemented the outstanding recommendations, and you say that you're ready for a third follow-up audit by April 2017. My first question is: how did you fix the significant oversight problems which the Auditor General identified in about 10 months when you were unable to make progress on this over the previous six years?

Mr. Parr: It's Jeff Parr. I'm the deputy minister. I'm not able to speak personally about what happened the previous six years. I've

been here, basically, more than a year. When I arrived, the Auditor General's report was released and these recommendations were outstanding, so at that point we moved to take action on it.

With respect to the second one, which deals with the compliance pieces, really, the concerns were that there was improper documentation of the extension of timelines to comply with orders, on the one hand, and that stop-work orders had extensions written on them. I have to say that the effect of the second one in particular was not that significant. When a stop-work order is in place and it stays in place, the work continues on. The fact that the officer had written that they had extended it somewhat really didn't have any material effect. It was a documentation problem that we were dealing with.

I would say, similarly, with respect to the recommendation regarding the extension of orders – you know, officers write an order. They provide 30 days to comply. They're allowed to do a second extension and potentially a third extension, and that's it. So this is what the issue was. It was not: were they following up? It was not: were the corrections not made? It was: what was the documentation to require those things to be done?

Mr. Fildebrandt: You've said that, you know, you're relatively new to the department and some progress was made when you're here. But the question is not to you as Mr. Parr; the question is to you as the deputy minister of the department, answering as sort of the institutional knowledge for the department.

Mr. Parr: Thank you for that.

Mr. Fildebrandt: The question I want to bring it back to – you've made progress in these last few months, and you say that you're ready for a follow-up audit, but there were six years before that where progress was not made. That's what I would like you to speak to, why you made progress right at the end here, in the last few months, but no progress was made, not by you – I'm not pointing at you – but by the department, over the previous six years.

Mr. Parr: I have to say that in 2010, when the Auditor General issued the report, there were more than two recommendations. There were quite a number of recommendations. In the intervening six years there has been action on each one of those. The fact that, you know, as of 2016 there were only two outstanding recommendations shows, I think, significant progress towards addressing these. The Auditor General noted that the outstanding recommendations related to the recording of extensions of orders and stop-work orders, and it all also related to the evaluation and planning.

I think, you know, starting in 2016, we saw that these were the two outstanding. We took them on quite deliberately and moved our way through to come into compliance with them. We assigned the appropriate resources to get there, so as a department we quite deliberately moved forward on these.

Mr. Fildebrandt: So why were those two identified only in these last few months, not six years ago, when they were first identified?

Mr. Parr: These were follow-up audits, right? The Auditor General came in. They looked at the operation. They made a number of recommendations, including what were we doing around COR certification, et cetera. The department did move on those. I think what the Auditor General identified in our system of recording officers' interactions and managers' interactions were, frankly, some errors in the system. You'll have situations where errors can happen. With that, our folks moved in to do the appropriate

corrections on that. They updated their policies and procedures. They updated their IT system. They've trained all their officers, and now they monitor on an ongoing basis to see that this is done correctly.

Mr. Fildebrandt: Thank you very much.

Has there been any evaluation of the impact of delaying the implementation of these improvements on work safety in the province?

Mr. Parr: You want to know if we've done an evaluation on the effect of delaying this? We've had these recommendations for . . .

Mr. Fildebrandt: Yeah. What we really want to know is: has there been any measurable or known impact from the delay of the implementation of these measures on workplace safety?

Mr. Parr: When you look at our key performance measures, really the important ones are the time-loss injury rate and the disabling injury rate, and that rate has continued to go down since 2010.

Mr. Fildebrandt: That's not the question.

Mr. Parr: But those are the indicators we work with. If we're evaluating the effect of our program, we look at: what are we doing to influence the injury rates in the province? Those were continuing to go down. So I think that what I would conclude from this is that while those are important for us internally, they weren't devastating recommendations from the perspective of: what are we doing to keep Albertans safe?

Mr. Fildebrandt: How has the department been evaluating the performance of the OHS program, the dollars spent there, if they haven't been evaluating effectiveness? Was the department looking at the volume of cases completed without a deeper analysis? If so, how does that help Alberta workers and employers keep the workplace safe?

Mr. Parr: The department has been, on an ongoing basis, evaluating the effectiveness of its program. Like every other jurisdiction in the country, the conventional performance indicators are time-loss injury rates, what's happening with those. Of course, it's not a perfect measure, but in our world that's about as good as we can get. This department has also stretched that out somewhat and introduced this notion of a disabling injury rate, which picks up modified work situations for the WCB, which gives us a better indication of what, in fact, is going on in the workplace. I would say that the department has been evaluating the effectiveness of its programs on an ongoing basis. As with any other program, of course, we can always improve, and we're struggling . . .

Mr. Fildebrandt: So we've seen an increase in the number of investigators working in the department in the last four years, but the number of investigations has gone down. Can you speak to why that's the case?

8:50

Mr. Parr: Sorry. People are shooting me papers here everywhere.

For 2016-17 our total investigations went from just over 9,000 up to 12,000, so this year we went up quite dramatically. I'm advised that in 2015-16 there were a couple of variables that had an effect on the ability of our officers to get out and do the appropriate number of inspections. One was in the year that we introduced peace officer training and introduced the tickets. We took officers off the line to provide training . . . [Mr. Parr's speaking time expired]

The Chair: Thank you. If you wouldn't mind responding in writing to that question to fulfill it.

Mr. Nielsen.

Mr. Nielsen: Thank you, Mr. Chair, and I'll be sharing my time with some of my colleagues as well.

Through you to our guests, we know that evaluating programs and policies is critical given that it provides the department and the public with an analysis of return on investment and indicators, of course, to facilitate the strengthening of programs. Given that the Auditor General recommended that the department improve its systems of evaluating, I'm just wondering: what steps has the department taken so far to address these concerns?

Mr. Parr: Thank you very much for that. The ministry is committed to implementing all of the Auditor General's recommendations, and I can tell you that, working with the individuals here, a lot of work has been undertaken to get there. We take these very seriously.

We've addressed the recommendations to improve the evaluation and reporting of key health and safety programs by doing a number of things. First, we developed an evaluation framework, which came into place on April 1. I've worked in health and safety in two other jurisdictions, and I haven't seen an evaluation framework this robust in any of those jurisdictions. I've participated in health and safety leadership, government leadership, meetings across the country, and I think that in Alberta we've developed this time around a very significant evaluation framework. I'm quite proud of the work our folks have done.

The framework was developed as a result of a number of activities, including mapping the current and future evaluation needs of occupational health and safety, reviewing the current theory-based evaluation frameworks, consulting with our internal stakeholders, and obtaining stakeholder evaluation of the evaluation framework. This is the work that's taken place since, essentially, mid last year working through to today.

We've also developed 32 performance indicators that align with the strategic goals of the occupational health and safety program, and the first postimplementation review will occur in summer of 2018 after we have a full year's cycle of these performance indicators.

As I say, for all of us that do health and safety across the country, this is a challenging area. You know, we work hard to improve on our evaluation framework and the performance indicators, and frankly I would think that in five, 10 years from now we'll be better than we are now, but I think we are well positioned for 2017 to go forward.

Mr. Nielsen: Okay. I'm wondering if you could just comment on what the department's underlying principles or guidelines are for its evaluation systems.

Mr. Parr: You know, from our perspective, evaluation is critical for the development of a rigorous program and policies and provides evidence to assess the effectiveness of those programs. The primary purpose of the evaluation framework is to address the gaps and streamline the evaluation of our programming going forward. As I mentioned, we've been mapping current and future needs, we've done the literature review, and we've consulted with our stakeholders as we're going forward.

The evaluation framework lines up against the objectives as identified for the occupational health and safety program. We identified nine specific initiatives that we were going to track, and that's what we've lined it up against. The nine programs that we are specifically focusing on: we actually tried to scale those back to

make sure they're focusing on our priority, which is the prevention of injury and illness in the workplace. The issues that we're focusing on are our proactive inspection program, our OHS inspections, our investigations, the core pieces of any effective health and safety program; employer-industry performance metrics; OHS surveillance tools; OHS futures – it's a research grant program – OHS innovation and engagement; OHS information resources; and our OHS partnership and injury-reduction program, which is where the COR certification piece comes from.

Mr. Nielsen: Great. Thank you very much.

I'll pass it over to MLA Loyola, please.

The Chair: Member Loyola.

Loyola: Thank you, Chair. My questions to you, Deputy Minister, have to do with enforcing compliance. Please explain why department staff would determine it necessary to deviate from processes designed to mitigate OHS workplace risks.

Mr. Parr: I'm sorry; I couldn't hear the first part of the question.

Loyola: Why would it be necessary for department staff to determine it necessary to deviate from processes designed to mitigate OHS workplace risks?

Mr. Parr: To deviate from processes? Well, to explain why the department would deviate from processes designed to mitigate – I think, you know, it's not that they would have to deviate. Candidly, I think that, like, in any organization where people are involved, you put in place systems and processes, and you expect people to follow that. You're going to have from time to time instances where individuals don't comply or don't know or do, frankly, the wrong thing, so we put in place systems to capture that and correct that. I think that's in part what took place here. We had managers who were not appropriately documenting the extensions of orders, and we've had to go back and correct that. It's not that there was a reason that this should have taken place. It should not have taken place, so we've taken action as a consequence of the findings of the Auditor General to try and correct that.

Our view in these instances would be that we don't want to see any deviation. That's – I get it – quite a stretch objective for us, but that's what we look for, I think. We're not looking for deviations of 1 per cent, 5 per cent, that sort of thing. We're looking to have our folks comply with it completely. It's an ongoing challenge in managing an organization like this to make sure that people understand what the procedures are, to make sure that the procedures work for them, and that they're following them. I think one of the things that we'll have to be looking at in the future is: as we look at our procedures, you know, should they be streamlined? Do we have in place procedures that, frankly, don't make sense from the perspective of people on the front line? Those are some of the things we also have to look at.

Loyola: Okay. Could you discuss whether the department is considering any changes to procedures to enhance workplace compliance with the OH and S Act?

Mr. Parr: Well, to this point I talked about the enhanced training and the monitoring as well as the IT improvements to make sure that they comply with the system the way it is now. I would expect that like any other occupational health and safety organization, we would be looking at our compliance procedures and updating them as required. As an example, you know, in this particular instance we had issues about officers writing an order providing 30 days to

comply and then having to go to managers for extensions. I haven't seen that in other provinces I've worked for. I will question folks about that: do we need to do this?

I mean, the Auditor General pointed out that if we put in place procedures, we need to make sure that people follow them. I think we need to look at this and think: are we tying the hands of our officers too tightly? Do we need to provide them more latitude to deal with these things? As an example, you know, in a potash mine in Saskatchewan if an officer was to write an order requiring a new ventilation system, that's an expenditure of a few million dollars. The operation would have to budget for that, plan for that, and it could take a couple of years to get there. In that instance writing an order that requires compliance within 30 days is, frankly, impractical, so this would be why we need to look at this and make sure that the officers have the appropriate latitude and we have the appropriate oversight.

Loyola: Thank you.

The Chair: Thank you, Member Loyola.

Mr. Gotfried.

Mr. Gotfried: Thank you, Mr. Chair, and thank you to our representatives from Labour here for being with us today. I had the opportunity to participate in a few events, the National Day of Mourning and Steps for Life, just a few weeks back and was very touched by a lot of the work that's being done. Julie Hamilton has her missing Tim crusade from the loss of her son. I think it's very positive and strong to remind us what happens when we do not ensure that there's proper enforcement and compliance of workplace safety. I think every Albertan deserves to not only go to work but to go home safely at the end of the day.

The Auditor General's 2016 report noted that the department had not fully implemented improvements to enforce compliance for the many different types of OHS orders issued. Why was this not completed? It's fairly straightforward that we need to have compliance for these orders to actually, I think, effect any change in the workplace. Why were those not implemented in 2010, when they were first identified?

9:00

Mr. Parr: Well, I think this has been ongoing. You know, the occupational health and safety branch has sort of been working it's way through these things. I think, from their perspective, they believed that they had addressed these. When the Auditor General came in to do the follow-up audit and they looked at the documentation, they found outliers: "There are problems here. You need to do something about this." That, frankly, was helpful to us because it focused our attention on those, and we said: "All right. We didn't get as far as we expected to. We're not close enough to the point that we need to be at, so we need to move on and provide some more correction." So, really, it's not that they were sitting there and not acting on it. It's that, frankly, more work was required to be done.

Mr. Gotfried: Okay. I understand that, obviously, you've been doing some work on those to ensure that there's an enhancement of the evaluation and reporting on OHS program results as of April 2017. Do you feel that the enhancements you've put into that analysis and reporting will help you to achieve compliance and, I guess, some measure of positive reporting with respect to what the Auditor General has asked you to do in the past?

Mr. Parr: I think that when we talk about compliance and improving health and safety, I mean, the evaluation and the

performance measures measure the results of it, and it gives us an instrument against which we can sort of assess, you know: are we getting better? Are we getting worse? Are we staying the same? That's an important piece of it, and I don't in any way want to minimize that, but I think the broader piece for us is: are we doing the appropriate inspections? Are we seeing the results in the workplace, the sort of on-the-ground work? That continues to go on, and we continue to improve on that.

I think I can say, from a health and safety perspective, that where we are in health and safety in Canada today compared to 10 or 20 years ago, the sort of thought given to evaluation and performance measures, has come an awful long way and is continuing to go on. I think we're seeing a higher level of sophistication in how we do our planning, how we're reporting back. That will continue to improve, I think, as we continue to challenge ourselves.

Mr. Gotfried: That's good news. In the improvements you've made now, have you also been able to go back and look at some of the results prior to some of the changes you've recently made so that you can really track the improvements? Obviously, you've made improvements in the process and in some of the co-ordination and oversight and evaluation of it. Have you been able to go back to at least 2010 and to the current date to show us some measures of success of the programs you put in place then and over that period?

Mr. Parr: I mentioned that we have 32 performance indicators. I think the three critical ones for us currently are the lost-time injury rate, the disabling injury rate, and most recently we changed one of our performance measures away from the perception survey that we do, where people think about health and safety, to how many inspections we're doing. Just for a moment I would say that the move away from a perception survey to a more concrete measure of our activity I think demonstrates, you know, that we want to measure what we're doing and what the effect is rather than sort of what people's perceptions are about the safety of their workplaces.

Mr. Gotfried: I'm happy to hear that more measures rather than just broader indicators are what you're working from.

Again referring to the July 2016 Auditor's report, it notes that the department had "abandoned multiple attempts to complete a Work Safe Alberta strategy." What barriers are preventing the development and implementation of the more strategic approach to program enhancement, objectives, oversight, and, really, I think, compliance at the end of the day?

Mr. Parr: Here I'm sort of, based on what I've been told, reaching a bit into history. As I understand it, the department had a Work Safe strategy, sort of multiyear strategies. [Mr. Parr's speaking time expired]

The Chair: Thank you.

Mr. Parr: Would in writing be fine?

Mr. Gotfried: A response in writing just around the strategy issue would be greatly appreciated. Thank you.

The Chair: Mr. Panda.

Mr. Panda: Thank you, Mr. Chair. Thank you to the deputy minister and your team. I have lots of questions to get out, and I hope I'll get brief answers. If not, I apologize in advance if I have to interrupt here.

I'm talking about the OHS code revision process. There was a major stakeholder consultation for a partial review, which was the

first review since 2009. Then there was a commitment for a five-year review cycle, that was finally extended and completed and then tabled. This important reform appears to have been forgotten. Why?

Mr. Parr: Frankly, it has not been forgotten. We know that that work has been done. We only have so much policy capacity within the department. There is only so much we can get through the chute at one time. We have recommendations from our advisory council with respect to the OHS code. I fully expect and I'm confident we'll be getting to those things, but currently it's just that we don't have the ability to do this. I mean, that's where we're at right now. Yes, it's still there, we know it needs to be addressed, and we will get to it.

Mr. Panda: Okay. Thank you.

On page 42 your department indicated in 2016 that you would not be proceeding with the public release of the Work Safe Alberta strategy, yet you used the work to guide the development of workplace health and safety programs. If the work is not suitable for public consumption, why is it good enough to be used internally?

Mr. Parr: This was the historical piece that the previous member was asking about. The department did run multiyear work safe strategies prior. It was a process they went through to develop these. They put them in place, and they followed them. Around about 2010, you know, ministers changed. In fact, the department has had seven ministers since 2010 and seven different deputies, I think. These are all variables that you have to be conscious of, who is working with us.

There was a strategy ready to go, and the direction from the minister at that point was: "No, that's not what we're going to do. We're going to develop a 10-point program. We're going to do it this way and this way and this way." At that point . . .

Mr. Panda: So when the ministers change, the priorities will change?

Mr. Parr: In that particular instance, that's what seemed to have happened. There was a public-facing document, there was a shift to a 10-point program, and the department moved over to focus on that. Internally within an organization that creates a bit of turmoil. People aren't quite sure where they need to go, so we've been, subsequent to that, sort of moving forward. The question most recently was: well, are we going to bring it back? We have a new government. The new government wants to look at how we're looking at health and safety more broadly and would like to develop its own strategy, I suspect. We were told to put that aside for the time being.

Mr. Panda: Do you confirm, then, that Work Safe within the government of Alberta remains a strategy?

Mr. Parr: Really, our strategy now is to focus on the nine initiatives that I talked about, so it's our proactive inspections, our general inspections, our investigations, those sorts of things. Those are what drive our strategy right now.

Mr. Panda: What are the government's priorities, timelines, and plans for the OHS council?

Mr. Parr: The OHS council provides advice to us with respect to regulations. The OHS council also does the appeals of OHS orders. That's the function of the council. At this point that's what it's doing, and our expectation, unless there's something that changes that, will be what it continues to do.

Mr. Panda: The OHS tribunal and the chair of OHS: are they independent, arm's length from the government?

Mr. Parr: Yes, they are.

Mr. Panda: Last year CBC news reported that the OHS chair, who is supposed to be independent, received fundraising e-mails from the NDP. The NDP president acknowledged it was a mistake, but the chair was in a fix. He said that if he donates, then he could be blamed by us about his decisions going forward. If he doesn't, then he may not be reappointed. What are the checks and balances you have to protect the independence of the chair of an arm's-length tribunal?

Mr. Parr: I'm not sure this is entirely within scope, but let me just sort of make a couple of comments. First off, it had nothing to do with the department. This was an external connection with the chair of the OHS council. The second is that I would expect that the chairs of our various bodies, if they have a particular concern, would give me a call or give the minister a call. I received no such call. Really, the fact that the OHS chair continues to be there, that they went public about this, that there was no retribution, I think that demonstrates that this government is not inclined to interfere with the independence of the chairpeople of these bodies. You know, I'm looking sort of from the outside on that, but . . .

Mr. Panda: Are you, then, confirming that it won't be a factor for his reappointment?

Mr. Parr: Frankly, the appointments of the chair are not my decision. They're, frankly, not decisions of the department. I can't comment on that one way or the other.

The Chair: Thank you, Mr. Panda. I think that that line of questioning is now at this point out of order.

Mr. Panda: Okay. Thank you. I'll table that report. It's about the OHS chair. I'll table that later on.

Again, what does the department see as OHS's priorities?

9:10

Mr. Parr: The occupational health and safety priorities, just broadly speaking, are to do with the proactive strategic inspection program. This is where we target the workplaces that have the highest potential of injury and noncompliance. It's to undertake our OHS inspection programs, where we respond to complaints that come up or we launch initiatives related to particular concerns that came up. For example, last year we did a convenience stores and gas bars inspection initiative, and we did a vulnerable persons inspection initiative. These are our priorities to move forward.

OHS investigations. When there's noncompliance and there's a need for it to go to court, we do an appropriate investigation and hand it off to the prosecutors so they can take that forward, to ensure that we've got appropriate metrics in place for measuring how the industries are doing and how they compare one to the other.

Mr. Panda: Thank you.

What's happening with the labour regulation for Alberta farming operations?

Mr. Parr: Well, we have as a department worked with Agriculture and Forestry. There were six technical working groups. They've been working their way through. They've recently provided recommendations to government. Those recommendations we're in the process of reviewing, and decisions will be made, you know, in the future about how those take place. I would say that the technical

working groups did very good work, in my view. We've got very pragmatic recommendations with respect to health and safety on the farms and ranches, so I think we'll have a very good piece of work once we're done this. I think that in some ways Alberta will move into leadership about how we do this in an effective and appropriate way on farms and ranches.

Mr. Panda: Thank you.

If OHS hasn't evaluated whether its work is effective, how can we be sure that the programs are actually keeping Albertans safe and not just creating red tape for employers?

Mr. Parr: I think I've answered this question a couple of times. The fact that the lost-time injury rate continues to go down demonstrates that what we're doing in Alberta to improve health and safety is working. It's not red tape. It's actually important regulation to improve the safety and health of workers on the job.

Mr. Panda: Thank you.

The Chair: Ms Miller.

Ms Miller: Thank you, Chair. As noted on page 46 of the Auditor General report,

without adequate systems to enforce compliance with occupational health and safety legislation for those employers and workers who persistently fail to comply, the health and safety of workers continue to be exposed to otherwise avoidable risks.

Given that the one key finding of the report noted that the department lacked "effective processes to document manager approval of time extensions for employers to remediate compliance orders," can the deputy minister discuss what work has been done to ensure clear procedures are in place in regard to obtaining and documenting a manager's approval?

Mr. Parr: Thank you very much for that. In the July 2016 report the Auditor General recommended that OHS enforce compliance with the law by high-risk employers and workers. Alberta Labour fully implemented the recommendation with the exception of some additional training, including taking administrative steps to do the following things: to document the manager's approval when an officer gives a second extension to an order. The division made changes to the compliance management information system – we call it CMIS – that will incorporate the requirements for managers' approval for a second extension. So it just can't happen automatically. There's a requirement for the manager's approval.

Operational procedures were reviewed respecting time frames for compliance, approval for extensions, and employer progress reports to ensure more effective response of enforcement. That was done.

In addition, procedures were outlined for officers requesting managerial approval extension as well as how those approvals are to be documented and by whom in CMIS. So those are things we've done.

With respect to documents on stop-use and stop-work orders in a few cases officers incorrectly stated that they had issued an extension for a stop-work order. Extensions for these orders are never given, so this was clearly an error. Rather, the order is either left in place or lifted when the issue is addressed. That's a stop-work order. It just stays in place. The division has updated its training to ensure that the officers document the use of stop-work orders and stop-use orders properly in the inspection reporting system, so making sure they're documenting this correctly. Updates to the compliance management information system now ensure that proper records of stop-use and stop-work orders are required. So the system actually compels people to do this.

And then, finally, we do quality assurance checks to monitor proper entry of stop-use and stop-work orders on an ongoing basis.

So these are the things that we put in place to make sure that, you know, we don't slip up.

Ms Miller: Thank you.

Given the concerns that the Auditor General had with documenting the number of times an extension can be given, has the department taken any action to address this?

Mr. Parr: I'm sorry, but I think the answer I just gave really responds to that. I mean, in our procedures now an officer can request, I think, two extensions – right? – and requires manager approval on those. You know, the systems we put in place to ensure that the appropriate approvals are in place and the appropriate documentation is, in fact, what we've done to that. So that's how we've addressed that.

Ms Miller: Thank you.

Given the strategies and plans outlined by the deputy minister, does the department have plans to train its OHS officers and managers to ensure that they have the proper supports to succeed?

Mr. Parr: Yes. Within the safe, fair, healthy workplaces division there is the quality training and operations unit, which is responsible for quality assurance for occupational safety as well as employment standards as well as providing training. It's an ongoing feature of what they do. You know, training will be prompted by a number of things. I mean, there are particular enforcement initiatives we need to take on; they might be responsive to that. There may be emerging trends, so they may be responsive to that. But there's ongoing training in health and safety.

Frankly, in any health and safety division in Canada that's trying to make improvements, you need to keep this up. It's an area that continues to evolve, the technology continues to change, and it's critical that our officers receive this ongoing training to make sure that they're up to date on what the latest technology is and how to deal with the hazards that they come across in the workplace.

Ms Miller: Could you elaborate more on what kind of training will be included?

Mr. Parr: Some of the training that we provide, for example. For our officers we provide inspection fundamentals. We do provide training in officer safety. They're not the most popular people when they show up at a workplace, so they've got to make sure that they know how to conduct themselves to be safe. We offer training, oddly – well, not oddly – in verbal judo, so that sort of relates to being safe and how to de-escalate situations, ethics and code of conduct, legal studies, how to use our administrative penalties, training with respect to ticketing. We do training with respect to asbestos, to scaffolding, and other specified training. With respect to investigations there's a five-week training program that they run through, and it includes investigative techniques, report writing, forensic photos, scene management, interviewing techniques, those sorts of things.

So it's sort of a full suite of training programs that we offer to our officers so that they can do not only inspections, but when necessary, they can do their investigations as well.

Ms Miller: Thank you.

The other aspect of having this training available is ensuring that staff fully participate. Does the department have plans or strategies in place to facilitate a culture that supports the prevention of injury and illnesses?

Mr. Parr: I would say that, yes, we do. We are fortunate in our department that we have the occupational health and safety division. When you have an organization like that embedded within your department, it has a way of heightening one's attention to these matters. We have that in place. As a department, you know, we participate in the government of Alberta health and safety program. We have a health and safety committee in place, so we're actively pursuing that. We're also as a department looking at the types of hazards that we come across, which, frankly, are not the same level of hazard you would expect on a construction site or mining, that sort of thing. Granted, they might be lower level hazards, but how do we deal with those hazards?

You know, most recently we've been looking at, for example, mental health in the workplace. It's not necessarily a regulatory issue, but it's something that affects people on an ongoing basis, so we're looking at what we can do to remove the stigma attached to it so that people also have that level of comfort to ask for help when they need it and that sort of thing. It's one of the things that we're doing.

I would say that this is an organization that's very committed to health and safety and interested in sort of moving that ball forward.

Ms Miller: Thank you.

I will pass my remaining time on to Dr. Turner.

Dr. Turner: Thank you.

The Chair: You have 18 seconds, so be quick.

Dr. Turner: I'll wait until the next round.

9:20

The Chair: Okay.

Mr. Fraser.

Mr. Fraser: Thank you, Mr. Chair, and thanks for all the hard work that you do. I have a couple of quick questions. When it pertains to medical professionals on industrial sites, I believe the legislation cites that you have to have – there are roughly 250 employees per advanced-care paramedic and/or registered nurse, particularly in industrial sites. Are you looking at that number to reduce the number of employees per medical professional in industrial sites and warehousing and that sort of thing?

Mr. Parr: It's an interesting point. This would relate to first aid, you know, that sort of thing, the code requirements with respect to that. I would think going forward that it's something that we would probably be looking at. One of the things that is emerging in Canada is that the health and safety divisions of the departments of Labour are trying to find ways we can bring our health and safety requirements closer together across the country so that when an employer who is based in Alberta goes to B.C., they don't confront an entirely different set of health and safety requirements.

First aid, obviously, is one of the things that is a big irritant for employers. We do it differently than Saskatchewan, who does it differently than Manitoba. We're all a little bit different. As we move our way forward to try and get to a common platform, I would think that this would be one of the things that we would look at. As we're going through this – and we just saw a demonstration of a tool to help us do this last week – you know, the things that will be taken into account are: what do other jurisdictions do, what's the current state of science about what's required to prevent the injury, that sort of thing? We'll look at it at that point, but at this point I can't tell you if we're going to move from 250 to a lower number of not.

Mr. Fraser: Right. So on that line, do you evaluate, I guess, the risk on job sites? For instance, if the work is more perilous or more dangerous, are you looking to require more occupational health and safety paramedics or nurses to be on those sites?

Mr. Parr: Generally, that's the approach that's taken. You know, more hazardous work that's more remote from medical facilities: those would be the ones who would have the more stringent requirements with respect to first response and first aid. That would be the case.

Mr. Fraser: Okay. Is there any catchment in your department that's looking at the cost benefit with these groups in terms of preventing lost time, preventing injuries, you know, counselling around health, mental health, and those sort of things that keep people at work versus in the hospital, which is a benefit to the employer? Is there any cost analysis around that and how your department – when you talk about influencing better worker health and safety, like, is that part of the component, looking at that, to help employers keep people at work versus lost time?

Mr. Parr: I think that would be a difficult piece for us to get into because we're dealing with a smaller population of employers at this point, where they're more remote. The larger ones, furthermore: that's a very small group. We're not specifically looking at cost-benefit analysis. I think we'd be looking at: what's the effect of making this adjustment in rules to the health and safety performance? I guess in some ways maybe that's a cost benefit, but as we look through this, it would be one of the factors that we take into account. If we adjusted this, what would we project? Would it improve the health and safety performance? Would it stay the same? Would it make it worse? Those are things we'd look at.

I think we would want to be comforted that if we were going to make it a more stringent requirement, we would in fact see a better result for it. It's a bit of the challenge we have in health and safety. There's often a desire to put the most stringent thing in place, but we have to modify that against what's practical and reasonable in the circumstances.

Mr. Fraser: Right. Exactly. I'm just going to pass my time to my colleague.

Mr. Gotfried: Thank you, Mr. Chair. I have a lot of questions around the various types of orders used by OH and S and their inspectors to monitor workplace safety and to ensure compliance; however, monitoring enforcement and compliance by your inspector is only really part of an effective system. I wonder how much effort and energy and focus you're putting on education for employers and employees to understand that it's better to do things right than easy, also, I guess, empowering employers, employees to watch out for and evaluate workplace safety risks, and also educating both the employers and employees on the rights and responsibilities to ensure that their organizations, themselves, and their co-workers are kept safe in the workplace. How much effort is put towards not just the enforcement and having your inspectors out but also empowering and educating employers and employees? Really, you can't have inspectors everywhere. It's really more about the workplace culture and the work site safety culture. How much effort is being put into that?

Mr. Parr: Thank you very much for that. As a department I would say that a lot of effort is being put in.

The Chair: Would you be happy with a written response?

Mr. Gotfried: Yes. Thank you.

The Chair: Thank you. If you can provide that.

Mr. Panda: Mr. Chair, through you my next question is to the Auditor General. Will you accept the solutions OHS just put forward, and if not, why not?

Mr. Saher: Sorry. Would you just repeat the question, please? Will we do what?

Mr. Panda: Will you accept the solutions put forward by OHS, and if not, why not?

Mr. Saher: Okay. I think you're asking me: with respect to the solutions put forward, will we do follow-up work to satisfy ourselves that those actions satisfy the intent of our recommendation? Is that the question?

Mr. Panda: Yeah.

Mr. Saher: Thank you. Yes. It's the practice of the audit office every time we make recommendations. We will do follow-up work to ensure that that recommendation has been implemented. As the deputy minister said in his opening comments, there are now two outstanding recommendations, and the department believes that it has done all that it can to implement solutions to solve the problems that we identified and has intimated to us that they are ready for a follow-up audit. We will put that request into our work program, and certainly we will go back and do follow-up work with the same rigour that we used when we made the initial recommendations. Then we will report to the Assembly our assessment of whether those two recommendations have been implemented or whether we believe further work remains.

Mr. Panda: I have one more question for the deputy minister. Talking about the red tape, you know, I heard a lot of concerns from the job creators. What does OHS do now to evaluate whether something they do is necessary and whether it is effective at furthering the goals of the department and the impact it may have both on job creators and workers?

Mr. Parr: Well, like, I think, probably every other province in the country, what we do when we develop our regulations is that we look at what the current state of science is, and then we go through a process of consulting to find out what, in fact, is practical and what is reasonable. I'll just give you an example. There is a standard about emissions underground in mines, as an example, and if we were just to sort of follow the science and say, "Okay; that's what you must achieve," that would appear to make things safer. But in the process of consulting with employers – this is experience that I've had in the past – they came forward and said: well, that standard is so precise that we can't even measure that, and if we're not able to measure that, how do you expect us to comply with that? There's a whole process of consultation where we have to take, you know, the evidence and the research from the experts, and then we have to check it against reality. Is this something reasonable and practical? Can people actually comply with this? That's the process we have to go through to provide our recommendations.

Mr. Panda: Thank you.

Mr. Fildebrandt: The terms of four highly qualified, experienced members of the OH and S council were allowed to expire last August without as much as a courtesy response from the department to their applications for renewal of their terms. Why are people who

are qualified to serve on boards like this not receiving any response when their terms are expired?

Mr. Parr: I think that was probably an oversight, and I guess we would have to apologize to individuals that they didn't receive a response saying thank you for your service. The decisions about who serves on boards and commissions are decisions made by government generally, and governments go through a process of determining: are they going to continue or are they going to replace those individuals?

As you know, the government has been doing a review of all its agencies, boards, and commissions. The Occupational Health and Safety Council is one of those. I think the government is looking for less expensive, more effective ways of proceeding than it had seen in the past. I think that's all it was. There's nothing about those particular individuals at all.

Mr. Fildebrandt: Can we expect any changes to be made to the chairmanship of the OH and S tribunal after the fallout of his disclosure that he was solicited for donations to the governing party?

Mr. Parr: You know, that's not something that we participate in. It's really not something that I'm able to answer.

The Chair: Thank you for giving us some leniency there, DM.

9:30

Mr. Panda: I would like to ask a question about safety. On page 33 of your annual report there was . . .

The Chair: If you could hold that question for written questions, that would be great.

Mr. Panda: Sure. Thank you.

The Chair: All right. Dr. Turner.

Dr. Turner: Thank you, Mr. Chair. I'm basically going to follow up on some of the other questions. I really want to thank the deputy minister for giving a very expansive and comprehensive overview of the value of occupational health in this country. I'm actually pleased to hear that Alberta is coming up at least to the average, if not above average, across the country. One of the things that came up in some of the other questions was that sometimes this kind of work is described as red tape, but actually I'm pleased that you see this not as red tape but as really leading to some very important economic and social benefits.

This is really my question. Workplace injuries, illnesses, and fatalities reach beyond workers and their families and lead to broad negative economic and social consequences, and this was noted by the Auditor General in the report. What I'd like to have you do is talk about the department's evaluation systems and how they ensure that this broad social goal is met and is effective, efficient, and sustainable.

Mr. Parr: Well, thank you very much for that. Our evaluation framework, as I talked about, sort of focuses on our nine key programs, which I outlined earlier. You know, it lines up against our business plan, which has identified sort of three key performance indicators for us. As I mentioned before, it's time loss injury rate, disabling injury rate, and currently and, I think, going forward the number of inspections that we do, which demonstrates our actual activity. Those line up with our various initiatives.

With respect to strategic, proactive inspection programs, you know, we look at the pre- and postintervention injury rate by

industry and by employer once the inspection cycle has been completed. Then we'll look at the injury rates amongst proactive employers over time. Now, I have to say that these are not going to jump automatically. We have an influence on these things, but injury rates tend to move slowly over time, so we wouldn't expect to see immediate responses to those things. But that's how we would do that.

With respect to general inspections, we would take a similar approach. We'd look at the injury rate over time, compare that annually. We look at the number of inspections by officer quarterly and annually. We would look at the number of completed complaints, the total number and by year. We would look at noncompliance based on administrative penalties that are issued. We use those as a tool, not just to issue them but to get results. We look at compliance statistics by industry. These are the things that we would put in place to evaluate those.

With respect to investigations, we would look at the number of cases forwarded to the Crown – that would be a measure of just the quality of them – the average time from the date of a level 1 incident to the date of review for enforcement action, which we would do monthly, and we would look at the average number of investigation assignments by officer annually. Again, that sort of gives us an ability to look at: how are things operating within the division itself?

With respect to employer-industry performance metrics, we would look at the OHS index, identifying the appropriate employer. We put in place this index. Are we getting the right ones? We need to go back and check. Does this look right to us? The number of recommendations given that are implemented: if we give recommendations to the employer or make orders on the employers, are they in fact implemented? What are we seeing there? That's sort of what we would look at there.

I talked earlier about surveillance tools. That's part of our broad strategy. We would be looking there at the number of emerging trends identified. As an example, in the last decade or, frankly, the last 15 years, you know, issues of harassment and violence are becoming more prominent in the health and safety world. They didn't used to be. We focused more on the more traditional physical hazards in the workplace. What are we seeing there? What are other jurisdictions doing? What are we seeing in terms of injury trends related to that? What do we need to do? Those are things that not only we'll identify as priorities for compliance but also priorities for code adjustments as well.

We would look at the number of tools developed and implemented and actively used. We put in place tools that can be used not only by officers but by workplaces as well.

With respect to OHS futures, which is research funding programs, we would look at the names and the number of institutions that applied for funding annually, and there are a lot of them here.

Dr. Turner: Thanks very much.

The Chair: Thank you.

Mr. Gotfried.

Mr. Gotfried: Thank you, Mr. Chair. I just wanted to ask a fairly broad question about your feelings around whether the current model for OH and S and WCB is working well for both employers and employees in Alberta.

Mr. Parr: The current model? With respect to OH and S one of the things that's different about Alberta than the rest of the country is that the only sort of external eyes or the only sort of monitoring that happens about the safety and health practices in the workplace is

our inspectors. Every other jurisdiction in the country has mandatory occupational health and safety committees. Really, what that does is that it sets up an internal mechanism where employers and workers together are monitoring the behaviour: are they seeing the results and identifying issues that need to be addressed? It's quite a powerful tool for improving the safety culture and also improving the safety performance. It's something we don't have here, and it puts a lot more pressure on our inspectors because they come in from the outside. They're really the only ones who are sort of coming in and checking. Some workplaces have done this voluntarily, and it's good, good practice, but it's one of the areas that I think, you know, could stand some improvement in Alberta.

With respect to the interaction between health and safety and the WCB, I think they all work together. You know, some are actually joined up; some aren't. I think there's always room to improve the flow of information and the collaboration across, and I think, you know, we've got a willing partner in the WCB. We will certainly be improving on that going forward. But I would say that the relationship is good, and the desire to find improvements and improve prevention is a shared desire on both sides.

Mr. Gotfried: It sounds like what you've got in place, the OHS rules and compliance and enforcement – obviously, you're working on improving that over time – and the WCB model that is currently in place, has led to, you know, a fair and safe workplace for Alberta employees and employers in general. Are you feeling that you're achieving the core objectives of providing that safe and well-monitored workplace?

Mr. Parr: I think that certainly there have been improvements, you know, and I think the injury rates demonstrate that. There have certainly been improvements. I think that when we look across the country, we can learn from other jurisdictions and sort of adopt some of the mechanisms they've got in place and actually kick it up a notch and improve it more. I think that's one of the things that would be beneficial.

Mr. Gotfried: You mentioned that one of your challenges, obviously, is that your inspectors can't be everywhere. I was in the residential construction business, and I was very encouraged, over much of the period that you're talking about, that it was taken very seriously and that there were workplace safety officers within the companies. I think that that complements what you're doing. But the rights and responsibilities of the employees and employers, I think, are in place. What is your department doing to ensure that there's a robust process or conduit for the reporting of concerns around breaches of workplace safety standards from workers from all industries? Is there an opportunity for workers, and are they well informed about how they can protect themselves and ensure that workplaces are safe?

Mr. Parr: You know, there's a system in place, and again it's another one where I'd have to say that there's always room for improvement. We can always be improving on that. I'm just going to check to make sure that I'm correct about this, but workers are able to send us complaints anonymously. We do receive those, and we do act on them. I think this would be an instance where for larger workplaces the existence of a health and safety committee would be very beneficial because they know the players, and they're able to sort of bring the issues forward to essentially an internal body that's not a regulatory body. We may think we're lovely people, but people don't like to come to us if they have problems, candidly. It creates a forum where they can sort of bring the issues forward and try and work them through to resolution, so I think that could be beneficial.

One of the things I was going to mention earlier is that we have a very well-developed system of safety associations in Alberta, I think probably second to none. It's a very good system. You know, again, obviously, there can be improvements, but it's a system that allows employers to sort of lead themselves to better safety and health performance, which is obviously a beneficial mechanism in place. You don't get everyone there with a stick; sometimes a carrot is very helpful. So that's a useful thing. The COR certification piece is also very helpful.

But I think, you know, as I said, there are always things we can do to improve the knowledge of their health and safety rights and responsibilities. I think it's one of the things that we do need to look at: can we make sure that there's a broad understanding about what it takes to have a safety and health culture in the workplace? What are people's rights and responsibilities? How do these things work?

9:40

Mr. Gotfried: I think you're right. I mean, I've seen the COR and the SECOR work very well in certain industries. I think it's about creating that corporate culture.

Also, what is your department doing to empower employees – it's around sort of the same question – to ask for safety protocols around workplace activities and/or to refuse to do work that they feel may compromise their safety?

Mr. Parr: You know, our officers go out and do the inspections, so there's some communication that way. I think, frankly, the biggest piece would be through the safety associations. That's where it goes out. There's more work to be done.

The Chair: Thank you.

We have enough time for three-minute rotations. Mr. Panda.

Mr. Panda: Thank you. From page 33 of the Labour annual report I note that there was a decrease in the number of workplace inspections and reinspections in 2015-16 as compared to 2014-15, yet on page 37 of the annual report, performance measure 3(a), there was a continued improvement in the safety of workplaces in Alberta, with the number of lost-time claims decreasing by over 2,500, and the rate is continuing to fall. I have a number of questions around this. Why did the number of workplace inspections decrease? If the number of inspections has decreased, why has the budget for OHS increased?

Mr. Parr: Okay. There are a few things embedded in there. I mentioned once before that the number of inspections was affected by training that was being provided to our officers that's required for them to become peace officers and issue tickets, so we pulled people off the front line for that. There was some other training under way that was going on at that time. This was in '15-16. That's what was taking place.

I think that you had also contrasted the declining injury rate to the number of inspections, that went down at the same time. I think that statistically it's not valid to take one year's worth of evidence and say: "Okay. In one year we saw the injury rate go down and the inspections go down. Therefore, fewer inspections mean better safety and health." That's, frankly, a little counterintuitive, and it's not statistically valid. I think we have to look at injury rates over time.

I think the other thing that's important to remember is that our enforcement efforts, our compliance efforts influence the behaviours in the workplace; they don't actually determine them. While we're doing our enforcement activities, a lot of the things that affect health and safety in the workplace or what individual employers are doing in the workplace to ensure that it's safe and

healthy are what workers are doing themselves, so those things also come into play.

Mr. Panda: Did you say that you also pulled off some from the front line?

Mr. Parr: When our officers are doing training, they can't be doing inspecting, so that's a bit of what was going on. We had to assign them to do the specialized training to become peace officers, so they weren't on the front lines.

Mr. Panda: Okay. Thank you.

Does the reduction in the number of inspections reflect a decrease in monitoring activities, or are you just getting more focused on who you monitor and why you inspect a particular workplace?

Mr. Parr: Well, as I mentioned before, the number of inspections for '16-17 actually jumped from, like, 9,100 to 12,200. You know, we were down in '15-16, we've gone up quite significantly for '16-17, and my expectation, frankly, is that in a province this size we need to continue to keep our inspections at that level or even grow, especially in an environment where we don't have committees doing the monitoring internally within the workplace.

The Chair: Mr. Gotfried.

Mr. Gotfried: Thank you. I've got some questions I'm going to read in later.

Loyola: The Auditor General's report noted that the department indicated that it would not proceed with a public release of a Work Safe Alberta strategy and that instead the department will use the work previously completed on the strategy to guide the development of workplace health and safety programs. Could you please elaborate on why this approach was taken?

Mr. Parr: Well, it would seem that the Work Safe strategy was – you know, it had been developed quite a number of years ago and not released. The work that had gone into that was good work, so it was guiding what our activities were going forward. While it wasn't released publicly, we didn't get rid of the work. We continued to sort of move forward on that. It absolutely informed the nine priority programs, that I identified earlier, that are captured in our current evaluation framework. I think, really, the answer to that is that the work had been done. There was a decision made by the government at the time not to release that. Then, you know, as we move forward, well – okay – if we're not releasing that publicly, we'll use that to develop our own internal strategies.

Candidly, there is value in having a public-facing strategy for health and safety that deals with not just enforcement but, you know, a broad range of things, sort of: what does it take to improve safety and health in the province more generally? So I would think that going forward, that would be something we would start to look at. How do we bring that back? But I think just currently it was something that was from a previous time. We had to continue to move our way forward on it. The question now is: how does the government want to profile that and put that out to the public?

Loyola: Okay. On page 45 of the Auditor General's report it's noted that instances occurred "where stop-work and stop-use orders had time extensions unnecessarily entered in the compliance management information system." Although quality training and operation units updated OHS officers' training to clarify proper

documentation, does the department have systems to monitor stop-work and stop-use orders?

Mr. Parr: Yes. The short answer is yes. I'm flipping through my pages trying to find it, but I think it comes back to what I was talking about before. We've changed the IT system. We've trained our officers to make it very clear: look; a stop-use order, a stop-work order stays in place until it's lifted. This sort of notion that you could go out and write on it that, you know, "I'm extending it for this period of time, and I'll come back," really, is extraneous. It doesn't add any value. It creates confusion, so we're going through processes of training. Actually, we've done the training. We've updated our policies and procedures, and we've updated our IT system to capture just that.

Loyola: I'm good, Chair. Thank you very much.

The Chair: Mr. Nielsen. Sorry. Mr. Nielsen, you had six seconds.

Mr. Nielsen: So close. I could have done it.

The Chair: So close.

Mr. Gotfried: Mr. Chair, I'm going to read some questions into the record if I may. My understanding is that OHS officers can issue compliance orders, stop-use or stop-work orders, 10(1)(c) orders, and then above that are director's orders. Can you give us a breakdown of what percentage of site visits results in any form of order? Can you provide a breakdown of what percentage of the total number of orders issued falls into each respective order category? What does it take to have an issue elevated to a director's order?

In addition to orders, tickets can be issued by OHS officers. When a ticket is issued on-site to an employer or crew, are they always sent home or is work suspended, or is it up to the discretion of the OHS officer?

Administrative penalties are also a mechanism used by OHS to enforce compliance. How many administrative penalties were issued last year? What was the total dollar figure for those penalties?

What is the process and in what cases are time extensions issued to employers who have stop-work or stop-use orders? It seems to me that something is safe or unsafe, and there should be no need of a little latitude for a time extension because no one should be working when the site or activity being undertaken has been deemed unsafe.

I understand that OHS identifies employers most in need of OHS attention, resulting in an increase in proactive inspections. How are these employers identified? Are they notified that they are on your watch list? How are site visits conducted for those identified? Are you randomly scheduling or with a notice? How do they end up being removed from that watch list?

How many breaches, possibly those resulting in incident or injury, have been elevated beyond orders and penalties to charges and/or prosecution?

Finally, when will the WCB review be released to the public?

Thank you.

The Chair: You have a minute and a half to respond.

Mr. Gotfried: In writing would be fine, Mr. Chair.

The Chair: You'd have the opportunity to respond to the ones that you can while you're on record.

Mr. Parr: Okay. Actually, those came fairly rapid fire.

Mr. Gotfried: They'll be captured by *Hansard* for you. I've also provided them in writing to the clerk.

Mr. Parr: That's right. So I think we'll have to provide written responses to those just to make sure we get them accurate.

Mr. Gotfried: I'm quite okay with that. Thank you.

The Chair: Okay. Fair enough.

Mr. Dach: Thank you. I'm just wondering whether during the three-minute time allotted for the oral questions we should be permitting written responses to be requested.

The Chair: I was going to cut off the member at a minute and a half of giving him . . .

Mr. Gotfried: Mr. Chair, maybe seeing as I have a little bit of time left, I will take a second here.

The Chair: Just a second, Mr. Gotfried.

Mr. Gotfried: Sorry.

The Chair: The deputy chair brings up a good point that we are looking to get answers on the record from the deputy minister and all the staff behind him. Now, if you choose to go with a block format where you take the first half and ask all of your questions and then go with the second half and allow him to answer, that is up to the ministry. If the ministry chooses to say that they will respond to those questions, then that is up to the ministry, in my opinion. I gave the opportunity for the ministry to offer to answer. He has chosen to do it on the record.

9:50

Mr. Gotfried: Thank you, Mr. Chair. I think you gave latitude to both of us.

The Chair: Now, what we've got here is one minute to read questions into the record. Mr. Panda.

Mr. Panda: Thank you, Mr. Chair. Page 42 of the AG report discusses the performance measures that are used. Do the current performance measures, which include surveys, in the ministry's annual reports help the department assess whether or not its occupational health and safety programs are effective? In particular, how is the lost-time claim rate calculated? To what extent does the lost-time claim rate evaluate OHS programs?

On page 44 of the report the department has clear operating procedures when it comes to compliance orders. However, it lacks a mandate to request documentation on managerial approval of extensions given to employers. When staff found deficient workplaces, why were extensions to employers to improve conditions not being approved using proper procedures and best practices? Is this simply a case where you lacked robust procedures and sign-offs, or was it a lack of sufficient training and knowledge within the program and its staff?

Thank you.

The Chair: Thank you, Mr. Panda.

No further questions?

I would like to – oh, sorry, Mr. Gotfried. I almost missed you.

Mr. Gotfried: Thank you, Mr. Chair. One of my constituents, Julie Hamilton, has been doing some very incredible work over the last 17 years. Seventeen years ago she lost her son Tim to a preventable workplace accident and has been – I'll call it a crusade under

missing Tim. I wanted to find out if you have any initiatives in place which will allow some of these people, who are doing some incredible work, to share this. We actually did a session with some high school students in my constituency where she was allowed to present. We had over 200 students attending that who are now moving into the workplace.

I wanted to find out if you have any programs or funding which will help to get those messages out, particularly to young people who are entering the workplace and would be very interested in the initiatives that you're undertaking that will really educate people early on in their work careers and help them to identify the rights and responsibilities they have as employees to ensure that the workplaces that they're in are safe and that they have the empowerment to actually ask the right questions and to refuse work that they feel is unsafe.

Thank you.

The Chair: That was quite the question there.

I would like to thank the officials from the Ministry of Labour for attending today and responding to the committee members' questions. We ask that the responses to the outstanding questions from today's meeting be provided in writing and forwarded to the committee clerk within 30 days.

Are there any further items under other business? All right.

If not, the committee will meet on Tuesday, May 30, 2017, to hear the Ministry of Economic Development and Trade. The committee meeting is scheduled from 8:30 till 10 a.m., and the premeeting will be at 8 a.m.

Would a member move to adjourn this meeting? Mr. Malkinson. All in favour? Any opposed? On the phones? Carried.

[The committee adjourned at 9:54 a.m.]

