

[Chairman: Mr. Diachuk]

[9 a.m.]

MR. CHAIRMAN: Good morning, ladies and gentlemen. We will start this morning's hearings with a presentation from Genstar Corporation. Mr. Thompson, we have approximately a half hour's time. We have your brief here, and you may feel free to make some general remarks or additional remarks, and possibly allow some time for clarification in this half hour's time.

Before we go into it, if there are any individuals or employers present that are not scheduled, I would urge them to come forward to my staff for the very fact that we have a full day of hearings scheduled and may not be able to work anybody in. I regret that last night a gentleman asked for time; we couldn't accommodate him because it was already quite late. For that same reason, if there are any individuals, please come forward to my staff or the staff from both WCB and Occupational Health and Safety during the break between presentations.

#### Genstar Corporation

MR. W. THOMPSON: Mr. Chairman, ladies and gentlemen of the panel, I'm pleased to appear and represent Genstar at this hearing. As you mentioned, everybody has copies of my brief. One of your members advised me that everyone on the panel could read very well, so I'm certainly not going to belabor this. I think everything I have has already been mentioned in one form or another to you.

I want to emphasize a few points. One of the things we believe in very strongly is the merit rebate system. I know there are presentations on different aspects and how this should be set up. Our position is that we're not too concerned about how the system is set up or what name it goes by, but we are concerned that the principle of reward and punishment, or reward and penalty if you want to put it another way, remains in effect. All members of our organization are of the same feeling on that particular point. As I said before, I know there are changes suggested. We want to make sure it retains those two points that we feel are very important.

The aspect of safety education: I've worked quite a lot with the Construction Association, putting together programs. I think we're getting an excellent return for money spent. I would strongly recommend that some means of channelling certain funding and certain responsibility for coming up with safety programs be directed to associations. By that I mean properly constituted associations that have an infrastructure that can handle the operation of these programs.

Another point that has bothered me and I have mentioned many times — probably to the point that some people are getting a little sick and tired of hearing about it — is Board policy. I would be very happy when I go into a debate with the gentlemen from the Board on whether I agree or disagree with a claim they accept, if I knew a little more of the ground rules, so at the end of a discussion I don't have people say: yes, I agree with you, but Board policy . . . I want to be able to see what the Board policy is. I think this is only good operating procedure, and I think it would be a real help to the adjudicators too if they had a little more. Maybe there are these things, but with few exceptions I have not seen them. So that's one thing.

I guess the final point I want to stress is the communications aspect between the Board and companies. In the final analysis, a lot of the problems we run into boil down to merely a problem of communication. We as employers weren't kept in the picture, or

sometimes we were in the picture long after the fact. We find it's very difficult in certain cases to defend yourself much after the fact.

As I said before, I'm going to surprise everyone: I do not have a very long presentation. I believe that one thing, though, has to change to a degree. When I have debated cases, and the Board hasn't reached the conclusion that I liked, people will say things like: well, you have to remember the name of it is the Workers' Compensation Board. I think it is more than that. I think it is a workers' compensation board; I think it's an employers' compensation board. You know, All Saints hospital does not only treat saints; it also treats a few sinners.

MR. CHAIRMAN: You've been there?

MR. W. THOMPSON: Well, I went as a saint, Bill.

Basically that's all. As I said, I have covered many other points in the written presentation, but I'm quite sure you've heard many of these things before.

MR. CHAIRMAN: Very good. John Thompson? By the way, there's no relationship between the two Thompsons here.

MR. J. THOMPSON: He's just one of the Thompson boys.

Mr. Chairman, on this business about the relationship between the employers and the Board -- and it has come up many times -- I think we're unrealistic if we don't understand the old adage that he who pays the shot calls the shot. In most cases that is true. But if industry wants to have more influence, or at least appear to have more influence, with Board operation and policy, don't you feel there would be more confrontation between labor and industry, at least to some extent, and that it would become more of a battleground instead of having the Board sit in a fairly neutral position? I've had many briefs say that we'd better have more industry people on the Board. I can understand their point of view, but will it solve any problems or cause problems?

MR. W. THOMPSON: If we were operating in a neutral position now, I would probably agree with it. But I don't think the neutrality is completely there at the present time. That's no reflection on anybody from the Board. I think that's just the way it is, or is perceived to be, and perception is just as important as fact in many cases. I certainly don't want to be casting any reflections on anybody when I say it, but I think there is a perceived bias just from the background of the people involved in the Board. I'm talking now of the senior level of the Board.

I think one thing I want to make very clear in our brief is that we are strong supporters of the Board principle. I would very much hate to see the Board weakened in any way, so it isn't operated as a straight sort of no-fault insurance, if you will. I know that industry would feel a little more comfortable under the present set-up if they had a stronger representation on the Board, and I'm quite sure that the confrontation aspect would be minimal.

From talking to the people from the Board, I think that the number of times our corporation appeals to the Board is fairly minimal. In several hundred incidents, we may appeal once. So I don't want to give the impression that we're beating the door down on these people. Whatever abuses creep in have to be dealt with very strongly, because people remember the one bad claim a heck of a lot more than they remember the 500 that were handled very well. If the inclusion of a representative from industry gave a better perception of equality, I think that would be important.

MR. MARTIN: Mr. Chairman, I'd like to just refer to page 2 of your brief on the indexing

of pensions.

MR. W. THOMPSON: I'd better look myself.

MR. MARTIN: There is one statement there — I probably know the answer, but I want you to explain it. It says: "Employers should be held responsible for today's financing only in today's dollars." The question I ask Mr. Thompson is: whose responsibility is it then to make sure an injured worker has a reasonable standard of living? Because inflation can eat into them, and if the employer is paying only for the dollars at the time of the accident, whose responsibility is that injured worker then?

MR. W. THOMPSON: I kind of had a feeling that somebody would ask me that question, because I wrestled with this myself. The only thing I know about is simply, where is the money coming from? I have a problem with that too. But it's like anything else. I pay for something today — an insurance settlement of a highway accident. People get paid in today's dollars; it's not a down the road sort of thing. The problem I see here is that in indexing, the load is coming on today's employers for things that are created by employers who no longer exist. I'm truly not intelligent enough from a financing point of view to understand how this is going to be met, but I do think it's a little bit unfair to burden an industry that didn't exist when the problem started. I don't know how it's going to come.

MR. MARTIN: If I can just follow up there, as I see it, there are three alternatives. Those would be employers, which you don't think is fair; or it will be the workers, who don't keep up; or it will be the taxpayers. I would suggest that it can be only one of those three.

MR. W. THOMPSON: I suppose if we want to be really bitterly honest about the whole thing, the taxpayers are doing it right now. Very obviously the costs of compensation are being passed on to somebody. The end payers are you and me and everybody in this room. Yes, there are those three alternatives, and I'm not too sure just exactly who the fair one is. But there seems to be a little strangeness in today's employer paying for things that happened long ago. I know that at the time that man was injured, a set amount of money was put aside to finance this. Inflation rates went crazy and caused problems not only with compensation workers but with many other people on fixed income. So the same problem exists for the guy on a fixed income as exists for the guy that got hurt in 1947, or whatever. That factor is still there. Maybe we're going to have to put aside more money in today's dollars to think about that; I don't know.

MR. MARTIN: To follow up, just one more sort of supplementary into that area. It's my understanding that there is some capitalization — whether or not it has kept up to inflation at the time is certainly debatable, because we have high inflation. Maybe that could be looked into. But the fact remains that somebody will have to take responsibility. Many people would argue that that was a cost of doing business, and it should be left with the Compensation Board.

MR. W. THOMPSON: I suppose it's like anything else; where do you stop? We're speaking of situations in many businesses right now, and I think probably the Board's records will show that there are fewer and fewer people paying more and more money. You know, many of the companies that were paying in two years ago do not exist anymore. So you have a shrinking base with an expanding payout. I don't know; I have a concern that the set-up would topple over of its own weight. You can only charge industry, or whoever

else you're charging, up to a certain point, until they say: hey, this isn't worth it; I'm going to get a job.

MR. MARTIN: I appreciate what you're saying, but I'm sure taxpayers would give us the same argument.

MR. W. THOMPSON: These costs we're talking about in the very long run — I'm not sure how much compensation contributes to the cost of a house; I wouldn't be prepared to say, but it's part of the cost and part of the thing that ends up at the base user somewhere down the line.

MR. CHAIRMAN: May I interject here? The discussion has been good, but I believe you are both aware that any legislated increased to prior to '74 pensions are presently funded from the general revenue of the province. It's only the '74 and subsequent pensions that are capitalized.

I don't want to put you on the spot, Mr. Thompson, but I'm advised that the Alberta capitalization is the highest of any system in Canada. In order to accomplish what you're saying, we would have to have what an actuary would say is 100 per cent of what is required, and that actuary would still be guessing in your and my opinion. But I thought I'd just leave it with you two that we're advised that we're about in the high 70s of percentage, while there are some systems that are way below. It doesn't correct what your concern is.

MR. W. THOMPSON: I think the dollar concern is probably a concern to everyone. I think everyone here realizes that at the last sitting of this particular board, input was fairly minimal because people were not desperately concerned; things were running along reasonably well. Every account had a nice little nest egg set aside; things were going great. All of a sudden, we're told that all this money has dried up. The fact that things happened so very quickly probably spurred the fact that you're getting full houses to these hearings. While I don't pretend to know the answers, I do pretend to know some of the questions.

MRS. FYFE: Just a basic question before I ask a couple of others. Genstar, being a large diversified corporation, would come under a number of accounts. So you're looking at a variety of different rates.

MR. W. THOMPSON: That's right.

MRS. FYFE: I want to ask you specifically about the rate of compensation that is calculated for your seasonal, transient workers. This is on page 3. You've raised a concern about the calculation of the annual earnings. This has obviously been a problem to you. I wonder if you could explain . . .

MR. W. THOMPSON: No, I don't think it's a problem to us. I think it's a problem to the Board.

MRS. FYFE: It may be a problem to your classification then.

MR. W. THOMPSON: Well, yes. What it is — and as I say, we're talking here with hypothetical numbers. Maybe somebody can explain it to me; maybe I'm all wet on this. Construction is quite seasonal, and we have people in construction who at certain times of the year are working at a very high rate of pay. They're drawing good wages. It's a

situation which I guess is sort of historical. I was going to say hysterical, and that might have been right too. They have worked for many years, and their life style is very much adjusted this, et cetera. So a guy who's working in July at a rate of maybe \$50,000 at that particular two- or three-month period of time, gets paid at that rate, to a maximum, when put on compensation. But we only pay the Board what he actually makes, and maybe over that year he makes \$22,000. So what we're saying is that we pay into the Board on the basis of his yearly earnings, \$22,000. The Board pays out on the basis of his earnings at that particular period in his life at the rate of up to a maximum of \$40,000.

MRS. FYFE: I wonder if we could get some clarification from Al on this.

MR. RUNCK: To some extent, what Mr. Thompson says is essentially correct for a short term. The Act provides that if a worker is only disabled for 30 days or less, compensation should be paid on his actual earnings at the time of the accident. If the disability extends beyond 30 days, then we have to do what Mr. Thompson suggests should be done. That is, we have to look at his average. If the average compared to the actual doesn't look right, then we have to ascertain what the earnings would be for a similarly employed person in the same grade of employment. But in effect, according to the Act, for the first 30-day period we pay on the basis of actual earnings at the time of the accident.

MRS. FYFE: Is that what you would like to see changed?

MR. W. THOMPSON: I'm saying that it appears to me to be quite a drain hole. In other words, there are certain unfunded — we're paying at the rate of \$20,000 or \$22,000, or whatever it is, and they're paying out at the rate of \$40,000. It doesn't balance.

MRS. FYFE: Except that under the 30 days, that would still be a seasonal length of time. It's the seasonal work you're talking about. I wonder if you'd like to give this a little bit more thought. You may not want to comment, but if you'd like to give it any more thought and make any further submission to the committee, I'm sure we would appreciate it. I know our time's running out.

MR. W. THOMPSON: How much out of line am I on this? Maybe the people here could advise me how badly off base I am.

MR. WISOCKY: Actually it might be the reverse, in the sense that the first 30 days we pay him on the actual rate that you pay. In other words, you're paying \$15 an hour times 40 [hours] a week. We pay that for the first 30 days. Then, as Al says, when we get beyond the 30 days, we try to get earnings for a longer period, and the Act right now says at least a minimum of three months, preferably up to a year. It doesn't say a year, but . . .

MR. W. THOMPSON: A minimum of three months — I'm going back to this. We have a person who works just June, July, August — high months in the construction industry. All of a sudden he is being compensated in January, February, March — very low. But during those three months, he would have made money at the rate of \$40,000. We will only pay you at the rate of — I'm picking these numbers out of the air — \$22,000, which means that there's \$18,000 that you're not getting any premiums on, if we want to use the word "premiums".

MR. WISOCKY: That's about one of three major concerns in compensation throughout Canada and the United States. Some boards, like Saskatchewan, compensate on actual weekly amounts; some boards go totally to a yearly earning and compensate on that basis. Neither system seems to work too well.

MR. W. THOMPSON: I guess it's our concern. I thought of it as a concern to the Board, but it is a concern of ours. If those funds drop down we're going to . . .

MR. CHAIRMAN: As Mrs. Fyfe indicated, if you have some further thought on it, it is a concern that we'll be reviewing.

In part of the same presentation, you've indicated that you're concerned about the \$40,000 ceiling as it is considerably out of line with other provinces. Is that your only concern, that it's out of line?

MR. W. THOMPSON: Yes, that's truly my only concern. As I say, I firmly believe that if a guy gets hurt, we should compensate him. But I do say that it has to be within our means to pay.

MR. CHAIRMAN: We'll do our best to encourage other provinces to increase their ceilings.

On your submission on safety education, how would you see an association qualify? Who would judge that it is a — you said a well-established; I thought of a bona fide association. I'm asking this because I know you've worked on it. It's in place in Ontario, but we don't want to follow everything in Ontario.

MR. W. THOMPSON: Please don't.

MR. CHAIRMAN: How would you see the Board deeming an association a bona fide, well-established association?

MR. W. THOMPSON: I would say they would probably have to have a proper board. They would probably have to have paid staff so the thing has continuity. In other words, I wouldn't want to see the association of doughnut mixers produce an organization just to be funded to produce safety programs. In drawing up criteria, I would look at having a proper board, probably full-time help, things of this nature.

MR. CHAIRMAN: I am aware that there are some submissions coming to us that have that concern about it. Some of your colleagues have a concern, as my colleague here would say, that you would build up a bureaucracy and somebody has to pay for it.

MR. W. THOMPSON: My objective is exactly the opposite. I would like to tear down a few. I think the most important way an industry association would function is that an awful lot of their input would come from unpaid people.

MR. CHAIRMAN: Well, it's an area that I don't think has been thought out well enough. Because of the discussion here today, you may wish to think and send some additional information. I don't believe it should be hard and fast, yet we need some terms, some guidelines for how an association would . . .

MR. W. THOMPSON: I'm going to have to take notes on the homework you people are giving me.

MR. NELSON: And we don't need more bureaucrats.

MR. W. THOMPSON: No, most certainly we don't. I agree with that a hundred per cent.

MR. CHAIRMAN: Are there any other questions? Very well. Thank you, gentlemen. Thank you for the submission.

MR. W. THOMPSON: Thank you very much. I appreciate appearing before you.

### Canadian Feed Industry Association

MR. CHAIRMAN: Mr. Mauthe, are you going to be the spokesman?

MR. MAUTHE: I will with the help of my colleague here.

MR. CHAIRMAN: Mr. Anderson, good. We have approximately a half hour's time. You've distributed some additional information or summaries. Maybe you wish to refer to them and review them quickly with us, hoping we'll have time for some clarification and questions at the end.

MR. MAUTHE: Thank you very much, Mr. Chairman and members of the committee. It's certainly a pleasure to be able to appear before the select committee. For the record, our association represents approximately 75 established firms throughout the province of Alberta, employing in the neighborhood 960 people in the industry.

To further elaborate on some of the points we made in regard to our concern with the rates and that, if we study the current rates in our class, which has recently changed to 1106 from 902, the Alberta rate is \$4.50 per \$100 of payroll. If we take a comparison of identical industries in other provinces, Saskatchewan is \$2; Manitoba is \$2.29. We feel that our industry is far in excess when we're working in similar plants.

Statistics compiled regarded accidents in feed mills as related to other members in the same class. In 1982 under the old class 902, the feed industry accounted for 41 per cent of the revenue but only 29 per cent of the claims. In that regard we feel we are a very low hazardous industry.

Better communication between Compensation Board and industry at the level where accidents are caused; that is, plant managers and mill managers. Current communications: doing a summary of the industry people, we feel that by and large information from the Compensation Board goes to the accountants and payroll supervisors in the firms. They're just regarded as another necessary part of doing the books, and it's handled accordingly. We feel that if the information came directly to the plants, to the plant managers where the concern lies, they would be more aware of the implications as it relates to their industry. Being a plant manager for one of the larger feed manufacturers in the province myself, the first time I saw the WCB info newsletter was when I got involved with the Feed Industry Association and the Compensation Board hearings. Now maybe it's a communication part within our own organization, but I feel that if an effort was made to get these at the plant where the accidents occur, then it would have more meaning for the Compensation Board and the industry.

Number four, the feed industry is a stable industry. It's a non-hazardous industry from the standpoint of materials used in manufacture. All plant facilities are permanent structures. There is basically no movement whatsoever of plants. Employees are on a long-term basis. It's year-round employment. As an example, we have 20 employees at the plant I manage. Their average years of employment are approximately eight,

whereas I believe the overall general theme is around four or 3.7, from what I understand. The number of employees in a plant can range anywhere from three to 30. This enables the mill manager or the plant manager to keep control of workers and working conditions. This is probably one reason why our number two point, our accidents related to claims, are that.

Technological change within the industry is resulting in less and less physical labor being relied on as far as handling materials. A perfect example of that is the back injury. I think if any of you are aware of the feed industry, the number of, shall we say, 100 pound bags available now is less and less. It's getting down to 10 and 20 kilo bags. The bulk handling of pneumatic air auger type things are where the ratio is getting greater and greater every year. Where it used to be a split of 60 per cent bulk to 40 per cent bag, in some mills we're now up to probably 90 per cent bulk to 10 per cent bagged product. As a result, your chance of back injury and that are less and less.

The feed industry is a service industry to agriculture and is a very competitive, low-margin business. We feel that any increase in Compensation Board rates has to go directly as a fixed cost, and this automatically has to be passed on to the buying public, namely the feed customer. The labor portion of feed manufacturing is still quite high. As a result, it would have quite an effect on our margins if we were to look at rates that are currently charged by segments of other industries.

One other point — inspection service by Compensation Board for plant and machinery evaluation re safe working conditions for employees. Now we understand that is available in Saskatchewan. I'm not so sure about other provinces, but I understand Saskatchewan's board does have a policy. Currently the feed plants are under the federal Labour Code. In the four years I've been involved with the plant I am currently managing, I have not seen a federal inspector. That doesn't mean to say that we're negligent in things or are running a real good ship. But I feel that if the Compensation Board and the occupational health and safety were to act as one agency, work in conjunction with industry personnel to try to establish guidelines for inspection services for safer working conditions — simply a case of people coming in and spotting things. If they're within the industry they know what to look for, whereas we can get complacent and work at that plant on a continuous basis and completely neglect it.

We need to define what is fair compensation. We feel that the industry should have input to what fair compensation would be as related to that industry. I wish to make note of page 24 of the Industry Task Force on Alberta Workers' Compensation, which shows that as far as maximum weekly compensation, Alberta has the second highest payout of all the provinces. This information is received from the Association of Workers' Compensation Boards of Canada. We support the Task Force recommendations in regard to the investment of the Compensation Board funds. However, we feel that the industry should have some input to how these funds are handled, and suggest a look at perhaps having someone handle them that could possibly bring a little better return for the Compensation Board and benefit the industry. If you look at other businesses that handle funds of that nature, they have people that get a good return for them.

Those are basically the points I wish to make, unless Wayne has a few others.

MR. ANDERSON: I guess the submission that we sent in August dealt with a couple of principles. The theme that we'd like to emphasize throughout is that we feel that there is a lack of communication between the assessment system and the accident payout system. We're emphasizing the concept that we would like to see better communication from all aspects of health and safety and Workers' Compensation, with the ideal target of elimination of work-related accidents. I guess if you're looking at a target — I tend to have what's called a systems background — the target is to have an objective where you have no cost. Obviously that cannot be achieved, but in the system we have now, the

payout side of it is concerned with the worker who has had an accident -- his health, his well-being, and how to look after that. If we can prevent that accident, we would not have the problem. The way of preventing that accident is to get better feedback to the mill management and the people who are managing the industry, so they can see a direct result. I think management tends to relate very quickly to cost.

The matter of fair compensation. I think this probably has been submitted to you prior to this in a number of submissions, but workers and employers are always going to have different perspectives. There has to be a form to identify what is fair compensation for given situations. Those are probably the two main points that we would like to emphasize as far as our submission.

MR. CHAIRMAN: Before I go to one of the members, both of you gentlemen have raised communication. Mr. Mauthe and Mr. Anderson, I am really troubled that somehow you indicate here in the hearings that the Board's communications go to a particular person in the firm. Have you checked your own organization, why it isn't going to that firm? Because I'm sure that that info magazine has been going to your firm for many years, Mr. Mauthe.

MR. MAUTHE: Yes, I can appreciate the fact. I guess from a company standpoint, as I've indicated, the compensation rates and the bills that are presented are a necessary part of doing business, they're just paid with no questions asked. We appeared before the Board in regard to the merit rebate system last fall and had a very good meeting with them. Whether the Board could physically handle it to the plants, to the mill managers and foremen, would be another factor. However, that would eliminate one chain of command. In the case of any of the firms, any time there is an accident, we have to communicate with the Board on that accident in regard to the accident report, employer's statement, worker's statement, and so on. So we feel that they should communicate on a direct basis with the plants. Perhaps when we review it -- a few years ago, when there were a lot more smaller types of operations, that would be a very costly and time-consuming procedure. Now as the plants are becoming larger and more sophisticated, there are probably more decisions being made at the local level, rather than in Calgary, Winnipeg, Montreal, Chicago, or wherever the firm's head office may be.

MR. CHAIRMAN: Let me assure you gentlemen that if it's being addressed to the wrong person in your firm, all your firm has to do is advise the WCB information centre, and they'll redirect. But if we don't know -- and it was interesting that you mentioned you didn't notice that info magazine until you got involved in this association. I share that the Board staff and my office are always concerned that management is not involved enough in workers' compensation and occupational health and safety. The same thing applies with occupational health and safety, but I just wanted to leave it here because you raised it. This is almost the first time anybody has raised particularly the emphasis of where the communication is going. I'm confident it will be mailed to whoever you request it be mailed to.

MR. ANDERSON: I guess there's a broader perspective on communication too. We look at a feedback mechanism. The problem with management associating WCB payments with the actual accident is that the rates don't change sometimes a year, two years, three years down the road. By that time, that accident is a one of many type of thing. Whereas if you can tighten up on the costs associated with the Board directly to the payrolls within six or eight months, that is something management relate to. You're generally looking at short-term problems when you're in a management situation.

MR. R. MOORE: Your number one concern was related to the rate structure you're under in class 1106. You compared it to Manitoba and Saskatchewan: \$4.50 here, \$2 in Saskatchewan, and \$2.29 in Manitoba. I'd be very interested in knowing the other things you found out in your comparison, rather than just the rate structure. What does that \$4.50 buy here and what does the \$2 buy in Saskatchewan? There are two questions related to it. Is their program providing the important protection to the worker that our program does? The other thing is: is their classification a single-industry class? I know you're grouped with other industries in class 1106. First, are they a separate industry classification; and, secondly, are the programs comparable? I know the rates sure as heck aren't comparable.

MR. MAUTHE: As far as your first point regarding coverage, I'm not aware if there is similar coverage. In regard to class, they are similar classes in that the firm I work for is represented in all three western provinces. Those are the classes that are applicable in our head office structure. So we are part of the grain handler class — the whole Alberta Wheat Pool, Sask. pool, Manitoba pool, United Grain Growers, Cargill. The compensation people would be more aware of the combining of 902 and 1106. Class 902 always has been the alfalfa people, a few other miscellaneous manufacturing, and, I believe, the food industry people. We've now joined the grain end of the class, 1106, where the feed industry perhaps should have been in the first place.

MR. ANDERSON: Could I respond to that too? To follow up on that last point, the history of the class has been that we had relatively low rates until about three years ago. There were some relatively bad accidents, primarily in the alfalfa pelleting people, and there's not a great deal of alfalfa pelleting going on in Saskatchewan. We're in a small class, so those accidents put the class in a very severe deficit position. There has been a marked rate increase over the last few years. The problem is that we're a small industry and, while the feed industry has a very good record, some other segments of that small industry had a bad record.

MR. MARTIN: Mr. Chairman, just a point for clarification. I guess it goes into 3 and 6. I'm a little confused. It seems to be going into the occupational health and safety area. Are you suggesting that WCB be more involved in what occupational health and safety is doing now, that the two departments should in fact be amalgamated? I know you haven't said that, but I'm wondering where this is leading.

MR. ANDERSON: It's essentially the basis of our submission that there should be very close co-operation. Occupational health and safety are dealing with the problem of preventing accidents; Workers' Compensation Board is dealing with paying out for accidents. If you can get the two co-ordinated so the payout is related to the accidents, mill management will be much more responsive.

One of the things we're suggesting in point 6 is the inspection service. There are some mill insurance programs that offer inspection services, primarily from a fire safety and hazard point of view, not as far as working conditions. Those are the types of things that they've put in place in order to minimize the number of claims they have. So what we're saying is that the two of them should work closer together than what they're doing right now.

MR. CHAIRMAN: But Mr. Anderson, in response to Mr. Martin — I think Mr. Mauthe touched on it — your mills are inspected by a federal agency, not the provincial occupational health and safety.

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MR. ANDERSON: That's right.

MR. CHAIRMAN: Have you made any representation to the federal jurisdiction about the lack of inspection? How would you like this select committee to co-operate with you on in changing it? I am just as frustrated with the lack of inspection in federally inspected facilities when the Alberta Workers Compensation program has to administer the compensation.

MR. ANDERSON: I guess we haven't got a solution to that. We have not made any submissions to the federal Labour people. It's something that came up when we took a look at the whole issue of Workers' Compensation Board and payout, and we haven't gone to that point. The problem we're looking at is that we see we're dealing with three agencies: Workers' Compensation Board, Alberta occupational health and safety, and federal Labour. Can we pull them together so there's much more co-ordination?

MR. MARTIN: We'll leave the federal alone for now; we don't have much jurisdiction there. Just to follow up, are you suggesting that we go back and bring workers' compensation, and occupational health and safety together as one body?

MR. ANDERSON: Yes.

MR. MARTIN: Thank you.

MR. CHAIRMAN: Any other?

MRS. FYFE: Have you considered the value of industry safety associations that would take responsibility for communication, which you raised as a problem, or some assistance in self-policing of the industry? There are some models such as in Ontario. I just wonder if you have any comments regarding that particular concept.

MR. CHAIRMAN: That is a position of the Industry Task Force too, and possibly you could elaborate on it, unique to your association.

MR. MAUTHE: It's something that we're all concerned about as workers in the industry. We'd certainly like some guidelines from occupational health, the Compensation Board, or the federal Labour people, simply because if we establish our own guidelines, all of a sudden someone comes along and says: no, that's not the procedure we wish to follow. As an association we'd certainly be willing to work with occupational health and the Board in establishing safety courses, meetings, and seminars. Not for me; I don't get involved with the plant on a day-to-day basis, eight hours a day in the back. I'm all over the place. It's the fellow in the back who sticks his hand in an auger and so on and so forth; that's where we have to . . . If we do it within ourselves, the feeling from a worker's standpoint is: here's my boss getting up wanting to hear himself again. If there's an outside source and they know that outside source, it has an awful lot more impact to that worker, even if it's someone from another feed company so it's a joint industry pull.

MR. ANDERSON: In response to that too, we're a small industry. We have only about 82 firms in the province. We have had an annual feed industry conference, and the topics at the feed industry conference are such things as mill management, health and safety, this type of thing. We haven't addressed the models you suggest, and it's one of the things that we as an association frankly don't have the resources to really delve into at this

point. We presented this to the Workers' Compensation Board primarily because for small associations like ourselves, a more efficient operation may be tied together if you have a number of small industries in one operation. That has basically been our position to the present time.

MR. CHAIRMAN: One more to you gentlemen. On page 2 you're recommending a joint committee of industry and government or Workers' Compensation "be established to define what are work related accidents." Can you elaborate on your industry's concern about non work-related accidents?

MR. ANDERSON: I guess these are more toward the problems that are submitted in the Industry Task Force, such as back problems. How do you define these types of things that are due for compensation? How do we diagnose it, how do we identify that it was caused on the job, and this type of thing? We hear horror stories where people have taken advantage of the compensation system. With those types of things, the easy way is to pay out when in doubt. All we're suggesting here is that the industry would like to have some input to some clearer definitions and criteria. Management within the feed industry is reasonably responsible, and we ourselves do not have a great number of these. But I think it's what was suggested earlier, the level of compensation compared to the average wage rate in the province. The feed industry tends to be relatively low. Wage rates are lower than they are in construction because they're long-time employees. Hence some of the payouts tend to be a little higher than what we might suggest they should be.

MR. CHAIRMAN: In my closing comments, may I just encourage, as I did following the '79 report, that one of the most difficult tasks for the Board is when an employer has information or believes it's not a work-related claim but doesn't report it. The increase in appeals to the Board in '82 over '81 is 100 per cent or so, which indicates that, for whatever reason, the Board is dealing with more appeals. But unless the staff or the Board have the information, they can't do anything about it. So wherever your membership is concerned about it, please encourage them as employers to first of all submit their reports promptly and early and, secondly, to question quickly, with information, because the Board will investigate it. But if they get only one side of the information, they can't do anything.

MR. ANDERSON: I guess this again is a communication problem, in that management has not been aware of the cost.

Thank you very much.

MR. CHAIRMAN: Thank you very much, gentlemen.

#### **Alberta Teachers' Association**

MR. CHAIRMAN: Good morning, gentlemen. I want to welcome the representatives of the Alberta Teachers' Association. We have approximately a half hour's time. We have your submission. You may wish to make some comments and introduce your colleagues. You are the spokesman, Mr. Cowley?

MR. COWLEY: That's is correct.

MR. CHAIRMAN: We apologize for the misspelling of your name, but it has now been

corrected. You can't see it.

MR. COWLEY: No, I can't.

MR. CHAIRMAN: With the opportunity of possibly clarifications and any questions from the committee, I would ask you to make your submission. Please proceed.

MR. COWLEY: Thank you, Mr. Diachuk. You have the submission of the Alberta Teachers' Association. Mr. Chairman, I have with me two members of the staff of the Alberta Teachers' Association, Mr. Anderson on my immediate left and Mr. Nettleton on my right, who will be willing to answer any questions that may be forthcoming.

Our brief is quite straightforward, Mr. Chairman. We were here approximately two years ago, in 1981, and the request was made of us to decide which way we wanted to go. At that time, some teachers were covered by this Act; others were not. We went to our members, and they made the point that they would all like to be out, because they felt they were covered in other areas. That's the way it presently is, and we would like it to remain so.

I believe the present coverage we have is well delineated on page 2. We feel the coverage the teachers of Alberta have, through the Alberta school employees' benefit plan, or similar plans — whether it's London Life, Sun Life, or whatever — adequately and well covers teachers in the various areas. We do not believe there should be any changes made. We have good co-operation with the Alberta School Trustees' Association with regard to same. It is the position of the association that we continue with the present situation; that is, that we not be covered by workers' compensation but have the plans we presently have.

That's it in a nutshell. It's quite straightforward, and I don't want to belabor the obvious with you.

MR. CHAIRMAN: Any comments from your colleagues now?

MR. ANDERSON: No, I have none.

MR. CHAIRMAN: Questions?

May I just kick it off, Art. The way I read it, you would like the teachers presently covered under the Act — your industrial and phys. ed. teachers, I believe — to also be excluded now. Is that the ATA position, or to continue coverage for them?

MR. NETTLETON: Mr. Diachuk, it is my understanding that that was what was requested in 1981 and that is in fact what you did subsequent to your last hearings, pursuant to the response we gave you.

MR. CHAIRMAN: Clarification, Al? There is a component of teachers under the ATA presently covered.

MR. RUNCK: The general regulations still include teachers who are involved in industrial education, which is shop work, and things of that type. The other teachers who are covered are under the Colleges Act and Universities Act.

MR. NETTLETON: We don't represent the college people of course.

MR. CHAIRMAN: No.

MR. NETTLETON: But it was my understanding that you had taken us out.

MR. CHAIRMAN: The shop and industrial arts?

MR. NETTLETON: Yes.

MR. CHAIRMAN: No.

MR. NETTLETON: As I said, I guess in response to the question that you gave us two years ago, having asked the question did we want all out or all in, our position is that we want all out.

MR. CHAIRMAN: That was my challenge to the ATA then. For clarification of members of the committee, I felt there may possibly come a time when we would have to decide that either everybody is covered or the ones who are not. Before the regulation is amended, I was hoping that there would be some survey taken of the teachers presently covered, and we haven't had anything on that, Art.

MR. COWLEY: The closest we came to a survey was at our annual general meeting when the assembly passed the position that all teachers would be out. I thought that was the case, but obviously it was not.

UNIDENTIFIED SPEAKER: That was communicated to Mr. Diachuk.

MR. NELSON: I don't want to get too adversarial here, Art.

MR. CHAIRMAN: By the way, there is a member of your association on the select committee, which I hope will not put him in any conflict. I am confident that it won't, and that he feels free to participate. But he may remain and observe the discussion. That is Ray Martin.

MR. NELSON: First of all, we have a system that has been universally accepted. I am just wondering if you have had any reason to do a cost-efficiency study with the ASTA as to the cost to the taxpayer and the benefits derived from a private system as against the compensation that is offered through this system.

MR. COWLEY: Mr. Anderson is the . . . [inaudible].

MR. ANDERSON: No, Chairman, I don't think we have done an analysis as Mr. Nelson suggested. We have considered a combination of the two, as I think you suggested at one of the other meetings I was at. We have been advised that it wouldn't help us. We would still have to rely on our current plan, and there would be literally no reduction in premium if we were to try a combination.

I guess the major problem we have is that workers' compensation applies to the work place. Our plan is universal, 365 days a year, anywhere in the world. For that reason, we feel ours is very much superior. It is pretty tough. I know teachers have accidents at the work place, but I think they have more accidents on the ski hill than at the work place.

MR. CHAIRMAN: You said it, not me.

MR. NELSON: That may be the case in a number of other areas too.

Let's assume a teacher was injured in a metalwork shop, for some reason loses a hand

in an auger or something of that nature. How are they covered? Are they covered for the rest of their lives with a disability pension similar to what Workers' Compensation would offer, or is it something of a lesser nature?

MR. ANDERSON: Yes, we have AD&D and disability as part of our program.

MR. NELSON: What about the worker who gets injured and there is some dramatic experience. Does he have the availability to attend a rehabilitation program?

MR. ANDERSON: Yes.

MR. NELSON: In what manner?

MR. ANDERSON: Rehabilitation is part of our disability program as well.

MR. NELSON: Where and how are they rehabilitated?

MR. ANDERSON: That's worked out with Sun Life, the carrier of our plan in this particular case.

MR. NELSON: What about a facility? Is there a facility available for them to participate in, similar to the rehabilitation centre that the Workers' Compensation has? Do they go to a hospital?

MR. ANDERSON: I am not familiar with what Workers' Compensation has, so I really can't answer the question.

MR. NELSON: What have you got?

MR. ANDERSON: What have I got?

MR. NELSON: Yes, what program do you have?

MR. ANDERSON: We have the programs set up by Sun Life, the carrier of our disability plan.

MR. CHAIRMAN: I think what Mr. Nelson is asking — so often we are advised that the rehabilitation facility, the assessment, and the program would benefit teachers. Are there sufficient private facilities, organizations, and clinics that can provide that service? I think that's what you were trying . . . Where would you get it?

MR. NELSON: I am looking for comparable rehabilitation.

MR. CHAIRMAN: We might even look at the WCB taking the same route. That's what Stan's point is. Do you know what the insurance will fund? Do they fund, open-ended, a private clinic for rehabilitation for an injured teacher? Where do you get it in Alberta? You may want to get back to us on it.

MR. ANDERSON: I think I would have to.

MR. CHAIRMAN: It's trying to compare the rehab. programs that the WCB has in all provinces — here we have it in Edmonton — and what you are getting for your teachers.

Is that what you are trying to get at?

MR. NELSON: I just want to make sure that teachers have coverage for disability or injury on their jobs, because there are certain aspects of the teaching profession that have a risk to them.

MR. CHAIRMAN: John, do you want to supplement?

MR. WISOCKY: Yes. You can't compare jobs in the teaching profession with general laboring and blue collar workers. Without exception, every teacher usually returns to teaching. So in terms of rehabilitation, you don't have the same problem. Sun Life uses community agencies and so forth, but the amount of rehabilitation they have to do is very minuscule compared to what the Board has to do.

MR. NETTLETON: If I might add just one comment. That really is the source of the difficulty in giving you a precise answer on the question that Mr. Nelson asked. Most of the difficulties teachers experience are not the kinds of difficulties an industrial worker experiences. Many of them, for example, are stress related or something of that nature. The rehabilitation facilities required are quite different. So we really have very little experience with the typical industrial kinds of problems. That's one reason it's difficult to give you an answer.

MR. CHAIRMAN: Any other questions?

MR. COWLEY: I might add that in my years in education, the most common reason for downtime for teachers is stress related burnout. As you know, Mr. Chairman, teachers work extremely hard and in very difficult circumstances. Under the plans we presently have, there is an opportunity for rehabilitation. So it's more mental than physical.

MR. CHAIRMAN: One on one, yes. One question I have, and I haven't looked at it, but I possibly would welcome any . . . I am advised that there some provinces where teachers are mandatorily covered. What are your colleagues' experiences in those provinces? Are there any where it is mandatory?

MR. WISOCKY: As far as I know there are, yes.

MR. CHAIRMAN: There are some provinces. In your dialogue when you have had a national conference or communication, have you had any input from your colleagues in other provinces about the coverage? This is possibly further to . . .

MR. COWLEY: At this point I have not. But I am on the Canadian Teachers' Federation board of directors, and I will make it a point.

MR. CHAIRMAN: I would welcome any input on that.

MR. NETTLETON: My previous employment was not with the Alberta Teachers' Association, and the jurisdiction in which I was employed did in fact have workers' compensation. It was brought in, I believe, in 1979. At that time, we opposed it. As I said, that was a different jurisdiction, the Northwest Territories. There was no reduction that I am aware of in the cost to the employer. The disability plans, which were at that time part of the federal government plan, remained in effect. At that time I believe the Department of Education stated that they anticipated no reduction in the premiums and, as far as I know, there never were any. That is the only situation I am familiar with. It

happens to be that I had that experience, and it may be of some assistance to you.

MR. MARTIN: I would just like to throw out to Art and his colleagues that I think I know enough about the teaching profession to know where they stand on the issue. But I think there is perhaps a philosophical one here too. Many employers in the province might say that it's all very well and dandy if you feel that you can get private insurance. But what would happen to the Workers' Compensation Board if everybody had the same right to opt out? Many people would consider it unfair that the teaching profession has that right and other groups do not have that right. How would you answer that? I think it's a fair question to ask you.

MR. ANDERSON: If I might, Mr. Martin, the position was put to us by Mr. Diachuk and the previous committee. They said to us: do you want to be in or out? We went to our membership, and the membership answered the question and said: we want to be out. So we simply responded to the question.

MR. MARTIN: To the question that was posed, but I am just posing another question.

MR. CHAIRMAN: The question, you may take it . . .

MR. COWLEY: Yes, I know what the question is. Ray is an old buddy of mine, and I don't like the particular question.

MR. MARTIN: I didn't think you would, but it is my role here to ask the question.

MR. COWLEY: Yes, I appreciate that.

MR. MARTIN: Because many people have asked that.

MR. COWLEY: The concept of universality.

MR. CHAIRMAN: That's what happens, Art. Sometimes you wonder who your friends are.

MR. COWLEY: That's a difficult question to answer, Ray.

MR. CHAIRMAN: But it is one that the committee has been faced with from employers saying: we want to opt out; we want to go to private insurance. They often point the finger at the ATA, because it is funded from public funds. We will leave that with you.

MR. COWLEY: Yes.

MR. CHAIRMAN: You may want to deliberate. But I think what has been experienced in other province will have a little bearing, if we can get some . . . We will try to get look at it when we're visiting the other boards.

MR. NETTLETON: Could I comment on that? There is a paragraph in our brief which says that the compensation Act is no doubt an important and very necessary piece of social legislation, particularly for those people whose employment entails exposure to physical hazards, et cetera. We go on to say that we have in place a plan of benefits which more appropriately and efficiently meets the needs of teachers. It's not a question of opting out; it's more a question of what needs does a particular plan best meet. Our

particular needs are best met by this plan, because the Workers' Compensation Act, as I read it, relates mainly to work-related accidents. We just don't have a significant number of work-related accidents.

MR. NELSON: I would like some information that maybe Al could help us on. Assuming that those areas now covered by compensation are removed, does this give the opportunity for the teacher to launch a law suit against the school board, for example, if they had a severe accident within the shop?

MR. RUNCK: I believe it would, because they would not have the protection of the Act against a law suit.

MR. NELSON: With that in mind, how does your association feel about getting some undertaking to remove the option for the employee to launch a law suit against the school board? As other employees do not have that option, why should you have it?

MR. COWLEY: I wasn't aware that that option could then be exercised if it were removed.

MR. NELSON: Before it is removed, I suggest that there would have to be some undertaking by your association to ensure your people do not have an advantage that other workers don't have.

MR. NETTLETON: Might I respond to that, Mr. Diachuk?

MR. CHAIRMAN: Yes.

MR. NETTLETON: With all due respect, I think that 95 per cent or better of teachers have never been covered. To the best of my knowledge, law suits over job-related injuries have been very few and far between. Further, if that really is a concern of the employer, then I am sure that the Alberta School Trustees' Association would not have taken the position, when they were asked that question, that they would prefer to see all teachers out as well.

MR. NELSON: They may not realize the total implications of it.

MR. NETTLETON: My experience with them is that they probably do.

MR. COWLEY: But it's possible, yes.

MR. CHAIRMAN: In most cases, Art, I think they would carry other liability insurance.

MR. COWLEY: Yes.

MR. CHAIRMAN: Stan's concern would be that the system has to pay for third-party liability insurance coverage.

MRS. FYFE: Just on this same point. I wonder if you have any idea of how many claims there would be for those teachers, industrial shop teachers, I suppose divided from the college group.

MR. RUNCK: We could certainly try to identify that information, but I don't have it at

hand.

MR. CHAIRMAN: Okay. Thank you very much for your submission. Art. When you have a chance, you may get a bit of input from other jurisdictions. Send it to my office, and I will share it with committee members, because it is something we haven't done. We will be visiting other jurisdictions in the new year and will no doubt ask them. We will get their side of the story. We would welcome it from your colleagues' side, teachers associations in several other provinces, particularly British Columbia, Saskatchewan, Manitoba, and Ontario. That would give us a good [inaudible].

MR. COWLEY: I will do a comprehensive for all of them.

MR. CHAIRMAN: Thank you very much for your submission.

MR. COWLEY: Thank you kindly.

MR. CHAIRMAN: With that, we will have a short coffee break. The Fort Saskatchewan Regional Industrial Association can start setting up for immediately after the coffee break. That's the group from the industrial association.

[The meeting recessed at 10:21 and resumed at 10:31]

#### **Fort Saskatchewan Regional Industrial Association**

MR. CHAIRMAN: Okay, gentlemen, who's going to be the lead-off pitcher?

MR. DYCK: I guess that's going to be me.

MR. CHAIRMAN: You're going to be, Mr. Dyck? We have approximately half an hour's time. You've given us some additional information today. You may want to assist us and review it section by section. However, feel free to introduce your two colleagues and make your presentation.

MR. DYCK: Okay. Mr. Minister, honorable members, ladies, and gentlemen, my name is Bob Dyck. I'm with Inland Chemicals Limited in Fort Saskatchewan. With me today is Morley Alldred of Chevron Canada Resources Limited and Brian McClelland with Sherritt Gordon Mines. We are representing the Fort Saskatchewan Regional Industrial Association or FSRIA. If you can recall that short title from now on, it will save me having to go through the long form.

MR. CHAIRMAN: That title includes your MLA?

DR. BUCK: Easy there, easy.

MR. DYCK: First of all, I'd like to thank you for giving us the opportunity to make this presentation today. We realize that we are late. We did not get our submission in before the August 15 deadline. The president of our association wrote and explained the circumstances, but we have it in front of you today.

First of all, I'd like to say a word about FSRIA. We represent the industries — the 17 member companies on page 1 — in the Fort Saskatchewan area. The aims of our association are to promote responsible views toward employee health and safety as well

as protection of the environment. We communicate with our community. We also encourage the development of reasonable and effective legislation, addressing safety, occupational health, and environmental issues. FSRIA employs about 3,300 people, and we have an annual payroll and salaries in excess of \$100 million.

By way of introduction, I would like to make a couple of comments first and say that our member companies have a primary concern for the safety and health of our employees. We recognize our responsibility to provide safe working conditions and to ensure safe working practices in our plants. We also recognize our responsibility to compensate and rehabilitate employees who are injured as a result of their work on our worksites or out of employment with us.

As you are aware, several of our member companies and other associations have submitted independent briefs. With the amount of time we had available, we have gone through some of those briefs and tried to identify some of the key issues we believe are before the Workers' Compensation Board and this committee. The briefs we studied were those of the Industry Task Force, Sherritt Gordon Mines Limited, Esso Resources Canada Limited, the Canadian Petroleum Association, and the Calgary Chamber of Commerce.

If implemented, we feel our recommendations will, first of all, better define the objectives of the Workers' Compensation Board. They would limit the cost to industry for compensation for loss of injured workers' earnings to only those injuries that arise out of employment, increase the accountability of the Workers' Compensation Board to labor and employers, provide a better regulated and better understood service, increase individual employer's incentives to prevent accidents, increase Workers' Compensation Board funding in the areas of accident and occupational disease prevention, and provide for industrial involvement in allocation of funds.

I guess our essential theme in all of this presentation is really defining the objective of workers' compensation. As we read through the various briefs and considered the history of workers' compensation amongst our members, what really struck us is that we believe the key issue is defining this objective. Is the objective of workers' compensation going to be to compensate employees for lost earnings for injuries that arise out of the work place and to rehabilitate those workers, or is the objective going to be to compensate all workers, no matter how or where they are injured?

It's our belief, first of all, that we recognize the principles of no-fault, non-adversarial decisions made by the Board. We have no desire to return to what we had in the past. We also feel that the objective of workers' compensation should not be to extend the benefit of any doubt to workers who make claims to the Board, in quotation marks. They should be to compensate employees for injuries that arise out of the work place.

If the Board accepts the second objective — to compensate all employees — this is a social objective, and they're placing a burden on industry to fund a social objective which we feel is unfair to industry. We really feel this is the key issue before the Board at this time. The rest of the issues we're going to mention today really arise out of that definition of the objective. Once that objective is defined, there are some other key areas that have to be considered.

I guess the first one of those is the accountability of the Workers' Compensation Board. We feel that the Workers' Compensation Board is accountable to the worker, again for these non-adversarial, no-fault, quick decisions to compensate them for lost earnings. But we also feel that the Board is accountable to employers for the stewardship of the funds they pay into the accident fund.

The rapidly increasing costs of workers' compensation has concerned many employers as well as ourselves. We believe the Board should be accountable for ensuring that the awards that are made hark back to the primary objective of workers' compensation and that those awards are consistent with the objective.

Under number one you'll see a number of asterisks. What we have done is supported some recommendations from the Industry Task Force dealing with accountability, but I don't want to go back over those. I'm sure you're already familiar with those. I'd rather just talk about the principles behind our recommendations.

Our second point is to govern compensation payments and the operation of the workers' compensation program by regulation flowing from statutes rather than policies developed by the WCB. Again, we share the Task Force's concern over the lack of understood bases for some of the decisions that come from the Workers' Compensation Board. We feel that they base decisions on some internal interpretation of policy, and these vary and are not really well understood by employers in many cases. So we're seeking better control of this process, and we believe this can be accomplished by formalizing the process for change and making decisions by having more regulation to affect those decisions.

We don't want a return to the old way of doing things, where we have everything highly regulated and end up in court trying to interpret regulations. All we're seeking here is a better definition of how the Board will make decisions, so it gives them better guidelines to make those decisions so that we understand where we are, the worker understands where he is, and so does government.

Our third point, on page 5, deals with compensation entitlement and payment. We think this issue arises out of understanding the objective. I guess the items to address here are the extent of coverage and how compensation will be made. Again, we feel that more important than the maximum ceiling — we're not going to dwell on that; as I said, we feel a worker should be compensated upfront for lost earnings. Our concerns are to control costs and control the actions of the Board to ensure that accidents that are compensated do indeed arise out of the work place. So we support the Industry Task Force's call for a better definition of employment and worksite to try to tie down some of the decisions to that initial objective.

Our second point under this title on page 6 is addressing administrative or class payments. We can see the need for having to maintain class payments, but what we call for is better control over those payments and that they not be used as a way of circumventing a challenge from a specific company on a specific case. Let's face each of these issues as they come up. Decisions have to be made if we're going to maintain that initial objective, so we're suggesting that only in cases where there is real need should these class accounts be used and that these should be able to be challenged.

Our next point, 3.3, is just a point to support a greater degree of control of the diagnosis and rehabilitation of back injuries. I guess across Canada these are representing an ever increasing portion of compensable claims, and we think the Board should be more concerned about the treatment and rehabilitation of these injuries, to follow up on them to try to control this area better. We have no great suggestions to make to you there. It's just a direction we are asking you to consider.

What we're saying under point 3.4 is that we would like to see, particularly in cases of permanent partial disability, a medical decision made on the degree of impairment of the injury. We think the rest of it is a non-medical decision. The impact on the employee's earnings is a non-medical decision. What we're trying to get over here is that each case has to be looked at separately. If you're talking about a musician who loses 10 per cent of his hearing, he should be entitled to a great deal of compensation because his ability to earn a living has been seriously impaired, whereas a worker working in one of our factories where hearing is not so important should not have the same degree of compensation. We're trying to separate the medical decision from the non-medical decision, with the non-medical really looking carefully at what that impairment really does to the person's future employability and earnings.

Am I going on at too much length with this? I realize you have been going through

this for a long time and, if you'd like me to just very quickly give you these points, I'm quite willing to do that.

Flowing from 3.4, 3.5 says that before these decisions for permanent partial disability are made — we again support the Task Force in asking that employers be informed well in advance so you can get the input required before making a decision on the amount of compensation, so we can see how we can get that employee back to work. Can we keep him at his current earnings level and give him the same job even though he has some degree of impairment? We feel this should affect the award that is given to the employee. So we're looking for more employer input.

Section 4 talks to funding the workers' compensation program. Here we agree with the Esso Resources brief as well as the Task Force in saying that one of the key reasons for going through all this work of ensuring that workers' injuries arose out of the work place is to have industry bear that cost. If industry is going to bear that cost, incentive has to play a great part in that program. We agree with both briefs in saying that we think the incentive should be increased, either through the existing way of superassessments and merit rebates — making them more meaningful — or through a system similar to the one the Task Force suggests where we do away with that entirely and get a different system where all employers are put on a table and, depending on their last three years of experience, they graduate through. We look at ourselves, I guess, not so much as classes of industries but as separate citizens. We all have our different views on safety and the rehabilitation of employees. We feel we should be given the incentive to increase both.

Our fifth and final point on workers' compensation is the area of occupational injury and disease prevention. Here we're looking around and saying that we think Ontario's Industrial Accident Prevention Association scheme is a good approach to this area, and it may behoove us to have a careful look at that. I realize there are problems with that where the Workers' Compensation Board fund it and industry has a great deal to say on the direction. Sometimes there are some conflicts. I believe they're having their problems right now and are looking at the whole area but, from the experience of our companies, we still feel it's a very good way to go to promote accident prevention.

The section five is just a few comments on the Occupational Health and Safety Amendment Act, 1983. A group of us became involved in that. Some concerns were raised. The first one was section 73 where the Occupational Health and Safety Act and regulations may be subject to different interpretations. I guess the idea here was that different companies have different policies on safety and a different degree of attention to safety. If an inspector with the occupational health and safety section should come into a plant, there may be different interpretations of how he sees, say, discipline of a worker in this case.

Some of us feel that it is our responsibility to ensure that our workers follow safe work practices and that they wear their safety equipment. There may be interpretations such as — when the first steel that goes up, do you wear a safety belt or not? We may discipline a worker for not wearing a safety belt, whereas the worker's interpretation may be that this is skeleton steel and perhaps he didn't have to wear it. This puts a lot of onus on the inspector to be able to walk in and interpret what he sees there. I guess we're asking for the occupational health and safety section to be aware of this and try to centralize their interpretation for inspectors.

Section 10(1) is one that we feel very strongly about. This is the review of new projects. The companies in the Fort Saskatchewan Regional Industrial Association have their own internal safety review processes. At Inland we use the CIL process of hazard and operability reviews, which are extremely thorough, before new processes or new equipment are installed. Our members do not believe that the occupational health and safety people have the expertise to be able to make meaningful recommendations on

some of the technical processes which we become involved in. We feel that we're much better able to do that. What we would like to see is perhaps performance specifications that we should have to meet. The objective should be put in front of us, but the actual review is best left to industry.

Coming out of that, if you do get involved in this whole business, it's going to end up with a lot of confidential, proprietary information having to be sent to a government agency. What are you going to do with it after that? Is it going to be open to public scrutiny? How are you going to protect it? Is the law going to be changed later on to open that up? We as representatives of industry don't feel that you should be put in that position.

Our final concern here in section 27 is that where there is a refusal to do work — we totally support an employee's right to refuse work, and we expect it. What we would like to see is that if the situation is rectified, that be the end of it, that we don't require reports and further action. I can use a very simple example of a hammer. If we're asking an employee to use a hammer to do a job and he finds the hammer is broken and refuses to use it, we would say that it's his responsibility to report a broken tool and not use it. Often the worker is the first person to find that a job is unsafe. If a piece of equipment fails, it's his responsibility to be there on the job. He's trained to report this failure. We believe that we will repair that equipment or tool. We'll do it promptly, and we think that should be the end of it. We don't really think we should have to write a report and use up a lot of time making the process very difficult.

Thank you.

MR. CHAIRMAN: Thank you. We have some time for questions.

Possibly, for the benefit of the committee, I believe that the 17 members you indicate on page 1 don't all participate in the same class or have the same rates. Am I right?

MR. DYCK: I believe you're correct. We never really got into that.

MR. CHAIRMAN: It gives the committee members an opportunity to realize that you're not all in the same class, the \$100 million salaries and 3,300 workers.

MR. McCLELLAND: But we're all pretty close to the same class. There are no drilling rigs in there.

MR. CHAIRMAN: Or coal mines.

MR. McCLELLAND: Or coal mines.

MR. DYCK: Primarily chemical.

MR. NELSON: Mr. Dyck, I was interested in item No. 2 where you're indicating — or at least I understood — that you want a few more regulations. I guess that bothers me a little. The question I would like to ask you is that there has been some representation by industry in previous hearings that they would like to see the possibility of an industry/labor/Board activity where all would be included in developing policies. Of course policy changes could be made by that same group on a regular basis, whereas regulations sometimes take a long time to change if they can be changed or if they want to be changed. I'm just wondering whether it would be more prudent for you to discuss with us the area of policy rather than regulation, where it would be much more flexible and more in keeping with a better working relationship with all groups?

MR. DYCK: I am certainly no expert on the fine points of regulation, but our objective is to have a clear basis on which decisions are made and a clear basis requiring review in certain areas. If that clarity can be achieved through what you say, that's our objective, and I'll leave it to you.

MR. NELSON: There is no written public policy manual at the present time. I think there is one under development now. Would you not prefer input into that rather than having somebody jam a regulation down your throat? We have too many of those in government now.

MR. McCLELLAND: If I may comment, what we don't need in this world are more regulations. I guess an example would be that through the operation of any company or agency procedures that seem to work become developed through the passage of time. The Board deals with hundreds and hundreds of cases. We're no experts. We work in a different area totally. But when you come before the Board with a problem, the Board flushes them through, and you only deal with the exceptions that pop out. How else can the Board operate? Unfortunately, in order to find no-fault and to run no-fault, it appears that the Board gives an onus to the employer to demonstrate that the accident or whatever happened on the job. Sometimes that's impossible to do.

A position the Board has taken and maybe developed over the years is one that says: "it has always been the policy of this Board to give the benefit of any doubt to any worker who makes claims to the Board". Fair enough. It works well through the system. The problem with that is the access that each and every single case is determined on its own merits. That leaves the employer at a disadvantage. You're explaining to your employee that you're not coming down on him with the weight of the organization, you're simply taking exception to the position of the Board. If that were covered by regulation, if regulation said that the Board shall give the benefit of the doubt to any employee that makes claims to the Board, no argument. That's the way it is. But I'm not happy when it appears that someone hidden somewhere in a corner of the Workers' Compensation Board decided to put that in a letter, and it shows up for all time. That's the problem.

MR. NELSON: In our discussion, do you have any difficulty dealing with a policy manual — policies being the policy of the Board for them to deal with in the employer/employee relationship — as against a whole pile of regulations?

MR. DYCK: I think that would have to be a policy with very clear guidelines on how those policies should be interpreted. I think the interpretation of policy is where we were having the problems. So if it's just more policy, we may not cure the problem. But if it's sort of firm, clear guidelines as opposed to regulations, perhaps that's a way out.

MR. NELSON: You're going have both in any event, but how many of what?

MR. McCLELLAND: We certainly weren't thinking of reams of policy or regulations. All we're looking at is the major direction of the Board. As we see it, that is a very major direction of the Board. They have an awful lot of authority; they have the authority of the Court of Queen's Bench. They're trying to keep everybody happy, and people are taking shots at them from every direction.

MR. NELSON: You're just looking for something definitive.

MR. McCLELLAND: Something everybody can deal with, something definitive.

MR. NELSON: Thank you.

DR. BUCK: Mr. Dyck, we're not really used to people taking a sort of middle of the road approach. Most groups say it's too much; the next group says it's too little. I'm glad to see that you agree with the no-fault principle. As one of the members of the committee that raised the limit to what it was, I'm pleased to see you support that. Four years ago, we in our wisdom thought that regardless of what your salary is, you shouldn't be a financial derelict if you're injured on the job and it takes you 10 years to catch up. That's why we raised that. I stand on any public platform and support that position.

I guess what you're really saying in your presentation is that you think the Board is being overgenerous in their settlements, that they are giving too much of the benefit of the doubt to too many people, and you're paying. Is that basically what you're saying?

MR. DYCK: Yes, that's correct.

DR. BUCK: I guess we can't have it both ways. In your talk about accountability of the Workers' Compensation Board, accountable to whom? To the workers?

MR. DYCK: To workers and to employers. The Compensation Board has a clear accountability to workers, and it's equally clear that employers fund it. They're looking after those funds, and this is the area that we're really addressing. We think they need to define their objective. I think it is quite clear that we support compensation for our employees that are injured, whether it's an occupational illness or injury arising from the work place. But we think that's where it ends.

DR. BUCK: Mr. Chairman, the Workers' Compensation Board only has funds that come in from the employer, and they are supposed to be self-carrying. Where do you think the problem is then?

MR. DYCK: I think the problem is just what you were saying with regard to the way the policies are interpreted. Our members find that the Board will follow the kind of quote that I guess Brian just raised. They give the onus to the worker at all times. I've forgotten the exact quote we had from the Board.

MR. CHAIRMAN: Benefit of any doubt to the worker.

MR. DYCK: Yes, that's where we're having the problem with that. We think the Workers' Compensation Board has to be better at determining whether these injuries arise out of employment, and has to talk to the employers more to determine this and to govern their awards accordingly.

DR. BUCK: Being a person with medical training, I just want to make one more short comment. Some person eventually has to make a decision on that worker. When you're practising any branch of medicine, the benefit of the doubt must go to the patient. I'm sure that is the problem the Board has when they make some settlements on the recommendation of the medical person. So I guess that's why the benefit of the doubt has to go to the worker.

MR. McCLELLAND: This is where I think a separation should be made between a medical decision and a non-medical decision. A doctor can say this person has an

impairment. He can also talk about the probability of that impairment arising out of the circumstances of his work. At that point, I think it's unfair to ask a doctor further precisely because of what you're saying. We run into this time and time again. The doctor always feels he has to support the worker by stating that this did happen in the work place when he's maybe not really sure; he has that medical pressure on him. I think he should only talk about what he's competent to talk about, and leave it to a non-medical decision as to whether this is a compensable injury and, if it is, what the award should be. You really have to know a lot about the work place, about whether that person can go back to work for rehabilitation and earn the same amount of money he made before, and all these other issues.

MR. THOMPSON: Mr. Dyck, you mentioned in your presentation that we need a better definition of the worksite. Therefore you obviously spent a little time on that subject. What is your definition of the worksite? Or what are some of things you would like to see to make a clearer definition of the worksite?

MR. DYCK: On the contrary, I didn't spend very much time in defining worksite.

MR. THOMPSON: Off the top of your head.

MR. DYCK: I just took the Task Force recommendation and supported that one because it looked good. We didn't have the time or spend the time to really define that area. What we're really interested in saying is that the definition should be that it should arise out of employment. A worksite can be the site the employee works in. It could be on an aircraft or a car, if he's on company business. He has to be on company business; he has to be working, employed at the time.

MR. THOMPSON: That's apparently what we have now.

MR. DYCK: Nobody said it was easy.

MR. THOMPSON: Basically if you say we need a better definition, obviously as a board listening to what the people are telling us, we have to get some idea of what the people think is a better definition.

MR. McCLELLAND: I guess as we sat around the table developing these and putting our thoughts to it -- asking for comment on a better definition really flows back to our primary concern that employers are charged to make sure that people aren't hurt while on the job. But it's an unfortunate reality that compensation pays better than unemployment insurance, welfare, or anything else, and that's the bottom line. That's where our problem is. So when we say "a definition of a worksite", I guess we're saying we want to know that the person was hurt on the job, and we feel that person has an onus to demonstrate that it did happen on the job. I don't think it's possible to define in words, in three sentences or something, a worksite which won't have some exception to the rule tomorrow. But it's the ability of the Board, of the people that are ruling on the case, to judge with reason and consider two arguments, rather than to take an onus. That's where the key and primary responsibility is.

MR. CHAIRMAN: I wonder if we could have John Wisocky just give us a little elaboration.

MR. WISOCKY: Mr. Chairman, I guess what's important in the gray area that we're

talking about — and this is good discussion — is that we're missing one little key word. It's not the benefit of any doubt; it's the benefit of any reasonable doubt. In other words, if you have the balance of probabilities in the case which seems to favor the worker's side, then the worker is given the benefit of any reasonable doubt. Similarly, if the evidence is on the other side, then it goes the other way. This the difficult position that the Board's in, in trying to adjudicate some of the more difficult cases. Some of the topics that you're alluding to in the sense of definitions of worksite and so forth, boards and courts have had problems with for the over 65 years that compensation has been in existence. It's a mammoth job; this is why there are such statements as the nature of each case will be considered on its own merits. They all tie in together; it's not something taken in isolation.

The only other comment I want to make, Mr. Chairman, since it has come up quite frequently, is that the Board is not without any policy directives or manuals or memoranda per se. For claims alone, I have 14 binders, about six inches thick, of all the various directives and so forth, where we've tried through the years to define policies, guidelines, and so forth. But these aren't in the type of shape that we could give to people to read, because it's internal jargon, et cetera, and we're trying to tidy it up. In spite of that, the guidelines themselves cannot at any time be as specific as to say: in this type of accident, this applies; in this type of accident, that applies. They are general guidelines which cover the broad spectrum of injuries and so forth, rather than specifics.

MRS. FYFE: Just to follow up on the previous questions. I guess I would make the comment first that medicine is an art and not a science. Not every case is definitive, that it's black or white, that it's an injury was caused on the worksite or it wasn't. It's a judgment at some point that has to be made. Those of us that are elected get the other side of the coin. We get the workers that call us and say: I was injured a few years ago, and now the problem has come back; I can't work, and the doctors can't see that it was caused by my original injury. We probably get far more of those. So this is the other side of the picture. But looking at that type of balance, or both sides of the coin, we've had some submissions from others — Esso Resources primarily — that talked about the reduction in injuries they have experienced by some very successful programs. What is the experience of your association regarding the rate of injury?

MR. DYCK: The rate? I'm not sure I understand that question.

MRS. FYFE: Over the past number of the years, has the number been stable, or has there been an increase or a decrease in the number of claims that have come to the Board?

MR. DYCK: I can't really speak for FSRIA. I can speak for CIL because I have worked in the corporate safety group for CIL for some time, and it definitely has decreased. Both our injury experience — as a corporation, we've gone from .5 lost time injuries per 200,000 man-hours to .25 over the last two years — and our compensation claims have decreased. I believe that is true in the chemical industry as whole.

MR. McCLELLAND: I guess over the last couple of years — in '81 it was down, in '82 about stable, and in '83 we're having a terrible year. Part of the problem is the reporting. A lot of the cases are legitimate. A person will have gone off and bumped himself, comes back a week later, and goes to his doctor. The accident happened on October 1. A week later he went to his doctor and said: gee, I banged myself on the knee at work. The doctor tells him to take the day off, so he takes the day off. We don't

even know about it, but it's a lost-time claim, and our frequency goes up a week after the fact. That was a great move. If the guy gets back on the day of the accident, it doesn't affect your frequency. We have two or three accidents for which the doctor just told them to take a day. The doctors aren't involved. I don't fault the medical profession. If a guy comes in and says he's sick, he's sick. It's up to us and the Board to decide whether it should be a compensable injury.

So there are two things that affect it. You can't control them internally, saying: you're not sick; we'll put you on a stretcher and pay you, but for God's sake don't violate our frequency. I think the incidence in any manufacturing where employment is stable is probably going down, because people are starting to realize the importance of the jobs.

MRS. FYFE: How many cases — and I'm not talking about specific numbers. Do you appeal as many decisions from the Board in this year as you have in previous years?

MR. McCLELLAND: More now because it's coming out of the profit ledger, and there are no profits.

MRS. FYFE: So there's a greater concern.

MR. McCLELLAND: A much greater concern.

MRS. FYFE: Do you feel that this is filtering down from management to workers — greater concern for their jobs? If there aren't profits, maybe there is not going to be a job next year, and safety is tied into it. Do you think there is a greater awareness on the part of all involved?

MR. McCLELLAND: I can't answer that; I'd be guessing.

DR. BUCK: Mr. Chairman, I have a rather philosophical question to ask you people and members of the board. I find it quite interesting to try to follow the Japanese experience as closely as I can. Do you think we're ever going to come to the day when we're going to spend 20 minutes when we come to work on an exercise program? We know how many claims there are from backs. I have a bad back, and I spend 10 minutes every morning doing a few calisthenics and it helps. Are we looking at programs such as this in industry and with the Workers' Compensation Board, so we are more physically fit when we do go to the work place? Has anybody looked at that experience?

MR. DYCK: That is a good area. We have a safety activities subcommittee at our Inland plant. They have put on programs like canoeing; they try to get people out canoeing, camping, this sort of thing. We had a fellow come into the Fort Saskatchewan area — Art . . . I've forgotten his name. He gave us a series of lectures. We took people out and tried to get as many people as we could doing these outdoor sports to interest them in that. We're also getting this Participaction thing from the federal government program, trying to get posters and to get people out, but that's as far as we've gone. It's a tough area.

MR. McCLELLAND: If I may comment, we have 1,000 employees. Twenty minutes a day for 1,000 employees is a pretty big cost thing when we're trying to stay in business. I think the payback — 1,000 employees could do for them 20 minutes before they were going to start work, sure, but not after they're supposed to be at work.

MR. CHAIRMAN: It might be Keith Smith's area, research and education.

DR. BUCK: It's been around with Japanese industry for years; it's no great new thing. I just want to know if the department is having a look and giving any direction to industry.

MR. SMITH: I was almost going to say I wouldn't like to touch this with a barge pole. Yes, there are patterns of life style improvement types of programs that are being introduced in more enlightened companies. Dare I say it? One of the leaders in this is probably the federal government through some of the federal departments which have initiated the types of programs that you're doing. We even have a little program of this kind in our own division, where we have a jogging session in the lunchtime period down at Kinsmen Field House. So there are these types of programs. There's no major, concerted effort being applied, but enlightenment is creeping in.

MR. DYCK: We had the Workers' Compensation Board out at Inland too. Someone came out and gave us some back exercises and talked about back injuries, which I think was a positive move.

MR. CHAIRMAN: It's a good comment, but we must move along. I want to just ask you one question and that is on your concurrence in the proposal of the Task Force for the workers' compensation council. You indicated, "as directed by the Minister Responsible for Workers' Compensation and would be a final appeal panel for the Board decisions". In '79-80 when we looked at another form in other jurisdictions, we found that the experience was a great delay in concluding claims. Some discussion has taken place about this council having about the same type of involvement as the Occupational Health and Safety Council. However, the Occupational Health and Safety Council does not have the authority you're asking for this council to have. I don't want you to respond here, but I would raise that concern for your membership to take a second look at and maybe advise us in an additional submission. It would really strap the Board, who are . . . We do have in the Act an opportunity — workers do and employers do — to appeal to the Ombudsman. The Ombudsman does review files and has the opportunity to review. I thought I'd just leave that with you.

Because we've exhausted our time — under the occupational health and safety submission, may I just indicate to you that there are staff here that have been listening in. Some of your concern is very valid, and that's because the regulations are not in place yet. But the intent is for the appeal from a worker or an employer to be very expeditiously dealt with by a committee of the Occupational Health and Safety Council. That's the only appeal. It's to remove any judicial battle or anything. You've covered it well, and for clarification you may want to get in touch with George Bryce from the occupational health and safety division as to the regulations. The regulations have been in your industry's hands. I would welcome any input, because the general regulations should be in place some time by the end of the year.

MR. DYCK: Okay, thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you very much. I want to say thank you for a very exhaustive discussion. As Dr. Buck pointed out, it was one of those that reviewed another one and almost made some members wonder who you were representing, but I'm confident in your involvement and your colleagues from the industrial association. We welcome this and encourage it in future.

MR. CHAIRMAN: May I have order in the auditorium. Would those people that have finished their discussion here please continue their discussion in the lobby and permit us to have the ladies that are present — Ms Ruptash and Ms Helton.

We want to assure you that it's not an indication of your presentation that so many people vacated the place. We're interested in your presentation. We have a good half hour's time and welcome any general comments you may want to make, and then any elaboration and questions. Is that fair? Good. Who's doing the presentation? Who's pitching? A little of both?

MS HELTON: A little of both.

MR. CHAIRMAN: Okay, go ahead.

MS HELTON: When one forgets what they're saying, someone else will begin. I presume you have a copy of our brief in front of you.

MR. CHAIRMAN: Yes.

MS HELTON: I'll just familiarize you with who the Alberta Association of Registered Nursing Assistants are. We're a trade union, but we are also a professional organization for registered nursing assistants. We represent a fairly diverse group of paraprofessional workers. We like to think we are mostly bedside nursing specialists.

The area we want to address is the problem of the back injury. I think Dr. Buck referred to it a little earlier. It seems to be the area of concern we have with our hospital workers. I think it is because of the type of work that our people do. As you all know, in the last few years there have been reductions of staff in the hospital industry. In the last year or so with layoffs particularly affecting our type of worker, we've noticed that the workload is heavier. There isn't the replacement of staff that there used to be, and we're noticing more frequency of injuries to our type of people. When they don't have enough staff to help with lifting — I think lifting specifically is the one I'm referring to — they end up doing a lot of that sort of thing on their own. We feel that this issue has not been a priority of employers, and it should be addressed. Now we aren't sure if that should be addressed in legislation or if it's something we have to work with employers to educate them and also our members to deal with. Those are the concerns we brought forward to you today, as you can read in our brief, about implementing standards of safety for these types of hospital workers.

I guess our recommendations then would be more preventive measures relating to the administration of the Acts. And as I said, I don't know if that is something that can be legislated. I know there are some provisions in the occupational health and safety, but I don't know if they apply directly to hospital workers. In our recommendations, we refer to in-service and refresher programs in body mechanics and also to educational pamphlets and regulations regarding maximum lifting, those sorts of things. One person wouldn't have to lift body weight in excess of, for example, 300 pounds, that sort of thing. We feel that these sorts of preventive measures would lower the costs of the employer toward compensable claims. That's really it in a nutshell.

MR. CHAIRMAN: Can I just initially ask you ladies: have you ever entered into any discussion with research and education from occupational health and safety — Keith Smith or any of them — on some of these concerns? And if you haven't, it's not a fault; I'm just asking.

MR. HELTON: No we haven't. I know about their department, but we really haven't talked to them about any of these issues.

MR. CHAIRMAN: Keith, can you assist the committee on what is available and what is being done or not being done?

MR. SMITH: I think there are two points. I believe you have been in contact with medical services branch and the nursing consultants within that branch respecting hospital safety generally — practices, lifting techniques, moving the patient, and so on. I think you've already had some sort of contact there.

MS HELTON: Yes we have.

MR. SMITH: We do have pamphlets and booklets that relate to hospital safety as a total entity with some sort of guidelines and safety audit types of programs that hospitals could utilize. That's currently under review, but copies are available, and presumably you're aware of that one. We have a series of booklets and many films that relate to correct techniques of lifting, the back problem in general, and various other types of strains and sprains that ultimately manifest themselves in a back problem.

The third aspect is that we are currently carrying out a number of research and review projects. One of those relates to an analysis of back injuries and the back problem in total: how back injuries are caused, and what sorts of strains and sprains, actions and movements of workers result in back injuries.

The second thing is that we're looking at some of the theories that are being put forward regarding the clinical information and clinical diagnosis of the back problem. We find that there is a very wide divergence even in terms of defining the back problem itself — what exactly is the back problem, and what medical manifestations result ultimately in the diagnosis of a back problem.

The third area that we're working on is a very critical examination of the training and educational strategies that are used to prevent back problems. We're not too sure, for instance, how much scientific validity there is to the straight back, knees bent method of lifting. We're not too sure what scientific validity there is — particularly in the case of moving a patient in bed, for instance — to the extended arm, bent back technique for moving. We are looking very critically at those areas in terms of the scientific basis upon which those strategies have been developed. If you have any opportunity to meet with our staff and add any input into it, we would certainly welcome it. We do have initial reports on the first two areas — the examination of the back problem and the analysis of back injuries — on which we'd certainly welcome your comments and review.

MR. R. MOORE: I have two questions, one for Keith and one for Lillian. But first of all to Keith: do your people inspect the worksite in these hospitals as you do an oil rig or anything else?

MR. SMITH: Yes we do, sir.

MR. R. MOORE: And do you examine this area? If this is a major problem, which evidently it is, doesn't that come into one of your safety factors? You could say to the hospital administration that this is an area where there's a high risk, and it has to be improved. Do you bring up these recommendations, or do you just inspect for whatever? Is it an area that you're looking at? Lillian has identified it as a major issue in her brief. I just wonder how you people relate to it.

MR. SMITH: I presume that you're talking about two separate issues here — the question of hazards in hospital and health care practice. Yes, most certainly inspections of health care facilities are carried out, ranging from the boiler room to the laboratories to the laundries and so on — all aspects of the health care area. In essence, they are treated no differently from any other type of work place or industrial establishment. There are different types of processes, though, and different methods of dealing with some of these things within health care institutions. They have set up a number of internal committees which deal with infectious diseases — contagious diseases, for instance — laboratory safety, general safety, or maintenance safety. It means working with each of those groups, because they have very specific areas of concern and expertise.

If you are looking at the condition of the strains and sprains in back injuries, because of the preponderance of back injuries in health care institutions, that becomes a little more difficult because it is a matter of technique, training, and experience. What happens there is that our nurses in particular, but also some of our educational staff, will work with the institutions to help them develop and analyse the situations to bring about training programs, methods of lift, better handling procedures, and maybe even changes in the procedures of handling the patient, which would eliminate many of the strains and sprains that take place. So it is partly inspection; it's partly providing education, advice, and assistance in general.

MR. R. MOORE: Do I take from what you say that hospitals have no maximum weight or limit?

MS HELTON: Not to our knowledge.

MS RUPTASH: We haven't been able to find it written anywhere that there is a maximum weight you would be allowed to lift, not necessarily a patient but maybe even a box, those sorts of things. We haven't found any maximums or minimums anywhere.

MR. R. MOORE: That's surprising, because I know that in the town of Lacombe the big husky guys lifting the garbage have a 75-pound weight on garbage cans. They can't go over 75 pounds. It is just amazing that you are expected to turn, lift, or transfer a 250-pound dead weight.

MR. CHAIRMAN: They usually have the needle that will help prod.

MR. R. MOORE: But in your negotiations with the administration, isn't this a priority? What is the reaction?

MS RUPTASH: I guess it has just been the past practice, and it has never been challenged before.

MR. R. MOORE: I don't know whether it should come in here or should be in your negotiations with administration.

MS RUPTASH: That's right.

MR. R. MOORE: We are getting it into an area that it shouldn't be, after you have exhausted this.

MS RUPTASH: Because of the equipment that is available for staff to use now, that

hasn't really been such a prime concern. If equipment is out of order and because of shortage of staff and that extra person to call on, injuries will occur, because you are lifting that 250-pound person by yourself, whereas before maybe you had the assistance of several other staff members. To our knowledge, there has never been a maximum on what a person can lift in the hospital industry.

DR. BUCK: Just along that line, it always amazes me how those little nurses whip those patients on and off the operating room table. It's a bit of a technique. I just want to ask how efficient or how cumbersome are these lifting devices they have for lifting particularly heavy people. Human nature being what it is, it's let's just move this guy . . .

MS RUPTASH: Instead of bothering with the equipment.

DR. BUCK: . . . instead of going and getting the lifting device. How efficient are these devices that are available, if they are in working order?

MS RUPTASH: Realistically, and being that we have worked in a hospital ourselves as RNAs — because of the shortage of staff, it's a lot easier to just maybe get someone else or do it yourself rather than walk halfway down a hallway to get that piece of equipment which may take another half-hour to assemble to get the patient in and do it properly. So realistically, probably staff members are putting themselves at a high risk by doing that type of turning or lifting by themselves.

DR. BUCK: You see the problem there, Ron, is that if you put on an arbitrary weight, then you have to weigh the guy to find if you're over or under. You just want to move him from here to there, so the back takes its chances. Those are the practical problems.

MS RUPTASH: Exactly.

MS HELTON: Referring back to making that a negotiable item, I don't know if we would want to have that inflexibility. We're not quite like some other industries that if it's beyond your call of duty, you don't do it. In our profession . . .

DR. BUCK: If he has to be moved, he has to be moved.

MS HELTON: . . . if he has to be moved, he has to be moved; you don't call in another worker. I think that may be fairly restrictive in our negotiation process.

A comment on the equipment. In the four years that I have been out of nursing, there is some new equipment that is supposed to be fairly efficient for lifting, and it is fairly recent, replacing the old Hoyer lifts and some of the older equipment that spent more time in maintenance than it did on the nursing unit. But of course then you have some hospitals with budget constraints, places that aren't purchasing new equipment. But apparently there is some new fairly efficient equipment out.

MRS. FYFE: I just wonder if you are aware of the number of claims that actually come in regarding back injuries or other injuries related to your particular profession.

MS HELTON: The ones I am aware of are the people who come to me because they have problems with workers' compensation and because they aren't getting the answers they feel they should be getting. So I don't know what the workers' compensation numbers are regarding our workers. I was at an appeal hearing not that long ago, and from the conversation I had with the chairman of that appeal board, they are apparently fairly

frequent. But I didn't ask him for specifics.

MRS. FYFE: So when you get one of your colleagues coming to you, you assist them as an advocate or as an adviser. Is that your role?

MS HELTON: Yes.

MRS. FYFE: I wonder if I could just get this from the staff members here. Are all hospital employees included in one classification, or is there a breakdown in that area?

MR. RUNCK: The breakdown is between hospitals per se, and nursing homes and auxiliary hospitals. But they are covered.

MRS. FYFE: What level would they be at? Would you know off the top of your head? I could look it up obviously.

MR. RUNCK: What, may I ask . . .

MRS. FYFE: What classification would they be in?

MR. RUNCK: It used to be 14-01 and 14-02 I believe. But they were by themselves, not with other groups. I'll check it.

MR. CHAIRMAN: Any others?

One of the questions I have to you, ladies, is what kind of organization do you have? We talk of joint worksite health and safety committees in industry. Is there something similar that you have, a mechanism to be able . . . Or do you have the same type of organization, joint worksite health and safety committee?

MS HELTON: They come under the heading of health and safety committees, and they were an item that we negotiated in our collective agreement two years ago. I am not generalizing and saying that no hospitals have a safety committee, because some have had successfully functioning ones for years. But we felt there was a need to put it in our contract for the places that didn't have them and needed them. So it is really a very new mechanism for us to talk about these problems with hospital management.

MR. CHAIRMAN: With management.

MS HELTON: Right.

MR. CHAIRMAN: Even on that area, you may speak to Mr. Keith Smith and others, because there is assistance from the occupational health and safety division for your committees. Even though it may be named just a little differently, I don't think that would prohibit our assisting you. We welcome this. I attended one seminar on ergonomics, and since then I have realized that it's a worldwide problem. By further discussion with the staff of occupational health and safety, there may be a way to provide some regulations for what you are asking. You have asked for some standards of safety for hospital workers. The one course that I think there could be — and I'll leave it with you for now — is a code of practice, a code through your joint worksite committee.

As you said, it can't be that fixed so you can't lift a person over X number of pounds, because if he's one pound over, you're breaking the regulation. That is the difficult part. In Ron Moore's case, that sanitary or garbage collector would break the regulation

if he lifted a garbage can one pound over.

Thank you for your submission, and thank you for coming forward.

MS HELTON: Thank you very much.

MR. CHAIRMAN: We will adjourn now until one o'clock. At one o'clock we have Smith International Canada, Ltd.

[The meeting recessed at 11:40 a.m. and resumed at 1:02 p.m.]

**Smith International Canada, Ltd.**

MR. CHAIRMAN: Please be seated. We have Mr. Wilson, representing Smith International Canada, Ltd. We have your submission. We have a half hour scheduled for your presentation. Feel free to make some general remarks or cover any area of your submission, and then we will possibly have an opportunity for some questions and clarifications. Is that okay?

MR. WILSON: Fine.

MR. CHAIRMAN: Very well.

MR. WILSON: On hearing that there was a special committee on workers' health, safety, and compensation, basically my concern was that as a company we had run into two problems dealing mainly with the workers' compensation side. One of them was that it was our feeling, as a company operating in Alberta, that the cost of the services of the Workers' Compensation Board was excessive compared to the benefits we were receiving from it. In the letter I wrote to Mr. Diachuk, I brought out the point that we had been assessed close to half a million dollars in the last five years for workers' compensation assessments, and our claims amounted to just under \$80,000. That amounted to 17.49 per cent of our assessments that was used up in actual claims.

I think it's fair to say that there have to be some administration charges involved in the assessment to handle the workers' compensation side and also some possible funding for the occupational health and safety people, who seem to do a fairly good job. It just seemed that about 82.5 per cent of our assessment was being used for these things, and it was my belief, as the person in charge of this area for Smith International that that was more than what should be allocated — very, very excessive I guess. That was the first point I was trying to make.

The second point may seem minor to a lot of people, but as a company or firm that's interested in looking after its workers and employees with respect to safety, we always have difficulty getting information with respect to workers' injuries. It almost gets to the point that rather than trying to help find out whether certain areas are causing more problems, if we don't keep good enough records ourselves — workers' compensation has these records, and they don't seem to be readily available to the firms that are paying for the services, and whatnot, to help us do a safer job. Those two aspects are the main concerns that I tried to bring forward.

MR. CHAIRMAN: Okay. I realize that's what you addressed. Maybe we could take it in the order you presented it, Mr. Wilson, and receive some help from the staff who are present. Possibly I will just open up by indicating that a review of the merit rebate/superassessment is now being heavily carried out. The input that some of the

industry has done is valuable to us. However, since the late '40s, the maximum rebate any employer could get was 33.33 per cent. It appears that the concern started in '79. We addressed it in the report and subsequent to that, and more extensively in '82, when the rates . . . The formula was there that was apparently acceptable for many years.

Any other comments on Mr. Wilson's concerns, Al or John, particularly on the attached page where he outlines very well the merit rebate they got in two of the classes? The third class I am not familiar with, 11-03. That's one that does not participate in the merit rebate I gather.

MR. RUNCK: That's correct.

MR. CHAIRMAN: Go ahead.

MR. RUNCK: The point is really that that 33.33 per cent merit brings his effective assessment down to 66.66; his cost ratio at 4 per cent. He is quite right in saying that 62 per cent of his assessment — if that's the cost ratio — goes to support the rest of class in the mutuality.

MR. WILSON: In comment on the merit rebate, I have a problem with the merit rebate because, in fact, it's giving me something back that supposedly I am earning. As a company operating today, I know that our firm, for example, as well as many others, would be much better off having, say, a three-year floating average on our actual claims in the past, plus an administration fee added on, or whatever, and being able to use that capital today rather than the Workers' Compensation Board having it; in effect, using it to defer some of next year's payments. In essence, that rebate — we never see that capital. It's lost from the time we are assessed and make our payments this year; it's gone forever. Basically, that money keeps being used against your assessments. So there are problems there also.

MR. WISOCKY: Some industries have said that they want the merit rebate; they like a rebate system. Is it your position that you don't want a system at all, that maybe you shouldn't even have to pay the money in the first place, and your assessment rate, instead of being 100 per cent, would be only 66.66 per cent?

MR. WILSON: That basically would free that one-third capital, and it is not being used. I can understand the reasoning for a rebate; I can see that. In essence, all the rebate does, from my standpoint, is take money away. If we as a firm operate a good worksite, then as near as I can see, for the areas that we are classified in, we are always away below that anyway. So the merit rebate is sort of an automatic thing. We are caught in that area. Of course, if we come down to the point of saying that the rates will stay the same if there is or is not going to be a rebate, then we want a rebate.

MR. WISOCKY: I guess it gets into the broader area of philosophy and principles, where mutuality and collective liability, as in any insurance scheme, is the objective of workers' compensation, versus the self-insuring principles which you see in some jurisdictions, especially in the United States. It is a problem; no question.

MR. CHAIRMAN: Mr. Wilson, the only thing that so often employers — and your presentation would almost give to believe that you pay the whole premium at the beginning of the year. But the system for many years has been that your first installment is really about March. Therefore you may pay about a quarter of it, but in the meantime you may already have a claim that has to be looked after. I only want to

raise that so it isn't interpreted that in class 19-04, for example, in '82, your total assessment was \$25,000; however, your claim for that year was \$11,000. The system has to have some mutuality. John has asked a very fair question. That's what we would hope, because we have had a lot of support to change the merit rebate program but not to do away with it. We want to know from you if you are proposing that we do away with the merit rebate system?

MR. WILSON: That's sort of a loaded question.

MR. CHAIRMAN: I know.

MR. WILSON: I think the merit rebate has a lot of benefits in terms of a company that is operating, say, close to the 75 per cent claims ratio. If they are over that, if they get into 78 per cent, then they are not entitled to any rebate. That is probably getting close to the point where the rest of their funds should be used for administration fees. There has to be some set aside for that, unless the provincial government is planning on, say, not using — and I am not sure if this happens or not — the rest of the assessments for administration. If the provincial government looks after all of the administration costs, then that doesn't happen. It comes right out of the assessments.

MR. CHAIRMAN: That's right. All boards in this country cover the administration out of the employers' assessments, yes.

MR. WILSON: So basically the people who have exactly a 75 per cent claims ratio have a 25 per cent administration fee. They don't get any rebate. The rest of the money is kept by Workers' Compensation. That is sort of how that operates.

MR. CHAIRMAN: Almost. Al, would you agree that Mr. Wilson isn't too far wrong?

MR. RUNCK: It's very close. When he is talking, though, about the 25 per cent administration, Mr. Chairman, much of that is mutuality. As you recall, our factual operating general administrative expenses with the Alberta Board are approximately 6 per cent of total assessments.

MR. CHAIRMAN: But the other [inaudible], mutual funds that every employer contributes to.

MR. WILSON: So when you refer to the mutual funds, you are referring to the mutual insurance funds that cover the excessive accidents? I am not sure if I understand the terms correctly.

MR. RUNCK: The mutual funds cover payments of those items in respect of a claim which, when reviewing the claim, it is evident that these costs are really attributable to the accident in an indirect way. The direct costs of the accident are charged to the employer. For example, for an enhanced disability, if a man had two eyes and lost one, he would normally have a 16 per cent disability, and that would be charged to the employer. But if he has only one eye and he loses that through his work, he has lost more than 16 per cent. He is now 100 per cent disabled, but the employer is still only charged 16 per cent. These mutuality reserves pick up the rest of that.

MR. CHAIRMAN: Or even a fatality, as you can appreciate, Mr. Wilson. But you are quite accurate when you say that if the loss ratio is around 75 per cent, there would be

no merit rebate.

MR. WILSON: I guess the whole emphasis I come here with is that I am operating in a company and, as I stated in this letter, we are to the point now where, as an organization working toward generating the biggest profit we possibly can — which is sort of what a company that has stock on the public market is set up to do — we may be better off to make the people work a little harder, sacrifice some safety, and somebody getting hurt. In essence, it is not going to cost us any more money to have a person injured, because we are not going to get any more rebate. That's a very cold way to look at it, but we're to that point. I am not saying we are going to operate that way, because I look after safety, and we are trying to operate as safely as possible. We continue to do things above and beyond what Workers' Compensation asks, what the fire regulations ask, and what our insurance companies ask, because we want to have a safe operation. We are to the point that because our company is willing to pay that extra amount to do that, we are being penalized by the Workers' Compensation Board because we cannot get back any extra funds through a merit rebate. So I throw that out to you.

MRS. FYFE: What kind of operation is Smith International?

MR. WILSON: We manufacture and distribute down-hole oil field related equipment. We also have some divisions that operate in control systems, say valves and wellhead units.

The main area where people can get injured is in our manufacturing. We have some big lathes and those types of things. It's a machine shop, welding. That's how we are classified with some of the people that we work with. I am not trying to be derogatory to those we are being classed with, but some of these people we are classed with must have awfully poor operations to cause our rates, say in class 8-03, to go from \$2.40 in 1978 to \$4.25 in 1982, and I believe it's \$4.85 in 1983. As you can see, from our claims costs, they were \$15,000, \$15,000, \$19,000, \$5,000, and \$4,000. We seem to be doing a much better job as we go along. Somebody else is causing the rates to skyrocket, and we are having to pay for this.

MR. R. MOORE: Mr. Wilson, you seem to have a dilemma here. You know you have that problem, but you haven't come across with too many concrete ideas on how you see it should be changed so it benefits you as well as the worker. Have you had an opportunity to look at the Industry Task Force recommendations, how they view it?

MR. WILSON: No, I haven't.

MR. R. MOORE: I would suggest that you take a look at that. They give a different approach. They are concerned in this area too. We as committee members would like to see you take a look at their recommendations, and let us know before we make up our recommendations so we see how you view it. You are groping for straws. You know you have a problem, and you don't like it. But you haven't come forward with too much on what we should do about it. That's where we are sitting now. We want to have input on how you feel.

MR. WILSON: I can do that. My recommendation with respect to costs, if I have one, is this: as a company, Smith International would be much better off on a three-average of claims ratios versus the present assessment within a classification. That would relate directly to how we as a company operate and not how we as a class operate. The one problem I have with that — in talking with the occupational health and safety people, I know that August was a horrible month for fatalities in Alberta. With some of the

equipment that we have and also the sizes of some of the steel objects being lifted, I know it's possible that if somebody made a mistake, we could have a fatality on our site also.

From what I am saying, there needs to be an administration fee. There needs to be an extraneous — like a fatality, or those types of things — to cover the cost of that. There needs to be something set aside in the assessment for that. Then I think the rest of the assessment should be based on the actual claims that a company has, whether it's a three-year or a five-year average. That may be difficult to get at, because I know that in 1979 and 1980 we were going at a fantastic rate. In 1981, I know that we acquired another division, so that caused us to be bigger also. So the people and also where these people are working, if you have a number of classifications, have to be looked at.

I think we are running into a problem with the present system. It is hard for someone involved in safety to get the production people to try to do a better job than they are doing. They can sit back and point at these figures and say, hey, we are not gaining a hell of a lot by doing that. Nobody wants to be the cause of that person getting hurt, but you get to a certain size, almost to the point where you don't really know that person. If that guy cuts off his finger or breaks his arm, it may not be that crucial to you. As I said before, it's a real cold way to look at things. I think the way things are being assessed now is causing a problem.

MR. R. MOORE: I was just going to mention that Louise will give you a copy of the Industry Task Force brief so that you can study that.

MR. CHAIRMAN: Any other?

Can I just move into your second area, Mr. Wilson, on communications. I don't intend to put you on the spot, but part of it is confidentiality. If we were to amend the Act to provide to a class all the information about every member of the class — your employer — so they would know where the accidents are happening and all that, your firm would welcome that the information about your accidents or losses would almost be made public?

MR. WILSON: No. I don't think I'd be asking for that to be made public for some other company in our class. I don't know that I need to know that. What I'm interested in, in one part, is the number of accidents — maybe not so much the number of accidents. When you go to get information from the Workers' Compensation Board — it may be the people I talk to when I deal with them and, fair enough, you may quite often get on the wrong track talking to people — you seem to have to go through a large number of hoops and talk to the right people. Quite often, when you think you're there, you get to a dead-end.

MR. CHAIRMAN: What information are you speaking of? I'm advised that every employer gets a print-out of all their losses. AI?

MR. RUNCK: If an employer wishes to be put on the mailing list to have his monthly cost statement sent to him, we will accommodate him. He simply must ask the assessment department or the Board. Just send us a letter.

MR. CHAIRMAN: Mr. Wilson, can you now continue to elaborate on what your concern is here on communication? That's the purpose of the hearings, to correct something that isn't working.

MR. WILSON: Okay. That is something that is probably going to help me a lot. I found

something out that I couldn't get before. I'm not sure that that's everything I want.

The one thing I know the Workers' Compensation Board will not give me right now is, for example, at the end of the year or whatever, quite often the occupational health and safety people come around and say that you've had eight accidents in the last year. And I say: hold it; I've had seven. I give the names of the people I know from our records that have had accidents. Then they say so and so had an accident. I check back, and I don't have that. Or for some reason a claim went in by an individual who works for us, and I don't have any record of that accident. Now he may not have filled out a form, or the employer may not have filled out a form, or it may have just gotten by without my seeing it, who is in charge of it. Yet I don't have any record of that accident with that individual or with two or three individuals if it happens. It shouldn't get by me, through our company, but I know it happened in 1982 with one accident. I found out what the accident was by going back to our people, but I can't go back to the Workers' Compensation Board and say: listen, John Doe had an accident; can you give me that information?

I have problems getting anything related to an individual's name. As soon as I mention a guy's name, I have a problem. If I say I have records of three people with back injuries and there's a fourth one in there — I had a claim in March, a claim in April, and a claim in May, but I don't have this one in November — I can probably get some information.

MR. RUNCK: But it's not quite that way. It may be that he has been contacting the wrong people. If you contact either Mr. Palmer, who is the director of the claims department, or me, Allan Runck, or Mr. Wisocky, we'd be glad to confirm for you particulars of any accident you are unaware of. As a matter of fact, we quite often have employers come visit us to discuss their claims with us. We have no hesitation in doing that.

MR. CHAIRMAN: I was smiling, Mr. Wilson, because I welcome this concern of yours. We're trying to address ourselves to finding out where the employers are who are not turning in reports. It might be somebody in your own company that gets a notification about a claim and they file it in file X. However, we hope we will be able to identify where the employers are that do not, with a greater emphasis on both the employer and worker report being there in the very early stages of the claim. If that takes place, you won't have to follow up something several months later. It's also just as frustrating . . . There are not only private employers but public employers whose representatives file the request in the X file. You may want to check whoever is doing safety monitoring for your firm to see if they have, by chance, an X file.

MR. WILSON: Supposedly there shouldn't be X files, but I imagine, as you're probably aware, that stuff gets misplaced. I know that is probably frustrating for the WCB, not to get the reports when they need them.

MR. CHAIRMAN: There are two Acts that require a worker to report an accident, both Workers' Compensation and Occupational Health and Safety. That should be stressed in your joint worksite committee or whatever organization you have.

MR. WISOCKY: Just a minor point there, Mr. Minister, because the gentleman says that sometimes he phones the office to get information on a John Doe. He's using an example, of course, but that's the counterbalance of the argument the other day, when we were told there is a private firm that is trying to fish for information on cases so that they can feed information to other people. So, number one, we have to know who you

are. I agree that the first step to improve the communication process is to please come on in, and we'll explain the whole system. I'm sure we can resolve every detail.

MR. CHAIRMAN: There's no intent to keep it away from the employer.

Are there any other inquiries or clarifications from the committee? Thank you very much, Mr. Wilson. As a result of this discussion, there may be another area you may want to drop my office a further response on, and I'll share it with the rest of the committee. We look forward to your further co-operation.

MR. WILSON: Thank you.

MR. CHAIRMAN: Alberta Gas & Oil Pipeline Operators Safety Council: Messrs. Eisner, Larson, and Bodnar. Would you gentlemen please come forward.

#### Alberta Gas & Oil Pipeline Operators Safety Council

MR. CHAIRMAN: Very well, gentlemen. We have approximately half an hour for reviewing your submission. We've had it for some time. You may want to make some general comments with regard to your submission, and possibly introduce your colleagues and yourself. I gather, Mr. Bodnar, sitting in the middle, you're the lead-off pitcher.

MR. BODNAR: Yes. We drew straws and I won.

MR. CHAIRMAN: You lost. No, you won. That's fine.

MR. BODNAR: First, Mr. Chairman, we'd like to thank the select committee for giving us the opportunity to make our representations. We truly believe it has a great deal of merit for special interest groups or even private citizens, for that matter, to have the ability to catch the ear of the people who are really in charge of matters such as this, and we wish to thank you.

The Alberta Gas & Oil Pipeline Safety Council is basically companies which contribute to the WCB class 4-05. All members of that class have the option of joining this safety council. In fact, showing my covering letter there are a number of active members that have all contributed to this brief. These companies include Canadian Western Natural Gas Company; Canadian Western Power and Fuel; Cold Lake Transmission; Dome Petroleum; Gulf Canada, Pipeline Department; Home Oil; Husky Oil; ICG Utilities (Plains-Western); Interprovincial Pipelines Limited; Mobile Oil Canada Ltd.; North Canadian Oils Ltd.; Northwestern Utilities; Nova, an Alberta Corporation; and several others, including Saratoga Processing Company, Texaco, Rainbow Pipe Line, et cetera. I won't go through the whole list. As you can see, there is a fair representation of a number of rather large pipeline and oil companies represented on this committee.

To further clarify our position, through our membership in the safety council we are all members of the Alberta Association of Industrial Safety Councils as well. As you may remember, the Alberta Association of Industrial Safety Councils also presented a brief. We fully support and had input to that brief to you and, as well, supported and had input to the Industry Task Force that was submitted to you. In essence, this isn't really the first time that we've been before you, it's just perhaps more of a special interest group within that larger group of companies that is making representations to you now.

As such, what we've decided to do through our own smaller group is have a look at the wide scope of representations that were made to you through those other two briefs and really highlight a few that are of particular interest to our member companies,

although in no way does that mean, of course, that our support and the input by the other groups isn't condoned by this group at all. In fact, we believe that it really complements the other groups as well.

Our individual method of presentation will be similar to what some other groups have done. There are three of us here. There's no sense in my doing all the talking in front of you so, as chairman of this little committee, I've selected and delegated people to present different parts of our brief. Again, in no way does that mean that that person is solely responsible for that. When or if there are questions directed to us, whoever feels he can answer best at that time will be answering. As an introduction, perhaps I could ask Eric Eisner to present the first section of our brief.

MR. EISNER: Thank you. Ladies and gentlemen, the first item in our brief is on proprietorship. Our concern here is that the Board may, in its direction or on the application of a principal, by order deem any persons or classes of persons performing work for or for the benefit of the principal or on his behalf to be his workers. The Alberta Gas & Oil Pipeline Operators Safety Council strongly supports the theory that self-employment should be available to an individual if he so chooses. We do not believe the Workers' Compensation Board should have the right to curtail this choice by unilaterally removing coverage. This is basically what section 11 of the Act says now. We believe that there are formulas and mechanics available which would provide proof of coverage to the principal at minimal expense to the independent operator and/or the Board, whichever way it went.

Our recommendations are, first, that we institute the pre-1982 definition of independent operator, meaning a person who carries out or engages in an industry and who does not employ any workers in connection therewith. We would like to also recommend that section 11 of the Act as it is written now be deleted in its entirety. We recommend that we reinstitute the pre-1981 section 11 on persons deemed workers. To be a worker, we believe that there must be a master/servant relationship. This means that there has to be a degree of supervision, ownership of tools, a chance of profit, and a risk of loss. If we refer to some of the cases that were brought before you in some of the other presentations, most of the particular cases that were discussed do not meet these criteria; therefore they cannot be deemed as workers.

We have one other recommendation, and that is that the administration of this particular area be left to the discretion of the Board; however, coverage should be of a definite period and for the amounts equal to or similar to workers who work in similar industries. Some areas that you might consider would be using a system similar to the pink cards, where payments would be made in full or on instalments. If this was considered, then I think we must also consider the fact that cancellation of an account cannot be done prior to expiration. If so, there would be no refund made prior to that date. This gives the principal contractor the benefit of making sure that if a subcontractor comes to us and says he's covered until the end of December — if he cancels his account two weeks later, we would not have any way of knowing. If he worked for us in November and had a claim, his account would be fully paid until the end of December.

We also believe that when covering these independent operators or proprietors, the minimum coverage of \$10,000 is not adequate. We believe the coverage should be based on the previous year's earnings or whatever maximum is set for that particular industry. A case in point: we have two welders. One is working as an employee and is earning approximately \$35,000 a year. His coverage for compensation purposes would be \$35,000 or whatever maximum was set if we are successful in getting that maximum reduced. The independent operator/proprietor still earns approximately \$35,000. They could be working at the same job, yet his coverage is only \$10,000. In either case, if there were

an injury or fatality, reimbursement for the injury or for his family would be based on the coverage, not on his earnings.

I realize it is up to the individual to take as much coverage as he feels he needs, but I think there's a gross disfavor, especially on the part of the family, if that operator happened to become a fatality and the family's reimbursement was only based on \$10,000.

MR. BODNAR: Okay, if we could pass on to our next section, please.

MR. LARSON: The next section is compensation qualifications. The cornerstone of this system was the fact that it was based on an injury arising out of and in the course of employment. Section 19 is now interpreted as expanding the definition to provide coverage in the case of an accident at a place where the worker had a right to be during the course of his or her employment. The qualification in interpretation is that the worker's presence at the place where the accident occurred must somehow be employment related.

Currently the WCB policy is reflecting this expansion of the work place and is entering into areas where there is an overlap of civil law jurisdiction; e.g., camp policy, road fatality, et cetera. The public, under common law, have the right to suit, and these rights should not be infringed upon by interference from the Compensation Board. Further, some claims such as heart attacks in camps, et cetera, would never be considered in a civil suit.

Our recommendations are that section 19 of the Act be amended as follows:

- (1)(a) To a worker who suffers personal injury by an accident at a work site as defined by Occupational Health and Safety, unless the injury is attributed primarily to the serious and willful misconduct of the worker; and
- (2) The Board may, after investigation, pay compensation under this Act to a worker who is seriously disabled as a result of an accident, unless the injury is attributable primarily to the serious and willful misconduct of the worker.
- (3) If a worker is found dead at a work site, as defined by the Occupational Health and Safety Act, it is presumed that his death was the result of personal injury by accident arising out of and during the course of employment unless the contrary is shown.

We'd like to see the fourth one eliminated.

MR. BODNAR: The final section we address in our brief concern pension and disability awards. We have a number of suggestions we'd like to make to the committee. Essentially, under current legislation we find that, as it should be, the pension awards are based on degree of disability as judged by a physician and by an adjudicator from the Workers' Compensation Board. Our contention, or the premise we're working under, is that the real goals that are being fulfilled by these disability awards are twofold. They're there to supplement or replace the worker's loss of earnings stemming from that disability, and they're also a partial but limited liability of the social aspects of that particular disability, whether it be loss of a limb, perhaps, or some disfigurement, and so on. There is really a twofold reason that kind of payment is being made.

Our contention is that at this point in time, if a worker is disabled as a result of an occupational accident but it in no way affects his ability to make money — his earnings — and there is no potential loss of earnings, we should really be considering a lump sum settlement being paid, based on actuarial practices currently being used by insurance

companies, et cetera. In fact, there isn't a necessity to go into the long-term pension types of program, which necessitates a lot of red tape, bureaucracy, and postage, if you like. But there are a number of other costs involved there.

In current legislation, if a worker is disabled for a period greater than 30 days, his compensation payments are 90 per cent of his wages and earnings at the time of the accident. We find that under certain circumstances, some workers may in fact find themselves earning moneys as a result of that injury and compensation payments that are in excess of what he is earning under his regular full-time employment. Let me define that a little bit. We're not suggesting that in all cases — and it wouldn't even make sense for us to suggest it if a person is only making 90 per cent of his normal wages under compensation, and suddenly he is making more.

But we have certain instances — and this is the area we would like to have looked at — where, for a short time, a person is transferred to a short-term project. In our case, an example would be on a short-term construction pipeline project. The way he is paid may be his salary, plus another 75 per cent of his salary on top of it for the extra hours that are being worked or for the type of job he is doing. In this type of situation, his gross yearly earnings in the previous year are substantially higher than his normal salary would be. He may or may not be injured, let us say, either during the time he is on construction or perhaps even when he comes back. But upon reporting his gross earnings from the previous year, upon which his compensation payments are based, he will of course be getting 90 per cent of the previous year's gross wages. In that case we find people, whether on a short term or a long term or on total disability for that matter, who are earning moneys that are quite substantially higher than their salary would normally even be. That's a difficulty we have, and that's an area we would like you to look at.

In terms of our recommendations before you, let me go through them quickly. Where there is a worker who is totally disabled, a pension is to be paid which covers the worker's loss of earnings and that off-the-job aspect of that disability as well. We have no problems with that. That is essentially the way the Act currently reads.

An area that has been discussed and we're just presenting for your consideration is the fact that at age 65, it's our understanding that this person — you can correct me if I'm wrong — continues to have the whole pension awarded until he dies, basically. If you agree with our original concept of the role of compensation as basically an insurance program that pays for loss of earnings plus the social aspects — disfigurement, loss of limb, and so on — it seems to me that we're going beyond the insurance aspect. If this person had been healthy and never had an injury, he would suddenly no longer be getting his full salary. He would be on whatever pension plans and social assistance available. Perhaps we should be considering a reduction of that compensation payment to the amount that would perhaps be the supplement to his wages but continue paying him for that portion that is affected by his disability.

We feel that we may be able to offer a person who is partially disabled or has suffered some loss of earnings or some potential loss of earnings a choice, either of a pension or a lump sum payment. We feel that just strictly from the economic side, that may be of some benefit to the Workers' Compensation Board. You won't have the continuous issuing of cheques and so on. You have a fair lump sum payment. I believe that's being done in a number of other compensation boards in Canada, is it not?

MR. RUNCK: It's being done in some.

MR. BODNAR: Payment for short-term disability should take into consideration that certain individuals may, for a period of time, as I stated earlier, be working on some special projects and so on. I don't really think we have to go into that recommendation over again. I think I've discussed that fully with you.

MR. CHAIRMAN: Okay. You've completed your presentation. Questions? Ray.

MR. MARTIN: I'll go through them. The first one is on proprietorship. We've had discussions about this before. You're suggesting a card, say, on a three-month basis. The suggestion has been made that there is no refunding, and you know you don't have to go through. We'll certainly look at that. I guess the reason this was changed in 1981 is that there were companies that would abuse this. An example where they had a proprietorship was a secretary at a rink in the city of Lethbridge, and they said: go out and get your card, because you're not a worker; you're an independent proprietor. I guess the question I'm asking is, how do you get around the other side of the coin in that sort of situation?

MR. BODNAR: In the sense of an answer, if I may, with another question, it seems to me that the pendulum has swung the other way now. I'm sure you've heard the example of the water hauler for certain jobs who may be servicing his vehicle and is not on a particular job. He's injured, and suddenly he has no coverage. This is the reason in a number of these items we've asked you to look at. We're suggesting that, in essence, the Compensation Board is going to have to strictly supervise this type of thing.

We agree with you that in the past there have been indiscretions and problems. We are suggesting that although we may have solved those problems, other problems have come up that are equally as bad for the worker as well as the employer. We need to find a common ground, a centre point. The best suggestion we've had is the fact that we have these cards where we can qualify and know exactly that the person is covered. You gentlemen are the experts. Perhaps you have a good idea in terms of that, that we don't.

MR. MARTIN: I think you would find that the more you know, the fewer experts there are. It's a very difficult area, especially this one.

You say in 4 that the administration of the section would then be at the discretion of the Board. I gather that you're talking about this policy where there is this gray area, if I could call it, that this be at the discretion of the Board. If it is clear in their minds that this person actually is a worker and not an independent proprietor, then they have the right to say this. Is that what you're suggesting?

MR. BODNAR: We're suggesting that right off the bat, the Board would be able to clarify to the principal contractor, to the subcontractor, precisely the position this person has. So we know right off, before even any work starts, let's say before the person even applies for a contract, exactly where that person stands. For example, if we're going to hire a welder full-time as a worker, he is a worker. If we're hiring a water hauler that's hauling 10 per cent for us and 10 per cent for a variety of other companies, then that person is an independent operator.

MR. MARTIN: Okay. Let me just go in, because I know this has created some problems. If I understand you, you say to leave the gray areas up to the policy of the Board then. Because there are the gray areas, and they cause the problems. It's straightforward.

MR. BODNAR: It's our belief, I suppose, that in no areas does the law, any law, cover every single situation. So there has to be a group — and we have an existing group — which is given that function to adjudicate under those bases.

MR. MARTIN: If I may throw it out to you, because you're part of the Industry Task

Force, the one problem is that they were going in sort of the opposite direction. They wanted more regulations actually spelled out and less left to Board policy. In this case — just using this as an example to try to figure this out — if you go with what the Industry Task Force was saying, we'd have to lay that out specifically so that there would be less discretion to the Board. That's the problem you get into.

MR. BODNAR: Again, there is a necessity, of course, to give the people that are working for you specific guidelines to follow. That's important. If we just leave all the discretion completely to the Board and say, decide what you wish at that time, that's not correct either. We're suggesting, through the Task Force, that specific guidelines, through these regulations, are given to the Board.

MR. MARTIN: All I'm saying is that it becomes very difficult in this area when we get into it.

MR. EISNER: I think item 4 in the brief says "the administration of this section", still following guidelines as they are put forth.

MR. MARTIN: What I'm saying — and I'm sure the minister can enlarge on this better than me — is that when people start to lay out what are the guidelines for an independent proprietor, it becomes very, very difficult. If it's loose, they have the problems; this is why it was tightened up. And you have people telling workers — it's clear that they're workers, but they're trying to get around paying money — to go out and get their own cards; you're an independent proprietor. It's a way of getting around the Act. When you tighten it up, you're putting out the problems that were created since 1981. That's all I'm saying. It's a very difficult area.

MR. BODNAR: And I agree. I think that's really the reason we're all here. In fact, we're here to point out the problems the way they exist with the Act as it reads now, and perhaps we have to do a lot more work on it. I don't think the 1981 Act really had the answers to it. It's going to take a lot more work. I am sure that, if it so chooses, the Task Force itself has a number of excellent recommendations, as far as regulations in that area are concerned, that they'd be happy to put forward to you as well.

MR. CHAIRMAN: Any further questions on proprietorship?

MR. NELSON: Just a couple, Mr. Chairman. Gentlemen, I guess you would take some responsibility of self-policing in a proprietorship situation, would you? Assuming that some effort is made to allow independent operators to have a card of some nature, with prepayment made to the Board, you as contractors would ensure the vision of this card, that it was up to date — that being the self-policing area. Otherwise, you would then take the responsibility of covering that individual through your assessments if they have an injury or something. Would you feel comfortable with that?

MR. BODNAR: In fact, we batted this idea around the other day. A thought that may be worth while is that a piece of paper or a card does not always give you the answer — for example, if there were the ability to phone up the Board and say: we have Joe Smith Contracting here; what is their expiry date on their workers' compensation? First of all, do they have an account with the Compensation? What's their account number? When does their coverage expire? From our company's point of view, for example, on a contract for local services we'd be prepared to have a section that asks that question and that could be confirmed by our people.

MR. NELSON: Wouldn't you be better just to have a card that's visible?

MR. BODNAR: Oh yes, sure.

MR. NELSON: Because anybody can dispute that you made a phone call.

MR. BODNAR: Oh, indeed. We're just saying that it would be another supplement to it.

MR. NELSON: Government bureaucrats have been known — and I'm not saying these are government bureaucrats — to say one thing; and then when you come down to the nitty gritty, it's the opposite.

MR. BODNAR: Oh yes, indeed.

MR. CHAIRMAN: I just thought I'd pursue one more area, and that is — we welcome your submission on the proprietorship — your presentation, gentlemen, that the minimum coverage has to be raised from \$10,000, and non-cancellation of that card. I wonder where you could elaborate for the committee. You have the feeling of the people that would be covered by the proprietor. That would be good legislation. I'm not disputing the best interest. I've seen the claims where a worker, a proprietor or independent operator, bought a minimum coverage; then appealed to his MLA that the Board doesn't want to pay him more compensation. How is he going to maintain his family when he was really earning four times as much? But that's sort of a double whammy against these independent operators or proprietors. If you have a survey of the people that your companies as principals do business with, we would welcome it. If you don't, maybe you could look at it.

MR. EISNER: We don't have one available at the moment, but we could definitely look at it.

MR. CHAIRMAN: Okay. Next in the presentation, any other areas? Compensation qualifications? John.

MR. THOMPSON: I'd like to get into the lump sum settlements that you were talking about. You're pretty definite on the fact where there's no loss of earning power, but what's your position where there is loss of earning power? Do you still feel that that worker should not be entitled to a lump sum settlement?

MR. EISNER: That there should or shouldn't be?

MR. THOMPSON: Well, that he shouldn't have the option.

MR. EISNER: I think that was spelled out.

MR. BODNAR: That's right. Again, we suggested that a person who is partially disabled would have that option.

MR. THOMPSON: To what per cent of disability — 10 per cent, 20 per cent, 70 per cent?

MR. BODNAR: The first criteria, of course, would be whether that person has any loss of earnings at all as a result of his disability. Of course, our suggestion is that there is

then that lump sum payment.

MR. THOMPSON: In that case, you support the idea that it's a mandatory lump sum settlement?

MR. BODNAR: That's right.

MR. THOMPSON: Then in the next area.

MR. BODNAR: In the next area it's really an optional type of thing, and it would of course give the individual that's specifically injured that option of looking at a lump sum payment, whether that would benefit his . . .

MR. THOMPSON: But with no ceiling?

MR. BODNAR: As far as per cent of disability, you mean?

MR. EISNER: I don't see any problem with that.

MR. BODNAR: Again, when we're talking about lump sum payments in general, we're not even suggesting that if that person should have . . . Well, he loses a finger. As a result of that injury, 15 or 20 years down the road he gets a further disability. That part of the Act would still stay in place. He may of course apply for further compensation as under the Act.

MR. THOMPSON: That's a given.

MR. BODNAR: That's right.

MR. THOMPSON: There's no argument about that. Okay.

MR. CHAIRMAN: No others? Thank you very much, gentlemen. I indicated an area where we would welcome any further opinion, review, data, or a survey, if you have a chance, particularly with the level of compensation. We want to be generous, but the independent operator/proprietor pays his own premium. That's the difficult part we have.

MR. EISNER: That's one of the costs of doing business.

MR. BODNAR: Again, if I may, just as a final comment to that — historically compensation has been the fact that neither the worker nor the company has that liability in terms of being sued in a court of law and so on. Everybody has been saying that industry has been paying the actual costs of this compensation. Are we really, or is it really becoming a cost of service to the people?

MR. CHAIRMAN: We're looking at the independent operator/proprietor, who is an employer and a worker.

MR. BODNAR: That's right. So in that case, when that person bids on a contract, for example, that cost will really be reflected in the cost to the principal.

MR. EISNER: The coverage for WCB shouldn't be any different from his insurance

coverage on his vehicle or on his piece of equipment or on his public liabilities.

MR. CHAIRMAN: I welcome that view, and that's why I raised this, to get some input from you. Thank you very much.

We can now have the Alberta Occupational Health Nurses Association come forward. Are the representatives of the Occupational Health Nurses Association present? Ms Wagner, Ms Imbeau, and Ms Wilson.

### Alberta Occupational Health Nurses Association

MR. CHAIRMAN: Welcome, ladies. Thank you for coming forward. You're representing the Occupational Health Nurses Association, and we have approximately a half-hour. We've had your submission, and we welcome any general comments you may want to make in introducing yourself and your colleagues. Then maybe after you make your presentation, there will be an opportunity for some clarifications and questions. Is that welcome? Ms Wilson, you're going to lead off?

MS WILSON: Yes. Am I understanding correctly that you don't need me to read through the submission that was . . .

MR. CHAIRMAN: No, not necessarily. You can highlight or whatever. That microphone may just be the one that you want to speak into. Go ahead.

MS WILSON: In our submission we did not go into the details of what benefits we could offer in comprehensive occupational health services, and that's what we'd really like to address first of all. We've divided occupational health services into three sort of broad areas, and we'll each cover one area.

I'll start off by saying that my association with a private company in the petrochemical industry, and now with a research organization, has emphasized the areas of health surveillance, biological monitoring, and epidemiology. The key services are prevention and education. Health surveillance includes routine testing to determine the general health status of an employee and to detect, as early as possible, any sign of ill health which may be due to work. It also includes biological monitoring, in which the body burden of specific toxic substances or their metabolites is measured. The records of exposure levels and the biological test results can be correlated over time to gain an epidemiological perspective. Some concern has been previously expressed that health surveillance and biological monitoring may work against the employee's interest. If it is professionally handled and confidentiality is maintained, this will not be the case.

Alberta regulations set exposure limits for most chemicals. Medical surveillance is not required, apart from a few specific substances such as vinyl chloride. However, surveillance is recommended because (a) it reveals individual susceptibility, and this is where the prevention aspect comes in; (b) it encourages improved safe work practices, and this relates to the education component, teaching of the employee; and (c) it may lead to setting of new standards for exposure levels, which is the epidemiological aspect.

In the United States, specific testing is required for some hazards. In addition, NIOSH, the National Institute for Occupational Safety and Health, makes recommendations for additional testing DBRP; that is, as determined by a responsible physician.

If occupational health services are encouraged in Alberta, a responsible physician can determine the hazards in the specific work place which can harm the long-term health of employees. The certified occupational health nurse situated on the worksite is the ideal

person to assist the physician in determining the recommended surveillance. The certified occupational health nurse knows the raw materials, the process, and the products. The certified occupational health nurse has studied toxicology and industrial hygiene along with her other topics. The certified occupational health nurse will keep records of test results and will use every opportunity to teach the employee about the substances to which he is exposed.

Maxine Imbeau is now going to address topics of health promotion and rehabilitation.

MR. CHAIRMAN: Please continue.

MS IMBEAU: For the past four years, I have been employed by a corporation whose subsidiaries and affiliates are involved in the petrochemical, gas transmission, petroleum, and research and development industries. Because our employee population is relatively stable, with approximately an 8 per cent turnover rate, one of the services offered from the occupational health centre is that of determining fitness to work. This is useful at the time of preplacement as well as during their employment with the company, in that we have established the working conditions for the positions as well as the health standards. When we're evaluating the fitness to work, we take a look at the two and determine whether or not that person can truly be placed so that they will not cause injury to themselves or to others. We feel that through this preplacement and periodic evaluation, we truly accomplish this.

Another service we offer is involvement in the rehabilitation and early return to work when a worker is off with an injury or an illness. In assisting to get an employee back to work, we are able to recommend modifications either in the work practices or in the work place. Therefore we truly feel that our work is utilized to the maximum.

One area that we're involved in, which is nice to have but not necessary to have, is health promotion. The nursing staff provide smoking cessation clinics, fitness to work breaks, and have periodically offered proper lifting technique clinics, where we take the workers and actually show them how to lift so that they will not injure their backs. As well, we provide instruction in group lifting.

Since many of our workers have the use of video display terminals, we've also worked out an education program for them. We recommend and show them how to do neck exercises and rest their eyes, and we caution them about eye care. All of these services are provided with the use of occupational health nurses who have had advanced training beyond the level of their registered nurse diploma.

Thank you for the time you've allotted me. I would now like to turn the chair over to Sylvia Wagner, who will report on the Gale commission and other things of interest.

MS WAGNER: I'd like to express the concerns of our association regarding the provision of occupational health services to the construction industry. We feel that because of the transient and temporary nature of their work, construction workers receive only a treatment service. Given the hazardous nature of their work, we feel that these workers are entitled to more than just a band-aid service. We feel that if new regulations are being made or regulations are being altered, there should be a focus on the prevention of the injury and illness, and these should be provided for by people trained in occupational health.

Going back to the Gale commission, the commission devoted a paragraph to defining the word "health" as pertaining to occupational health. It states that it should not be used in the treatment sense. Rather, it recommended that its meaning be associated with identification and anticipation and prevention and that it should relate to events occurring prior to damage, rather than to an activity after an incident or accident that has produced the need for some form of treatment, compensation, or rehabilitation. We

believe that this prevention can be effected on the worksite by education of both employer and employee and that this education should be provided by people trained in occupational health.

My background since graduation from the occupational health nursing program has been entirely in construction, particularly to do with power plants. I worked at the Sundance power plant for several months. I started with the Keephills plant and was there for three years during its construction. This plant was a \$650 million project with a peak work force of 1,300 men. And I've been with the Genesee plant since it began on March 1. I'd like to use my background as an example of what we're saying.

Sundance unit 5 had a fatality, at which time they hired a safety co-ordinator and an occupational health nurse. Since that time they completed unit 5 and unit 6 there. They have built units 1 and 2 at Keephills without so much as even an unconscious casualty, much less a fatality. Our site has been used as an example to other power plants and other industries. When the Sheerness plant down south had their two fatalities last year, we worked with their safety and nursing people to help set up their program. And some of our recommendations come out of my experiences there.

The Gale commission recommended that the worksite have a safety co-ordinator, a safety specialist, and I strongly believe that. I don't feel that it should be a token position given to someone that's a few years from retiring. I think that person should have a construction background, should be a tradesman himself. I think he should have formal safety training and be qualified to interpret and enforce legislation. He should have the position as consultant as well as enforcer. By chairing the site safety committee, he is then very effective in leading this preventive role.

I also feel that a vital member of that team is the occupational health nurse. I feel that workers are most vulnerable to safety teaching at the time of injury. We all feel that it couldn't possibly happen to me. But once it has happened, you're willing to listen to someone tell you how you could prevent it happening again. I think the occupational health nurse is the first person on that team to pick up on an unsafe condition. If the worker has fallen through an opening in the floor, fallen because of some slippery material on the floor, or whatever, she is the person to pick up on that, report it, and get the process of getting it repaired on its way.

She can pinpoint defective equipment. For example, on our site we were having a rash of eye injuries because of pipefitters using shields that had a lip on them that collected particles. They went through their work procedure without an eye injury, but as soon as they flipped the shield, the particles fell into their eyes. By picking up on that and working with the contractor, we were able to get that equipment removed and to make recommendations into getting new equipment to replace it.

The nurse is involved in testing protective equipment. For example, if safety glasses are not working, this sort of thing, she is the one that's seeing the injuries and keeping the records on it. At Keephills my role in keeping records and statistical work was very important, and it was vital information to the direction the site safety committee took.

She is an adviser in health matters. An example of that right now is the issue of contact lenses and whether or not their use is acceptable on work sites.

She has an active role in rehabilitation of the worker. For example, if somebody injures his back, it's no good to have him lie in bed for a week and then kick him back out to work. He has to have some direction into exercises and home care, and perhaps be placed on light duty once he gets on the worksite again.

The other aspect of education would be the education of the contractors themselves. We spent a lot of time in that area at Keephills. Whatever safety education or information upper management receive, it seems that the last person to receive it on site is the field man himself. They need help in interpreting and applying legislation. By showing them that it is cost effective to keep their accident rates down — that there are

merit rebates and actual financial gains to be made from a good safety record — we find that their safety attitudes change very dramatically.

So as a nurse in that industry, I feel it's far more satisfying and gratifying to work with these people in preventing injuries than to go and pick up the pieces after an accident has happened.

Thank you.

MR. THOMPSON: Mr. Chairman, I'd like to ask this group a question. I don't know whether they can answer or not, but I'm kind of interested anyway. I'm talking about an individual worker that develops an allergy. It's not one of the toxic things that is on the list, but he just for some reason or another has an allergy. What happens to a person like that, who gets an allergy from his working conditions?

MS WILSON: First of all, it's not immediately apparent that it is from the working conditions, so what we would have him do is keep track for awhile. We'd get a detailed history. For instance, does it improve over the weekend and then recur on Monday when you come back to work? Certainly you'd be sent for treatment immediately if it required immediate treatment. An assessment would then be made of what things he was handling. There are certain substances which are known to be sensitizers, so while the person might not immediately be allergic to it, over time they can develop a sensitization to it. Some of these substances are known to do that. So it would be followed up.

MR. THOMPSON: But would it be your job to advise him that maybe . . . If there is nothing he can do, would you say: you have an allergy; you'd better get out of this occupation and into something else. Or do you just treat the symptoms as they occur?

MS WILSON: There is an education component there. If you narrow it down to something in the worksite, first of all you would work with that person to see if he were able to do the same task with a different substance. Is it possible to modify that work so that you remove that substance? If it isn't, he may elect to have ongoing treatment. He may elect to try to change his job location to another. If he is not putting other workers at risk, then he really has to be involved in that decision himself.

MR. THOMPSON: One other question, Mr. Chairman. How much extra, special training does your group get in this specialized field? You must take courses or degrees or something in it. Just what is entailed?

MS WILSON: There's a course at Grant MacEwan Community College. It's offered in Edmonton on an ongoing basis and has been offered in Calgary on an interim basis. It's a one-year certificate course.

MR. CHAIRMAN: You'd better ask all the questions, John, because in about an hour Liz Dawson will be presenting it, and you should then be quite intelligent with the questions.

MR. THOMPSON: I'll quit while I'm ahead.

MR. CHAIRMAN: It's a fair question, because these ladies are all graduates of that program. But Liz Dawson, the program co-ordinator, will be appearing here at 3:15 or so.

A question I asked one of the occupational health nurses in Calgary, I believe, was the authorization to carry out, as you've said, preventive medicine — inoculation and all

that — without a doctor's certificate. Are you still hamstrung with that?

MS WILSON: For immunization programs?

MR. CHAIRMAN: Yes.

MS WILSON: You have to be covered either by the Edmonton . . .

MR. CHAIRMAN: Public health?

MS WILSON: Yes, public health runs inoculator certificate courses, so you would have to go through that. In some cases, the doctor at a local industry will authorize it.

MR. CHAIRMAN: In some of your industries you have medical staff on contract programs.

MS WILSON: That's right, and they would sometimes authorize it. Would you agree with that answer?

MS IMBEAU: We do not do immunization, because we feel that the local board of health is very close.

MR. CHAIRMAN: So it's not an issue.

MS IMBEAU: No. It's not an issue for us.

MR. CHAIRMAN: There is sufficient opportunity for them to get it at the local board of health.

MR. MARTIN: It's a relatively new field and, as you mentioned, hit and miss a bit in Calgary and a program at Grant MacEwan. How common is it from industry to industry? Are more and more industries taking the services of people like yourselves, or are there industries that aren't even looking at it yet? What's the general state?

MS WILSON: I think that as employers become aware of the program being available at Grant MacEwan, when they advertise for a nurse they are more and more advertising for a nurse with a certificate in occupational health nursing. More frequently, it is being seen as a valuable expense to have somebody with the expertise.

MR. CHAIRMAN: What is the membership of your association? Possibly that might help.

MS WILSON: It's about 200.

MR. MARTIN: You still have a long way to go yet.

MS WILSON: We still have a long way to go.

MR. CHAIRMAN: To go for what?

MR. MARTIN: To be up to adequate standards.

MR. CHAIRMAN: Okay.

MR. MARTIN: In terms of the role of occupational nurse, perhaps they would see — and this is a dicey one — hazards that might be there. Do they ever talk to the company and have changes made in terms of the environment? How receptive is the company, especially if it's going to cost them a lot of money?

MS WILSON: Very much so. I think they are receptive, because I think that most employers . . . I think you have to do it in a businesslike format. Sylvia touched on a lot of examples. In the construction industry they are perhaps really interested in keeping a line on their expenses, but I think Sylvia was able to institute several recommendations, and it certainly was management.

MR. MARTIN: So that's certainly a part of your role?

MS WILSON: Yes.

MR. MARTIN: I'm just curious. Can you explain to me a little bit about what you mean by biological monitoring, when you were talking about health surveillance?

MS WILSON: An example would be lead or mercury, and testing urine samples for phenol concentration. In those cases you're looking at actual substances being accumulated in the body, a body burden, as opposed to a general health surveillance when you're doing routine screening tests to see what effects there are on the body from whatever cause.

MRS. FYFE: I think it was Ms Wagner who made a comment about judging when a worker was fit to go back to work. What would your role be with the physician who is in charge of the injured worker? You're not suggesting that you're making the judgment?

MS WAGNER: No, but I work with the physician. I get direction from the physician. He might send me a medical directive, stating that this man can go back to work on light duty. It is more economical for a company to bring a man back and put him in the tool shed, perhaps sorting bolts, or put him in the office or whatever. They're keeping him working rather than having him on compensation. We advise in that matter.

MRS. FYFE: So would you then monitor the worker to ensure that the light duty was not injurious to his recovery?

MS WAGNER: Certainly we would, and if there were problems we would refer him back to the doctor. We are the liaison on the site between the two.

MRS. FYFE: Another question regarding rehabilitation programs, and I just throw this open to any of you who want to answer. One of the comments that has been brought to this committee on a number of occasions is the desire to have rehabilitation programs throughout the province rather than referring to the central rehabilitation unit in Edmonton. Are you involved in following workers through a rehabilitation program? I'll stop there. I may have a follow-up question.

MS IMBEAU: There are several different areas of rehabilitation.

MRS. FYFE: Let's say the physiotherapy type of rehabilitation, as an example.

MS IMBEAU: In the physio part, we wouldn't be actively involved.

MRS. FYFE: I don't mean that you're doing it or anything. But I'm just wondering, are you monitoring the worker to ensure that the type of treatment he is getting may be suitable? Are you working with the physician?

MR. CHAIRMAN: Does the worker also have an opportunity to share with you some concerns he might have about the physiotherapy?

MS IMBEAU: Yes, that's right. The health centre is used for that purpose. There again the health centre functions as a liaison type of work. If we get a physio prescription whereby we can put a person through a range of motion exercises, that could be accomplished in the health centre. So yes, I guess.

MS WILSON: I might add to that that I think an important role we have is to know the worker's job and his tasks and give an interpretation of what light duties involve for that worker. The term "light duty" is very, very ambiguous, and it's really important to know what a person's routine tasks are and what modifications have to be made in order to ensure that it is in fact light duties for him, with his injury. Certainly the nurse is in the position to be able to assist in correlating the recommendations from the doctor and the work environment.

MRS. FYFE: On the whole, do you feel that the type of therapy a worker would get outside the centre in Edmonton is most often effective therapy, dealing not just with the physical but perhaps with psychological problems a worker may have as a result of a serious injury? Maybe that's not fair. It's obviously going to be making a value judgment. But through your experience, I just wonder if you can make any comment.

MS WILSON: I don't have a lot of familiarity with WCB rehab, other than going through it and being very, very impressed. They certainly do make it specific to the work environment. I think perhaps another physiotherapist wouldn't have that same kind of familiarity with work environment tasks. On the other hand, if the physiotherapist locally were working with the occupational health nurse to know exactly what is required in that job, the physiotherapist would then be able to tailor the program for that person and his job, so it's a co-ordination.

MRS. FYFE: So that co-ordination would be spotty now because of the small number of occupational health nurses out in the field?

MS WILSON: But could be improved with more.

MS WAGNER: I'd just like to say that our worksite is close to Stony Plain, which has a physiotherapist, so I have placed some of our workers — perhaps with a pulled muscle in their shoulder or a back problem — and assisted them. They work most of the day and then arrange for them to get in for their treatment, and it still keeps the man on the job.

The other thing I'd like to point out — we had a talk from Dr. Talibi of the cardiac fitness centre. He saw a very active role for the occupational health nurse rehabilitating heart patients, whereby we get them back out to work on light duties or duties that have been deemed acceptable to them under supervision of the nurse, perhaps getting blood pressure checks, making sure that their medications are taken, and this sort of thing. Everybody goes to work, and he says that this is the ideal place for this type of surveillance, rather than leaving these people at home or maintaining them in a hospital

just for the little bit of supervision they could be getting elsewhere.

MRS. FYFE: One last question. How could the smaller companies benefit from an occupational health nurse? Obviously there is a cost effectiveness when a company is at a certain point. Smaller companies say, we can't afford those kinds of frills.

MS WILSON: I certainly think that what can be done is shared services in several small companies.

MRS. FYFE: Is that being done?

MS WILSON: Presently it's mostly just to meet regulations. But the potential is there for much wider services. I know there are companies starting in the east. They have a set period of time each week where they go to specific companies. They always send the same nurse to that company so that that company does have their company nurse.

MRS. FYFE: Who is sending the nurse?

MS WILSON: The employer sets a contract with a private company.

MRS. FYFE: So it would be like a subcontract.

MS WILSON: Yes.

MRS. FYFE: Thank you very much.

MR. CHAIRMAN: Thank you very much, ladies. We welcome the good discussion we had. Carry on with the work in your area.

MS WILSON: Thank you very much.

MR. CHAIRMAN: The next people are from Construction Labour Relations, Messrs. Neilson, Durocher, and Akins.

#### **Construction Labour Relations, An Alberta Association**

MR. CHAIRMAN: Mr. Neilson didn't make it?

MR. DUROCHER: I'm sorry, Mr. Chairman. Mr. Neilson had some urgent matter that took him away this afternoon. He asked us to present his apologies.

MR. CHAIRMAN: Good. We have approximately a half-hour. We welcome you to give your opening comments and remarks and possibly allow some time for clarifications and questions after your presentation. Who is going to be the lead-off batter?

MR. DUROCHER: I'll start out. Thank you, Mr. Chairman and ladies and gentlemen.

We are here today to speak to the brief of Construction Labour Relations, An Alberta Association, which was submitted to the committee August 15, and to answer any of your questions.

We represent over 400 contractors, all of whom are unionized. Our members include the largest contractors operating in Alberta, with the exception of a few multinational

industrial contractors. We are a specialist labor relations association and concentrate our efforts only on resolving the collective bargaining and collective agreement administration concerns of our members. Their other concerns are handled through construction and trade associations such as the Alberta Construction Association, the Edmonton Construction Association, the Calgary Construction Association, and a number of trade associations. I believe the Alberta Construction Association has already made representations to you on the legislation that is being studied here. Therefore our brief that was submitted to you has a rather narrow focus. We are concerned only with the double jeopardy which arises under the proposed section 28.1 and subsections (3) and (4) of section 7 of the amended Act.

I would ask Mr. George Akins, our vice-president, to summarize our concerns and the recommendations we have proposed to you in our brief.

MR. AKINS: You're all aware of the ancient principle of natural justice which decrees that no man should be tried twice for the same event. More recently, this principle has been enshrined in the Canadian Constitution and, despite the recently well-publicized conflict of our law that pertains to juvenile offenders raised to adult court, it is generally accepted as a valid and basic protection of human rights.

The double jeopardy we seek to avoid would occur as follows. Our collective agreements provide for the settlement of disputes over unreasonable disciplinary action or unfair dismissal to be resolved by grievance and arbitration. The proposed amendment to the Occupational Health and Safety Act would create a position whereby a worker could have recourse to appeal discipline and dismissal cases under both the collective agreement and the Act. Further, the employee could first try one route, and if he failed, then try the other. Conceivably this could result in the employer paying damages, under section 7(3)(c), back to the date of dismissal, including the time spent going through the grievance and arbitration process.

So first we would argue that to avoid such double jeopardy, there should be only one accepted procedure for the appeal of safety related discipline and dismissal cases. Secondly, we would contend that since the appeal forum of grievances and arbitration is selective and agreed to by the parties, they are familiar with it and it holds their mutual confidence. Therefore we submit that where it is available, arbitration is the best method of settling labor/management disputes, for the following reasons.

The parties have opportunity to jointly select the arbitrator. This allows them to present their case to an individual in whose ability and expertise they have confidence. Both parties have opportunity to present their case at a hearing at which they have the right to legal representation. Arbitration awards are largely influenced by precedent lines of reasoning from similar cases. This promotes consistency and ensures a reasoned decision. On issues such as safety, there are numerous case decisions to aid the arbitrator in arriving at a just decision. Arbitrators have the authority to consider all circumstances leading up to and surrounding the case at hand. They are not limited in their purview when examining the merits of the case. And there is a process by which an arbitration award can be reviewed to ensure there is no error in law. Finally, the parties involved pay their own costs, and there is no expense to the public at large.

Our recommendations, then, would be ranked in order of merit. We suggest that the government take whatever legislative and/or policy action is required to ensure that whenever an employee has protection in accordance with section 7(3) and 7(4) and 28.1 of the Occupational Health and Safety Act under a collective agreement, the employee would not have the additional option of having an OH&S officer deal with his concern. The employee would process his grievance, through to arbitration if necessary, under the collective agreement only. This eliminates the double jeopardy and places the labor/management dispute in the grievance arbitration framework, where we feel it

really belongs.

Alternatively, if you find no favor with that, we would suggest that the government take whatever legislative or policy action is required to ensure that the employee can exercise whatever grievance arbitration option he may have under a collective agreement or options he may have under sections 7(3) and 7(4) of the Occupational Health and Safety Act, but not both. This alleviates the double-jeopardy concern but does not necessarily place the dispute where we feel it belongs. If this is to be the solution the select legislative committee endorses, we feel that efforts must be made to ensure that sections 7(3) and 7(4) are administered as closely as possible to the arbitration process, adopting as many of the arbitration concepts and lines of reasoning as are practical, because these are very tried and proven methods of settling disputes to the satisfaction of the parties.

Alternatively, we suggest that the government take whatever legislative and/or policy action is required to ensure that whenever an employee has protection in accordance with section 7(3) and 7(4) or 28.1 of the Occupational Health and Safety Act duplicated under a collective agreement, the resolution process provided in the Act assumes precedence and must be used in preference to any grievance or arbitration options under the collective agreement. This eliminates the double-jeopardy concerns, which are our chief contention, and allows the employee one fair route of recourse. Again, we would suggest that if this is what you favor, you should attempt to have the sections administered as closely as possible to the arbitration process.

MR. CHAIRMAN: Thank you very much, gentlemen. I think I shared with somebody earlier that part of your concern here is because Bill 51 has not totally been proclaimed, because we don't have all the regulations in place. Your submission is very timely and welcome. I would like to just check with Keith. This is part of the general regulations, isn't it?

MR. SMITH: No, sir. This is part of the Act.

MR. CHAIRMAN: No. I'm referring to the implementation. There wouldn't be a double jeopardy.

MR. SMITH: No. It would still fall under the provisions of section 28 and section 7 of the Act. The process of determining whether in fact there was possible action with respect to a complaint of unfair practice would be under the provisions of the Act and not the regulations.

MR. CHAIRMAN: Can you then clarify for us here what the gentlemen's concerns are? They have a concern about two Acts, and I'm sure everybody around here would welcome that there isn't the . . .

MR. MARTIN: One Act and whatever their collective agreement is.

MR. CHAIRMAN: Well, their collective agreement comes under the Labour Relations Act.

MR. DUROCHER: There is a mandatory provision in the Labour Relations Act that requires resolutions of disputes of this nature via the arbitration route.

MR. SMITH: Yes, that's correct. The problem, as the gentlemen have indicated, is that it provides the opportunity of two possible recourses of action, both being available to an

employee who is operating under some collective agreement. That may be settlement through the collective agreement or, should that not be satisfactory, settlement under section 7 and section 28.1 of the Act.

I think the problem has been very clearly identified, but I think it should be put into general perspective at the same time. Section 7 and section 28 will of course refer to all workers within the province, not only those under collective agreements. So it does provide a recourse for action to be taken where unfair disciplinary action has been taken in areas where collective agreements are not in effect. So in essence, we're talking there of about 75 per cent of workers in the province.

The problem of double jeopardy occurs where collective agreements provide for an arbitration process to take place. We are very cognizant of this but at this time have no real experience in operating under the new sections of the amendment Act, to determine whether in fact these problems might exist and whether the choice is more preferable in terms of the collective agreement than sections of the Act. But I can assure you that as far as the division is concerned, where a collective agreement may exist at a worksite, the officers of our division must determine if that collective agreement would cover the particular concern that has been brought to their attention. We too do not want the option of both routes being available to workers under collective agreements.

I think it needs to have a resolution of some sort, because it does lay the potential open to us. We haven't come across that experience as yet, but we are aware that such a situation could occur. It's basically at that stage at the moment. We do recognize your concern, and we feel it's a very justified concern. But we hope to resolve it at least by ensuring that if there is a collective agreement, that would satisfactorily deal with the matter of concern. That is the direction to our staff.

MR. AKINS: Mr. Chairman, in order to do that, though, that would require some amendment either to the Act or the regulations.

MR. CHAIRMAN: We'll address that.

MR. SMITH: Yes, it might very well do so.

MR. DUROCHER: We recognize, Mr. Chairman, the desirability of these sections as they would apply to the worker who does not have the protection of a collective agreement. We are merely addressing the double jeopardy.

MR. CHAIRMAN: For the unionized worker.

Any other questions or clarifications? Thank you for coming forward with this, gentlemen. As I indicated, it's welcome because you have brought an area to the attention of the committee. However, we will welcome any further submission you may have after you've looked at it once more and maybe even taken the opportunity of sitting down and talking to the people in occupational health and safety who are developing the regulations. You can talk to Keith after we break here for coffee, and he can let you know who you should possibly speak to if you haven't been in the discussions on the regulations and Bill 51.

MR. DUROCHER: We would very much appreciate that opportunity.

MR. CHAIRMAN: Good. We'll have a coffee break at this time. Liz Dawson will be next.

[The meeting recessed at 2:48 p.m. and resumed at 3:05 p.m.]

**Ms Liz Dawson,  
Occupational Health Nursing Certificate Program  
Grant MacEwan Community College**

MR. CHAIRMAN: Liz, we have allowed a half-hour for your presentation. We have your submission here. It is welcomed that you are here to speak on behalf of the program. I would welcome any additional comments that you have or a review of your submission, and possibly an elaboration or question and answer time from the select committee. Go ahead.

MS DAWSON: Thank you. In preparing a submission, one realizes that it's always so much easier to make criticism than constructive suggestions. So when it came to the recommendations and the implementation of them, I realize that the implications are much more far reaching than we sometimes think of from own little secular area.

I guess my main concern or main point that I want to bring before you is that the occupational health nursing program at Grant MacEwan college, which has been very generously funded by the government over the past eight years, has now graduated 225 nurses, who are mostly — I think at the last tally, about 86 per cent — employed in occupational health positions across the province and in fact across the country. I think that program has produced nurses who have the potential to make a very great impact on health and safety of workers in Alberta. I don't think that's being reflected in current legislation, which requires the employment of the nurse and the legislation appearing in the first aid regs., which implies that she is there solely to give emergency care.

Often the first question the nurse is asked when she is being interviewed is her first aid background. Although I think that's an important component, it's only one facet of occupational health services. So I feel that these people are prepared, in many cases, to provide a comprehensive service. Yet, sometimes through lack of awareness on the part of the potential employer, the service that could be provided is not there.

In looking at the safety record or the accident rate in industry, sometimes we are so busy counting the statistics and processing the claims that we do not devote enough time to the causative factors, factors that influence the rate. I think this is where the nurse can make a very real contribution. It is pretty well established that the life style factors have a great deal of influence on that accident rate. Factors such as stress of job-related or family-related problems; certainly economic stress; fatigue factors; abuse of self, whether it's fatigue or abuse of substances, alcohol, tobacco: those kinds of things are very real issues and very real contributors to the accident rate. Although I don't see the nurse as the savior who can cure all these ills, I do see her having a very great impact on assisting workers to resolve some of their problems, whether it's referring them to agencies that are available or whether it's just the recognition that these are important factors in their lives. Health education and health promotion are such important factors that it's not just the occupational health and safety legislation that has to be looked at, but health care costs across the province are a very real concern.

If we look at promoting a healthy life style in Albertans, I think the worksite is a good place to start. You have a captive audience. You have a group of workers at one site. You have workers with common concerns and geographical closeness, and it's a very good target area for health care dollars to be spent. I think the dramatic research in cancer cures and surgical procedures get the dollars, and often the idea of health promotion and the selling of health is left to sort of fight for its own right.

I don't think that just the legislation or the legislated requirement for a comprehensive service is the answer. That aspect needs to be addressed, that employers

are not only required but are convinced of the need and the benefit of having a comprehensive health care service at the worksite. Obviously when it's a small employer of a small number of workers, it's not always feasible to have it on-site. But I think the access to that kind of service is important. Studies have been done to look at the feasibility of attaching occupational health services to the existing community health service. That's one direction that might be explored.

The legislated requirement for the very easily accountable testing, whether it's workers exposed to noise hazards or dust hazards — the requirement for test procedures is a legislated requirement. But just the testing in itself does not make a worker healthy. You can pay someone to bring in their mobile vans and test people, but the test procedure itself sometimes has little impact on that worker's health. So there is a much larger component of health education: teaching the worker why it's important that they wear protective equipment, giving them the right to choose different types, fitting it properly, reinforcing good work behavior, and the humanistic approach to convincing — and again I use the word "selling". We are not used to selling health, but I think that's what needs to be done. Although the legislation requires those test procedures, the tests themselves are only a small portion of the comprehensive program.

In workers' compensation, the rehabilitation facet, the vocational rehabilitation counsellor role is one that could be elevated in profile and position, because we often see a very definite trend to the repeating worker, the worker who has a long history of job-related accidents. I think the rehabilitation counsellor role and the potential good that can be done in that area needs reworking or re-emphasis. We often get very busy counting the statistics, again without looking at the causative factors that have contributed.

I think that's pretty well all I'd like to expand upon. One last point I would like to make is that I think employers... I have often had this said to me — I guess the construction industry is a good example, where I will say to a potential employer something similar to what I have said here. The response is: well, we're not in the health care business; we're producing, building. I guess that's where awareness comes, because whether it's accident rate or absenteeism, it is very closely linked to the health status of worker groups. The nurse, as likely the most obvious provider of health care at the worksite, can make a very real contribution. There is an awareness factor that is very important.

I think that's all, unless there are some questions that you people want to direct to me.

MR. CHAIRMAN: Yes, Liz. Possibly I could kick it off with your last point — and that is particularly because we are dealing with workers' compensation — your recommendation to provide a rebate for the employers. How would these same employers, who responded to you that they are not in the health care system but are in manufacturing or construction, respond to it? From your experience and your dialogue, do you think there is some possibility that employers would accept it?

MS DAWSON: I think that rebate adds a significant incentive, because the subsidy or the costs — we don't have good statistics on the cost effectiveness of having a program. But I feel pretty sure that whether it's sickness absence rates or reduction in lost-time accidents, something that can be counted, there can be a correlation there. The rebate for the employer who provides a good service may in fact be the financial incentive to either allow him, on initiative or on a continuing basis, to provide a service. It's very difficult to cost out the benefits of what we prevent; we always cost out what happens.

MR. R. MOORE: Mr. Chairman, I would like to find out the utilization of these qualified

occupational personnel. Now that we have them available and they are being made available year after year as different ones graduate, from your standpoint of working with employers, are you recommending the utilization of these trained personnel? Are you doing a sort of communication link, saying: these people are available and could play a role? Or are you just going in and playing the role of the occupational health nurse?

MR. CHAIRMAN: You're not running interference for Liz Dawson, are you?

MR. SMITH: Perhaps if I can go back just a little bit earlier in the process on that, Mr. Moore. First of all, we actively encourage the training of nurses in the field of occupational health. We have been very supportive of the program and in fact initiated the program at Grant MacEwan some eight to 10 years ago. So first of all, there is a commitment from the division to enhance the skills, competencies, and availability of nurses in occupational health for industry.

In terms of actually seeing if they are placed in industry, the figure that Liz mentioned, some 85 per cent of those that have been trained through the program at Grant MacEwan and its secondary program at Mount Royal in Calgary, I would imagine that a very fair proportion of that 85 per cent is employed in industry in this province. As some previous speakers indicated, what seems to be happening is that employers are looking for this certification when they are hiring nurses for industry. At the moment there is a requirement in the first aid regulations that every employer with 200 or more workers on shift must employ a nurse. In our regulations, that nurse is primarily there for first aid treatment.

What employers are doing is taking advantage of those nurses trained in occupational health, holding the certificate in occupational health, and embracing a lot more in the use of the nurse than simply first aid. So have I answered your question?

MR. R. MOORE: Coming back to Liz, then, that would indicate to me acceptance, not resistance, by industry of qualified nurses in this field. Going to your 85 per cent and going to what Keith said, we are getting an acceptance, and it is growing. Do you agree with that, or do you agree that you are getting resistance in there?

MS DAWSON: Oh, I think it is growing. I didn't mention that certainly Alberta is seen as leadership in this field and that nurses are seen as being able to contribute a very meaningful influence on health and safety.

MR. CHAIRMAN: I didn't think you would say that, Liz, after I coached you to say it. Ray wanted to hear it too.

MS DAWSON: As Keith said, the support has been absolutely nothing but good support. The program is unique not just in Canada but in North America. So I guess we feel that we are turning out — although I hate that phrase — a good product, and the potential of that good product has very real. But I don't think the potential is reflected in the legislation as it now exists, which says that when you get to a very high level of need for first aid emergency care, you must hire a nurse, which has the connotation that she is there to provide first aid and first aid only.

MR. THOMPSON: In your program at Grant MacEwan college — there is a problem we have that nobody likes to talk about much, but it has to do with alcohol and drugs. Do you have any emphasis at all in your program on picking this out at the worksite, and this type of thing? Alcohol has more or less always been with us. But I think in the last 10 or 15 years, you will find there has been an increasing use of drugs out there. Is there any

attempt made in your educational program to zero in on this aspect of occupational health?

MS DAWSON: Yes, one of the courses is called — the name of the course is Health Issues in the Work Place, and that is a major component of that course. We look at providing guidelines for the nurse to develop what is now the "in" thing, an employee assistance program. Alcoholism or alcohol abuse is sort of a dirty word, so we should never assume that the employee is an alcoholic; we just know that he likely needs some assistance. So we use resource people from AADAC, materials that have been produced at the Don Institute in Toronto, and some American materials. We look at developing a policy within an industry that will assist the employer in getting the employees to the needed help and in establishing policies which will monitor the abuse of alcohol and drugs and when they influence job performance.

The problem often is that the same policy must be effective from the janitor right up to the vice-president level. This is often one of the biggest problems, the higher the level in the hierarchy, the easier it is to hide the drug abuse.

It's not just alcohol abuse but even the abuse of prescribed drugs. We are having more and more workers operating very heavy machinery who are on horrendously high levels of either uppers or downers that are prescribed by their doctors. If you want someone driving an overhead crane who is popping pills all the time — and they are prescribed. They are socially acceptable but still a very real hazard to himself and his co-workers. Those are the kinds of things that the nurses are trying to zero in on.

MR. THOMPSON: Of course, when I said drugs, I meant not only street drugs but prescribed drugs.

MS DAWSON: I just happen to have some brochures describing the program. So if any of you are interested, it provides the course descriptions for the 10 courses that are required.

MR. CHAIRMAN: I hope you have seven copies, Liz.

MS DAWSON: I just happen to have that many.

MR. CHAIRMAN: That's good.

MR. CHAIRMAN: Stan Nelson.

MR. NELSON: Thank you, Mr. Chairman. I would just like to clarify your recommendation No. 3 here. You are not suggesting that legislation be placed that would force an employer to have a nurse of the product that you put out — using your words — in their operation?

MS DAWSON: I am not suggesting that it would "force" them to have a nurse. Where there is a known risk at the worksite, regardless of the number of workers, I think the legislation should require them to have a comprehensive health care service.

MR. NELSON: So what you're suggesting is that you want to spend the industry's money before they get an expression as far as who they should put into their operation?

MS DAWSON: I don't know that it should necessarily be the industry's money. It's the industry's money, the assessment for WCB, or the source of the money. As I said, it's

always easier to be critical than to recommend, but I think there is a responsibility on the employer to provide a healthy and safe work environment. If having a service contributes to having a healthy work environment, then I think it should be legislated that that in fact happens.

MR. NELSON: Excuse me for getting wound up, because I really get tired of hearing everybody trying to spend industry's money for them when they don't have the expression.

I guess the other question that relates to what you are saying is that if we give them an incentive from the fund that they have already provided, there is another disincentive there by removing from the assessment part of that rebate that many of them get. Again, there is another question and another problem area to deal with. How do we express that to the employer who is expending considerable money in keeping his work place reasonably safe by just receiving a rebate from his assessment? Do we say that we are going to cut that back now, and he has to have someone there — a nurse or whatever you want to place there — to do another job, without him expressing where he wants to spend his money?

MR. CHAIRMAN: Any other comments?

MR. NELSON: You don't want to answer that.

MR. CHAIRMAN: No.

MS DAWSON: Obviously I'm not the employer.

MRS. FYFE: All of your students would have a prerequisite of an RN before they enter your program. Is that correct?

MS DAWSON: They have a minimum of a registered nurse certificate, and many of them now have baccalaureate degrees, so the level seems to be going up all the time.

MRS. FYFE: Were you talking about the only program in Canada that was similar to yours? Yours is unique, did you say?

MS DAWSON: Yes, there have been other programs in Canada and in the United States that are modelled after ours. But they are all on very tight project funding, where they run one year, the next year there are no funds, and then the next year they don't. Most of them are designed for part-time attendance in the evening, whereas ours is available on a full-time basis for an eight-month period and also on part-time, where a nurse who is working in industry can come in for as little as one day or half a day a week and complete the program over a two, three, or four-year program.

MRS. FYFE: One final question. What kind of practicum would they have?

MS DAWSON: The nurses have a practicum. The clinical practice component consists of a variation of observation-type visits, where they visit industries varying from heavy construction sites, to chemical, to government agencies. It culminates with a full week of experience in one industry where they are usually assigned to graduate of the program who is working.

MRS. FYFE: Sorry, I said that was the last question but it just triggered another. I was thinking about the safety committees, the model that they have in Ontario, where

industry . . .

MR. CHAIRMAN: Safety associations.

MRS. FYFE: What did I say?

MR. CHAIRMAN: Committees. Safety associations.

MRS. FYFE: Sorry, associations which act as a sort of self-policing agency. Would you see that model in Alberta, utilizing the services of occupational health nurses to a great degree? I know that's kind of a vague question.

MS DAWSON: I'm not sure of the policing agency that you mean. I think legislation is certainly not the only answer. I think awareness among workers — workers' education, their right to know what they are working with and what protection. The responsibility has to be shared. The employee himself has to be responsible for his work habits.

MR. NELSON: I agree with you there.

MS DAWSON: So I see it as a shared responsibility. Self-regulation or self-direction is likely the ultimate goal, if we could convince everyone to stop smoking, and all those bad things.

MR. NELSON: Amen.

MR. MARTIN: Mr. Chairman, just a couple of points. You are talking about two sorts of areas. One, of course, is what can be done by legislation. As you pointed out, we can't solve all the problems by legislation. You're talking about the educational aspect. But just in terms of the legislation, you are a little unclear on exactly how you would change. I know you talked about wanting to move more into the prevention rather than the treatment model, the medical model, if you like. How would you see — I am not asking you to word it — legislation attempting to deal with that?

MS DAWSON: I think the legislation has to encompass employers or employee worksites where there is a known health hazard, whether it's physical, chemical, or toxic in nature. Those employers must provide a service which monitors the health of the work group.

MR. MARTIN: Okay. Just a second question. I am just curious what you found with the recession. I am sure you follow up — I know most of the time they do at Grant MacEwan — to see how and where the graduates are going. Have you noticed a reduction of your graduates in industry, with tougher times?

MS DAWSON: There have been some interesting things happen with the recession, knowing that the perspective the employer has on that service and the value of that nurse is very wide. In some cases she has in fact been the first to go — maybe not the first, but one of the first — when there was a cutback. Another case that I am aware of — and these perhaps are the extremes — not only did they not let the nurse go, but they hired two new full-time nurses. They were so impressed — that's too strong a word. They were confident that this nurse made a very real contribution in assisting workers to deal with the stress of possible layoff, from management right down through the ranks — sort of the black Friday; who was going to be next? This company, a very major

employer in Alberta, hired two new nurses, so they have increased their employment 300 per cent; they had one.

MR. MARTIN: And they probably saw that there was some good economic sense in doing that.

MS DAWSON: Yes, and again, as I said, it is very hard to cost out the saving to people when you are more productive if someone has had a kind ear to listen to your concerns, yet wasn't the one who would decide whether you would be the one who be let go next week.

MR. CHAIRMAN: Any others?

Liz, on behalf of the committee, I want to thank you for coming forward, and I wish you well in your continuing work. I must say that we welcome the information that you shared here, particularly in the fact that when your colleagues made their presentation earlier, they said there were about 200 occupational health nurses working. Your percentage of 86 per cent out of 225 — the two groups were pretty well on course. Thank you very much.

Mr. James Thachuk. Mr. Thachuk, would you come forward?

**Mr. J. Thachuk**

MR. CHAIRMAN: Mr. Thachuk, we have about a half-hour's time for your presentation. It may not take that long, but we want to say thank you for coming up from Barrhead. We have your letter, but you may want to go through it and elaborate on it. Feel free to go ahead and read it. I couldn't gather from your letter whether you are an employer or were an employer. You may just want to say how you became interested in this.

MR. THACHUK: Oh yes. Well, I've been paying compensation since 1940.

MR. CHAIRMAN: You've been an employer. That's fine. Okay.

MR. THACHUK: Yes, I was running a small sawmill on a small scale, but I've been paying compensation right along.

MR. CHAIRMAN: Go ahead.

MR. THACHUK: I have a little supplement here. Would you be interested in reading it?

MR. CHAIRMAN: No, go ahead and read it.

MR. THACHUK: I just made up the supplement two days ago.

MR. CHAIRMAN: And just speak up into the microphone.

MR. THACHUK: You mean read the whole thing there from the start?

MR. CHAIRMAN: It's up to you, if you want to.

MR. THACHUK: Well, I'll read the whole thing.

With regard to public hearings on the operation of the Workers' Compensation Act, I

wish to make just two suggestions. Eliminate payment benefits to persons who claim compensation for back problems, alleging injury from strain on the job. Nearly all back problems stem from some form of physical defects not related to strain on the job. Numerous young people have these defects, and in people of advanced age it is quite common and has nothing to do with strain on the job. It is invisible alleged injury and leaves the door open for abuse by exaggeration which can't be proven or disproven.

Also eliminate payments to widows of men dying of heart attacks. This idea was apparently spawned by a widow in Manitoba, who collected \$15,000 pension from the Workers Compensation Board after her husband died of a heart attack at his desk working for WCB in Manitoba, apparently alleging the strain of the job brought on his demise.

The explanation of my stand is that every job requires deliberation and effort, physical or mental or both, but this deliberation and effort should not be called a killer. It is an everyday routine for all enterprising people. It can also be noted that heart attacks are not confined to hard-working people. Many people who never did any strenuous work, physical or mental, die of this ailment, while equally many who have worked hard escape this problem.

I might also add that in my view it seems to be a modern trend to blame work for every ache or pain, real or imaginary. To these people, every job seems to contain an element of grind, stress, strain, exhaustion, collapse, and what have you, and the WCB should not pander to these people. A certain percentage of people die prematurely from various causes, and it would be wrong for WCB to attribute these deaths to alleged strain of the job which they were performing and pay death benefits. I suggest that WCB benefits be confined to visible injuries, as in the past.

I must supplement here. Since I wrote this submission on August 12, 1983, I notice that at present, according to the press, a man earning \$40,000 a year who is injured on the job will collect \$496 weekly in disability benefits. I consider this amount exorbitant and completely contrary to good reasoning. It is a major contributing factor in raising Compensation Board dues to be paid by employers, as well as in running up deficits. I assume that injury benefits paid to workers are sustenance benefits, to give a worker a means of living during disability. Giving any disabled worker this large amount is simply treating him to luxury. Low wage earning workers should be given less, as at present. High wage earning workers should be given more, but there should be a ceiling set at reasonable levels.

Now just a few comments. People these days, as they always have, believe in democratic freedom. They want to do what they like to do, even if it is wrong. Any interference by any authority or even by an ordinary, sensible citizen trying to give them a sense of advice, is vigorously, belligerently resented. Government intervention at any level is always resisted, deplored, and condemned. Taxes that are due to be paid into government coffers are always condemned and branded as being unnecessary and tainted with rip-off and extortion. However, these same people will use any tactics at their disposal to formulate, validate, and legalize an economic claim for free money which they did not earn. This also applies to UIC claims. It is time all branches of government took a clear view of the situation and ignored these pressure groups who worship living off government handouts.

That's the end. Thank you.

MR. CHAIRMAN: Mr. Thachuk, I just wanted to ask you one question, because you reflect in your additional information that benefits should be at a reasonable level. Can you share with the committee what you believe is a reasonable level?

MR. THACHUK: I just never thought about that point. But I just thought the \$496 per man who is not working is a terrible drain on the economy, because he's not producing

anything. Whereas a man who is doing what you'd call a menial job, who maybe wasn't enterprising enough or just not lucky enough to get the high job — we can't all have high jobs — is downgraded to a disability benefit at much lower levels.

MR. CHAIRMAN: Any other questions of Mr. Thachuk?

MR. THACHUK: I've had quite a few people in conversation. My record's pretty good over 40 years. I have a very, very good record. Nevertheless, over a period of years I had accidents. In my view, my men were treated reasonably. But in meeting in a general crowd, you'd be surprised what a verbal lambasting the ordinary citizen from the general public expresses against the Compensation Board. It's just frightening. They think it's the biggest rip-off there is, that they should pay a lot more, and so on and so forth.

Here again, I think it's three-quarters of the wages they've been earning, which is reasonable. But if a man was getting \$40,000, \$50,000, or \$60,000 a year, I feel he shouldn't be given — like my supplement said, he should be given more than the low wage earner, but there should be a ceiling as to how high it can go.

MR. CHAIRMAN: When you consider, you may wish to write to me again. I would welcome what you believe is reasonable, because you just used the example of a man who is earning \$40,000, \$50,000, or \$60,000 a year. As you know, our ceiling presently is 90 per cent of net at a top ceiling of \$40,000, which gives around that figure that you used, \$500 a week.

MR. THACHUK: Yes, I see. To my notion, that is more than a man actually needs for a living. There are thousands of people working day in and out who don't make that kind of money.

MR. CHAIRMAN: I don't want to get into an argument with you, because that worker gave up the right of suing the employer for compensation of loss of wages. However, if there's no more . . . Yes, Myrna?

MRS. FYFE: What kind of business have you been in?

MR. THACHUK: Running a sawmill.

MRS. FYFE: A sawmill.

MR. THACHUK: I've been paying compensation to the Board since 1940. My name is well represented on their assessment roll, and on the handout roll too because, from time to time, I've had a man on the payroll who's got hurt. Sometimes it looks like a small accident, but it flares up into a big deal. One guy got a little bit of an eye injury. I thought it just meant a trip to the doctor, but that guy cost the Compensation Board a fortune. He had to go to the eye specialist and get the clotted blood out of his eye and everything else, and he was on compensation for about three years. He was working, but he was given partial benefits and had to travel back and forth to Edmonton for eye examinations for two years. His bus was paid both ways and so on and so forth.

MR. CHAIRMAN: Okay, thank you very much for coming forward, Mr. Thachuk.

MR. THACHUK: Now what request did you make of me? I just forget.

MR. CHAIRMAN: Oh, if you have any position or feeling or consensus on what is a

reasonable level of compensation, write to me again, okay?

MR. THACHUK: Yes. Another thing, unemployment insurance benefits . . .

MR. CHAIRMAN: No, we don't want to deal with unemployment insurance here.

MR. THACHUK: I just thought I'd make a comparison. You see, \$100 a week for an unemployed single man doesn't give him incentive to look for a job. But anyway, that's outside your jurisdiction.

MR. CHAIRMAN: Thank you very much.

MR. THACHUK: You're welcome. Thank you.

MR. CHAIRMAN: Mr. Axelson of HUDAC.

#### HUDAC, Alberta Council

MR. CHAIRMAN: Ron, you've observed that we will give you an opportunity to make some general remarks on behalf of HUDAC. We have had your submission. We have approximately a half-hour's time, and we hope we have time for some clarifications and any questions of you. We welcome your coming forward. Please proceed.

MR. AXELSON: Mr. Chairman and members of the committee, we certainly do welcome the opportunity to participate in these public meetings on workers' compensation, health, and safety. At this stage in the hearings, I find it very difficult to be able to sit down and not sound repetitive and, at the same time, interesting. So what I think I will do is focus in . . .

MR. CHAIRMAN: Ron, if you think you have difficulty, please accept the stone faces here.

MR. AXELSON: Rather than get into all the various recommendations that we have made, perhaps what I'll attempt to do is focus in on where we are coming from, where our concerns lie.

First, as a little bit of background, I've been involved with the Board for some time, in annually going in and sitting down with them and establishing the assessment rate. We did it in a couple of hours each year. I don't think there was a great deal of thought put into it by the industry, because we were all too busy during those times out there making a buck. Now that we've come upon harder times and the assessment rate is having some impact on the pocketbook, we are interested. However, I think the blame must also be shared by the government and by the Board itself, in taking exactly the same approach. So here we are today.

We think the long-term financial outlook of the Board is not very good, projecting the present scenario. We think if government, industry, and the Board can get together in a very co-operative way, we can solve those problems. Policy under which the Board operates has been set somewhat remotely from all the major players who are involved in workers' compensation. I'm talking specifically about the Compensation Board, because I think health and safety is something else when you're bearing in on the finances of the Board itself. I think they have been done remotely.

Industry should take some of the blame. Like I said, we didn't show enough interest.

But what we would like to do as an organization is try to come up with some kind of commitment from this committee that we will not allow that to happen again in the future. In other words, set up some sort of process where there is interaction between all the major players on an ongoing basis, rather than having a select committee from the Legislature sit down every three years and try to review and come up with solutions to the problems. In other words, perhaps we would only have to have the select committee every six years if we were solving many of the problems before they happened — a kind of preventive maintenance within the system itself, as well as preventive safety measures.

Mostly we feel that we're not an organization that has a great deal of resources. We represent primarily very small businesses. We have not been able to get into the nitty gritty such as the actuarial tables, et cetera. But coming from a business sense, we think the problems lie with the capitalization of the pension awards, the disability awards, et cetera. I don't want to get into detail, except that we think something must be done that's a little bit more practical when we come to a costing basis on these. If we don't, we're going to be in a similar position to the federal government's pension plan in 10 or 15 years. We're going to find out we're flat broke, and then what do we do?

Perhaps just to sum up, then, our organization pledges itself to work with the government, with the Board, with whomever, to try to solve these problems now, before we have a calamity 10 years down the road or even less. With that, I welcome questions, Mr. Chairman.

MR. CHAIRMAN: Very well. Questions or clarifications? John Thompson

MR. THOMPSON: Well, on these assessable earnings, it says in your presentation on page 3:

It is HUDAC's recommendation that the maximum weekly compensation ceiling be more closely tied to the average weekly wage.

Just exactly what do you mean by that? Are you taking in the total in Canada or in Alberta or just the people that are covered by workers' compensation?

MR. AXELSON: Specifically, I think we would target in on — we are in class 6-01. I'm not suggesting that perhaps from class to class there might not be some differences in the type of work people are doing and their salaries and whatnot. But I have to be honest. I can't speak for the rest of industry, but we would certainly target in on those people who are involved in the construction side when it comes to the definitions of class 6-01.

MR. THOMPSON: You don't feel that it bears any relationship to the average weekly wage?

MR. AXELSON: Of our class or of general industry?

MR. THOMPSON: No, we're talking about your class.

MR. AXELSON: I'm not sure I understand the question.

MR. CHAIRMAN: Well, what average would you use, the average of your class or the overall average in the province?

MR. AXELSON: Of our class.

MR. CHAIRMAN: Of your class.

MR. THOMPSON: All right. I assume you know what the average of your class is.

MR. AXELSON: I wish I did; then I could answer your question.

MR. THOMPSON: I have trouble understanding the recommendation then.

MR. AXELSON: Well, I don't think it would be very difficult to come up with that, with co-operation from the industry . . .

MR. CHAIRMAN: Al Runck may have some help on that.

MR. RUNCK: Of the reported earnings — this is the total earnings of the claimants we have had in your class — according to our records, the average works out to \$30,521 a year.

MR. AXELSON: Thank you. There's your answer.

MR. THOMPSON: That's basically what I wanted to find out. So you feel that you should only pay the average; you shouldn't pay the fellows that are making more than average.

MR. AXELSON: Yes, in a word.

MR. CHAIRMAN: Ron, may I just add to John Thompson. Why would HUDAC, which is a fairly free-enterprising group of businesspeople, want to penalize a higher wage earner?

MR. AXELSON: We're looking at the overall cost, Mr. Chairman, not the individual. When we look at it, we have to look at what the cost of workers' compensation is to the industry and what it is in fact paying. And we can't take a very narrow view on an individual basis; we have to take the very broad view. Otherwise the complications — you wouldn't be able to deal with the work involved to try to establish anything beyond what we're recommending.

MR. CHAIRMAN: I've shared it with others, and I'll share it here again with you present. Our advice is that when the ceiling was \$22,000, the average compensable earnings were around \$21,000. When it was moved up to \$40,000 in 1982, the average — and I agree; this is a provincial average — was only about \$2,000 higher. I would welcome it if you look at it at your next HUDAC meeting, because the reason the '79 select committee recommended no ceiling was that we were penalizing the higher earning people in the work force. I appreciate your comments.

Ron Moore, and then Stan Nelson.

MR. R. MOORE: I'm interested in page 2, your deal about the indexation of the pension fund tied to the investment performance of the fund. Could you expand that a little further? Say the fund had a 12 per cent return, do you think there should be a 12 per cent indexation?

MR. AXELSON: That would be a nice problem to deal with, but let's not confuse what has actually been happening. We've been probably giving 12 per cent, and the fund has been earning 7 per cent.

MR. R. MOORE: It could be the other way too, though, Ron.

MR. AXELSON: It's possible. But perhaps the solution to that is that if the fund earns less than what policy deems is going to be given on a yearly basis, the difference is made up from general revenues. And in the good years, the excess is deposited in general revenues as well.

MR. CHAIRMAN: That's what happens.

MR. AXELSON: Well, not quite. Because the problem is that we're taking... [interjection] Not quite, not anymore it's not. Only prior to a certain date — I believe it is 1975 pensions...

MR. RUNCK: Okay, specifically your question was what, Ron?

MR. AXELSON: No, I was answering a question.

MR. RUNCK: On the pension escalation.

MR. AXELSON: The issue I think we're dealing with is the escalation of pensions through the cost of living increases that are annually put onto pension awards, right? What we're suggesting is that they're higher than the fund itself is generating in its investment portfolios. Okay?

MR. RUNCK: No, that's not correct.

MR. AXELSON: Well, you explain it to me then. Looking at the books, how come we're losing money?

MR. R. MOORE: There's a good question there, Al.

MR. RUNCK: Perhaps I have misunderstood your question. Are you talking about the percentage increase added on each year, or are you talking about the capitalization of pension awards as they're put out?

MR. CHAIRMAN: In fairness to Ron Axelson, it was Ron Moore's question.

MR. AXELSON: Let's not get the Rons mixed up here.

MR. CHAIRMAN: Ron, would you want to repeat your question?

MR. R. MOORE: It's open enough anyway.

MR. MARTIN: He's not sure what the question was now.

MR. R. MOORE: We need clarification from Al on it.

MR. RUNCK: You can't look at one year. True, there was a year when there was a large increase that was not budgeted for to that extent. But in the overall period of time when you're looking at it, the differential between the investment earnings and...

MR. AXELSON: What's happening down the road.

MR. RUNCK: . . . what's happening in inflation, there's a 2 per cent differential in that figure. Now, we're saying that the investment fund should perform at 8 per cent, and that's what we're based on over the long haul. So, in effect, we're allowing for 6 per cent inflation in that respect. But the fund is not earning 8 per cent; it's earning somewhere around 12. So on the long haul, the fund earnings are actually a little higher than the inflationary factor that's built in.

MR. AXELSON: If we were to project that to 15 or 20 years down the road — let's not get into the year-to-year scenario then — where would you feel we will be? Because for some reason, it looks like the capitalization of the fund portfolio is not keeping pace with what is happening on the awards side. Every year when we come up and meet with Mr. Jamha, we say we're \$25 million in the hole this year, and somehow we're going to have resolve this problem. The industry eventually is going to have to pick up the tab there. Perhaps you'd better take a bit of a bite out of that this year. Is that not the story we're getting?

MR. RUNCK: It depends on the individual class. As you are aware, Ron, in the accounting and record keeping we keep a balance sheet sort of thing for each class. For some classes, the expenditures exceed the revenues. So we say because of that, your class balance has gone down, so we'd better pick it up. Now that could be more for one class than for another. One class could have a surplus and the other a deficit. If you check the record, the overall net figure for the year was something like a \$1,407 increase, which was offset by about \$1,000. So if you're looking at the long haul and all you're doing is isolating pensions, you could have three actuaries in this room and they would all use a different philosophy. One would tell you you're overfunded, one would tell you you're underfunded, and the other would say you're just about right.

MR. AXELSON: Which one would you agree with?

MR. RUNCK: My own view is that if I look at a 40-year term, I might suggest we're probably not too far off.

MR. AXELSON: Can I ask you a question? Do you not foresee problems in this area 15 or 20 years down the road if you project today's scenario?

MR. CHAIRMAN: Ron, in fairness to Al Runck, as you are aware, there will be an actuarial review of the fund at the end of this year. The last one was done at the end of '78. The Act requires one to be carried out every five years. You and I may get a better handle on this deficit that you're addressing.

I also wanted to make a comment on Ron Moore's question with regard to tying your pension indexing to the performance of the fund. May I just indicate that as Al Runck pointed out, in the capitalization they have looked at approximately 8 per cent earnings on the fund. But in the 1983 year there was no legislated increase. As I sit here as a layman, I would believe that that alone assists and that won't show up until the end of '83. There was no legislated increase for the year '83, and there may not be anything for January 1, '84.

MR. AXELSON: Mr. Minister, I know that in the past, when dealing with the Board as an industry representative, when we were in the assessment meetings . . .

MR. CHAIRMAN: Those were the good days.

MR. AXELSON: Well, there didn't seem to be much communication between the various players in making the decision, being the government, the Board, and industry. We literally came in and were told what we were going to pay the following year. There just didn't seem to be that interaction. There's the interaction now, I suppose because of the crunch. But I'm suggesting that to eliminate some of these problems in the future, the communication should start right now. The policy-makers should be completely in touch with industry and with the Board on a continuing basis, rather than every three or four years in a select legislative committee.

MR. CHAIRMAN: Ron, I welcome your comments on it, but I'm sure you sit there tongue in cheek and know that in '79 everybody was too busy to even appear before the committee.

MR. AXELSON: That's fine, but let's use the example of the past as being wrong. Let's move on and do it properly. As an association, we are definitely committed to that. And I hope that offer as a challenge will be accepted and acted upon.

Perhaps as a final comment, we have no quarrels with many of the things that go on under the jurisdiction of the Act. We don't have any quarrels with what's happening in occupational health and safety. But we do have one basic concern, and we've outlined it on page 5; that is, we realize that many of the regulations have to be somewhat loose to cover the many kinds of situations they have to deal with. I think it's being done very well at this particular point in time. But people change, you know, department heads change, and that attitude can also change. We can end up with very strict, bureaucratic rule over this.

I'm suggesting, again to eliminate that happening, that there must be more communication between the major players, including the minister, who I think is providing the leadership in this role. Ministers may change, and we may not have your good graces there again. We may have a bit of a tyrant the next time. Then if we establish good communication, we'll educate him as well and be able to move on. So what I'm suggesting is that everybody should have a sense of responsibility in these areas, and let's solve the problems through interaction rather than confrontation.

MR. CHAIRMAN: The only person I know of around here who's been trying to change the minister is Ray Martin. However, he's part of the committee.

I want to say that even in your comment on the regulation development, we have been very pleased with the code of practices being developed. We believe that that is better than regulation. In your comments here, you do sort of stress more regulation rather than — that's the way I read it . . .

MR. AXELSON: No, you're wrong. You misread it.

MR. CHAIRMAN: . . . and I know you and I can read scripture and we'll get a different interpretation. But you know, you say:

To ensure that there is constant guidance of regulation interpretation from a practical point of view, [HUDAC] recommends the Minister set the precedent of hosting informal meetings with appropriate civil servants and industry on a regular basis.

That's being done now, Ron. Your industry has been involved . . .

MR. AXELSON: With the minister?

MR. CHAIRMAN: ...in the development of regulations. We had a three-day conference in Red Deer on the regulations.

MR. AXELSON: Mr. Minister, I'm not talking about that. I'm talking about making sure those for regulations that are in force now — the interpretations as we see them and as they're being acted upon today, which we have no quarrel with — there is no change in that, through the minister providing the leadership on an ongoing basis. He is constantly in touch with what's happening in industry, within the government departments, and perhaps even in the work force itself. Just ensure that that happens, by setting the precedent so it carries on in the future. Let's not just think of beyond the next two or three years; let's set the precedents that we carry on with these kinds of functions beyond your next term.

As a final comment, there was a lot of reference made to the Industry Task Force. You have to realize that this does not include all the people out there in industry, the various groups.

MR. CHAIRMAN: They indicated that it was only about 80 per cent.

MR. AXELSON: Yes, I know. I want to reinforce in your mind that it does not include HUDAC, as an example. We do not want to be excluded from anything that happens in the future as far as interaction is concerned. So remember, when you're inviting industry participation, not to just introduce the Task Force but also some of the rest of us as well. That's my final comment.

MR. CHAIRMAN: Stan, you had another comment you wanted to . . .

MR. NELSON: Yes. I'm kind of interested in getting in on this one. I have a couple of questions actually Ron. First of all, I'd like to get the view of your industry in relation to the discussion that has been going on of the development of a new rehab centre, either in conjunction with a new office building or otherwise. I'd certainly like to hear your industry's views of that. Also, maybe at the same time you can tell me whether you have visited the present rehab centre, because your industry is probably a good user of that.

MR. AXELSON: Our industry is not a good user of that.

MR. NELSON: Okay.

MR. AXELSON: I'll tell you the reason. Just to find out how we were performing, I had the health and safety people do a survey. I gave them a list of 80 sample companies within our association's industry — housing — and asked them to do a survey on exactly how these people performed. The answer I got back is: you people do not have a problem. It seems that we do a fairly good job. It may be because most of our people are paid by piece work. When they're off the job, it's taking money out of their pockets. Now that's not necessarily to say that some of them aren't working injured. But it's just like the hockey player who is paid on a per-game basis. If he's injured, he doesn't get paid. It's amazing how . . .

Yes, we have done the tour. We do not have an official position on it, except the location of the rehab centre itself. We're not sure whether it should be changed. We think there have to be improvements made with the physical plant; there's no doubt about it. I know the Board has property, I believe on 19th Street.

MR. CHAIRMAN: Sixteenth.

MR. AXELSON: Sixteenth Street. We're not so sure that a move away from where they are now is appropriate rather than doing the appropriate upgrading in that facility. There seems to be a fair amount of area there.

There's a concern -- and it's an unofficial concern -- that we don't think the administration of the Board itself and the rehabilitation centre should be in the same. Because you will find the administrator starting to crack down on the rehab people, saying: look, the budget is like this. I think you will get some friction just by the proximity of their being in the same building and whatnot. So we're not so sure the two should be in the same physical facility, but we do not have a problem with upgrading the rehab centre at all.

MR. NELSON: You might like to get an official position and present it to us -- I know HUDAC meets regularly -- because there will be some discussion on this in the next few months. The position of the industry in total would be of some value. Certainly there is a cost factor there that somebody is going to have to bear, and it's the industry that has to bear it.

MR. AXELSON: That's the qualifier: as long as it doesn't increase the assessment, we're all for it.

MR. NELSON: I think anybody who says that it won't is out to lunch.

MR. CHAIRMAN: When you're considering that -- Stan has challenged you -- consider that the estimates are between \$8 million and \$10 million to upgrade the present rehab facility.

MR. AXELSON: Eight and ten?

MR. CHAIRMAN: Yes.

MR. AXELSON: And what would a new complex be?

MR. CHAIRMAN: I'll leave it up to you.

MR. NELSON: I think you might consider that at this time private enterprise has millions of square feet of space sitting out there. I won't go any further.

MR. AXELSON: Agreed.

MR. MARTIN: Just one question that flows through, Ron. You're talking about communication being important, and you make a couple of recommendations, first of all on the merit rebate/superassessment, that a joint Board/industry committee be struck. Then to ensure that there is constant guidance of regulation interpretation from a practical point of view, you recommend that the minister set the precedent with appropriate civil servants and industry on a regular basis.

I would suggest to you, Ron -- maybe you haven't thought about it -- there's another player too, and that would be representatives of the injured workers. Was that just by

...

MR. AXELSON: No, it wasn't by design. It was a slip-up. A typographical error only.

MR. CHAIRMAN: Thank you for coming forward, Ron. We look forward to the additional submission you may have.

Next are the representatives of Unifarm. They're not in yet?

Okay, I indicated yesterday to Charlie Sams that if we had some time today, we'd work you in. Charlie, would you please come forward?

**Mr. C. Sams**

MR. CHAIRMAN: We have your submission. As I indicated to you, a lot of your concern is about response from certain government agencies and departments. You shared your frustration with me and that you have not appealed to the provincial Ombudsman. The provincial Ombudsman is available at all times when an agency or a government department — civil service — does not respond to a citizen's appeal.

Since we have some time this afternoon, in fairness I'd like you to make your brief presentation, keeping it in mind that we are here to review the Workers' Compensation Act and the Occupational Health and Safety Act. Okay, Charlie?

MR. SAMS: Thank you. I'll try to make it as brief as possible. I believe you have the brief.

MR. CHAIRMAN: We have it.

MR. SAMS: I'm not talking through my hat. The dates here are from CAODC, where I made my last submission. As you know, CAODC is strictly made up of oil field contractors. How is a worker going to get through to oil field contractors, and what oil rig contractor is going to talk about the oil field and oil companies?

I've been blackballed from oil companies and rig contractors due to my concern for safety on the rigs. This is one you haven't got, February 2, 1981. I'll just read the last page briefly. My job was terminated because of the above safe conditions that I expressed continuously on the job site. These are not observations of a green hand but one with 20 years' experience on similar rigs. Young men with no experience with the conditions cannot recognize when things go wrong, and this is where the danger lies.

This is approximately two months before your big Lodgepole set-up. What does it cost to have compulsory checks now, not after a major disaster? On the Canadian Hunter rig blowout, they said it was probably something stupid and simple. This is probably true. With all their engineering degrees and know-how, how can things like this be allowed to happen again and again? After having met with the ERCB, Bill Rozel of health and safety, the Compensation Board, and CAODC, I wanted to know if the oil rig in Lodgepole country that night to try to get across to them what was going on. They had just pulled a D.S.T. I was looking around and talking to the driller, and he said they sure had a good well. In looking around the rig, there were numerous wrongdoings. The floor of the draw works was covered with oil. The stabbing valve was hanging, covered with ice. The D.S.T. valves had never been used. It still had trouble like a mud gauge — no flow checks taken. Looking over on the sub, no kill line is hooked up. Valve to BOPs for kill line was not open — all iced over. The manifold shack was approximately 20 feet from the wellhead with no steam lines hooked up to the exhaust manifold. After a while the engineer came over to the rig man's shack and asked what I wanted. I told him I was looking for a job. He asked me to leave the lease. In driving off the lease, I noticed there was not even a tight hole sign posted. This is one of the major oil companies.

This is just about the same thing. [Inaudible] rig checks just not long ago used the RCMP as a cover-up for every accident and major oil field blowouts. So far we have been extremely lucky, with no complete crews lost. Is this what it is going to take to open the eyes of the public? When the name RCMP is used, people naturally think that everything done is safe and a detailed report is made. How do RCMP with no training on oil rigs report that all precautions were taken? Just like the meter, they write what they are told by employees of contractors or oil companies, which almost always lets the contractor or oil company off the hook.

Statement by Mr. Taylor, again: the cause of the blowout something simple and stupid. How true. A statement by Dome, Bill Payne, just speculates that extreme cold weather may have been the reason for the blowout at his company's site. They're still drilling in the arctic. It's hard to believe the statements. A statement by Amoco — I don't think there was one.

Occupational health and safety should follow the same rules and regulations as for trenching and excavating. If safety regulations are not followed, then they should put a stopwork order on the rigs.

Now, going to CAODC is like my sitting here and asking you. They have their steering committee or whatever you want to call it, Gerry Waters, Doug Gibbs, Jack Ouellet. They have three people who are supposed to be on your safety councils. I'm sitting there trying to ask them questions, and they don't even know what a rotary table is.

MR. CHAIRMAN: Now, Mr. Sams, Doug Gibbs is one person that . . .

MR. SAMS: I said one of these three. I'm not stating any names.

MR. CHAIRMAN: I've asked that if you have a concern specifically about an employee, a department, or an agency, that that complaint should be with the Ombudsman. I am advised that the occupational health and safety people have met with you — Mr. Weiss and Mr. Rozel.

In order to expedite the presentation, please address yourself to the two legislations we have, as I indicated earlier. In reading your material, I appreciate the fact that you are very unhappy with the industry. I'm not in a position to mediate or arbitrate for you on that. The Ombudsman is the one.

MR. SAMS: I'm more than unhappy, because I'm on partial assistance and compensation now. I wrote a letter to Mr. Keen, because I've tried to go through every other channel now except the Ombudsman. With grade 8, it's hard to get things across.

Knowing all these details I went through, I thought the oil companies themselves should be interested. I phoned the oil company in Calgary, and I was told to phone their office in Lloydminster. I talked to the oil company in Lloydminster and had a talk with their rep. Guess what? I was told it was none of my business about drinking on the lease. Didn't I know that had been going on for centuries? So I informed them about conditions going on at the rig — [inaudible] valve won't work, manifold broken off. I was told it was the conservation board. It was not their business. It was up to the government to check out BOPs and flare lines, not them. How can this man get a position where the main concern of safety of the contractor is none of their business? I informed him I was going to Eddie Keen, and he just laughed. These are major oil companies.

I have dropped from \$31,000 down to \$10,000, and this year nil. If you'd like to go on further, I was working for a rig last winter. I expressed my concerns about safety, and it was really bad — to the extent that I went out on a job and a tool push and driller asked

me to come back. I was going back. The day of the plane — in the statement I just handed you there — my driller informed me that I wouldn't be going back; I caused too much trouble. Now that's a major Alberta oil company.

MR. CHAIRMAN: Mr. Sams, if I may. Excuse me. Are there any other areas any of the members of the committee would like to review, for the benefit of the committee members?

MR. THOMPSON: Mr. Sams, you have a whole list of incidents, it goes on from one to — what is it? — 12, where you individually were working. I'd just like to know what time period all these are on. Was it within the last couple of years? Is it within the last 20 years? What period of time do these incidents go through?

MR. SAMS: Two of them happened in Whitecourt maybe 10 or 12 years ago, but the rest of them are up to date in the last three or four years.

MR. CHAIRMAN: John, any more?

MR. THOMPSON: No, I just wanted to get a feeling for the time period when all these incidents happened.

MR. MARTIN: Obviously you haven't gotten anywhere with the companies, but you've had a meeting that ties into what we're talking about here, with the occupational health and safety people. Is that correct? You've had a meeting with the occupational health and safety people?

MR. SAMS: Yes. They have lots of material I have given them. The ERCB, the Workers' Compensation Board — they're sort of out of it I guess now, because they couldn't find any infractions when they laid the men off. They couldn't find any infractions out on the rigs. This was a few years ago, but if you don't go out there at night and see what's going on — how can you catch an impaired driver after church on Sunday? The Workers' Compensation Board took these compulsory rig checks off and handed it over to your occupational health and safety. They have two men to check the whole industry, unless they improved some in the last year or two. Art Weiss is one of them and Johnston, I believe, could be the other one. That's Alberta's major industry.

MR. MARTIN: What was said to you? Have they checked into your incidents, or haven't you gotten word back yet?

MR. SAMS: That's why I'm here today. No one has heard anything.

MR. SMITH: Mr. Chairman, I just wanted to correct the impression that there are only two inspectors who inspect oil rigs. In fact, all our field inspectors inspect oil rigs. There are two specialists who act as back-ups to the individual inspectors, so there are about 50 people out in the country inspecting rigs at various times.

MR. SAMS: There are only two people who know what they're inspecting when they go out.

MR. CHAIRMAN: Mr. Sams, that's your opinion.

MR. SAMS: That's yours.

MR. CHAIRMAN: Just a moment. We've even met the different occupational health staff, and we're advised that in every regional office the inspectors are all involved in inspecting rigs. The two specialists are the back-up people. However, Mr. Smith, what else did you have?

MR. SMITH: That's all I wanted to comment on.

MR. CHAIRMAN: I must say, Mr. Sams, you and I talked about this before. I must encourage you, if you need the name and address of the Ombudsman, with regard to the fact you feel you haven't been heard or treated by the government department or agency. I'm advised that most of your complaints here are with what is regulated by the Energy Resources Conservation Board. That applies to the blowout preventers and the method of producing crude oil. You've also been advised that your major concerns are with regard to the ERCB. With regard to the other complaints you levelled about occupational health and safety, regretfully it's always been several months after it happened. We always encourage — and I say that I've done this — that even an anonymous call be placed to the regional office to investigate an unsafe practice. Now to the best of our knowledge, the regional office does not have that information to be able to get out there when the dangerous part is happening.

MR. SAMS: They were notified. I went that route. They came out to the rig and shut the rig down for two days. Mind you, I lost my job. I took the ERCB back under the sub where they did what they're doing and asked them: you get paid to check that, now check it. In both cases, they shut the rig down.

MR. CHAIRMAN: Therefore there is action. The recourse about being dismissed you must take up with the proper approach we now have through the occupational health and safety and appeal, the wrongful dismissal. You have a right to refuse to work in an unsafe place.

MR. SAMS: Pardon?

MR. CHAIRMAN: You have the right, under our Occupational Health and Safety Act, to refuse to work where it's unsafe. If you're dismissed, appeal your wrongful dismissal. It's there. My staff will help explain how you can lodge your complaint with the Occupational Health and Safety Council, which is a quasi-judicial council that has the authority to review your wrongful dismissal.

MR. SAMS: That's okay if you're in the union, but when you're not organized labor — how can I do anything now?

MR. CHAIRMAN: No, it's not. It applies to all workers in this province. So you have the two courses I shared with you. One is to place your complaint with the Ombudsman and, two, the next time you're wrongfully dismissed . . . Unfortunately, a lot of the information you've given here is information that happened some time ago.

MR. SAMS: Within the last two or three years. I'm sure it won't happen again because, as I stated, I worked two weeks last fall with a major oil company, and I'm blackballed for my safety concerns. It would make your hair stand on end if you listened to these tapes and all the back-up I have.

MR. CHAIRMAN: I must conclude the discussion. I promised you yesterday, on the request of one of the members of the committee, that I would give you the chance to come forward. We have the time here now, and we share with you that if you want the address of the Ombudsman to appeal . . . The other course is that you have been advised here, publicly, that if you're wrongfully dismissed, you can place your complaint with the Occupational Health and Safety Council. Okay?

MR. SAMS: Right. Thank you.

MR. CHAIRMAN: Are the Unifarm people here or not?

### Unifarm

MR. CHAIRMAN: Mr. Jespersen, you're going to be the kick-off pitcher? We have your brief, and we've allowed approximately a half-hour's time. You may wish to make some general comments on your submission here today, and then permit us some time for clarifications and questions. Okay?

MR. JESPERSEN: All right.

MR. CHAIRMAN: You may want to introduce your two colleagues.

MR. JESPERSEN: Okay, I will. We have Richard Jackson from Sherwood Park and Elmer Allen from the Unifarm staff. My name is Ralph Jespersen. I'm one of the vice-presidents of Unifarm.

I suppose that since you have a copy of the brief, it may not be necessary for us to read it. I would perhaps summarize a few things on there, Mr. Chairman. The first section deals with a sort of review. We have some concerns. We presented a paper two years ago and made some suggestions at that time. We feel that some of those suggestions are still valid and haven't been implemented. That's the concern we express there.

In the next section, under participation, we find that of the total number of farmers, there aren't very many participating in the voluntary program. We find out there that it moved from 267 in 1976 to about 483 in 1983. There were about 5,295 employers who hired farm employees on a year-round basis, and another almost 14,000 farm employers who hire for only part of the time. We also mention that there are approximately 19,000 full-time farmers, and I think the statistics and census indicate that there are only about that many farming on a full-time basis out there whose income is sufficient to support them. The others are part-time farmers. We make that on the bottom of page 2, that there are about 19,000 farmers. It appears, then, that only about 3 per cent are covered by workers' compensation. That's the point we make there.

The other thing we cover on page 3 is the rate structure. We are fully aware that the rates are determined for each classification on the basis of all costs arising out of claims from workers of the employers within the classification; however, there are a few questions we have to ask. Why are compensation payments and disability pensions greater per person in Alberta than in other provinces? The second one is, why does the WCB have to pay for medical aid when health care is compulsory? Three, why are administrative costs over 10 per cent of total costs higher for the class for farmers than for other classes? The point we would like to emphasize is that the costs of class 2-01 are higher not because Alberta farm employees are more careless or more accident prone than workers in other provinces, but it appears that higher claims, duplication of

coverage, and high administration costs in Alberta contribute to higher costs. Down below we have the table of comparison of other provinces. Of course, we don't have to go into it. It shows where Alberta farmers fit, compared to others, if they want workers' compensation.

The next heading is the means of reducing costs. The summary report compiled by the research section of farm safety and occupational health and safety in October 1981 quotes numerous ways in which the assessment rate could be lowered. It is unfortunate that no apparent action has been taken on these suggestions. We would like to repeat the suggestions we made for the reduction of the assessment rate for our classification. One, reduce compensation and disability pension paid by WCB. We don't understand why WCB feels obligated to pay benefits in those situations where the farm employer has already paid insurance premiums to protect himself and his employee. For example, why must WCB duplicate coverage in the following areas, and we list them. The farmer pays premiums for Alberta health care insurance. We find on the opposite side that the WCB reimburses Alberta health care insurance for all direct medical expenses. Next, life insurance: WCB pays all disability and so on, allowing insurance companies off the hook. Vehicle insurance: WCB looks after all costs of liability in a single-vehicle accident, even though the farmer has liability insurance. Unemployment insurance: even though unemployment insurance will pay for loss of income for the first 17 weeks and farmers must pay UI premiums, the Workers' Compensation Board believes they should cover this period as well.

Employee liability and compensation insurance. Even though many farmers have employee liability insurance and voluntary compensation for their employees as part of their property insurance package, WCB believes it is essential that they pay all of the benefits, rather than the insurance company. But Co-operators will pay two-thirds of the employee's salary for up to 126 weeks for disability or 100 weeks' salary for loss of life, as well as employee's liability up to \$500,000. So that's the point that we make there, just emphasizing the apparent duplication in some of these areas that we pointed out.

The other thing is the level of benefits, on page 5. There were 169 accidents reported in 1982 by 485 employers. Most of the claims covered just a few days. Compensation was paid for an average of 11 days for accidents reported in 1982. As we suggested previously, if farm employers were prepared to pay full salary for the first two weeks and only accidents which prevented the employee from working after the two weeks needed to be reported and compensated, the reduction in compensation and administration would probably reduce the assessment rate significantly. If I could just ad lib, speaking as a farmer and having people working for me, it's not the first two weeks that bother me. Talking to other farmers, it's not the first few weeks of compensation; it's the longer term. That's the point we try to make there.

Merit rebate and superassessments. Although the Board has a merit rebate plan that provides for a reduction of up to 33.33 per cent of the regular assessment for employers who have not had an accident in the prior three years, the Board has not provided any rebate to farm employers in this province. We understand that they have not applied superassessments to those employers who have reported numerous accidents either. I think we understand that. I have been operating my farm for 32 years without a major accident, and there should be some benefit for a good or accident-free operation.

Cost of administration is another concern. I will just read that section: "In 1982 general administration costs (\$70,140) added about 12%". That seems very high. I don't think there is much more I will say on that section.

On page 6, I will draw your attention to the reduction in farm accidents. We don't think it is necessary for us to comment on the Occupational Health and Safety Act, because part of the responsibility for this section was taken over by Alberta Agriculture. We strongly believe that the severity and frequency of farm accidents must

be reduced. We feel very strongly that we shouldn't have accidents, as we do in many cases. It may take some education; it may take some other areas where we have to look into the number of accidents that occur. So that's the section there.

Drawing you to the last page, it gives you a summary of what we have been trying to say in our short brief. We feel that workers' compensation should continue to be voluntary for farm employers. I think we made the point that under its present state it almost has to be, because the margin of net return to farmers is small. We cannot control our net return. Most of the produce that we sell has been determined by factors other than us. As the net return goes down, we can't pay the high compensation premiums. That's the point we make there.

Number two, if a minimum level of protection for farm employees is made compulsory, farmers should have the freedom to purchase it from private insurance companies or other agencies. This is what we as an organization have done. We have sought out private insurance companies that give us coverage at a much reduced cost.

Three, insurance protection that farmers have purchased from various agencies should be taken into account by the WCB to minimize duplication of benefits. We pointed that out in the brief.

Four, consideration of providing farm employers different levels of deductibility would enable the Board to set different levels of assessment. In most of our insurance, there is a deductible. We feel that two weeks, or something along that line, or a minimum — even \$500 dollars, or something up to that — would be carried by the employer.

Number five, the merit/superassessment provisions in the Act should be applied to our class. I mentioned that as I went through it. There are many employers who have never submitted a claim and who should not be penalized because others have reported a large number of accidents.

Number six, the high cost of administration should be reduced by transferring the administration of class 2-01 to the district crop insurance offices. We made that point in the brief too. It was suggested by Marvin Moore and others that working it out of our crop insurance offices could be a possibility.

Number seven, greater efforts must be made in this province to reduce the number of farm accidents.

Number eight, the Alberta farm safety program budget should be expanded so that farm families and their employees are made more aware of the causes of farm accidents, so preventive measures can be taken to reduce them.

Mr. Chairman, that is a quick summary of our brief. As you indicated, we will try to answer any questions that any of you may have.

MR. NELSON: Gentlemen, yesterday we had a brief presented to us that was substantially similar to what you are presenting here. I would just like to ask you gentlemen a similar question. First of all, on page 5 at the top, regarding the payment of benefits to Alberta health care, I would just like to ask you, as other employers have been asked: why should the taxpayer pay for health care when the injury is work related? Would you suggest that all accidents in industry be paid for by the taxpayer of the province rather than the industries? In other words, why should you have it different from anybody else?

MR. ALLEN: Let me just turn the question around and ask you why Alberta health care pays for an accident when a farmer doesn't have any workers' compensation or insurance. I mean that's just putting the shoe on the other foot. It has to work both ways; you can't have it working one way and not the other way. If an employer or a farmer has insurance, okay, because Alberta health care isn't free.

MR. NELSON: You're right. It's costing the taxpayer.

MR. ALLEN: I mean, listen to the radio and hear to the problems that we are having in this province.

MR. NELSON: It's costing the taxpayer of the province a lot of money. But are you suggesting in your brief that Alberta health care pay for the injury that happens on the land? If such is the case, the rules should be the same for everyone in industry. Therefore the Workers' Compensation Board would not pay for the health-related accidents, but it would all be related to Alberta health care. We can't have two rules. How would you deal with that?

MR. ALLEN: I would think the response would be yes.

MR. NELSON: The whole thing should be dealt with by Alberta health care?

MR. ALLEN: Yes.

MR. NELSON: Okay. On the bottom part you are suggesting that the government pick up the administrative costs of the Board and, I guess, charge that to the General Revenue Fund; in other words, the taxpayer picks that up also. Was that part of your suggestion?

MR. JESPERSEN: I don't know what they are doing in other provinces, but there has to be something when our rate is \$7.15, and in some of the others, you get down as low as \$1.40 and \$2. There has to be something wrong.

MR. NELSON: I tend to agree with you on that statement alone, and we are going to be examining those different things. I guess the point I am getting at is, should the taxpayer of the province — and what I understand is that you people are all free enterprisers — start benefiting, in the social sense, industry, whether it be the farming industry or any other industry, and continue to pick up . . . I mean, why don't we just change the state to a social state if we are going to continue to pick up the benefits for everything that happens?

MR. ALLEN: Mr. Nelson, you are making the assumption that the cost is real. We are not making that assumption. We made that assumption a couple of years ago. But the more we look at workers' compensation in this province, it appears to us that it is a frivolous and exorbitant cost. So if you transfer this to the crop insurance offices in this province, we suggest to you that it wouldn't cost \$78,000; it would maybe half that.

MR. NELSON: Are you prepared to pay for that administrative cost?

MR. ALLEN: Today the crop insurance offices are compensated by the provincial government, so they could maybe just carry this little extra at no cost.

MR. NELSON: They would possibly need some other staff and expertise in the area of compensation, would they not? I guess what I'm really getting at, what the bottom line is here . . . I don't want to create an argument back and forth, because I am sure that we could get into one. I am trying to deal with this to a point where: how much does industry pay for what they get? Certainly there may be difficulties in the administration, which we are going to deal with after these hearings are completed.

There may be other difficulties there, and we need to find out the reasons for these costs. But at the same time, what I am trying to get from you people is: how much additional cost to protect the farmer should come from the public purse? Should it come from the public purse, or should there be a responsibility on the farming community, as with other industries, to pay their fair share of this — and I say "fair share"; whether the rate is correct or incorrect is immaterial at this point. That might encourage your industry to develop more safety habits from within.

MR. ALLEN: Again, you're making the assumption that the costs are high because we have more accidents in this province than they have in other provinces.

MR. NELSON: I'm not making any assumption.

MR. ALLEN: Yes, you are. You just seemed to indicate to me that we have to get the costs down by reducing the number of accidents. I suggest to you that you can get the costs down by other methods that we have outlined here. Workers' compensation is paying for insurance benefits that other people should perhaps be responsible for paying. If a farmer takes out insurance on his car or public liability insurance, I don't understand why Workers' Compensation has to bail out those insurance companies. They have to step in, and they have to pick up the first 17 weeks of, say, unemployment insurance or what have you.

MR. CHAIRMAN: Mr. Allen, I must interject here, because Mr. Nelson is on the right track. I can appreciate your argument on the Alberta health care. However, when you get to vehicle insurance, it only provides no-fault coverage for members of the family, not an employee, under your liability third-party section of the auto policy. Under unemployment insurance, I will bow to the staff. My understanding is that unemployment insurance is not available if a worker is receiving compensation, so there is no duplication there. Al, about unemployment insurance.

MR. RUNCK: Mr. Chairman, that is my understanding as well. If a worker has a work-related injury, he is not eligible for unemployment insurance so long as it is a compensation type of insurance.

MR. CHAIRMAN: So there are three areas here that Mr. Nelson was trying to address.

MR. JESPERSEN: But if he hasn't got workmen's compensation, if he's not covered, what happens if an accident occurs and he is unemployed?

MR. CHAIRMAN: He's on welfare. We're not going to get into disputing the Unemployment Insurance Act here. But through my understanding of the Unemployment Insurance Act, a Canadian has to be available for work. If he is disabled and on welfare, he is not available for work. He may fraudulently draw unemployment insurance, but that is not kosher.

MR. JESPERSEN: The other thing, going back to Mr. Nelson's comment, is that we have lots of farmers who aren't taking the plan; we pointed that out. Only 400 and some are on the plan now, because it's a voluntary thing. Any system, if there should be five, six, or 13,000 on — certainly there would be a reduced rate if all of them were on.

MR. CHAIRMAN: Are you suggesting there should be mandatory . . .

MR. JESPERSEN: Then there wouldn't be the subsidization necessary from government money.

MR. CHAIRMAN: Last night we had representation here that Mr. Nelson referred to. Are you suggesting mandatory coverage for farmers? You said there is none.

MR. JESPERSEN: No, I am not saying that. But there must be some reason other provinces can cover their farm people for \$2.

MR. CHAIRMAN: They have it mandatory in Ontario, and we are advised that only half of the farmers are covered.

MR. JESPERSEN: I'm looking at even a small province like Nova Scotia, \$2. There must be something.

MR. NELSON: I think those are the areas that we are going to examine.

MR. CHAIRMAN: That we are going to look at.

MR. JESPERSEN: Right.

MR. NELSON: I can't answer those today, and certainly I hope to when we're finished.

MR. JESPERSEN: British Columbia was \$6, and I guess now they're down to \$3. So there must be something, either because more are in it or there is more subsidization from government.

MR. CHAIRMAN: I will leave it up to you, Mr. Jespersen.

MR. NELSON: I have one other question, Mr. Chairman.

MR. JESPERSEN: You know, we are here presenting a brief, but we are also asking some questions and wondering why we are in this situation in Alberta when it comes to farm people.

MR. NELSON: Okay. Yours is not an uncommon question as far as rates are concerned, because all the industries have been asking the same question here. So we're not going to argue that point. We already have that point here, and we appreciate it.

One other question I would like to ask you gentlemen is: considering the fact that workers covered under the Workers' Compensation Act do not have the opportunity to sue an employer, as they are partaking in funding the Board for this compensation, I am just wondering how the farmer would get around a lawsuit. What coverage does the farmer have today to ensure that he doesn't get some large lawsuit that would possibly put him out of business or create some hardship for him? Is there not a benefit there to encourage the farm community to become part of this activity, just on that basis alone?

MR. JESPERSEN: I suppose the first thing I have to say is that one of the greatest concerns we have in agriculture when we hire people is that in fact a serious accident could occur. If we didn't have private insurance to cover it, we would really be in difficulty, because we could lose our farm and our whole operation. On that basis, I suppose we have to say that workmen's compensation would be the ideal thing if we could afford it.

MR. NELSON: Notwithstanding the rates, what is the feeling in the farming community relative to participating in workers' compensation?

MR. JESPERSEN: I think they are in favor of the principle and the whole thing about workmen's compensation, but it still comes back to the matter of being able to afford it. I look at our own operation and calculate — and I haven't got workmen's compensation on our operation — that it would cost us somewhere around \$400 and \$450 a month to cover our operation.

MR. NELSON: I can only suggest that maybe you keep your eyes on the work of the committee, because I am sure that those areas of rates are certainly going to be reviewed. We may be able to devise some answers through our examination of the other provinces.

MR. JESPERSEN: I would like to say that I am not here to argue.

MR. NELSON: I am not here to do that either.

MR. JESPERSEN: I detected that. But we have real concerns. As we indicated in the paper, we almost didn't want to come, because we were here two years ago and presented about the same arguments and concerns.

Did I interrupt? You wanted to say something, did you?

MR. JACKSON: I would just like a few words. I have been under workers' compensation for five years, I think. I have not presented a claim. I don't think we have ever had an accident in the last 30 or 35 years that warranted this, and we never want one. As a farmer, I want the protection of your Board. I am scared of exactly what you say, a lawsuit. Also, more than being scared of a lawsuit, I want the protection for the employees who are employed under me. When they are breadwinners in their families, I want them to be looked after. You provide that, and I commend you for that.

I think the big problem is the difficulty that is going on right across our nation in all industries, and the farm industry is no exception — the lack of money to be able to afford the privilege of belonging to this. The farming industry has always been on the bottom end of this. If we look at what has happened — we can get into a lot of psychological things. We do in fact put a man to work who is not as able to handle the jobs that industry requires training for and so forth. This is true because of the plight of winding up in the black at the end of the year. There are a lot of things that go together here.

I even feel the anger with the people who are at the head of the farm and the plight they are in. They feel no respect for themselves; they feel less respect for their employees. I feel that, and I feel that in industry today. I think we are going to reap a tremendous rebuff of anger within our working people, which is directly related to the accident-proneness of people. The Englishmen have done a fair bit of study in industry of accident-prone people and have found that the casualty list rises as the stress on that person continues. As farm people, I sense this in my own industry. The care for other people comes from the care of persons who employ people. Now we are getting into another area that you didn't ask for.

MR. NELSON: That's philosophical to some degree.

MR. JACKSON: I want your protection, but as a person, right now I don't think I am able to carry on with the rates that are there. I think I would discontinue this if they continue

to rise. I can't afford it. My bill is around \$30,000 a year, and the \$7.15 gets steep.

MR. NELSON: I appreciate those comments that you made.

MR. CHAIRMAN: Myrna Fyfe.

MRS. FYFE: Part of my question was already answered, but I want to ask a further question on liability. When you are taking liability out from a private source, could I just ask for a ballpark figure of the amount of compensation that members of Unifarm might be taking out on the average? Secondly, what kind of coverage are they getting through their insurance policies? Are they taking out insurance to cover injury for themselves or for members of their families who may be involved in the family farm operation?

MR. ALLEN: We don't have any statistics from the insurance companies in Alberta as to what kind of coverage, who is taking the coverage, or what have you. We know what is more or less available and what the premium is, which anybody can get by phoning an insurance company. For example, The Co-operators, which is close to Unifarm, provides a farm guard package, which provides public liability insurance for people coming on farm property, provides public liability insurance for anybody on the farm, such as staff and a family member, and provides for loss of income due to disability of the employee. For \$500,000 public liability and up to, I think, 126 weeks' loss of income, the premium is \$264 a year.

MRS. FYFE: I seem to detect a slight mellowing, maybe, in the position that you have taken. Previously the position that I understood was one of rather adamantly not wishing government to make workers' compensation compulsory. In your summary document, you have said that if there were a move in this direction — and you have also talked about if the rates were lower. Can I assume from that that if the rates were comparable with other provinces, there would not be the opposition that there has been previously to have compulsory workers' compensation within Alberta?

I should maybe just make one more comment. One of your members recently approached me on this and said: I don't think I have support from my organization, but I urge you to make this compulsory. I think that's one of the first times I've had that kind of input.

MR. ALLEN: No, I don't think there was any change. In fact, in the research work that I was involved with in putting the other submissions before the previous committee and in response to the questions that were raised by Workers' Compensation, occupational health and welfare, and the Department of Agriculture, there was only one organization that supported compulsory workers' compensation; that was a dairy farm organization. Other than that, the concern is that they of course want the protection, as everybody wants protection, but the high cost prevents people from going into it voluntarily. So we have suggested here the same thing that we repeated in the last two submissions; we haven't changed what we said in the previous submissions. If we are going to have compulsory workers' compensation, we would probably accept it if were at a low level and a low cost to the user.

MRS. FYFE: Maybe I was just sitting too close to LeRoy Fjordbotten last time, and I got a much stronger position from him.

MR. MARTIN: I would just like to go back on the cost in a couple of different ways, and follow up again on the private insurance, the example, Mr. Allen, that you gave of The

Co-operators and their farm guard policy. If something serious happened, if there were an accident where a farmer were sued, I suggest that that wouldn't be nearly enough. If you look at some of the suits in the United States right now, they are above that. Even what the WCB might have to pay over the length of time of a worker could be well over \$1 million. Most farmers I know, that extra \$500,000 would be it. I think that would be true for almost every farmer in the province.

The other point with workers' compensation is that it goes over the length; it's not 126 weeks. So there are differences in terms of what you pay for. I am sure that you recognize that. I think that should be a concern, and people would have to take a look at what they are getting in their private insurance. I know you have the feed-in costs that you are concerned with, but you have to worry about the costs at the other end and what you are being protected for. I think that's important.

I too am a little confused — and I was going to call for some clarification from John — because of the figures that you gave across the provinces. You indicated that Alberta's was — I forget where it is in here.

MR. WISOCKY: \$7.15.

MR. MARTIN: Yes, \$7.15. Then you went right down. We were certainly the highest. If I can, from the staff, what might be some of the reasons for that?

MR. WISOCKY: Thank you. There are many reasons. But you get into areas such as the type of farming; some are more hazardous than others. You look at the benefit package that's payable, the maximum ceiling, in effect — it goes from a low of \$16,000 in some provinces to over \$40,000 in one other province — the frequency and seriousness of accidents, the length of layoffs, the number of permanent disabilities, the number of fatalities, and so forth. I would hazard to say — and it would be a safe bet — that if all farm operations were covered and had your experience, sir, the rate would go down.

MR. MARTIN: So just to follow up, part of the problem is that we may be dealing with an unrepresentative sample here. Probably farm pool types of people would have a lot of transients coming in and out, so the accident rate would drive it up. It wouldn't necessarily be reflective of the total farm community. Is that what we're talking about? Is that the possibility?

MR. WISOCKY: That's partly the answer. As these gentlemen said, there are serious accidents in farming, and there is a cost.

MR. JACKSON: There's an observation of the stupidity of an accident; an accident is an accident. But preventive measures are what we all want. We don't want an accident, to have to come here and have high rates. But what encourages people to look after their employee? Does a merit program or 30 per cent more if they have an accident tend to deter accidents with industries in your Board?

MR. CHAIRMAN: The industries seemed to make a fair amount of representation — not unanimous — on maintaining the merit rebate program, because the consensus was that it has been an incentive.

MR. JACKSON: Yes.

MR. CHAIRMAN: So you are right on that.

MR. JACKSON: We need incentives. We need people to check themselves.

MR. CHAIRMAN: However, to look at the superassessment on a voluntary basis, you know what will happen, Mr. Jackson. If you have an accident and get superassessed, you will just cancel your contract, because you don't want to pay the superassessment.

MR. JACKSON: Maybe that's an alternative.

MR. CHAIRMAN: What, make it mandatory?

MR. JACKSON: No, that they cancel out. It is a voluntary thing.

MR. CHAIRMAN: Oh, but that's after the accident happens. That is when superassessment takes place.

MR. MARTIN: You see, that's why they can't do it, because it's not mandatory. They have no controls on it if you have an accident.

MR. JACKSON: Okay, I get your drift here.

MR. CHAIRMAN: The merit rebate/superassessment is working, to some extent, where it is compulsory.

MR. JACKSON: Yes. So after they receive the benefits, then they [inaudible].

MR. CHAIRMAN: Not in all classes.

MR. WISOCKY: It doesn't apply in farming, because it's voluntary.

MR. CHAIRMAN: No, that's what I said, farming and school teachers.

MR. JACKSON: But we have to encourage people to get rid of the problems. There is so much stupidity going on out there, it's awful. I'm not fooling you. There is one more thing: the key of agriculture in Alberta is bringing home the bacon to Albertans. Don't kid yourselves.

MR. CHAIRMAN: Mr. Jackson, I had these discussions when we were doing the review subsequent to the last committee report.

MR. JACKSON: Yes, right.

MR. CHAIRMAN: If this were mandatory, would you support that a rodeo accident should be covered under the Act?

MR. JACKSON: That's a real good one.

MR. CHAIRMAN: Okay.

MR. JACKSON: You really have something there.

MR. CHAIRMAN: I know; I'm not even going to get into the hunting accident or stealing the neighbor's pick-up truck.

MR. JACKSON: Yes, for sure.

MR. NELSON: One further question. Maybe I can throw this to Mr. Jackson. There has been representation throughout the province during these hearings where industry has suggested: I'm the good guy, I have a fairly clean record, and my rates are too high; yet there is the bad actor out there whose rates, with the exception of a superassessment, are basically the same as mine. I guess the question to them and maybe to you also is: you have a nice clean record, let's get your rates down; get the bad actor on stream, and stick his rates up until he cleans his act up. How do you feel about something of that nature?

MR. JACKSON: If it would do the job, it should be done. If it doesn't do the job, we still haven't stopped hurting people. That is the end result. We're not talking about money now. We're talking about the end result of what we don't want: accidents.

MR. NELSON: I appreciate that, but is that not somewhat of an incentive?

MR. JACKSON: You bet it is. Money hurts, usually.

MR. CHAIRMAN: You can't have that incentive without having it mandatory; we've gone through it.

MR. JACKSON: We've covered that.

MR. CHAIRMAN: Let me just conclude, Mr. Jespersen, Mr. Jackson, and Mr. Allen. I want to say that you've made it quite abundantly clear that you don't want it compulsory. You indicate to us here that you are buying what some of you feel is good coverage privately. We're not here to talk you into coverage. We'd like to come up with some formula that will satisfy. If you do think your way around -- as Mrs. Fyfe indicated, one of her constituents is a member of your association and wants compulsory coverage. If we can get a great endorsement of compulsory coverage, I think the elected people around here would be pleased to bring in the mandate for compulsory coverage . . .

MR. NELSON: Don't include me in that right now.

MR. CHAIRMAN: . . . but not while you say you don't want it compulsory.

MR. JESPERSEN: I think we have to clarify that, Mr. Chairman. We don't want it compulsory under the present rate structure. Maybe that's where the mellowing effect has come -- maybe it's the way we presented it.

MR. CHAIRMAN: I think you want the dowry without the marriage.

MR. JESPERSEN: No. As was mentioned, maybe we have a Cadillac system here. Maybe we have the best of the best in Alberta. We're saying we have a segment of society out there -- agriculture people -- who can't pay for the best, because they can't afford it. It's not affordable.

MR. CHAIRMAN: But you only pay assessments on the coverage you buy. If you want to buy \$40,000 coverage, you can buy \$40,000 coverage. But you don't have to buy \$40,000;

you have to buy a minimum of \$9,900.

MR. JESPERSEN: Then we run into the risk Mr. Martin mentioned, that we still haven't got the coverage when the time comes.

MR. CHAIRMAN: I appreciate that. I'm just saying that you refer to "Cadillac" coverage.

MR. JESPERSEN: I'm just quoting what was said, that the other provinces don't give us nearly what we have in Alberta. Did I misunderstand?

MR. WISOCKY: I said that it depends on the benefit packages, but there's one other province that has a higher maximum ceiling than Alberta.

MRS. FYFE: But not many farmers.

MR. CHAIRMAN: But how many farmers have they got in Newfoundland?

MRS. FYFE: A few fish farmers.

MR. MARTIN: The other problem is that I think we're dealing with such a small group, as you pointed out. From that it's hard to know the maximum rate, to really determine where the rate should end up. I think it's 300 out of a total of 19,000, so it's really hard to judge with that. It's not representative of the farm community.

MR. JESPERSEN: I don't think I'd like to have it go on record here that we are against compulsory workers' compensation.

MR. NELSON: But you want it qualified.

MR. JESPERSEN: Yes.

MR. MARTIN: We understand.

MR. JACKSON: Could I ask a question? Is it a parallel situation for farm people as in all industry, that the 90 per cent be paid on the same base? Is that your policy, or can that vary? Can we get \$30,000 instead of \$40,000?

MR. WISOCKY: There are two things. If you're asking for personal coverage as an owner or employer, then you can ask for up to \$40,000 coverage for that. But for your employees, it's based on their actual earnings.

MR. JACKSON: But that is a parallel situation for all industry, including farming. Correct?

MR. WISOCKY: Yes.

MR. JACKSON: And you don't want to break from that tradition?

MR. WISOCKY: No.

MRS. FYFE: It is also 90 per cent of net take-home pay. We had one representation in

Calgary, where a director of a company felt he should get the full \$40,000, because that's what he felt he had paid toward. You have to ensure that you know what you're buying, and you have to ensure you know what the figures are.

MR. ALLEN: Perhaps you could clarify this for us, then. We are under the understanding that when we're paying the premium — and Mr. Jackson could of course clarify this — we pay on the gross, and you say they benefit on the net.

MR. CHAIRMAN: You pay on what you apply for — the gross. Yes.

MR. ALLEN: The gross, of course, includes contributions to pension plans, contributions based on the board and room that is calculated into the salary of the employee, and so on. So we pay on gross but receive benefits on the net.

MR. CHAIRMAN: On the net, that's right. Generally that's correct.

MR. ALLEN: One other thing I wanted to clarify, Mr. Chairman. When you look at that rate table, we have heard some people trying to estimate what the effect would be if you had compulsory workers' compensation in Alberta. It's very difficult to say, because some people think the rate might go down, it might stay the same, or go up. I don't know what would happen, but if you look at that table on page 3, Quebec, Ontario, and B.C. are the only three provinces that have compulsory workers' compensation. B.C., of course, would have been higher, and I think the government was probably subsidizing it when they introduced compulsory in that province, because the rate was something like \$6.50 just before it was introduced. But if you look at provinces like Manitoba and Saskatchewan, which are somewhat similar to the province of Alberta — a lot of the same types of farming conditions — their rates are half what the rate is in Alberta, and there's no compulsion in those provinces. It's kind of hard to draw a parallel as to what would happen.

MR. CHAIRMAN: Isn't it compulsory in Manitoba?

MR. WISOCKY: I'm not sure. I don't think so.

MR. CHAIRMAN: Very well. Thank you very much gentlemen.  
Alberta Land Surveyors Association, Mr. Ken Allred.

#### **Alberta Land Surveyors' Association**

MR. CHAIRMAN: Ken, you're going to be the spokesman?

MR. ALLRED: Yes. My name is Ken Allred. I am executive director of the Alberta Land Surveyors' Association.

MR. CHAIRMAN: Very well. You may want to introduce your colleague. We have to beg you to go through your submission, because we haven't had the opportunity to look at it ahead of time. We hope we'll have some time for some questions and elaboration. Please proceed.

MR. ALLRED: Yes. My colleague's name is Irwin Maltais. He's a member of the association as well, and he has been assisting me in preparing this brief. Our apologies

for not getting it to you sooner. In fact, we have just got it hot off the presses.

Thank you anyway, Mr. Minister, and members of the select committee, for the opportunity to address you on the operation of the Occupational Health and Safety Act of Alberta. Our remarks today will not be directed toward any criticism of the contents of that statute or the regulations pursuant thereto. I would, however, like to relay some concerns with regard to what we see as some very glaring omissions from the current legislation.

The current Occupational Health and Safety Act was initially passed in 1976 and has been revised a number of times since, most recently in June of this year. Several major regulations applicable to the legislation are currently under review. The gist of the legislation is to provide a framework for standards of safety in the work place. The concern of the Alberta Land Surveyors' Association is with regard to safety in the broad context, not the nitty-gritty hard hat legislation but the overall concept of safety today and in the future.

Our concerns relate specifically to the Coal Mines Safety Act, the Quarries Regulation Act, the coal mines safety regulation, the general regulation pursuant to the Quarries Regulation Act, together with the two new regulations, being the general safety regulation, 1983, and the mine safety regulation, 1983. These two new regulations are apparently intended to replace the former statutes and regulations, which will be repealed upon promulgation of the new mine safety regulation, 1983. As stated in my introduction, our concerns relate more to what is not in the legislation than to what is in that legislation. Specifically, they relate to the need for accurate plans and records of all underground workings and subsurface pipelines and facilities as they relate to the wider aspect of safety in mining relative both to current and abandoned mining operations.

Safety in operating mines. With respect to accurate surveys and plans, there are three major considerations regarding safety in operating mines. These are: one, protection from explosion, flooding, electric shock, et cetera, caused by striking an existing underground pipeline or cable during mine excavation or tunnelling; number two, stability monitoring to prevent or foresee slumping of open-pit walls or cave-ins of tunnels and shafts; number three, rescue operations to locate and retrieve workers trapped in underground mine shafts or tunnels.

Safety relative to abandoned mine workings. Underground mines are much like any other buried pipeline or cable. Once buried or closed, they are often forgotten about until some emergency situation requires that they be located immediately. At the turn of the century, when coal mines were bored in what is now downtown Edmonton, who could have imagined that there would be office foundations sunk into the depths, penetrating old mine workings. Fortunately these problems have to date only resulted in economic problems and not problems with serious safety connotations.

It is, however, significant to note a recommendation from the report of Commissioner H.G. Stephenson in the final report of the Coal Mines Safety Board of Inquiry, which was submitted to you, Mr. Minister, on December 1, 1981. The recommendation reads:

residential development of mined-out land in the foothills and mountains may create a serious hazard if developers are not aware of the dangers from old workings.

Implicit in this recommendation is the need for accurate plans of survey of these mine workings.

Plans and surveys. The foregoing examples relate to the need for accurate plans of mine workings purely from the safety point of view. It is obvious that these plans are also required for the purely operational aspects of mine management. Aside from the need for the preparation of plans is a need to ensure that they are prepared accurately

and are based on reliable information. Also there is the problem of establishing a depository for permanent storage and access of these plans. Speaking of permanent storage and access, there does not appear to be any statutory requirement that plans be lodged with a public agency and retained in perpetuity. Some plans are available through the Energy Resources Conservation Board; however, the records are by no means complete.

Accuracy is relative. Unfortunately the current lack of standards in the mine surveying field has resulted in mine surveys being based on many different local assumed data. It thus becomes impossible to relate mine survey information to, for instance, property boundaries or other common control survey grids. Hence, to re-establish the mine location years after the local data has disappeared becomes impossible. It's like the old boundary descriptions in eastern Canada that read: commencing at an old oak tree near the corner of Sam Brown's pigsty. When the pigsty or the tree is gone, the whole description is gone. It's meaningless.

Just to draw a comparison with European practices, it is common in many European countries to maintain a subterranean cadastre, which is a legal, as-built record of all pipelines and other buried or underground facilities. This is much like our Torrens system of land registration, where it's compulsory to register land to define legal ownership. In these European cadastres, it's compulsory to define all underground facilities before they are buried. The value and relevance of such a permanent public record is obvious from a safety point of view, not to speak of the informational value thereof. The subterranean cadastre is a legal record of all buried facilities prepared to acceptable accuracy standards and certified by a professional surveyor.

Mine surveyors. One concern that is directly related to the problem of accuracy is the matter of registration of mine surveyors. It appears that the intention of the new legislation is to dismantle the former system of licensing surface and underground mine surveyors. The new regulations indicate that "mine surveyor" means: a qualified worker appointed by the manager to be responsible for surveying the workings of a mine. This lack of specificity will most certainly further erode the lack of survey standards and practices prevalent in the mine industry in general.

If it is the intention of the government of Alberta to get out of the licensing business with regard to mine surveyors, we would remind you that the new Land Surveyors Act, which you passed in the Legislature in 1981, allows for the inclusion of associate members and the inclusion of other branches of surveying. Provisions have been in place for nearly 75 years for training and registration professional surveyors. A specialized designation such as mine surveyor could easily be accommodated under the Land Surveyors Act, and we'd be pleased to liaise with practising mine surveyors to establish such a category.

In conclusion, the Alberta Land Surveyors' Association wishes to emphasize our concerns for the accurate survey and documentation, by means of clear, concise, and accurate maps and plans, of all subterranean pipelines, buried cables, conduits, and other underground workings and facilities. We are pleased to offer our administrative structures and expertise to the Department of Workers' Health, Safety and Compensation in looking into this very important matter. You may be familiar with a conference which we held in September 1981, entitled the Second Users Conference on Land Information Systems. I have two copies of the proceedings of this conference with me, which I will leave for your information. While this conference did not address exactly the same concerns we have identified here today, there is a striking similarity in the issues.

MR. CHAIRMAN: Any other comments?

MR. ALLRED: Those are all the comments we have, sir.

MR. MARTIN: Living in the middle of Edmonton, I'm sort of curious about the coal mines that were bored in downtown Edmonton. I don't live too far from there. You said there were some economic problems. Can you explain to me what has happened there or what you could foresee happening?

MR. ALLRED: Some of the problems relate to not knowing exactly where the mines are. There are a number of old records. In fact, there's an old atlas of old mine workings existing in the city, but they don't accurately show where they are. A number of structures have been built which had to have deep pilings, so they've had to do numerous soil tests in order to determine where the coal mine workings were and if they were going to cause any danger to the structure. In some cases the pilings have gone right through the mines, and they've ended up with excess concrete being wasted and things of that nature. We're very fortunate in that the technical engineering area has progressed so that they're able to counteract some of the problems that are caused by these.

A similar situation exists near Cardiff, where they had a lot of subsidence a few years ago in a now subdivided area, a country residential subdivision, from these old mine workings. I would expect that that sort of thing is probably happening in a number of locations.

MRS. FYFE: It became a hazard for children. All of a sudden a hole developed in the back yard and filled up with water.

MR. MARTIN: Are there any specific areas where they're going ahead with some development that you're worried about right now?

MR. ALLRED: No, we don't have any.

MR. MARTIN: Are there any problems in any specific areas, or is this just a general concern?

MR. ALLRED: This is just a general concern. We haven't determined any specific problems. I cited those few examples, but I think we all know there are numerous old coal mine areas in the Drumheller, Lethbridge, Coleman, and Blairmore areas. We just don't know where these problems might arise in the future. The board of inquiry report that we referred to was regarding a Grande Cache problem. That's why I would assume it deals specifically with the foothills and mountains and, of course, in the Hinton-Luscar area there are all kinds of mine workings.

MR. MARTIN: You say that implicit in this recommendation is the need for accurate plans for the survey of these mine workings. Is there such a thing around? What can you do about it? There just may not be records.

MR. ALLRED: We're certainly not suggesting that we go in and try to locate all of these old workings that may have been abandoned for 100 years, but let's not ignore the problem. Let's start from this day forward and make sure there are accurate mine records kept and preserved so that 50 years from now we don't have a new townsite in the Luscar area, for instance, fall into a mine. These are the concerns we have.

MR. MARTIN: What we can do in the future.

MR. ALLRED: Yes. It's a preventive measure.

MR. R. MOORE: You drew our attention to the European experience and you called it subterranean cadastre — I don't know, it was a word that wasn't in the Irish language anyway, whatever it meant. Would that mean you would have the map of the area registered with the title? Is that the idea, that it's registered on or with the title, so anybody could go to the Land Titles Office and see exactly what's on that land?

MR. ALLRED: I wouldn't see it as being registered with the title. I see it as being a separate registry of these types of documents, because it's not really something that affects the legal interest in land, which is really what the Land Titles Office is all about. But we have many, many records of different underground, and surface facilities as well, that are stored in many different government departments, private agencies, et cetera. I would see this as being a consolidation of all documents relating to subsurface facilities being stored in one office. They may not be maps and plans. In the very near future they could be stored on a computer system, for instance.

MR. R. MOORE: You may know — do Energy and Natural Resources or any of them keep a complete record of the pipelines? I understand that pipelines are registered now. Where are they kept?

MR. ALLRED: There are a number of different depositories for pipeline facilities and plans. Some of them are in the Land Titles Office. Any that pertain to a legal interest in land, such as dealing with an easement, must be registered in the Land Titles Office. I believe the Energy Resources Conservation Board requires records of all other pipelines, including some that aren't on title, and they are stored in Calgary. I believe they have records of well sites and some of the older records, and presumably the newer records, of coal mine plans that are in fact in existence. But there are some problems relating to the accuracy of these documents and the lack of conformity with acceptable standards and being co-ordinated with the township system of survey, for instance.

MR. CHAIRMAN: I wonder if I could get back to the real purpose here, I think, and that is safety in operating mines. You raised several concerns here. We have Barry Munro here. Barry, you have a copy of that submission. Can you assist the committee in clarifying what the situation is with regard to one, two, and three under safety in operating mines, because that really applies to our legislation?

MR. MUNRO: Under one, protection from explosions and floods, I would look at this particular area more for the underground operations. Maybe to clarify a point, with the existing Coal Mines Safety Act and the Coal Conservation Act, which is under the Energy Resources Conservation Board, there is a requirement that there be a mine surveyor. At the present time mine surveyors are certified surveyors. The certification is dealt with under the Coal Mines Safety Act. I think it all is in relation to dropping the certification which we presently have in place. We're only suggesting — and this is in draft form; it is not legislation — that the certification for surface mine surveyors be dropped, not the underground surveyor. One of the reasons is that we felt that there were better qualifying agencies already available — educational institutions and that, the Alberta Land Surveyors being one of these agencies in place already — to pick up under the term "qualified worker". I don't have the exact definition of "qualified worker" here in our proposed legislation, but "qualified" worker means that a worker has to be trained and qualified and also have the necessary experience to perform the work he is going to be performing.

MR. CHAIRMAN: That licensing would continue under the Occupational Health and Safety Act for the underground surveyor?

MR. MUNRO: For the underground, we would continue.

The other aspect, if we're looking at one, two, and three, is that we're dealing with -- the mines at the present time which set up what they call their own base line. But in checking recent records, most of these base lines on most of the maps we have through our office are tied in with existing legal descriptions. In other words, the actual mine property is surveyed, as required, by an Alberta land surveyor. In other words, the actual property definition is done by an Alberta land surveyor. From that point, the actual mine operation is looked after by a mine surveyor. The mine surveyor ties his survey into the legal descriptions that have been laid down by an Alberta land surveyor.

Yes, there could be some differences. There is a tie-in, but there are some differences. I realize there are some problems in tying back, especially in some of the older plans. It's not as clear. If you were to go into the microfiche files on the old mines in the Edmonton area, it is quite difficult to find exactly whether or not your house is located over an old tunnel. It is one of the situations that exists from old plans.

MR. CHAIRMAN: What about number three?

MR. MUNRO: With the underground operations and the present quality of surveying, I do not think there is a problem in this area. I have worked with a number of the qualified mine surveyors in the province, putting in some fairly long tunnels started at opposite ends of mountains, and they've come through dead on line. I have no problems with their quality and their ability at all at the present time. I don't know if they feel there is a problem in that area.

MR. CHAIRMAN: Have you had some discussions with the officials of occupational health and safety in the preparation of these regulations?

MR. ALLRED: No we haven't, and that's one of the reasons we hadn't come forward to this hearing. Our intention was to have further discussions with them and make the presentation to them with regard to their draft regulations. But when we looked at the whole thing, we felt that our concerns were much broader. As I indicated, our concerns are not with what is in the regulations; they're with regard to what is not in the regulations.

I would certainly point out to you that we're not identifying those three items Mr. Munro has just gone through as areas that we think are not being handled properly. We're saying that those are three areas where safety and accurate records tie together. We want to make sure that those things are addressed, now and in the future. We're not saying that present mine surveyors are not doing a good job. That's not at all what we're saying. We're concerned, and we refer specifically to the matter of licensing. There are provisions in the new legislation, the new regulations, to license a number of other types of people in the mines, but there are no provisions to license mine surveyors. Mine surveyor is only included in the definition. It says what it is, but it doesn't include the licensing. That scares me.

MR. MUNRO: Mr. Minister, I think we would welcome the chance to meet with and to discuss the possible licensing of mine surveyors.

MR. ALLRED: Licensing of mine surveyors.

MR. CHAIRMAN: Very well, because that was the area that I looked at specifically under the Occupational Health and Safety Act. You can arrange something with Mr. Barry Munro before you depart.

MR. ALLRED: Okay, thank you.

MR. CHAIRMAN: Yes, Stan?

MR. NELSON: Just one quick one. Mr. Allred, are you suggesting here that there's a possibility that unqualified people may be licensed as surveyors?

MR. ALLRED: I think we are suggesting that that is a possibility. Although the former coal mine safety regulation did provide for licensing these people, we've probably have some feelings that the licensing standard should be upgraded. I think Mr. Munro probably agrees with that; I have talked to him and some of his colleagues before. But we are concerned with the lack of specific sections in the draft legislation to say what we're talking about. A "qualified worker" doesn't mean anything to me, especially when you say: a qualified worker appointed by the mine manager. That gets a little bit scary.

MR. NELSON: So the word should be changed to "surveyor" or something of that nature.

MR. ALLRED: It most definitely should include surveyor, I would think, because that's what we're talking about.

MR. CHAIRMAN: Any other questions?  
Thank you very much, gentlemen.

MR. ALLRED: Okay, and thank you very much for seeing us at this late time. Sorry for delaying your suppers.

MR. NELSON: It's okay; go out and campaign.

MR. CHAIRMAN: Dr. Feldman.

**Dr. R. Feldman**

MR. CHAIRMAN: Dr. Feldman, we like to allow about a half-hour's time. Your submission isn't that lengthy, but feel free to review it with us and summarize in any way you wish; then maybe permit some questions. Go ahead.

DR. FELDMAN: When I first found out that this select committee was going to meet, I wanted very much to present what I felt were some ideas I had in relation to some of the things that I heard about the future plans of the Workers' Compensation Board. I might start by telling you that I am the chairman of the department of physical medicine and rehabilitation at the University of Alberta, and I've been here for three years. Prior to that, I was in Vancouver for nine years, where I was in the practice of physical medicine and rehabilitation in a semi-industrial area of New Westminster-Surrey, that area. So I have a fair amount of experience with the WCB in Vancouver.

One thing I found lacking when I arrived there was the opportunity of working in co-operation with the WCB. We met on numerous occasions, and the result after that was a rather close understanding of what each of our roles was. I was able to participate quite

actively in the treatment of many patients who were disabled as a result of industrial accidents in the New Westminster area. There were times when the patients would be treated by WCB; other times they would be treated by my department. We had a very nice relationship. It really worked very well, so the patients at all times felt that WCB wasn't really against them but was really for them. I was able to integrate their services with what my department could offer at the Royal Columbian hospital and so on.

In fact, we got to the point where there was a particular area of work from which I received a fair number of patients, all with the same complaint. It seemed to me there was something that had to be changed in the work situation. I worked very closely with the WCB in identifying a cause of the problem and settling it and, as a result, there were no more patients or workers who were involved with this particular problem in the way they had been before. So we worked very closely together.

At the present time, one of the members of the WCB staff, one of the medical people, is on my staff as well at the hospital, in that we use him in consultation. We have found working together has been really quite a delight, because we understand each other and what disability is all about. Many of the people who are members of my specialty, physical medicine and rehabilitation, have at various times talked about what they call the medical model. And depending on who you talk to, you'll either get an individual who is very much in favor of it or you'll get a paramedical who feels that they want nothing to do with doctors and look the other way, and you get the whole spectrum in between. So I'm not quite sure how this will go down with the members of the committee. Nevertheless these are my views, and we'll see what happens.

I think you'll find that in PM&R, physical medicine and rehabilitation, there is a new breed of cat that's developing, and I like to feel that I'm one of them. That is an individual who is a physician, who is a medical consultant, who has expertise in the area of physical rehabilitation, who has a good working knowledge of administration, and also has a working knowledge of how a multidisciplinary team can function to improve the lot of the person who is disabled, including the industrially disabled. With that in mind, if we look at that type of individual as a person who should be medically involved with patients, with individuals who have been industrially injured, then we can develop a program to treat them effectively and economically and without the duplication of services I see so frequently happening now.

When I personally am asked to see a patient, for example — I deal with the amputee program and periodically with the spinal cord injury program if the person who does the spinal cord injury program is on vacation. In my department, if there is an individual who has had an industrial accident and we know we're going to have to follow up on him, we immediately call the WCB — the consultant, the social worker, the counsellor, whoever else in the WCB. Whoever is necessary is asked to come out and see the patient. We meet, conjointly decide on who's going to do what in the program, and get going with it. We have a minimum of duplication.

The unfortunate thing is that this isn't always the case. I've seen patients from hospitals who have been referred to me, patients from physicians either within Edmonton or elsewhere, who have a WCB number, who have been followed up by nobody except their own physician, frequently in a way which is resulting in my duplicating some things, changing things, backing off, and starting up again. And I can't help but say to myself that if there were an individual at WCB — and I'm going to say a physiatrist, a specialist in physical medicine and rehabilitation — who had seen this patient early on, firstly I wouldn't have to see him. Secondly, the program which I organized for him could have been done as much as six months before. So you've had a worker who's been out of work for six months, battling around, let us say, with a chronic low back pain — all of us shudder when we think of that, and I'll talk a bit more about that in a second — who, had he been seen earlier by a qualified medical individual from the WCB, could have had

much less difficulty with his chronic back than he does by the time he appears in front of me in my office.

This is the reason I felt I would like to appear in front of this committee and just point this out to you, because I think it's important.

MR. CHAIRMAN: Dr. Feldman, I don't want to interrupt your trend of thought, but the philosophy has been always to let the worker choose his doctor. What you're saying here — and I would like just clarification on it — is that you want the WCB doctor involved in the very early stage. Can you elaborate on that? What has been wrong with the other philosophy?

DR. FELDMAN: I'm proposing a change in philosophy, because in deference to the individuals who are elsewhere, when you have an individual who has developed a disability — i.e., a chronic back — or an individual who returns home an amputee, they need specialized care. If they don't get the specialized care early, you pay for duplication of services. I think the time has come — everybody's talking about the economy, everybody's talking about spending less money. I think that's one of the areas where the person could get better treatment for less expense, okay? If I can then continue, please.

I feel this would mean that the medical staff of the WCB, in particularly the rehab centre, should have a medical director who is a physiatrist, an individual who can get the understanding and trust of the paramedical individuals who are employed by the Board, so a team approach could be made available. A multidisciplinary team working closely together could apply their expertise in whatever way it appears to be appropriate, once the consensus is reached from the team to look after this worker who has become injured, who continues to be injured for a long period of time, and continues to be treated in a way which shows clearly that the person who is treating him doesn't understand what he is doing, because it's a physical disability.

MR. CHAIRMAN: Can you indicate to us about how many physiatrists there are in the province?

DR. FELDMAN: At the present time there are seven physiatrists in the province. As of last week we had a meeting of the Canadian association, and we identified about 195 physiatrists in Canada.

MR. CHAIRMAN: So about seven in Alberta.

DR. FELDMAN: There are seven presently in Alberta, yes. I would think that what you would have to do is think about getting somebody else in from outside the province to supplement the people you now have on the Board. If this person is called a medical director or equivalent, as I've put into my brief — I think the point is to get somebody who can lead the team. I know there are members of the team who will say, we can do without them. I've heard this said many times before.

I personally have had occasion to go into areas. I was the first practising physician in the lower mainland of British Columbia. I'd walk into the hospital, and they wouldn't want to have anything to do with me. I understood the reason perfectly well. They had their own area; they felt they were doing well with it. We didn't push. I would do a consultation. I would go down and speak to the physio, and I'd say: let's try such and such. Little by little, confidence was built up. It's not going to happen overnight.

We did the same thing when I arrived here. We have an amputee program, which we did not have before. The result has been that instead of about 80 days post-operative hospital care for amputees, we're down to an average of 32 days post-op before that

patient goes home, with 100 per cent return home. I'm proud of that record, because I think it's not me so much as the team working in a co-ordinated fashion. The prosthetist, the physio, the OT, the social worker, and the psychologist, all working together, have a positive effect on that patient.

Well, the Board has all of these people on staff. What I feel they need is co-ordination to help the guys on the outside who are having difficulty with those difficult disability cases. So we're then looking at early intervention. We're looking at possibly a change in the way the staff functions, and perhaps also the way in which it's led.

One other thing I'd like to mention to you is that I have visited your rehab centre a number of times and have been impressed. My understanding — and it may be a wrong one — is that there are serious considerations about moving it somewhere else. This after you've spent thousands of dollars in putting together, if nothing else, an excellent prosthetic and orthotics area. I fail to see the reason for it. I think you have an excellent facility. I think the people who are working there are working well. I think that if the same place is kept, a lot of good work could be done, again keeping in mind perhaps the suggestions I've given regarding leadership of the multidisciplinary team. I don't think the building needs changing. With deference, I think what needs changing is perhaps the approach.

I'd like to just end my remarks with perhaps a bit of a discussion about the chronic back pain. I have found very frequently that if an individual has a low back pain, no matter what the reason — the reason really doesn't matter — they'll get exactly the same program the minute they come into the Board rehab centre. I've had occasion to see these patients afterwards. They'll be in for X amount of time, usually the same amount of time. They come out and they still hurt. Because they've come to the rehab centre, they're now looked at as malingerers. They visit my office in consultation after they've gone back to their own physician and cried on his shoulder and he has given up in disgust. Virtually every time, we'll find a physical reason why there's persistence of discomfort. It isn't mental, and it isn't malingering. They're not always the same reasons. There are whole books written on chronic pain, and there are many reasons why a person will have back pain of a chronic nature following an injury. My point is that I don't think there is a proper diagnostic evaluation, perhaps because — and I'm being critical — there isn't a proper understanding of why a person has chronic low back pain.

If there were the understanding, if there were an individual there who could evaluate them properly, then you'd get an individualized program, and we get back to my first remarks. That person would never end up in my office, and he'd be able to get back to work a lot sooner. I had a patient just recently — in fact I spoke to him this afternoon. I am heading out tomorrow for a few days' vacation, so he phoned me. All I did was give him conservative management after examining him carefully, doing electromyography on him because I felt it was necessary, reviewing some of the X rays, and giving him a bit of time to understand why he still hurt. He's been in bed with two medications only for the past week. And today he said for the first time in months, he was able to get up and start walking without pain. We just had him understand why it was that he had the pain. He's not even on physiotherapy. He's not even on occupational therapy. For all I know, he's reading pornographic books at home. I don't know. The point I'm making is that having understood the reason why he had chronic pain, he was able to then follow a treatment program which was specific for him. My next patient may not have the same treatment — probably will not, okay?

So I think that chronic back is one of the things that WCB has so much of and sees so many patients of, and perhaps there's a tendency to generalize and say: let's treat them all the same way. This is wrong. That's just one example, and there are others, where we can really be helpful to the WCB from my specialty, and where I feel working together with the WCB — and I suggest my department for no other reason except that

we happen to be individuals who understand these things — perhaps we could do something. And I'd like to suggest to you that if there is a possibility that we can be of help as a department at the U of A, we're ready to help. Because I think that a lot of changes have to be made.

I'll be pleased to answer any questions.

MR. CHAIRMAN: Can you make a comment — you've been quite frank here — on the pain centre at the rehab centre?

DR. FELDMAN: Well, first of all they don't have a pain centre as such. For one thing, they've been using a pain centre that originated in Vancouver. They've been using them a lot. I happened to be at the presentation of the pain centre — and just for the moment I can't remember the name of it, but it is based in B.C.

MR. WISOCKY: Columbia pain centre.

DR. FELDMAN: Columbia pain centre. I was there when they made their presentation — what is it? — about two years ago. Somebody came down from Vancouver with some really fancy stuff and really fancy ideas. Quite frankly, I would have made myself extremely unpopular if I had started criticizing what they had to say. And I would have taken the rest of the afternoon with the criticism. Because they were doing exactly the same thing as I'm criticizing the WCB about: back pain means such and such; therefore we do it. They just keep at it. And they're very expensive; you have to send the worker down there and room and board him. Quite frankly, I think you could do a lot better setting up a proper centre here — and I mean a proper centre here, not just happenstance — and get it going properly.

MR. CHAIRMAN: John, do you want to supplement Dr. Feldman's presentation?

MR. WISOCKY: I guess I agree with the doctor. I suppose he's saying that he's already working with one of our medical staff. But of the seven physiatrists in Alberta, we have one at the centre, as you know.

DR. FELDMAN: That's correct. And I understand he's retiring in a couple of years.

MR. WISOCKY: Yes, he's going to be retiring. Definitely the programs are being re-evaluated at the centre, as you said, and we have had much more emphasis in the last year or so on the team approach that you speak of. It's nothing new in the field, as you know. We don't talk about the medical model necessarily but talk about three phases of rehabilitation, with which you are familiar: primary, secondary, and tertiary. We're sort of more in the area of the secondary and tertiary, rather than the primary, simply because the outside facilities, including your excellent services at the U of A hospital, cover and handle about 90 per cent of WCB cases.

But you're quite correct that the small number that are left, the 3 per cent, are our problem cases. Those are the ones that usually end up in our rehab centre or in your facility, because somebody's missed the ball, or they need more of the multidisciplinary approach that you talk about. That is our objective and our emphasis, and it has been for the last while. It's no longer a medical problem; it gets into the social, psychological, and economic areas. This is why we are strongly convinced that adjudicator input is essential as well as our rehab counsellor and everybody else. Certainly our physiatrist at the hospital is used in a senior consultant role. I know he's not director of the centre, but he's leaving in a couple years, so maybe that has a bearing; who knows?

I totally agree with you that early intervention is the answer, but it's a question of resources and so forth. Our capacity right now is for about 2,700 a year, and we could well fill the place fourfold if we did get involved at the early stages that must happen. Backs: yes, that's the biggest mystery. We are gaining some insight there.

I want to talk about the pain management unit that we have on an experimental basis at the rehab centre. We're not convinced there's a messiah or some mystical system that suddenly will resolve or alleviate pain. But we certainly have explored the literature and the experiences of various clinics, including the Columbia one. The Columbia has a certain success with certain types of disabilities, certain types of problems. Our experimentation is not going to end till around the end of this year. But we're not satisfied that we have the expertise or want to have the expertise, because it's somewhat of a nebulous field, as you know.

DR. FELDMAN: Mr. Chairman, if I could answer that last area. Number one, I thank you for your vote of confidence in what we're doing at the university. I don't think, though, that back pain as such is such a nebulous area. Some good literature comes out as to why patients do have chronic pain. One thing we see time and time again is that the degree of psychological and psychiatric involvement in pain is directly related to the length of time that that person has pain. I'm sure you'd agree with this. Not only that, but they then put on a feeling of: golly, nobody believes me anymore; I have pain and it's real, but they don't want to believe me, so they're saying I'm malingering. They're saying I want the bucks out of the WCB, when I could earn a hell of a lot more money if I didn't have the pain.

The point is to get to that individual before that set of circumstances develops, before he becomes paranoid about it all, before he begins to get a psychological hang-up about it. It's not unlike treating whiplash injuries. You all smile when I talk about the acute remunerative whiplash injury — which I saw many of, incidentally, when I was in B.C. as well, an unbelievable number of whiplash injuries. Again, I'd see patients who had been "under treatment" for X amount of time — six, eight, 10 months. And somebody happens to tell them: you know, after four or five weeks you really shouldn't have pain; if you still do, let's get a look at you between the ears. These patients came in really feeling quite miserable about the whole situation, and crying when I was able to tell them: I think I know why you have the pain; now let's treat it. I would treat it, and they'd get better.

I'm not trying to blow my own horn. All I'm trying to say is that there are methods of determining reasons for pain. There are logical methods of going through an examination to determine why the pain, well before you end up with the so-called chronic pain individual, who now has a psychological hang-up, whom you now have to treat in a completely different sort of way, where maybe even Columbia will not help at that point. They're the frustrating ones, and the ones that spend one heck of a lot of the Board's money in one way or another. This is why I'm suggesting early intervention and early evaluation, preferably by a member of your own staff, rather than the outside.

Maybe there should be a certain length of time after a back injury. If that person does not respond in the second phase of rehab — it doesn't have to be a paraplegic; it could be an individual who has been acutely injured. He lifted something, twisted his back at the same time, severe pain, click in his back, pain down to the left or right leg. He's got it. He gets treated in a way which is thought to be appropriate at the time. Perhaps there should be a length of time, say three months. If he's still complaining of discomfort, maybe that's the time — perhaps even before that — that he should be seen by a member of the medical staff of the Board, who understands the reasons for it, who can examine the guy properly, give you a proper consultation, and recommend a program for him. You might avoid all the other stuff afterwards. I think you would.

MR. WISOCKY: A final comment, then. Again, you've met our new medical director, and one of the things we're working on is early intervention. We have almost ready a computerized system of getting involved in the cases that we have to at the right time, or at least close to the right time, and incorporating some of the things you're talking about. But we would welcome getting together with you to talk about it and so forth.

DR. FELDMAN: Love to. I've mentioned to your medical director that any time he'd feel we could be of help, we're available. We see these things happening. I guess I'm the kind of individual — when I see something happening which is not to my liking and I feel that it can be done differently, I talk about it. That's why I'm here, quite frankly.

MR. CHAIRMAN: That's why you're here.

DR. FELDMAN: That's right. I felt this committee ought to know about it.

MR. CHAIRMAN: Any other — Ray?

MR. MARTIN: It's answered my question of time limit. I was thinking about outside of Edmonton, but that was sort of answered in your discussion.

MR. CHAIRMAN: Thank you very much, Dr. Feldman.

MR. THOMPSON: I had a point that I wanted to make. I wanted to talk about the rehabilitation centre.

MR. CHAIRMAN: I didn't mean to overlook you there. We just didn't know you . . .

MR. THOMPSON: You want to get home, I know. Ollie's waiting.

You mention here that they're providing excellent facilities in the — you say it; I can't.

DR. FELDMAN: Prosthetics department.

MR. THOMPSON: Yes, prosthetics department. I'd just like to get your assessment. When you say that, are you talking about just — what are you using as your yardstick?

DR. FELDMAN: Okay, I'll explain this to you. When we see an amputee acutely, I try to see him before surgery when possible, so I can explain to the individual what's going to happen to him, what he can look forward to after the surgery when he no longer has his leg below the knee or above the knee or whatever. I give him some time frame that he can hold onto that's realistic, in terms of when he would have his prosthesis: his first leg, his training leg. Usually they get these within two weeks of the surgery, sometimes sooner. From then on he learns to walk with the leg securely and safely, goes home, and comes back as an outpatient.

I can treat him in my facility as an outpatient. But I think that at that point in time, when he's ready for discharge, he should already have been seen by one of your physicians who is knowledgeable about amputations. Instead of my continuing him as an outpatient, you should continue him as an outpatient. You have the prosthetics facilities to provide him with a permanent leg. You have videotapes that can show him how well he's doing at the beginning and how much better he's doing afterwards. You have people like Al Calder, who unfortunately is ill but hopefully will come back, who's a superb prosthetist,

who's knowledgeable. We have prosthetists at our department too, and they're good; otherwise they wouldn't be there. The point I'm making is that your facility has all the expertise in terms of staff, in terms of equipment, in terms of everything you need to continue your brand of expertise: dealing with an industrially injured individual. You don't need us. We can look after the diabetics and the peripheral vascular disease, the arterial problems.

But those people who have an arm or a leg lopped off because of an industrial accident, that's where you can get involved earlier on. You have all the facilities. You have the jigs, you have the laminating rooms, the casting rooms. You name it, you've got it. And you have the expertise in terms of manpower as well. There's no reason why you shouldn't be taking over at that point.

If I may, while we're talking about amputations, I wrote an article in Environment Views about the upper limb individual, the farmer who gets his arm stuck in a combine and loses his arm. Some of them are under WCB. They too should get involved earlier on, and again, your department of prosthetics is better than adequately staffed and equipped to be able to handle that kind of thing. If they want myoelectrics, you have them right there. If you need help from us, we can provide it. But there are a lot of times when you can take over — this early intervention we talked about — with your own brand of expertise, where you not only treat the individual with the amputation but you also quickly get him involved in activities that already point to a return to work, which we can't provide but which you can. So then you can tell the prospective employer: we've put our person here through these activities to mimic what you have over there; now you can take him on. We can't do that. We can only attempt, but that's where you people are expert. And you have it right there in your department.

MR. THOMPSON: Thank you, Dr. Feldman.

MR. NELSON: Just a quick one. Doctor, do you feel that the prosthetics department should be kept where it is, in the Board's offices, or at least in the rehab centres?

DR. FELDMAN: Oh yes, undoubtedly. You need the physio, you need the OT, you need the psychologist, you need the social worker. Sure. That's rehab. If ever there's an example of rehab, you have it right there.

MR. NELSON: We should keep the physical plant there.

DR. FELDMAN: I think it should stay right where it is. I'm impressed by it. You have excellent facilities there. Some of it needs a painting from dark green to something else, but that doesn't mean you have to change the whole building. I think it's accessible. It's in a nice area. A person who's going there for a full day of physio can go out on a large lawn and have his lunch outside. It's beautiful. Why put him on the railway tracks?

MR. CHAIRMAN: The mosquitoes are bad in the summertime.

DR. FELDMAN: Big deal, so you give them Off. I used Off in the Amazon jungle a few years ago; you can certainly use it at the rehab centre.

MR. CHAIRMAN: Dr. Feldman, I really appreciate this. I must say, to conclude, that we welcome this. I'm confident that every one of us will watch the Board's development. I want to say that this extra time you've taken to come to us this late in the day is also appreciated. No doubt we'll be continuing to look to you for some of this frank discussion, but we'll make sure that John Wisocky and his people are also taking some

notice of your comments. Thank you very much for coming.

DR. FELDMAN: Well, thank you very much. I'm glad I was able to make it.

MR. CHAIRMAN: That concludes the presentation. I must ask the committee members just to remain for a moment.

[The meeting adjourned at 6:13 p.m.]