

## Legislative Assembly of Alberta

Title: **Monday, April 29, 1991**

**8:00 p.m.**

Date: 91/04/29

head: **Committee of Supply**

[Mr. Schumacher in the Chair]

MR. CHAIRMAN: Order in the committee, please. Please take your places.

head: **Main Estimates 1991-92**

### **Occupational Health and Safety and the Workers' Compensation Board**

MR. CHAIRMAN: This evening the Committee of Supply is considering under Executive Council votes 12 and 13. These are to be found at pages 177 and 179 of the main book, with the elements commencing at page 71.

The hon. minister of Occupational Health and Safety, would you care to introduce these estimates, please?

MR. TRYNCHY: Thank you, Mr. Chairman. I'm pleased to spend some time with you people in the Legislature in regards to Occupational Health and Safety and workers' compensation. First of all, I'd like to thank all the people in the gallery that work with me both in Occupational Health and Safety and worker's compensation. They've helped tremendously in keeping me in line and getting things done.

I want to start out by talking about Occupational Health and Safety. We have 10 offices in the province. We have offices in Edson, Vermilion, Red Deer, Medicine Hat, Lethbridge, Grande Prairie, Fort McMurray, Calgary, and we have a north-central office and an Edmonton regional office. We serve rural and urban areas, and we cover some 75,000 workplaces. We work with some 60,000-plus employers, and we cover some 1.2 million workers. It should be noted – and this was a question from the Member for Edmonton-Mill Woods in respect to insinuating that we were reducing our staff. That is not correct, another one of his falsehoods. We had five empty positions, so we reduced those. We eliminated the empty positions, but there is no reduction in people within the department. So I'd like to clear that up.

In 1991 Occupational Health and Safety made some 25,000-plus worksite or employer contacts. These contacts were for inspections, investigations, complaints, consulting, educational promotion. Dollarwise when you look at the activities of Occupational Health and Safety, Alberta achieved better results than any other province in Canada in regards to safety. We have some 84 field officers, and they have looked after all the Occupational Health and Safety concerns. I've never had one concern raised with me in my two years as minister that we have not addressed very, very quickly. This was done within budget, and we have no layoffs. We are committed to enhancing the health and safety of the Alberta worker, and we're doing that as often and as progressively as we can.

The workplace accident rate is declining, Mr. Chairman, and over the past 10 years it has dropped by some 36 percent. The lowest rate year ever was 1989. It's still not where we want it to be, and I suppose it'll probably never get to the rate I'd like to see it. I've said this so many times, and I can say it again: one fatality or one injury is one too many. But that, I suppose, will never happen where we have a zero rate of injuries until we have a zero rate of employment.

We have some success stories to tell. The upstream oil and gas industry had the lowest ever lost time rates since their beginning. In the drilling sector the rates have been reduced from 14.5 percent to 7.1 percent; still too high but a 50 percent reduction. In the servicing industry the rate has gone down from 18.9 percent to 8.9 percent. This industry is also participating in the window of opportunity project and is developing a basic safety program and accreditation process. They're implementing the recommendations of a task force and Occupational Health and Safety. Our staff have also been offering seminars to oil workers to help them understand the worker and employer health and safety responsibilities. I want to say that again to make them understand: the worker and employer health and safety responsibilities.

Over the last year Occupational Health and Safety has performed some 1,000-plus well site inspections, so we're there wherever we can be. We also are participating in a partnership with industry and labour. The Alberta Construction Safety Association is with us, the Alberta Municipal Health and Safety Association, the Petroleum Industry Training Service, and they're all funded by a supplementary WCB levy system to develop safety and educational programs. We're encouraging other industries to do the same. The window of opportunity project is showing a 25 percent injury reduction in meat packing and residential roofing. We look forward to more industries becoming involved in the window of opportunity. We have a Forum for Action on Workplace Health and Safety: management, labour, government working together to improve health and safety. We're concentrating on food and beverage manufacturing, which is one of the largest manufacturing industries in Alberta.

Occupational Health and Safety in delivering programs uses a balanced approach to consultation and enforcement, prevention, and problem solving during inspections. We prefer to use information, technical assistance, advice, and alternatives rather than enforcement. However, enforcement will be used in cases where we have to, where there is immediate or serious danger. In 1990-91 there were 1,300 orders issued; 180 stop-work orders were issued. Mr. Chairman, where there is a serious or fatal accident, Occupational Health and Safety takes action.

I might mention that under section 32 we've amended the Act from a fine of not more than \$15,000 to \$150,000 and a prison term not exceeding six months, and on the second offence we've raised the fine from \$30,000 to \$300,000 and to imprisonment not exceeding 12 months. So we have the mechanism to make industry work safely.

We've been working with other departments: Alberta Labour, public safety services, Energy Resources Conservation Board, the Workers' Compensation Board, and forestry, just to name a few. I've talked about the window of opportunity and partnership, which is a financial incentive, but you must remember that if they don't reduce their accidents by a certain percentage after having their accident sheets audited, they would then pay the full sum of assessment plus penalties. We work with them to develop and implement health and safety programs. We're working with meat packing, roofing, oil and gas well servicing and drilling, and hospitals.

Mr. Chairman, if I were to ask the members of the Legislature to name the top industries for frequency of claims in the last year that we have records for, what would they be? Well, just to give you an example, hospitals are number one; cities are number two; restaurants are number three; food stores, number four; meat packing, number 6; and so on. So when you look at who has the most frequent claims for WCB, there are two places

where I think we can make a great improvement, and they are hospitals and cities. I might add that in the hospitals for the last records we have, there were 2,187 claims for a compensation claim cost of some \$3.9 million; the cities, \$4,109,000 with 1,980 claims, and so on. So I say to the hon. members in this Legislature that they should be talking to probably their hospital boards, their cities to see if they can reduce that.

It's interesting, Mr. Chairman, that if you look at the workplace injuries we have for the last records I have, the city of Edmonton has a 5.0 percent rate of accidents per 100 persons employed, the city of Calgary has a 6.3 percentage, and Syncrude, which you would think would be a more hazardous place to work, has a 0.9 percent rate. So we have a long way to go, and I think we can do it if we work together.

**8:10**

As I've said, there are more industries that wish to participate in the window of opportunity: the road builders, home builders, forest products, manufacturing, logging, provincial government, municipalities, upstream oil and gas, and chemical producers. I know this will prove more efficient and more effective and will reduce workers' compensation assessments. I hope that we can have the manpower and the ability and the intestinal fortitude to move with these industries to reduce injuries in the workplace.

We encourage and support programs in the workplace, and this can be included in the bidding contracts. We'd like to see industry, when they accept bids from people, ask those that are bidding about the safety programs in their association. We'd like to change attitudes and stimulate positive action, and we're targeting on several high hazard and growing industries: one is residential construction, and one is forestry.

Forestry is expecting some 5,000 new jobs over the next five years, and even though the rate is dropping in the logging industry, I know we can do better, and we will. I say "we will" because just a few days ago I met with the Alberta loggers' association. We did provide them with some funds to provide a manual for small operators. I was impressed with their desire to reduce injuries and how they wanted to do it within their own organization, and I commend them for their efforts.

The recycling and disposal industry has a high industry accident rate of 15.6 percent for a hundred workers. That is unacceptable, and we have to work more closely with them. We have to promote public awareness. Occupational injuries and illness must become unacceptable and preventable.

Another concern we have is with new workers, and we intend to work closely with the secondary and postsecondary schools in that regard. We are now working with Lakeland College, and we have an adopt-a-school program in Grande Prairie which we hope to expand across Alberta. Alberta Education and Occupational Health and Safety are working together in the Heroes program, the buckle up program, the drive sober program, the look first program, wear the gear program, and get trained program. Alberta Career Development and Employment and Occupational Health and Safety are looking at an apprenticeship program for health and safety content. We have the Ask Card, which I make available to all the graduates in my constituency when they graduate from school. I've had other members request some of these, and hopefully every member in the House could use these to send to the graduates at the high school so that when they leave their place of education and enter the workplace, they would have some idea about safety. Health and safety week is June 16-22, and I will promote as much as I can, and I hope we all do, the health and safety of the workers.

We had a program last year with small business which was community based, the Whitecourt/Mayerthorpe project, which turned out to be very successful. We hope we can move that along to four more communities this year, and I will be working with the staff to see where we can put these. We're also putting out a three-part manual for small business. The Occupational Health and Safety resource centre at the University of Calgary provides consulting services to small business. The Workers' Health Centre is developing courses and brochures for high hazard and small business.

Mr. Chairman, I'd like to spend a few minutes now on workers' compensation. Of course, the mandate for WCB is to provide service to workers and employers by compensating workers while disabled, to make sure that they enter re-employment or self-sufficiency, and to reduce injuries. There have been a number of changes over the past three years. Case management, which now takes a case and goes from start to finish with that injured worker, is fully operational. We have co-ordinated proactive services: personal contact, faster delivery of service, and return to work sooner; that is, after they're healed and ready to come back to work. This will provide a reduction in cost to employers.

On April 22 we had an MLA information meeting with some 39 MLAs attending. There were some questions asked, and I'm sure there are more. I would like to see them.

The imaging program is something so very valuable in compensation. We have an electronic recording of documentation from paper to computer files, and the file is available by the press of a button to any persons at the same time. In today's system if you have a paper file and somebody wants to see it, it would have to go through five steps. It takes weeks for that file to make its rounds so we can make a decision. This won't happen in the future. The files won't become lost, and we will be able to tell the worker very quickly that we can get to their concerns and not have to tell them that their file has been with some other person in compensation. So far there are over 5,000 claims that have been put into imaging, and 95 percent of all new claims that come in on a daily basis are being imaged. Injury accidents can now be sent to WCB by fax, which speeds up the process by days and helps the worker to receive benefits sooner and return to work quicker after treatment and after the worker is healed. They should not get lost in the system as they have in the past.

We have other systems which are simple, straightforward. Claims are recorded. No time lost claims are handled through the computer. We have occasional rehabilitation services now available within 30 days of opening a claim to all injured workers needing assistance. Services available there include re-employment and career help, job planning, a job-finding club, training on the job, basic upgrading, earnings loss supplement, and a number of other programs.

In 1990, 505 workers were assisted to return to their former employers; 1,708 were returned to new employers. The rehabilitation centre has a work hardening facility. Last year 1,240 workers went through that system, and the progress is from conditioning therapy to full-day simulated work activities. When I went through that facility, I was impressed with the way they can work with the injured workers. Doing the same job, whether you're a truck driver, a bricklayer, or whatever, they can get you back to the jobsite as quickly as possible after you're healed.

The assessment department is simplified. We're trying to work on a new experience rating system. Yes, we are trying to group more groups together to see if we can give them a better rate. In 1991 the average assessment rate for workers'

compensation is \$1.98 per \$100, and our objective is to reduce it to \$1.74 by 1995. This compares with the Ontario rate of \$3.18 and Manitoba at \$2.25, and we're lower than many other provinces in Canada.

In 1990 we provided a 10 percent increase to pensions, and future increases, as you all recall, will now be recommended by the board of directors for implementation.

The work injury reduction program is expanding, and the financial incentive is to reduce injuries. Payback is what we'll use if they're not achieved. This will affect industry as a whole with decreased rates for assessment.

The appeals advisory service is independent, and we have a service free of charge. We have seven such people in Edmonton and three in Calgary. In 1990 they helped some 6,921 workers. The Appeals Commission has now moved from 18 to 24 months to three to four months for hearing an appeal. I might add that in checking the records no other province has this type of record.

8:20

We have to provide better and more open communications with the stakeholders, and we're doing that. Client contact has increased through case management, appeals advisory services, claims counseling services, government relations, mobile office service team, assessment information. We have a forestry unit. We have public affairs. We have rate meetings, which has never been done before. We have an annual general meeting and, of course, our MLA information meetings, which I hope to have on a year-to-year basis.

Mr. Chairman, I have had an open door to my office for two years, and this will continue. As I've said, I've communicated with over 3,000 injured Albertans. I've provided a sheet that I've passed out to all members of the Assembly to use if they don't have any, or they can photostat them. If they get to their constituents with a claim number, date of injury, and give us their concerns, I would hope they would use this.

I was disappointed in the number of requests through my office in 1990. As I mentioned the other day, the ND Party have written and phoned my office 26 times, the Liberal caucus seven times. There is no question as to my desire to help, but I also seek the help of the members in getting their concerns to me to see if I can help. We've come a long way, and we've made a lot of changes in Workers' Compensation. I know these changes will make a difference in a very positive way.

Those are my comments, Mr. Chairman. I welcome the comments of other members.

**MR. CHAIRMAN:** The hon. Member for Edmonton-Mill Woods, followed by Edmonton-Whitemud.

**MR. GIBEAULT:** Thank you, Mr. Chairman. I do want to make a few comments on this very important aspect of government operations, the Occupational Health and Safety Services. I want to refer to a couple of things about the votes in particular, and then I would raise for the minister's consideration and response a couple of other issues.

First of all, the total budget for the Occupational Health and Safety Services is 12 and a half million dollars, barely up to cover inflation from last year. I think the way we should look at that, Mr. Chairman, is to consider the money the Workers' Compensation Board puts out each year for the payment of claims. That is a substantial amount of money. It's in the hundreds of millions of dollars. In fact, if we look at the last annual report of the Workers' Compensation Board, we see that

for 1989 claim costs were \$315 million, and all we are spending on the preventive side of the equation for Occupational Health and Safety is barely 12 and a half million dollars. That's less than about 4 percent of the costs that are paid out on injuries. I would like to think – and I think the evidence is available to us if we would care to look at it – that the more you invest . . . And let's be sure about the way we look at this, because really prevention is an investment in not having to pay out so much money in claims. So to be asking for more money to spend on Occupational Health and Safety is not simply money that's going to be a total expenditure and a loss; we can expect to see a significant decline in the amount of money that is paid out in Worker's Compensation benefits and, consequently, a reduction in premiums that can be passed along to employers. So I would put to the minister that I think the balance there is really quite out of balance, and we ought to do more on the preventive side so we don't have to pay out so much on the compensation side.

Mr. Chairman, I'd also like the minister to explain to us, if he would, vote 12.0.2, the Occupational Health and Safety Council. Their budget's reduced by about 50 percent. The minister didn't comment on that in his opening remarks. Perhaps he could explain why that is.

The other element to put to the minister in terms of the Regional Inspection and Consultation vote, 12.0.8: I'd like him to explain to us, if he would, how he has determined what is the appropriate staffing complement for occupational health and safety in the province. How does he decide how many health and safety inspectors are required? Is it based on accidents? Is it just a response, the number of people that are needed to respond to accidents or fatalities? Are there any more outreach, preventive kinds of activities that take place? I'd like an explanation as to what basis there is for the staff complement, because one of the things that has concerned me and many Albertans for a long time is that it seems the ducks and wildlife in this province get more protection in terms of health and safety or inspection officers than workers on the occupational health and safety side do. It seems to me totally inappropriate. So I'd like the minister to tell us what research or basis there is for the staffing complement in the occupational health and safety department.

Now, Mr. Chairman, a couple of other things have to be brought up here in terms of these estimates tonight. First of all, the question of health and safety committees in the workplace. We had some discussion the other day, and the minister seemed to be concerned about the fact of whether they should be compulsory or not. It's a good thing the minister of Occupational Health and Safety is not the Treasurer, because the Treasurer insists on compulsory taxation; there's no option about it. I'm sure that if the Treasurer did a survey like the minister of Occupational Health and Safety tells us he did for health and safety, and if the Treasurer said: "How many people want to pay taxes? How many people agree to pay taxes on a mandatory basis?" he'd probably get a pretty low figure. I'll bet if the minister did the same thing in terms of how many people would not like to have mandatory speed limits, for example, he'd probably find there was probably a low level of support for that.

The point I'm getting at here is that we have all kinds of regulations in our society for all kinds of things. There are a lot of things that are not optional; a lot of things are compulsory and mandatory. I put it to the minister that safety in the workplace should not be in the optional category; it should be in the mandatory category. We've got a horrendous accident rate in this province, some 60,000 claims last year. We've got to do something about it, and we simply cannot have safety being

considered optional, just like we wouldn't have optional traffic lights and stop signs and so on. If we had those as optional, people could do what they wanted. You can just imagine how that would increase the accident and fatality rate in terms of traffic safety. I put it to the members of the Assembly and the minister tonight that the same thing applies in terms of health and safety in the workplaces of the province. In 1975 the Gale commission report made that very point. That was some 16 years ago, and we're still waiting for leadership on the part of the minister. To simply say that 100 percent of employers and workers in the province aren't in favour of this is, I would suggest, an excuse for not bringing in some leadership to make sure there are health and safety committees at every workplace in the province.

I want to raise a number of other points. Mr. Chairman, we have a particular problem dealing with asbestos. The minister, at some point in time, talked about a review of the asbestos regulations, but I don't know where that is. I know the minister hasn't brought in a new asbestos regulation. In fact, since this minister has been the minister we've only had one revision, a modest, minor revision, of the radiation regulation and no others. I'd like the minister to tell us why he's so reluctant to bring in any new regulations no matter what the record is, it seems, in particular industries. For example, you'll remember that it wasn't too long ago that an individual was killed in a refinery explosion and fire. You would have thought that fatalities like that would lead to some additional regulation in the workplace to try and prevent that from happening in the future, but to this date we do not have a regulation in the province of Alberta requiring workers who work in areas with flammable products, explosive products, to be provided with flame-retardant clothing. That would have had a very significant impact on fatality and the serious burns that have resulted from refinery fires, yet we still don't have it.

8:30

Asbestos: I was talking about that earlier. I know that the International Association of Heat and Frost Insulators and Asbestos Workers in Alberta said recently to me that their union is frustrated that we still have not had the opportunity to review the draft asbestos regulation so as to be able to specifically point out where we feel its short falls are.

At the time – and this was in July of last year, Mr. Chairman – it goes on to say:

As we talk, workers and the general public continue to be exposed to asbestos unnecessarily because of a lack of adequate legislation.

Not only did the insulators and asbestos workers union, who do a lot of this work, make this scathing comment, but some of the firms that are knowledgeable in asbestos handling did the same. I want to refer to some recommendations that were brought to my attention by Pinchin Harris Holland Associates here in Edmonton who, among other things in terms of asbestos handling, mentioned to me in one report they gave me, and I'm quoting from this document:

We need, on a province-wide basis, legislation similar to New York City's Asbestos Control Ordinance introduced in 1985, which requires the commissioner to have an asbestos investigator's report stating whether or not the planned project will constitute an asbestos project. Once a study is made of a facility, future permits can easily be issued based on that information. This will prevent unnecessary exposure to building occupants, construction personnel and the general public.

Mr. Chairman, everybody knows the work that has been done to identify the hazard associated with asbestos. Surely to goodness we should be responding to these kinds of calls and pleas to the

minister and to the Occupational Health and Safety department to come up with better regulation of this very hazardous industry.

Another item I want to refer to, Mr. Chairman. Later in that same brief that people at Pinchin Harris Holland gave me, they referred to the situation of exposure by technicians who do repair jobs at brake shops. It goes on to explain the hazard to workers of asbestos dust. They go on in the report to say this:

There exists a relatively inexpensive and yet effective means for eliminating this risk, however few shops are currently utilizing them.

Again it just points out that when you make safety optional, when you let everybody do their own thing, a lot of people simply don't pay the attention to health and safety that is required. So here's another group of workers, those who work in brake shops, who are exposed unnecessarily to asbestos.

Mr. Chairman, I want to go on to talk a little bit about the problems facing many workers in terms of the repetitive injury syndrome. This applies to workers who are involved in assembly line production operations. Certainly in Alberta this applies to the food processing industries in particular as well as the office work environment of the '90s where a lot of office workers are developing carpal tunnel syndrome and related disorders because of repetitive actions working on computer terminals and in data processing. There is an article the minister might want to avail himself of in *U.S. News & World Report*, May 21. The headline was "On-the-job straining." This was in their business section, Mr. Chairman. The subtitle is "Repetitive motion is the Information Age's hottest hazard," yet we have no regulation in the province of Alberta governing repetitive injury syndrome or the kinds of workplaces involved there. I would suggest to the minister he ought to look, for example, at San Francisco city which recently introduced regulations governing the work environment of today's contemporary office worker that has a lot of time before a computer terminal. They specify the kinds of chairs to make sure they get proper back support, the kind of angles on the terminal keyboards, and the kinds of things that would make a significant difference in reducing the injuries of today's office workers who are taking the frontline stress and strain of repetitive motions on computer keyboards. So again there's another area that cries out for action as more and more people spend more and more time interacting with computers and, very often in the current situation here in Alberta, in an unsafe manner that leads to eventual disabilities.

Now, Mr. Chairman, another thing I'd like to just point out is that on behalf of the Official Opposition New Democrats I introduced this year Bill 230, the Day of Mourning for Injured Workers Act. This Bill would complement similar federal legislation. I just point out to the members of the Assembly that when this Bill was introduced by the New Democrats in the House of Commons, it was supported, to their credit, by the Conservative government and was passed. It is now the law of the land. It's one of those few private members Bills that was passed. I would put it to the minister that he would be sending out a good message to the workers of Alberta if he took the initiative to make Bill 230, which is on the Order Paper now, a government Bill and passed it here in the Legislature. It would be a credit to the minister and the department, and I'd be the first to commend him for it if he would do so.

Mr. Chairman, a couple of other points to be made. It did concern us in the opposition that when the government started its round of budget cuts for 1991-92, one of the first ones that came up was the termination or elimination of occupational health and safety nurses in the personnel administration depart-

ment. Now, this is not the minister's direct responsibility, but I'm sure he has to be concerned when health and safety professionals are removed from any government department. It seems to me he has a role as an advocate to lobby for that and to ensure that all the departments of the provincial public service have health and safety people that can do training, consultation, and make sure there are no hazards in the workplace of those who work for all Albertans in the civil service. I was sad that he didn't seem to take the opportunity to be an advocate in that particular case.

One other thing I want to bring out here, Mr. Chairman, in the time we have tonight. I don't know if the minister has had a chance yet to familiarize himself with the report that Labour Canada put out just last month, March 1991. It's called *Comparison of Labour Legislation of General Application in Canada, the United States and Mexico*, and it has sections on occupational health and safety and workers' compensation legislation comparing the three countries. There are a couple of things that are really very interesting to point out. One of them is the reference on page 16 of this study that says that in Mexico "there are no provisions authorizing workers to refuse dangerous work." We have those provisions in legislation here. I would suggest that is one example among many that causes Canadian and Albertan workers to be very, very nervous and sceptical about any kind of continental free trade agreement when we've got companies that can get away with lousy standards in terms of health and safety where there are no provisions, such as we have here in Alberta, for allowing workers to refuse dangerous work.

I want to ask the minister tonight if he can tell us if he has made any effort to have included in whatever discussions take place between Canada, Mexico, and the United States on the trade deal to ensure that this is not going to compromise the kinds of standards we have here and that in fact there would be some effort to try to bring standards in the other countries up to Canadian standards so we're not having unfair advantages or competition between enterprises in the three countries. Let's have a level playing field, and let's make sure we have between the three countries, if there's going to be one of these deals, the same standards, and let them be the highest standards of any of the three countries.

We have in Alberta the kinds of provisions that say that workers can refuse dangerous work. But let's be frank. That's an area of the legislation here, the Occupational Health and Safety Act, that if you try to exercise as an employee, you're likely to face disciplinary action. I brought to the minister's attention last year a case of an Alberta Liquor Control Board employee who reported to OHS an unsafe work condition, and he was disciplined, Mr. Chairman, by his employer. That's the kind of shoddy attitude that seems to be common in worksites here in the province of Alberta on the part of some employers. Certainly there needs to be a better way that employees can be sure that when they do report health and safety problems, they will not be disciplined by their employer for it.

Mr. Chairman, I also would like the minister to tell us, if he could, what response he has made to the Alberta legislation committee of the Canadian Railway Labour Association in their briefs of 1990 and '91 to the government. This body represents the United Transportation Union, the Brotherhood of Locomotive Engineers, and the Brotherhood of Maintenance of Way Employees. In their 1991 submission to the government they said in the section regarding workers' compensation, on page 7 of their brief, that despite the efforts of Conservative governments, provincially and federally, some of the employees in the

railway trades, where they have collective agreements and so on, some of their members have been able to earn reasonable wages. Some even make in excess of \$40,000 a year. The problem with this is that since the Workers' Compensation Act restricts compensation to \$40,000, many of these employees find out that after an injury they have to take a very severe reduction in their earning ability. This has not been updated for quite some time, Mr. Chairman. The Railway Labour Association has been making this recommendation for some time, and I would like the minister to say tonight if he's prepared to act on that recommendation.

#### 8:40

Now, they also recommended, Mr. Chairman, in their previous submission that there be more recognition of the serious problem of stress. Again, more and more workplaces in the province have high stress levels, and this leads to accidents and disabilities of various kinds. I would like the minister to speak to the question of acknowledging stress as a workplace hazard and the admissibility of stress as a basis on which claims for compensation may be made.

Mr. Chairman, turning to the question of compensation a little bit more, the minister talked about how things have improved in the compensation board. I suspect that in some cases there have been some improvements, but there's still a lot that needs to be done. I give for an example the case of an individual who took his case to the Appeals Commission with the assistance of legal counsel in November of last year. Now, the minister will know the case I'm referring to because the claimant's lawyer copied him the letter as well. They went to the Appeals Commission in November of 1990, and despite 10 calls from this claimant's lawyer they still couldn't get a decision as of the middle of this month, over four months later. This is the kind of administrative and bureaucratic abuse of workers that causes people to come out to the steps of the Legislature and camp out in protest. That is still continuing. You can imagine if a lawyer's got to call the Appeals Commission of the WCB 10 times over a four-month period just to try to get an answer on what the decision of the commission was how much more difficult it is for the ordinary injured worker who's not as familiar with bureaucratic procedures. So there's very much more that still needs to be done.

I have several constituents who have been having problems with their particular claims. One is Mr. David Neary, who's had a claim in with his condition of chondromalacia in his knee, and now that's degenerating into other parts of the body, and the same with Mr. Spencer, who's got a back injury. There are others; I could go on and list many constituents. What I'm trying to say here, for example, is that there are numerous cases where there was an injury at one point in time. Sometimes WCB accepts it, and other times they don't. Even when they do accept it initially, often they're not prepared to acknowledge the subsequent degenerative condition that results from the original injury, and that simply is not fair. The WCB has got to provide compensation for the lost income that workers face. Sometimes these injuries and disabilities don't manifest themselves in total disability initially. Back injuries and other injuries or disabilities affecting bones and tissues and joints and so on, often deteriorate and manifest themselves more severely at a later time. So the compensation board must accept the responsibility for covering those legitimate associated degenerative conditions from the original injuries.

I also want to point out here, Mr. Chairman, for the minister's consideration and hopefully response, that I've run into many

cases where the Workers' Compensation Board will say that the injury cannot be attributed to a workplace accident. Now, sometimes these things are hard to determine with a hundred percent accuracy, but I would suggest that here the minister really should be considering – and it certainly would be leadership in the country if he did – looking at replacing the workers' compensation system or enhancing it with a program for comprehensive disability insurance for all citizens. To the person who has had an injury, whether it's been an injury in the workplace or an injury at home or an injury during some kind of recreational activity or whatever, if the person is losing his ability to earn a living, to provide for his family, it's really kind of academic if it was at the workplace or at the parking lot at the workplace or at home or en route to the workplace or what have you. There are a lot of people who are falling through the cracks, who are falling into a great deal of economic hardship because from a technical point of view the injuries or disabilities are determined, by WCB at any rate, not to be related specifically to a workplace incident. So I think we're missing a lot of people there, and I would suggest to the minister that maybe it's time that we replaced the workers' compensation plan or at least looked at enhancing it to include all citizens of the province and not just those in the workplace.

So, Mr. Chairman, I'll leave my comments at that and look forward to the minister's reply.

MR. CHAIRMAN: Thank you.

The hon. Member for Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Chairman. [some applause] Thank you, Christie. Thank you, Mike.

Mr. Chairman, I want to speak first a bit on Occupational Health and Safety Services. I think all of us here in the House do share a similar concern, and that is the protection of the person that goes out to earn a livelihood, the worker that wants to feel comfortable in that there is basic protection, basic concern for his safety whether it be a serious injury or whether it be death, as it is in many, many cases.

We can look specifically, I guess, to start, Mr. Chairman, at the budget. I'd like to draw to the minister's attention vote 12.0.2, Occupational Health and Safety Council, being reduced by 49.2 percent. Now, I'm not sure if that indicates if the minister is intending to phase out that council or if there's a question of dollars being transferred from some other portion; in other words, there's other dollars elsewhere in the budget. At least my interpretation is that a reduction of 49.2 percent is very, very significant, and there has to be some specific reason for that type of reduction.

When we look at vote 12.0.7, Health and Safety Audit, being up 20.5 percent, again I would ask the minister if he could respond to that specifically as to whether that's going to result in more inspectors, if it's going to result in more audits being done. I'd be curious to know the number of audits that were performed last year and what the results of those audits were.

The minister has touched to some degree on the concept of the need for additional effective worksite health and safety committees in the one-page perspective that he handed out. That, Mr. Chairman, has to be a concern to all of us. We continuously hear of the need for a greater number of joint health and safety committees on the worksite, much more substantially than there are at the present time. I realize that there are some mandatory ones in place, and I realize there are a number of voluntary joint committees in place.

The minister talked in terms of the changes in legislation that will account for the possibility of higher fines where it's found that an employer was negligent in providing safe working conditions or violated the safety regulations that may be in place. I draw to his attention the question of Daishowa Canada being fined \$8,000 for failing to provide a safe workplace. There's a situation, Mr. Chairman, to the minister, where it took the life of a worker: a very, very tragic accident. In terms of trying to put a value on the neglect that results in the loss of life, I'm not satisfied that the provisions that are in the legislation are sufficient at the present time.

8:50

There's a number of other areas in Occupational Health and Safety that I want to address. I had raised – and I realize that it more specifically may fall under the responsibility of the minister responsible for Labour – the question of oil field contract workers. I raise that one again, Mr. Chairman, because of the exemption that is allowed in the Employment Standards Code. It does allow for or create working conditions that may not be safe, may not allow for enough rest periods between shifts and such, so I still believe that that is an area the minister should be addressing with his colleagues within cabinet. We have in fact directed correspondence to the Minister of Labour. We have requested the possibility of a meeting between the Minister of Labour and some of the workers involved in that area, but there is some reluctance on their part to meet in that they fear for their jobs; let's put it that way. Whether it's a wrongful fear or not, I can't say, but that's their concern.

We've also raised in the House on a number of occasions the health hazards that have been expressed by welders. There was a comprehensive study done some time ago spearheaded by an individual at the Northern Alberta Institute of Technology. It's been pointed out in the House the concerns that have been expressed by workers involved in the painting industry, the fumes and the overexposure to dangerous solvents in the paint. Those are areas that I believe have to be continuously addressed.

An increasing concern has been pointed out, too, Mr. Chairman – and I believe it becomes more and more legitimate as studies are concluded, as more and more studies are done – in that area of what I tend to refer to as being different types of injuries that are work related; in other words, not the clear-cut type of accident in the workplace such as mine. That was very, very clear cut; no one can dispute the fact that I was left a paraplegic as a result of that and that it was an accident that occurred in the workplace. We have those others that fall into a much grayer area. At times it can be extremely difficult for the worker to attempt to prove or provide the necessary documentation to pinpoint it down to the workplace being responsible because it can occur over a period of time. I'll give a number of examples, because this is an area that has to be addressed not only here in the province of Alberta but all provinces throughout Canada. It has to be addressed on a national basis, and of course it has to be addressed in other countries as well because it is a very, very global problem.

The Member for Edmonton-Mill Woods pointed out specifically injuries that result because of repetitive movement in a number of areas, and that can be, as he stated, working with computers, or it could be a cashier working in an industry like Safeway, or it could be a person working on a typewriter; in other words, doing that same repetitive motion, using certain muscles of the body to a much larger degree than other muscles of the body. That can cause injuries over a period of time. Then it's very difficult to relate specifically those injuries

occurring as a result of the workplace. Another one that's very, very common is back problems. There are many, many cases that have been brought to my attention, that I'm sure have been brought to the attention of the minister, that have been brought to the attention of other members of this Assembly, and those are back injuries and attempting to determine whether those back injuries resulted because of the workplace or if it was some other condition that may have been responsible and the workplace may have added to that. In any case, the end result is that we find the person who is no longer able to work because of a very serious back injury or no longer able to work in a particular occupation having to take a lower level of pay, and that can make it extremely difficult.

Stress in the workplace is becoming an increasing concern. Again, that's one that can be very, very difficult to relate to the workplace, but as society moves along that much faster, as the activity in the workplace moves along that much faster, the faster stress becomes more of a concern. So, Mr. Chairman, to wrap up this particular portion, when we talk in terms of the decade of the '90s, I think that the minister has to address more and more those intangible types of injuries that do result in the workplace and a mechanism to attempt to prevent them or to reduce the numbers that do occur.

I want to spend just a bit of time, Mr. Chairman, on workers' compensation. When I talk in terms of workers' compensation, I want to acknowledge, as I did the other night at the annual meeting for the MLAs at the workers' compensation office, that in the period of time that I have been here now, a little over two years, I have noticed a significant improvement in our relationship with what I call the government relations division. I believe they are making a much greater concentrated effort to resolve the correspondence, the documentation that does come from clients of the Workers' Compensation Board, or injured workers. There are those out there who do concern me who may not realize that they do have the recourse of going to their Member of the Legislative Assembly or who aren't able to access the government relations division. To the minister: they have been very, very good about responding to us very quickly, and I want that put on the record. I believe that when credit is due, credit should be given, and that's an area where credit should be given.

[Mr. Jonson in the Chair]

There are problems, however, in workers' compensation. They've acknowledged some of the problems themselves, and they're attempting to come to grips with those particular problems. Some of the areas we have seen work out. More specifically, the single-case management system, for example, I believe has great potential, and it's still going to take a period of time to get it fully in place. Those types of things, I think, will look after themselves over a period of time. The pressure that has been placed on the Workers' Compensation Board, on the minister by workers, by employers, also initiatives that the Workers' Compensation Board has taken upon themselves, initiatives that the minister has taken, actions that have been raised in this particular House by members of the opposition: I believe all those factors combine to create a greater awareness, putting on more pressure to have improvements take place.

The one area, Mr. Chairman, that continues to be of concern to me – and I'm not sure at this particular point how we address it specifically – is the 250, 260 long-time back files, the situations where it's gone for a number of years, in some cases 10 years, 12 years, where to some individuals it becomes a mission in life to get what they feel is justice, those that feel that they haven't got

justice. In some cases we see them demonstrating, expressing their feelings, their dissatisfaction in front of the Legislature Building. I'm not sure specifically at this particular point how we can resolve those within the workings of the Workers' Compensation Board. At times I've kind of just wondered that maybe the approach is that we simply sit down with each one on an individual basis and say, "Look, let's make a deal; what's it going to take to get a settlement with you so that you're comfortable, so that you feel you've been treated fairly?" but at the same time recognizing that the Workers' Compensation Board hasn't gone beyond their mandate. I raise that as a possibility because a lot of those are so difficult to pin down as to what the degree of responsibility may be as a result of the workplace, what degree of responsibility may be because of previous activities of the Workers' Compensation Board in trying to resolve particular cases. Those continue to haunt us, and I'm sure they continue to haunt the minister.

9:00

Mr. Chairman, to the minister, and I say this with respect: I'm not sure that the answer is to refer them to you, because of course within the workings of the Workers' Compensation Board, the way it's set up, the first thing that would happen after meeting with you is that the matter would be referred to the Workers' Compensation Board, and they would attempt to resolve it if at all possible. When you made the reference to seven inquiries from the Liberal caucus, that's one of the reasons why there's only been seven specific references to your office from our caucus. We tend to go directly to the government relations office, because I believe that system works faster. If we do refer it to your office, it's going to be referred from your office to the Workers' Compensation Board in any case. So if we can shortcut that, let's shortcut it. That's the approach we prefer to use.

Now, if there's a mechanism that the minister has that even after the avenues that are available have been exercised, such as the Workers' Compensation Board, the government relations committee, the appeals mechanism, the Ombudsman's office – after channeling those different avenues that are there, if the minister has some other ways of trying to work within the system where he can go beyond that call, I'd certainly like to know about it. If there is another option there for those that feel they haven't gotten justice, I would like to be informed of it, and I'd like to know how we can work within that. I'm not sure that it does anything more, Mr. Chairman, than frustrate workers to have them sent to the minister's office if they're simply going to be referred back to the Workers' Compensation Board in any case.

I had raised some time ago – and it deals specifically with these 250, 260 long-term back files – a task force report that had been done, a three-member task force, I believe. It was part of the Millard report, part of that process where there was, I believe, a three-member committee to look at those and come forward with recommendations. I'm not sure at this point, Mr. Chairman, what's happened with that report. I'm not sure if that report has been finalized. I'm not sure if that report has recommended specifically that we deal with client A in this fashion, client B in this fashion, and so on and so forth. Maybe it has, and I'm not aware of it. If it has and some of those back ones have been resolved, I would say that that is great. If the minister could bring us up to date on that, I would certainly like to be made aware of it.

Another area that the Millard report addressed was the question of wage loss compensation. The concept of wage loss

compensation, and I guess there are various concepts behind it, can be very, very difficult. It can be controversial; it could be objectionable to some. On the other hand, it could be viewed as a very, very fair mechanism for treating an injured worker. I guess again it depends on how you look at it. To me wage loss compensation has to look at the amount of money that a worker is able to make at the present time, and if an injury at the workplace reduces that level of potential earning capacity, then the difference as to what that person will make on re-entering the workforce is the wage loss compensation.

Now, in the existing system injured workers will be compensated for 100 percent disability, a 40 percent disability, a 10 percent disability. In some cases they haven't got an outright settlement, in some cases haven't got a number of outright settlements, and then on re-entering the workplace are maybe making more than they made prior to their accident. There are numbers of cases like that as well. Some of it is because of the board itself, in that the board has attempted to rehabilitate injured workers, upgrade their training. Some injured workers take advantage of that. They go back to school; they come out a much better person. Suddenly they find out that they're making two or three times as much as they made before their accident, but they continue to receive their pension.

Of course, when you talk in terms of wage loss compensation, nobody wants to have something taken away from them that they've already had. To the minister: when that whole wage loss compensation is addressed, that has to be looked at, Mr. Chairman, because it could cause some controversy. On the other hand, what system could be more fair than compensating fully for any wage loss, coupled with rehabilitation, coupled with incentives to have that person retrained, have that person go back and obtain additional education, if necessary: whatever it takes. The ultimate objective, I believe, is to get the injured worker back into the workplace. Sitting at home making \$1,400 a month, \$1,600 a month, whatever the case may be, in some cases considerably lower than that – it's not just a question of the dollars; it's a question of being productive within society. I believe that all of us as individuals, given the opportunity, given the proper atmosphere, want to be productive. So the answer isn't simply to put a person on compensation. I'm not suggesting that the board does that at the present time. In many, many instances the board goes out of its way to try and rehabilitate injured workers, to encourage them to get additional training, retraining, and in a lot of instances it's a two-way street, Mr. Chairman. I recognize that.

Now, I want to get back again just for a minute to the question of the 250, 260 long-term cases, those that have gone through the system, who feel that they're not satisfied, that they haven't been treated fairly, who feel that the advocates at the present time serve two masters: whatever the case. Once they've gone through the entire system, it's all over, and they say, "I haven't been treated fairly." They've gone to the Ombudsman; they've gone through the appeal system. They still say, "I haven't been treated fairly," and there is no other avenue of appeal from there that I'm aware of, unless of course there's new evidence. I've spoken to the chairman of the Appeals Commission on this particular matter, and I find him to be a very, very fair individual, a very sensitive person, and I believe he has the interests of the injured worker in place. He's pointed out stats to me where in approximately 44 percent of appeals at that particular level the ruling is in favour of the worker, which could speak very highly of the Appeals Commission. On the other hand, it could say that there's a problem down at the

lower level. Why are those numbers of appeals going up that are reversed?

In any case, when we look at the existing system of the claims services appeal, followed up by the Appeals Commission, followed up by the Ombudsman, and then it stops there, we can look at the Millard recommendation where we replaced a two-tier system with a one-tier system. Of course, the one-tier system would work in the sense that you would still have a committee similar to the claims review committee, but it wouldn't be an appeal committee. It would be a body that the worker would sit down with and try and resolve it. It means kind of going back and forth and more information here and more information there; in other words, taking whatever steps are necessary to pursue it, to resolve it if at all possible, rather than going in and making a 20-minute pitch and having a decision come forward that is for the worker or against worker. So that existing appeal system at that level would be replaced, at least by my interpretation, with another mechanism that would attempt to resolve difficulties. Rather than an appeal it would be the other type of mechanism. Then, of course, you would then have your Appeals Commission. So your one-tier system would be at that level. Then it could be argued that a further appeal would be to the Ombudsman, but in most cases the Ombudsman, unless there's some procedural difficulty, procedural error, would rule in favour of the Workers' Compensation Board; at least that's my experience.

So, I guess another avenue of appeal that could be there that isn't there because of legislation at the present time is the court system. In almost every segment of society one has the right to launch action through the courts: civil action through the initial court, through the Alberta Court of Appeal, the Supreme Court of Canada, and so on and so forth. But because of legislation, the injured worker doesn't have that, so the injured worker is missing out on the opportunity for that ultimate avenue of appeal. Sometimes I think, because of the frustration with the system at the present time, that maybe that is the answer, although that can be very cumbersome, very time-consuming, and very costly. I still feel we have to strive to have a system where injured workers feel they've been treated fairly.

#### 9:10

I want to make a couple more points before I close off here, Mr. Chairman. The point I raised also at that annual meeting – let me tell the minister that I enjoyed that annual meeting. That's the second one I've gone to. I think they're very, very beneficial to the MLAs, and I think they're very beneficial to the minister and to the management of the Workers' Compensation Board because they get to hear some of our concerns as well. One of the things I tried to point out there but that I couldn't fully because of the limited time: let's look for a minute at the employer's point of view, where employers in some instances – small business is the area I'm talking about now – are paying extremely high rates of assessment because of injuries in their particular company. I don't know if the minister has ever had the opportunity to see a tape that was done in Denver, Colorado, that addressed assessment levels, which were \$54 per \$100 payroll for the roofing industry. It all related back to a number of instances where a number of people were able to manipulate the system or work the system in such a way that they became professionals at it, and they milked the system; no other way of putting it. The employer, of course, paid. He paid the price in terms of higher assessment.

I've had one case brought to my attention, and I'm sure there are others there. I'm not sure if the minister has addressed this



particular one that I'm referring to. If the company involved ever asks me to pursue it on their behalf, I would, but since they haven't, I really can't, so I just want to talk in terms of generalities. I want to be satisfied that that employer has every avenue of appeal open to them as well, that if they feel they're paying because of an individual or a small number of individuals that have taken advantage of a system, they should not have to pay the price.

Another area of concern: the Millard report points out very specifically, when we talk in terms of disability pensions, that we've got to have some mandatory indexing or a mandatory annual review. I use the term "mandatory annual review."

I also would like the minister to comment for a couple of minutes, if he could, on the question, the problem, or the issue that has been brought to my attention where at least one worker – well, two to my knowledge – has felt that personal information has been released, information pertaining to themselves that they've taken objection to. I would hope that that one matter, the one instance that the minister I know is familiar with, has been resolved.

I would also point out to the minister and refer him specifically to a report that I'm sure he has seen, the report on the re-employment of injured workers. There are a couple of resolutions in there that I think are very, very basic and very, very vital that I just want to get into the record here. That is, one, that the injured worker has the right to re-employment without economic loss and to receive full compensation until re-employed. Then there's another one here further down, where we talk in terms of the injured worker being actively involved in the restructuring of the Workers' Compensation Act. Again that's just a basic question, I believe, of citizen participation, and as elected representatives I believe we should all support citizen participation when it comes to restructuring any Act. Another one here is the one that pertains to the right to re-employment with that same employer after an accident.

I had one, and I may bring this one to the attention of the minister yet very, very specifically if I can't resolve it at the workers' compensation level or through the union, because the union is also involved in this one too. This is an employee that was working for the provincial government as a temporary employee and was injured on the job. Compensation benefits were paid for about a two-year period, and in that period of time the worker got a letter saying that her services would no longer be required. In other words, once she got off compensation, she no longer had her job to go back to. Now, I know it can be argued that it was only temporary to begin with. Still, can you imagine the feelings, the stress that that individual would feel? They get injured in the workplace for the provincial government; then they get a letter, before they get back to work, saying that when they get off workers' compensation, their job isn't there for them. I guess the incentive for that person would be to try to stay on workers' compensation as long as possible, knowing there's not a job to go to, or else try and get the workers' compensation to stress the vocational aspect, get that person into another area of employment at least equivalent to the former employment. This particular person felt extremely bad.

On that note I'm going to conclude, Mr. Chairman.

MR. TRYNCHY: Mr. Chairman, in responding to the comments made by both Edmonton-Mill Woods and Edmonton-Whitemud, let me go through some of their questions.

The Member for Edmonton-Mill Woods has suggested that our budget is too low, and I can't accept that, Mr. Chairman.

Our budget is the amount of dollars we have to have to do the job. He's probably not aware that we get somewhere close to \$1 million from workers' compensation in addition to our budget in working together through compensation and Occupation Health and Safety on a safety program. He also mentions that the Workers' Compensation Board pays out too much in claims. Well, that's right, because we have too many injuries. Yet when we have an injury, if the worker doesn't get paid, who do we hear from, suggesting that compensation doesn't pay?

He wanted to know why the Occupational Health and Safety Council was reduced by 50 percent. That was their choosing. They felt that they could do the job by having six meetings per year instead of 12, so I suggested to them that if they could do it that way and still do their job, it would be fine with me. That's the reason for the advisory council being reduced by 49.2 percent.

He also mentioned that we have too many inspection officers, or probably not enough. We have inspection officers to do the job. I don't know of anyplace in Alberta – and we might be looking at moving more out to rural Alberta, closer to the job. I say this because if there's an injury in, say, Cold Lake, should we have the people driving from Edmonton to look at that jobsite, or should they be closer to the jobsite? But we have no difficulty in covering the province with inspection officers.

He goes on to say we should have mandatory health and safety committees. As I've mentioned – and you all have received on your desk my request. Some 65,000 requests went out to industry, workers, unions, whatever, and I've got the responses back. A hundred percent of the requests returned suggested that they wanted committees. Sixty percent of them didn't want mandatory committees; 40 percent did. So I guess I'll have to work with them. I don't believe in putting things into place that industry and workers do not want. We're always told we should listen to what we ask for and the returns we get. If I can just read a paragraph in there of what I said.

My position, at the moment, is that I would like to see an increase in the number of effective work site health and safety committees.

Do you agree with me that committees can play a key role?

Most of them said yes.

Would you prefer mandatory (legislation) committees or voluntary?

There again, 60-40 against mandatory legislation.

Mr. Chairman, we have the best record in Canada, but that's not to say we can't have a better record, and we should do that.

One thing that disturbs me considerably about the Member for Edmonton-Mill Woods is that never once has he shown any respect for employers. All employers, every employer, to him seems like they're out to get the workers, and that's not the case. We have many, many good employers. I'd like to hear just once where he would praise the employers. I wonder how many times he walks around his constituency and stops at the worksites and visits the local garage or the store and talks to employers. Maybe he should do that. Let's have some respect for the employer because they're the ones that provide the jobs. I said this last year, and I want to say it again: without an employer, there's no employees. I guess you can't drive it through his head.

9:20

He suggests the minister is reluctant to bring in new regulations. Well, I don't know what he's talking about, because I work with industry and labour and if they bring something forward, I go at it very, very rigorously, and we have some regulations coming forward. Never once have I refused to work with industry or labour on new regulations, so if he's got

something specific, bring it forward and tell his people to bring it forward. Don't sit there and accuse the minister of not working with the people, because he's wrong.

He talks about a repetitive work syndrome. Well, I too would encourage workers to change their duties and spend 10 minutes doing something else. But isn't that something for workers and employers to do? He wants the government to stand in every workplace and say: "Now, look. You've had half an hour of this job. Move over for 10 minutes and let somebody else do it." Isn't that a job for the employer and the employees to do? Maybe that's a message he should be taking out. I'd encourage him to spend some time with the employers and employees and do that.

He says that we should do something on the day of mourning. Well, I guess he wasn't around on Friday morning when I did present my message. Where was he to lend support to myself? He wasn't around.

He talks about the Mexico workers' compensation board. Well, I'm not familiar with it, but I guess he is; he was over there. I'd like to see from him in a letter what he thinks should happen in compensation. If he's got so much wisdom, Mr. Chairman, why doesn't he share it? He wants to help his workers; I want to help them. Put it on paper. Get it over to us.

Then he says that we don't have a system where a worker can refuse a dangerous worksite. Well, there again, Mr. Chairman, I wish he'd read the Act. Section 27 says, "No worker shall carry out any work" where there's a danger. "No worker shall": that's pretty implicit. Then he goes on to say that a worker can be disciplined. Well, that's wrong again, because in section 28:

No person shall dismiss or take any . . . disciplinary action against a worker by reason of that worker acting in compliance with this Act.

Just for his information, if he'd look at sections 27 and 28, I think it's pretty straightforward on what can happen.

He suggests that the \$40,000 limit on compensation is not enough. Well, that's in the hands of the Workers' Compensation Board now. I look forward to the recommendation. But you've got to remember: somebody's got to pay the bills. Again, he had no respect for the people that pay the bills.

He says the Appeals Commission is not responding. I really don't know what he was referring to, because now he's asking me to get involved in an independent appeal process that is working well. Now, if he's suggesting that I get involved and change the system or do something else or tell the Appeals Commission what to do, then I guess he's talking to the wrong person. He named a couple of workers, and I don't know why he did it, but he named David Neary and Terry Spencer. Well, both of those people have a process to go through. They both were in my office, and they should go through the process. They have not appeared before the Appeals Commission. Now, I say why? I mentioned that the other day, and I say it again. There's a process to go through, and if they're not satisfied there, there's the Ombudsman. Now, it's his constituent; I urge him to tell him that. He goes outside and he talks to them. I don't know what he tells them, but he stirs them up because they come into my office and raise heck with me, yet there's a process to go through.

Mr. Chairman, we have a very positive procedure in recent claims. When I look at the claims since I've been the minister, in the last two years I really don't know if there's a handful of claims that we haven't responded to fairly and justly. Yes, there are some old claims that have been since 1952 that I don't know if we'll ever be able to resolve, but we're working with them.

Those claims in the last two years that I've been the minister have been responded to quickly and fairly.

He suggests that we should bring everybody under Workers' Compensation, make it mandatory. Does he really mean that? Does he mean that we should bring in those that don't want to be, the teachers, the lawyers, the farmers, all those people that are outside of compensation? If he's saying that, there is an avenue available to them. Let them come forward; they can get into compensation. But he wants to force them in; I don't. There's a process available to the farming sector where they can pay compensation, and I'm sure if the teachers wanted compensation and the ATA said, "Put us under compensation," we'd gladly take them. For the hon. member to suggest that I'm going to force them in, again he's talking to the wrong minister.

Mr. Chairman, I believe those are the comments from the Member for Edmonton-Mill Woods, but I will look at *Hansard*, and if there are other comments, both from Edmonton-Mill Woods and Edmonton-Whitemud, I'll respond to them if I haven't covered them here.

Now, the Member for Edmonton-Whitemud mentioned the Occupational Health and Safety Council. Again, it's because they recommended to myself that they could have half the meetings and do their job, and I accepted it.

The Health and Safety Audit, 12.0.7, is more funds for an auditing committee to do the window of opportunity, where we have to do audits every six months to make sure that they're following their procedure. The member also suggested mandatory worksite committees. Let me just suggest to the hon. member, as I have to the Member for Edmonton-Mill Woods, that we listen to the people. Here's another letter from the Occupational Health and Safety Council, which has members from the private sector, members from industry, and members from labour. They do not support mandatory legislation, and they want to work with me and develop recommendations to achieve the goal of committees through another process. I wrote back to the chairman and said, "Let's do it; bring me some recommendations." There's a council that is represented by all three parties not recommending mandatory legislation.

The suggestion was that the fines are not sufficient: Daishowa. Well, Mr. Chairman, I don't know what the hon. member wants us to do. We take the case forward. If we find justification to take them to court, we turn it over to the courts. Is he suggesting that I should reverse the judge's decision? It's in the Act that they can go up to \$300,000 or whatever the case may be. I'm not going to change a judge's decision. How do you change that?

He talks about hours of work for workers. Of course, that's under Labour legislation. I've spoken to the minister in respect of that, and if there's anything that Occupational Health and Safety can do, I'm sure we will.

He talked about welders' problems. Yes, I've met with those welders, and we have many manuals available through Occupational Health and Safety that spell out the hazards of welding. They should be used, and we make them available. We have videotapes and all kinds of things, but how do you get them to use it if they don't want to?

He talked about back injuries and his concerns. Well, that's right. I've talked to doctors on many occasions since taking on this portfolio. There isn't one doctor in the world who can diagnose a back injury 100 percent. There isn't. It's just one of those things. You have to work through it and do the best you can with the medical reports that the Appeals Commission receives. If a worker comes back with additional information

and a change of medical reports from a doctor, they again can go to the Appeals Commission and have their case heard.

9:30

He talked about old files. Yes, we have some files that are back to 1952 that come to see me and are not happy. How do you resolve these? I don't know of a system. He talks about taking it to the courts. Well, we have an Appeals Commission which is independent, represented by labour, by industry, and the public sector. If they have some proof or anything that the Appeals Commission is not fair, I'd like to hear it. After that they can go to the Ombudsman and make sure that the procedures were followed and done fairly. That's the end of it. I guess we can do more. We can ask the board to bring in recommendations to just let everything go through, but I don't think that's what we want. We want to be fair and just. The procedures we have in place now, I believe, are doing that, but there's nothing to say that we can't continue looking.

He suggests that he goes to government relations instead of going through my office. I commend him for that, and I urge him to do that, but I also don't want him and the Member for Edmonton-Mill Woods telling the injured workers that I won't listen to them. That's come back to me, and that's why I say I have an open door. I don't have a magic wand to correct this, but let's not have any worker in this province being told by somebody that I won't help them.

He asked about the Millard report: where is it? The Millard task force is about, oh, I would say, 75 percent implemented. One of the things they're looking at now – it's in the hands of the Workers' Compensation Board – is a wage loss supplement. I hope to have a recommendation from them shortly. All the recommendations in here have been reviewed and gone through over and over and over by the new Workers' Compensation Board. They'll implement the things they can, and I would hope they would bring the others back to me for recommendations on whether we change the Act, which we might have to, or put it in in another manner.

He mentioned a task force report. I don't know if he has it, because I don't have it. Even though we've asked for this report, we've never received it. I don't even know if it's completed, but if the hon. member's got a task force report – I'll have to check *Hansard* to see just what he meant.

MR. WICKMAN: I don't have it. I'm waiting for a copy.

MR. TRYNCHY: Well, so am I. If he's waiting for a copy, Mr. Chairman, so am I. I haven't got it. I think he was insinuating that I had a report and wasn't doing anything with it, but that's not the case. I haven't got it.

He suggests we should take WC cases to court, and he claims that the settlements are not fair. Now, I say again: why would he say this, unless he has some proof that the Appeals Commission is not fair? I'd encourage him to bring forward to me any evidence that the Appeals Commission is not being fair, because how can you justify telling a worker to go to the courts – and who's going to pay for the court cases? – when we have a procedure that I believe is just and fair. Now, if it isn't, then we should change that system.

He also mentioned that the WC assessment for some firms is too high. He should remember that the assessment rates are accident driven. He claims that workers "manipulate the system." Those are the words he used. Well, I'd like to have that information as to who manipulates the system, because that, too, should be removed if that's the case.

He suggests that we shouldn't pay compensation in some cases, but if we don't, who do we hear from? It's the two critics, Edmonton-Whitemud and Edmonton-Mill Woods, who come after me and say, "Mr. Minister, you're not responding to these people." If he has some evidence of manipulation – and I think he mentioned the roofers in this regard – I'd like to have that, because I, too, would like to remove the manipulation. Then he goes on to say that every worker should have the right to re-employment by the former employer. Well, how could he have it both ways? How can you say that the worker manipulates the system, takes compensation, and then have the employer take that employee back? I'd like to know more about the system he's thinking about. It would help me.

Mr. Chairman, I believe I've responded to all the concerns from the members. I would look at *Hansard* in case I've missed something, and I would be responding to those issues that I haven't covered tonight.

MR. McINNIS: Mr. Chairman, I have basically a question I'd like to put to the minister with regard to the safety and accident record in the forest industry. The forest industry, as I'm sure the minister is aware, is one of the highest accident rated and one of the most dangerous occupations around. I have a concern with the increase in logging activity that's planned in Alberta over the next five to 10 years, what the department might be doing to try to improve the safety record and cut down on the number of deaths and debilitating accidents that take place. It's ironic in one way that so much mechanization has come to the logging industry. Very few people actually log with chain saw and boots and hard hat like they perhaps did years ago. More of the logging is done with feller bunchers and delimiters, equipment which certainly cuts people out of work. One individual can do an awful lot of logging with some of the high-powered equipment. It seems to me that it also provides a safety margin for the worker in that they're contained within a cage and there are fewer things that can happen there, but still that accident rate is persistently high.

I wonder basically what investigations the department is making into logging practices as they affect safety, particularly in the woods, although the mills themselves are not the safest places to work either. I would simply like to ask the minister what initiatives and programs he has planned in the coming year to try to reduce the accident rate and the seriousness of accidents in the forest industry.

MR. TRYNCHY: Mr. Chairman, it's important that the member wasn't here a few moments ago. It's in *Hansard*. I met with the Alberta loggers' association and yes, the accident rate in logging is too high, and most of it is now coming from the smaller operator, because the bigger operators are using the mechanical equipment. If he reads *Hansard* and sees my response in it, I think he'll be satisfied, because that is a concern we have in Occupational Health and Safety and WCB, because their rates are one of the higher ones in compensation assessment.

MR. DEPUTY CHAIRMAN: Ready for the question?

HON. MEMBERS: Question.

Agreed to:

Total Vote 12 – Occupational Health and Safety

\$12,486,800

Total Vote 13 – Workers' Compensation                      \$10,900,000

MR. TRYNCHY: Mr. Chairman, I move that the vote be reported.

[Motion carried]

MR. STEWART: Mr. Chairman, I move that the committee now rise, report progress, and request leave to sit again.

[Motion carried]

**9:40**

[Mr. Jonson in the Chair]

MR. ACTING DEPUTY SPEAKER: Order please.  
The Member for Lacombe.

MR. MOORE: Mr. Speaker, resolved that the sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 1992, for the department and purposes indicated.

Executive Council: Occupational Health and Safety Services, \$12,486,800; Workers' Compensation, \$10,900,000.

The Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again.

MR. ACTING DEPUTY SPEAKER: Are you agreed with the report of the Member for Lacombe?

HON. MEMBERS: Agreed.

MR. ACTING DEPUTY SPEAKER: Opposed? Carried.

[At 9:41 p.m. the Assembly adjourned to Tuesday at 2:30 p.m.]