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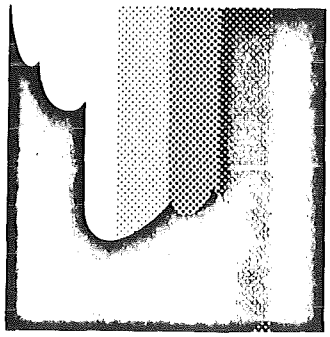
BRIEF TO THE MINISTER OF LABOUR CONCERNING THE PROPOSED OMNIBUS BILL ON OCCUPATIONAL HEALTH AND SAFETY



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Presented at
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Introduction

The Canadian Environmental Law Association (CELA) is pleased to bring forward its recommendations on the omnibus bill on occupational health and safety, the third opportunity in a year the organization has enjoyed to address the Minister on a similar theme.

On this occasion as on the previous two (Sept. 23, 1976 and Dec. 1, 1976) we continue to emphasize the importance of effective employee participation in the regulation of the workplace environment. We suggest that such participation will not only improve the physical quality of the workplace environment but improve the sense of employee control over that environment resulting in higher morale and diminished morbidity.

CELA welcomes the principle of harmonization of the legal regimes governing construction sites, industrial establishments and mines for which the omnibus bill presents the opportunity. The differences between these three regimes have often been anomalous. We hope that we may make a reasonable contribution to making the best features in each regime universal and improving the quality of the whole.

1. Right to Refuse Unsafe Work

(a) Economic Guarantees

If employees do not feel reasonably assured that they will not suffer short term economic loss for a principled exercise of their right to refuse unsafe work as enacted in sections 2 and 3 of The Employees Health and Safety Act 1976 it is unlikely that sufficient use will be made of that right. The great advantage of the exercise of the right is that it focusses immediate attention on actually or potentially troublesome areas for resolution.

In order to guarantee the employee that in the short term he will not suffer while a determination is being made on the safety of the job or the reasonableness of his belief, the law should provide that no discipline of an employee acting in purported exercise of his right under the Act shall take effect until there has been an adjudication by the Ontario Labour Relations Board (OLRB) or by grievance arbitration. Naturally, in order to get a matter on for decision under such a scheme, the employer would have to be at liberty to initiate the application or grievance. We are confident that procedures would be worked out and utilized so as to have such matters come on for hearing expeditiously.

Further, and for the same reasons, it must be clearly spelled out that discipline includes loss of pay due to the employee's not being able to carry on with his job until the arrival and

determination of an inspector.

We are aware that there are possibilities of abuse inherent in the excercise of the right when economic guarantees are in place. To combat any such abuse we would propose that money paid to an employee because of the economic guarantee provisions of the new Act would be recoverable upon a tribunal's adjudication that there was originally no reasonable cause to believe the work to be unsafe.

Merely making the money recoverable may not itself be sufficient protection for an employer whose employee is judgment proof, so it may be that protection can be found for such employers through the use of a provisional holdback of part of the wages, perhaps 30%, borrowing the proportion used in The Wages Act, RSO 1970, c. 486, section 7 (1). Subsequent to a determination by an arbitrator that wages had to be repaid, the employer may, under section 37 (10) of The Labour Relations Act, RSO 1970, c. 232, file the award in the Supreme Court and it becomes enforceable as a Court order, for example, by way of garnishment of wages, a frequently effective collection device. The omnibus legislation might well provide for further amendment to The Labour Relations Act to allow a similar decision of the OLRB to be so filed and enforced.

While recognizing that economic guarantees would need to be carefully drawn to prevent abuse, CELA strongly urges that the new bill recognize the principle that an employee must not have to trade off his own or his colleagues' health and

safety for short term economic protection; under the present law we submit that the vast majority of employees are faced with just such a trade-off.

Recommendation 1: That the omnibus bill provide that there be no discipline of an employee acting in purported compliance with his right to refuse unsafe work until there has been an adjudication thereon by arbitration or the OLRB, either the employer or the employee being at liberty to initiate the proceedings.

Recommendation 2: That "discipline" as now used in section 9 of The Employees Health and Safety Act 1976 be defined in the new bill to include any loss of pay from regularly performed work.

Recommendation 3: That upon a determination by an arbitrator or the OLRB that certain money had been improperly paid to an employee because he had no reasonable cause to believe the refused work to be unsafe, the money so paid would be repayable to the employer by the employee. In order to protect the employer against the possibility that there would not in fact be any repayment, procedures need to be devised to ensure repayment as far as possible. Suggested measures are a 30% provisional holdback of wages until a determination, plus the right of the employer to file an OLRB decision awarding such repayment with the Supreme Court and enforce it as such in the same manner as may now be done with an arbitral award.

(b) Actual Knowledge of the Law

One of the anomalies of the present health and safety law is that employees are expected to know what conditions are contrary to law without having access to the law. The Industrial Safety Act 1971 partially recognizes the need to supply the law in section 24 (1) (e) but the other statutes do not. The result is that in general employees do not have practical access to the law whether in the form of statute, regulation or code. Consequently the informational basis for the exercise of the right to refuse

unsafe work is beyond the reach of employees in a very physical sense. Employees should not have to guess about what the law considers unsafe.

> Recommendation 4: That the omnibus bill require the Minister to provide adequate copies of the applicable legislation, regulations, and codes to the employees through their employer.

2. Joint Committees

(a) Recognition of Voluntary Committees

The omnibus bill will no doubt continue the concept of the joint health and safety committee created where so ordered by the Minister. The anomaly that may well arise without further amendment of this concept is that reluctant parties will have joint committees clothed with the remarkable legal power to obtain information from any person whereas committees established by more apparently co-operative parties will not be so clothed.

The encouragement of voluntary measures is undoubtedly the policy behind The Employees Health and Safety Act 1976, but for its better realization we believe that voluntary committees which meet the criteria of the Act should have the same status and power as those imposed by the Minister.

> **Recommendation 5: That the new bill provide that any committee voluntarily established and constituted as specified in section 4 (3) of The Employees Health and Safety Act 1976 enjoy the same rights and powers as one established pursuant to an order of the Minister under**

section 4 (1).

(b) Resolution of Committee-Management Conflicts

Since CELA appeared before the Minister at the Legislative Standing Committee on Social Development hearings on Bill 139, two important changes among others were made in that Bill, later The Employees Health and Safety Act 1976. The first was to reduce the power of the committee from one of "establishing" programmes to "recommending" programmes in section 4 (4) (c); the second was to quantify membership at one half for labour and one half for management in section 4 (3). No doubt the danger being avoided by these changes was that a committee, the majority of whom might be employees, could coerce the management into an unsound programme. With the second change in the Bill, that danger is even more remote than when CELA first urged that the management not have effective veto power over the programmes to be established.

We feel that if employees are to have confidence in the committee and the committee is to take its own role seriously, the committee must have power to put its recommendations into practice unless there are compelling reasons to the contrary. There will perhaps be occasions when the committee and the management are at loggerheads and in those situations under current law the recommendation simply dies. Employees would be more prepared to put effort and confidence into a committee which can perform the task entrusted to it, and the committee will be better able to do that if the law provides that management must either put the plan into operation or agree to refer it to the Director of

the Occupation Health and Safety Branch (the Director) for final decision with written reasons. In this way committee members and employees will know that their efforts are going to achieve results or there will be good reasons why not.

> Recommendation 6: That the omnibus bill require that management either implement recommendations of the committee or agree to refer the recommendation to the Director for decision, the Director to give an opportunity to the committee and to management to submit representations and the Director to decide the matter with written reasons.

(c) Articulation of Factors in Deciding to Impose a Committee

Since The Employees Health and Safety Act 1976 has become law the Ministry of Labour has reportedly* indicated that one factor it will consider in deciding whether it will order the establishment of a committee is whether the employees have asked management to establish one before petitioning the Minister.

We welcome this further effort to encourage voluntarism, provided the evidence demanded of a refused request does not become unreasonably onerous. It should be sufficient if the employees can show in their request to the Minister that a request has been made of the employer to establish a committee with all the rights and powers enumerated in section 4 (4) of The Employees Health and Safety

*Labour Council of Metropolitan Toronto, "Health Alert", Vol. 1, No. 7, March 1977.

Act 1976 and that the employer has refused.

On the other hand, we have always stood for the proposition that all administrative and judicial decisions be made in accordance with fully articulated criteria available to all parties in advance insofar as this is possible. This puts everyone in an equal position and narrows the scope of administrative caprice.

> Recommendation 7: That section 4 (2) of The Employees Health and Safety Act 1976 be amended in the new bill by adding as a factor in the Minister's decision to order the establishment of a joint committee "the refusal of the employer to voluntarily establish a joint committee having the duties and powers enumerated in section 4 (3)."

(d) Compelling Information

An anomaly within The Employees Health and Safety Act 1976 is that by section 5 (3) an employer and employees are under a duty to provide information required by a health and safety representative whereas no one is under a duty to provide a joint health and safety committee with such information. The difference is important, since it is a simple legal axiom that no one not under a duty can be compelled to perform a given act. If the power of the committee to obtain information is to be put beyond question, a duty must be imposed on anyone asked for information by the committee to provide it forthwith.

Another drafting omission is of far greater importance. If the list of persons from whom information can be required does not specifically include the Crown then the committees will not be able to obtain governmental information. It is precisely the government which often has the most crucial information.

Recommendation 8: That section 4 of The Employees Health and Safety Act 1976 be amended in the new bill to impose a duty on anyone asked in writing for information under section 4 (4) (d) to provide it forthwith.

Recommendation 9: That section 4 (4) (d) of The Employees Health and Safety Act 1976 be amended in the new bill so as to include the Crown in the list of persons from whom information may be required by a committee.

(e) Access to Minutes and Records

Since the committee draws its membership from two constituencies, management and labour, and since it is important for the confidence of these constituencies to have access to the committee's work, we suggest that committee minutes and records be open to both. As section 4 (4) (e) of The Employees Health and Safety Act 1976 stands now, there is an implication in the wording that the minutes and records are available only to an inspector.

Recommendation 10: That the omnibus bill require that a committee's minutes and records be available to any employee or the employer.

3. Health and Safety Representatives

(a) Recognition of Voluntarily Established Representatives

As with the joint committees, in order to encourage effective voluntary co-operative solutions to health and safety problems, the law should extend to voluntarily established health and safety representatives the same rights and duties as one established pursuant to ministerial order.

Recommendation 11: That the new bill provide that every health and safety representative selected by the non-management employees or a union be recognized as possessing the same rights and duties as one selected in accordance with an order pursuant to section 5 of The Employees Health and Safety Act 1976.

(b) Qualifications

Without certain minimal qualifications it is probable that representatives will not be able to properly perform their tasks. Unless an employee is already qualified through previous training or experience, he should receive adequate training before assuming sole responsibility for his position at the expense of the employer and the government. The position is one that is much needed, providing great potential for the involvement of employees in shaping the work environment; it is very important that this potential not be wasted through lack of qualification.

Recommendation 12: That the omnibus bill require the Minister and the employer to provide at their expense adequate training for every health and safety representative to enable him to take all proper tests, interpret the results, recognize hazards, locate relevant information and communicate his knowledge to colleagues.

(c) Monthly Inspections

A simple drafting clarification could avoid future difficulty in the omnibus bill by stating that the once monthly inspection is not exhausted by the various other inspections permitted under The Employees Health and Safety Act 1976 nor an isolated test or inspection of a thing or place.

Recommendation 13: That the new bill provide that the once monthly inspection permitted a representative by section 5(3) of The Employees Health and Safety Act 1976 is not exhausted by

(i) any isolated test or inspection of a thing or place nor

(ii) any activity provided for by sections 3 (1), 3 (3), 5 (4) and 6 (1) of the Act.

(d) Relaxation of Confidentiality Requirements

When all the health and safety statutes are consolidated in the omnibus bill the anomaly will be presented of a representative able to accompany an inspector without the inspector being able to reveal anything to the representative by virtue of the confidentiality provisions of The Industrial Safety Act 1971, section 13 and The Construction Safety Act 1973, section 8, presumably to be carried into the omnibus bill. This situation will not be conducive to trust nor the education of the representative and does not appear to us to be offset by any competin interest in favour of secrecy. The saving provision that the Director may on request permit the release of information will not help in this situation, since the essence of the desired communication between the inspector and representative is that it be informal and constant.

Recommendation 14: That the omnibus bill permit and require an inspector to inform the health and safety representative of all matters relevant to the understanding of any aspect of an inspection and any instructions or advice he will orally give the employer.

(e) Freedom of Employees to Make Their Own Tests

Notwithstanding that we do approve the principles behind joint committees and health and safety representatives, there are two reasons why every employee should have the freedom to take his own tests of the workplace environment. The first is so that a check can be maintained on the work of inspectors, employers, the committee and the representative. The second is to parially fill the gap left where there is no committee nor representative Regulations could be passed regulating the types of tests that would be allowed so that none would have disruptive effects, but the principle that any employee is free to satisfy himself of the safety of his own working conditions deserves recognition and protection. At present, a worker taking such a test would in all probability suffer discipline.

Recommendation 15: That a section in the omnibus bill provide that no employer shall prevent or discourage any employee from bringing into the workplace and using therein any device to measure or record the quality of the workplace environment, provided the bringing or using does not unduly interfere with the employer's work or the safety of any person as specified in the Regulations.

4. Inspectors

(a) Surprise Visits

The Employees Health and Safety Act 1976, section 6, requires the employer to afford the health and safety representative an opportunity to accompany the inspector. The implication is that the inspections will have to be individually or routinely arranged through the employer, which makes a surprise visit impossible. Yet surprise is surely one of the chief weapons in the hands of any law enforcement agency as we find in the use of radar traps, plainclothes policemen, wiretaps and so on. Surprise prevents the inspector from being met with an atypically altered environment on a tour, and of course can cut two ways, against both employer and employees. We would prefer to see in the new bill provision for such surprise visits.

Recommendation 16: That the new bill contain a provision that nothing in the Act prevents an inspector from making an inspection without notification to anyone save the health and safety representative.

(b) Reports to All Complainants

Provided the provisions of The Mining Act, section 618 (1) (a),

The Industrial Safety Act 1971, section 10 (1) and (2), and The Construction Safety Act 1973, section 11 (1), requiring all orders of inspectors either to be in writing or confirmed in writing are continued in the new bill along with section 7 of The Employees Health and Safety Act 1976, all complainants will receive notice of the results of any complaints which were justified. We believe however that confidence in the inspectorate requires that complainants receive reports in every case so that they know just what was found and why that did not require corrective action.

Recommendation 17: That the omnibus bill provide that when any employee complains to an inspector, the inspector shall investigate the complaint and report thereon to the complainant.

(c) Economic Guarantees Upon Shutdown

Inspectors already possess power to shut down any job presenting an immediate hazard under authority given by The Mining Act, section 618 (1) (c), The Industrial Safety Act 1971, section 10 (3) (b), and The Construction Safety Act 1973, section 11 (3) This power will presumably be continued in the new omnibus bill, as indeed it ought to be so as to protect employees in dire situations. At present however there is an hiatus in the legal and economic protection of employees whose jobs are thus shut down, albeit temporarily. If the shutdown is due to an order made under The Environmental Protection Act, SO 1971, c. 86, the

The Employment Standards Act, SO 1974, c. 112, section 40 (4) provides that the termination provisions of that Act continue to apply. If the shutdown order is made under any of the three occupational health and safety statutes governing mines, industrial establishments, or construction sites on the other hand, the employment of the employees concerned may be terminated without notice or pay in lieu thereof under section 40 (3) (d) of The Employment Standards Act 1974.

Even apart from the disastrous economic consequences to employees resulting from the anomalous failure to protect employees in an occupational health and safety related shutdown, their exposure to immediate termination must surely be a negative factor in the employees' commitment to drawing attention to unsafe conditions and the inspectors' commitment to take drastic action when required.

> Recommendation 18: That The Employment Standards Act 1974 be amended so as to have the legal termination protection of that Act apply to employment which has become impossible of performance due to an order made under the relevant occupational health and safety legislation.

5. Statistics

(a) Statistical Breakdown

The numbers of accidents and diseases on a job only tell a part

of the story; another part is told by causal breakdowns. The annual reports of the various safety associations established under The Workmen's Compensation Act, RSO 1970, c. 505, section 119, recognize this necessity by minutely detailing the causes of all accidents and diseases by employer class and sub-class, using information supplied to them by the Workmen's Compensation Board (WCB). However, the statistical information to be provided under section 8 of The Employees Health and Safety Act 1976 will not contain such a causal breakdown. In order for health- and safety-minded people to make constructive criticism and not merely scandalous or generalized comments, the causes must be shown, and in order to ensure that they are shown, the legislation should so specify.

Again, a more valuable light in which to judge the performance of a particular employer is by comparison to his competitors and to his own history, absolute numbers being not particularly instructive.

> Recommendation 19: That the omnibus bill provide that the information supplied under section 8 of The Employees Health and Safety Act 1976 include causes of all accidents and diseases where known, a comparison with the experience of the employer in the previous three years, and a comparison with the experience of employers in the same class, sub-class and group for the same years.

(b) Access and Availability

The present drafting of The Employees Health and Safety Act 1976, section 8, requires that when an employee requests an annual summary concerning his employer, the WCB is to forward the summary to the employer who in turn gives a copy to each of the committee and the union, if any, and posts a further copy. Apparently forgotten is the employee who requested the summary; while of course he can read a posted copy, for study purposes nothing compares with possession of the actual document to be read and digested upon reflection.

Also apparently forgotten in section 8 is the employer, and this omission becomes even more important upon the adoption of our Recommendation 19 which would make the summary a far more valuable document by presenting comparative figures with other employers. The employer should have much of the summary's information on his own records in the first place, but access to the Board's summary will provide him with a complete tableau of his occupational health and safety position and he should by right be able to obtain it, provided of course he also shares it with the committee, union and employees.

It is not just employers and employees per se that have a legitimate interest in monitoring the occupational health and safety experience of a particular employer, or of provincial employers in general. Where the employer is a corporation, the

shareholders have a direct financial interest in how the management is performing, indeed, increasingly so, as the WCB assessments continue to rise. The shareholders ought to be in a position to evaluate management personnel and policies in this sphere, just as they are entitled to information to allow them to assess management's overall performance with respect to other expenditures and liabilities.

Finally, the public itself should have easy access to information to allow it to assess the performance in general of the province's employers and government. We recognize that an ordinary citizen may at present write to and obtain from each of the accident prevention associations valuable statistical information, but at considerable consumption of time and effort. The annual report of the WCB could easily accomodate a compendious report on the accident and disease experience of employers by class, sub-class and group and indeed, such reporting would on the face of it appear to be part of the Board's reporting mandate under the present section 81c of The Workmen's Compensation Act without legislative reform.

Recommendation 20: That section 8 of The Employees Health and Safety Act 1971 be amended in the omnibus bill so that any employee, trade union, employer or shareholder may request a WCB annual summary and that when the summary is received by the employer, copies shall be given to the committee, the union, the requesting employee, or the requesting shareholder, if any. One copy shall continue to be posted.

Recommendation 21: That section 81c of The Workmen's Compensation Act be amended so that the Board's Annual Report should specifically contain compendious statistical information on the matters listed in section 8 of The Employees Health and Safety Act 1976 and the causes of all accidents and diseases where known, broken down by employer class, sub-class and group on a comparative basis with the preceding year, and that the Annual Report be available free at the request of any Ontario resident.

6. Workplace Environmental Impact Assessment

Under The Industrial Safety Act 1971 there has been in place for some time a procedure whereby the structure of new or altered industrial establishments is subject to prior governmental review, recognizing that it is far better to have a safe building in the first place than to try to cure the results of bad planning. Similarly, under The Environmental Assessment Act, SO 1975, c. 69, new or altered operations with environmental significance are to be subjected to prior review based on the same rationale.

CELA believes that there is no less urgency attaching to environmental problems within the workplace than there is to environmental problems in general. Indeed, it is probably the case that employees, particularly industrial workers and miners, face more numerous and concentrated exposures to toxic or potentially toxic substances than citizens at large. Our Association believes strongly that the principles of environmental impact assessment must be extended to the workplace as soon as suitable procedures are capable of being devised.

We also believe that one essential criterion of a suitable procedure is the participation of the employees who may be affected, and their representatives. Today more and more working people are properly taking an active interest in their environmental heal and this movement deserves encouragement and respect. Employee participation will bring to bear the particular perspective of the people who must face the hazard and moreover will enable them to feel a deeper identification with the governmental process and their own work. If there is any doubt of the ability or interest of working people in these matters, we believe it should be allaye by their impressive contribution to the recent Ham inquiry and its report, Report of the Royal Commission on the Health and Safety of Workers in Mines, June 30, 1976 (see particularly Appendix B).

In the earlier CELA document "Brief to the Legislative Committee Concerning Government Bill 139", Dec. 1, 1976 we sketched our proposals for the assessment process at page 12. If for any reasons that particular outline is not acceptable and a workable and detailed procedure cannot be devised before the omnibus bill is otherwise ready for passage, then we would urge that at a bare minimum there be required that a descriptive notice of any new process, machinery, equipment or substance be given by the employer to the employees, by posting and delivery to the union if any, and to the Director in advance of their actual introduction. At the very least, this procedure will enable the employees and government to spot some hazards and do their own work to evaluate them.

Recommendation 22: That the new omnibus bill contain a procedure for workplace environmental impact assessment, and that at a minimum every employer intending to introduce a new process, machine, equipment, or substance do so only after having given prior descriptive notice to the Director and to existing employees.

7. Regulations

Don F. Jones in his booklet Occupational Safety Programmes: Are They Worth It? 1973 describes at pages A2-6 and 7 the procedure now used in drafting and approving Regulations under the occupational health and safety statutes. His observation is that very few people are really consulted about the content of the Regulations, most notably, very few of the people who must work under the Regulations' standards. His recommendation is to adopt a more open procedure, and CELA heartily endorses that concept. We believe, as we do with environmental impact assessment, that the contribution of employees is valuable in itself and for its strengthening of a healthy attitude towards their work and their government.

We do not suggest that the consulted constituencies of employers, employees and occupational hygienists should replace the Legislature or Lieutenant Governor in Council in any way. There can be no question of anything but a consultative role for anyone outside the government proper. The principle being advocated here merely involves the drawing of a wider circle of those whose opinions are thought valuable in setting Regulations, and we submit that this circle should include such of the employee rank and file as are interested.

Nor does CELA pretend that the mechanics of drawing employees into the Regulation process will be a simple matter. Clearly there are questions of how to notify people, whom to notify, how to receive the submissions, and the time frame in which to limit the process. On the other hand, these difficulties are not insurmountable; both government and people in Ontario are now quite used to the inquiry system, and the necessary details can be devised with a good will. It is the principle of broad consultation we wish to see clearly in the legislation.

Recommendation 23: That the omnibus bill provide that the Minister may, after consultation with employers and employees likely to be affected, and with such other persons as the Minister deems advisable, make Regulations governing standards in the workplace environment, provided that in emergency situations the consultation may be postponed until the applicable Regulation is effective.

8. Enforcement

(a) Appeals from Inspectors' Orders

Under The Construction Safety Act 1973 section 12 and The Industrial Safety Act 1971 section 11, an aggrieved party may appeal an order of an inspector. The other party is not given notice of the appeal under the present legislation, even though that party may be materially interested in the outcome of the appeal. With all orders now being posted, a secret appeal procedure is even more obviously anomalous than previously and clearly ought to be remedied. It represents not only a denial of natural justice but a very real possibility of material danger

in case the appeal should be decided on one-sided material.

Recommendation 24: That in the omnibus bill any appeal from an inspector's order may only be made upon notice to the other side, either employees or employer, and may only be disposed of after an opportunity has been given to the employees, the employer and the inspector to make submissions.

(b) Abolition of Ministerial Fiat

Section 625 (1) of The Mining Act requires government approval prior to the prosecution of an alleged offender against that Act. This limitation is absent from the other two statutes, The Construction Safety Act 1973 and The Industrial Safety Act 1971 and properly so. The judicial system itself knows how to deal with frivolous or vexatious matters, and the discretion to assess penalties can reflect the severity of the offence. Governmental limitation on prosecution merely invites problems of partiality and intrudes considerations which have little or nothing to do with judicial enforcement of statutes.

Recommendation 25: That in the omnibus bill there be no governmental limitation on prosecutions.

(c) Enforcing Legal Rights

It is axiomatic that a right is only as good as the mechanism to enforce it where it is denied. We are concerned that certain rights given particularly by The Employees Health and Safety Act 1976 are left in a vacuum. For example, a health and safety

representative denied pay for his time while performing legally permitted inspections at present can only turn to the courts, in the absence of grievance procedure. The same applies to the right of a committee to obtain information or of an employee to receive a copy of an inspector's order. Going to court seems a far from practical method to resolve such disputes because of the expense and delay. Rather, the omnibus bill should provide for an administrative organ which can, on application, issue an order compelling certain action as required by statute.

Recommendation 26: That the omnibus bill provide machinery and an administrative organ to enforce every right under the legislation unless specifically stated otherwise.

(d) Binding the Crown

Section 3 in The Industrial Safety Act 1971 and section 2 in The Construction Safety Act 1973 specifically bind the Crown in those statutes; on the other hand, The Employees Health and Safety Act 1976 and The Mining Act do not appear to bind the Crown. With the Crown now itself a significant employer in this province there is no reason to exempt it from compliance with what is legislatively determined as minimum conduct for the private sector. In the new omnibus bill the anomaly between the two groups of statutes should be resolved in favour of equalizing the position of public and private employers.

Recommendation 27: That the omnibus bill bind the Crown.

Conclusion

In the preceding pages CELA has set out its suggestions for the improvement of existing occupational health and safety law as this might be embodied in the present government's proposed omnibus bill on that subject. Our organization believes that these twenty-seven proposals are both workable and desirable to achieve proper standards and harmony in the workplace environment. We are pleased to commend them to the Minister of Labour for serious consideration and incorporation into law.