

Safety Sound-off

VIDC Occupational Health & Safety Committee Newsletter

Liberals consider 'right to disconnect' in labour rule

Workers would have the right to turn off their electronic work devices outside of business hours

BY JORDAN PRESS

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OTTAWA (CP) – The federal Liberals are considering whether a reshaping of federal labour standards should include giving workers the right to ignore their job-related emails at home.

The idea of putting into law a “right to disconnect” is one of several policy areas the Liberals identify as meriting further study in a report being made public ahead of the Labour Day long weekend.

Governments in Canada and overseas have taken a closer look at the right-to-disconnect concept after France adopted a law in 2016 giving workers the right to turn off their electronic work devices outside of business hours over worries that employees were doing unpaid overtime, or being driven to burn-out.

The results of a year-long consultation on changes to the federal labour code showed a split between employer and labour groups over whether the Liberals should follow suit and set rules for workers

in federally-regulated industries. That includes employees in transport, banking and telecommunications, and could also influence provincial labour laws.

“While many concerns were raised during our consultations, one message was clear: Canadians want more work-life balance,” Labour Minister Patty Hajdu said in a statement.

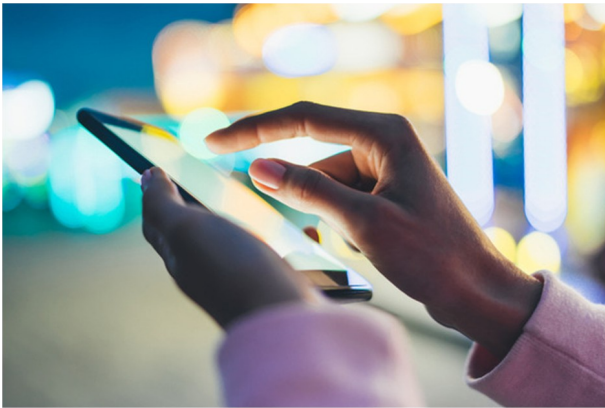
“It is time for the federal labour standards to be modernized to reflect the realities that Canadians face today, and we’re taking the insights gathered from these consultations very seriously.”

Labour groups argued that a legal right to turn off work devices, or workplace policies to limit the use of work-related devices when not at the office, would improve rest and not bite into family time.

Employers were more cautious, telling federal officials that some companies need employees available to be on call after hours. And some employees choose to stay connected because they don’t work a traditional “9-to-5” workday. At least one employer group called any government action a “legislative over-step,” the report said.

The report released Thursday summarized federal consultations on potential updates to the decades-old labour code.

It also discussed whether to set a federal minimum wage and set more stringent rules around contract workers.



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Heath & Safety

Dates to Remember

- ◆ **Sept 17-18, 2018:** BCMSA/ PWABC Conference
- ◆ **Nov. 5–6, 2018:** South Island Safety Conference
- ◆ **Feb. 27, 2019:** Stop Bullying Day

Standards enshrined in the Canada Labour Code were originally drafted in the 1960s in an era when the average worker had a full-time, permanent job with benefits and protections under the labour code. The wording in the regulations has remained relatively unchanged since then.

But the code is feeling the strain under a shifting labour force that since the 1970s has been increasingly marked by what is described as non-standard work — usually part-time, temporary or contract work.

The results of the consultation will feed work the Liberals intend to do to modernize labour standards that affect more than 900,000 federal workers in Canada, representing about six per cent of the national workforce.



Welcome to our VIDC Health and Safety Newsletter.

Our Committee members are:
Sarah Fairbrass, Chair;
Martha Higgins; Sherrene Ross.

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On High Alert: Addressing Impairment in the Workplace

Don't wait for the October 17 legalization of recreational cannabis to start preparing for the possible impacts on your workplace. Now's the time to review your policies and procedures because, regardless of the source, impairment can affect our focus, judgment, and ability to do our jobs safely. There are steps you can take to reduce the impact of impairment and the role that both employers and employees play in workplace safety.

Understanding impairment: Impairment in the workplace is not a new issue. There are many potential causes of impairment including the use of legal and illegal substances such as alcohol, cannabis, drugs (over the counter, prescription, illicit), and certain medications, as well as factors such as fatigue, life stresses, and certain medical conditions. Legalization of recreational cannabis may not necessarily change existing policies and procedures, but workplaces should take the opportunity now to review them to ensure they address both therapeutic and recreational cannabis.

Employer and employee roles: Workplace health and safety is a responsibility shared between employers and employees. Employers, managers and supervisors need to be on the lookout for signs of impairment from the consumption of cannabis. To exercise due diligence, an employer should work with the health and safety committee to create and implement a plan that identifies possible workplace hazards, including the impacts of possible impairment, and carries out the appropriate corrective action to prevent incident or injuries. Workers have the duty under the Occupational Health and Safety Act to report hazards as they see them.

The law: Cannabis laws will vary by jurisdiction. Each province and territory has the ability to set its own rules for cannabis, in-

cluding: the legal minimum age, where you can buy it, and where you can use it. Check with your jurisdiction for the applicable legislation.

Update your policies: Employers should update or develop workplace policies and programs that address impairment from any source.

Developing a clear impairment policy that takes a fitness-to-work approach to impairment, communicating the policy to workers, and applying it consistently can help employers manage their obligation to ensure workplace safety. Labour and management, including the health and safety committee, should jointly develop a policy that addresses the risk of workplace impairment. The policy should use general concepts such as "impairment" as this approach will be relevant to all sources of impairment, not just cannabis.

Accommodation and Testing: Employers have the duty to assess each situation and determine the effect on the workplace, and the possibility of fulfilling the duty to accommodate in terms of therapeutic use and disability due to substance dependence. Base accommodation plans on medical assessment, and develop them collaboratively with the employee. Testing employees for substances typically reveals only the presence of the substance, not the level of impairment. Human rights legislation generally does not support testing. Employers should seek legal advice before testing workers for substances, and supervisors and employees should be educated and trained on current policies, programs, and recognizing impairment in others.

Source: <https://cchohs.ca/newsletters/hsreport/issues/2018/08/ezone.html#hsreport-ontopic>

WORD SEARCH

WORKING-ALONE	RISK	BARRIER
ISOLATION	TIME INTERVAL	SURVEILLANCE
HAZARD	GRANTS LAW	TRAIN
ELIMINATION	PAY N PUMP	SWP
CONTROL	VIOLENCE	REVIEW
IMPLEMENT	MONITOR	WORK
PROCEDURES	DISTRACTED	

Submit your completed word search to vpcupe374@gmail.com for a chance to win a prize!

Last Issue Winner: **Karen Garrett**—Congratulations!



Z	Q	P	A	Y	N	P	U	M	P	S	W	P	I
R	E	C	N	A	L	L	I	E	V	R	U	S	M
D	M	B	A	R	R	I	E	R	G	P	O	E	P
V	N	O	I	T	A	N	I	M	I	L	E	R	L
G	I	X	N	Q	R	Z	K	J	A	O	R	U	E
W	F	O	D	I	C	A	U	T	W	R	A	D	M
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