



**MINUTES OF THE POLICY HEALTH AND
SAFETY COMMITTEE MEETING
December 2, 2009 – 1:00 to 4:00 p.m.
100 Metcalfe Street, 9th Floor - Ottawa**

Employee Members

Jason McMichael, Co-chair
4th Vice-President
CIU

Mike Matuzic
CIU

Anthony Essex
(alternate for Leanne Hughes)
CIU

Wayne Lee
(alternate for Frances Day)
PIPSC

David DeRose
PAFSO

Leanne Hughes
CIU

Frances Day
PIPSC

Employer Members

Camille Therriault-Power, Co-chair
Vice-President
Human Resources Branch

Maureen Tracy
Vice-President
Operations Branch

Roger Lavergne, Director General
Comptrollership Branch
(alternate for Vice-President)

Stuart MacPherson, Director
Operations Branch

Absent:

Sylvain St-Laurent, Vice-President
Comptrollership Branch

Patti Bordeleau, Director General
Human Resources Branch

Secretariat:

Greta Hill, Secretary
Tammy Edwards, Note Taker

Observers:

Jake Baizana, CIU

The Employee Co-chair, Jason McMichael, chaired the meeting.

OPENING REMARKS

The Employee Co-chair welcomed everyone to the meeting including Wayne Lee who replaced Frances Day and Anthony “Ace” Essex as an alternate for Leanne Hughes. He also expressed regrets that he did not get the opportunity to thank Barbara Hebert prior to her retirement for all of her efforts and commitment to this Committee.

1. Violence Prevention in the Work Place Regulation

Comments on the draft *Violence Prevention in the Work Place Policy* were received from Committee members and have been incorporated in the draft policy. A compilation of the feedback was provided electronically on December 1, 2009. The feedback related primarily to strengthening the policy and ensuring that the Agency does not rely only on physical security aspects and that human behaviour is also considered. Once received from translation, the draft policy will be sent to the regions through the Regional HR Directors, Regional OHS Advisors, and Regional Security Managers for their review and feedback. Depending on the extent of the feedback, the policy will either be finalized or brought back to the Committee for further consultation.

The Human Resources Branch is engaging the services of an external consultant to review the draft policy to ensure it meets the requirements of the *Canada Labour Code* and to develop the content for an associated work place violence prevention on-line training program. The Committee will be provided with a copy of the draft training package for review. Once approved, the OHS Section will work with the Training & Learning Directorate to convert the package to an e-learning product.

The Employee Co-chair advised that at a recent PSAC Health and Safety Conference, members approved a statement on work place violence. **It was agreed that the Human Resources Branch would review the statement and see if it could be incorporated into the draft policy.**

2. Occupational Health and Safety Training

The Committee was provided with the following updates:

Employee Health and Safety Orientation

As of November 12, 2009, 10,719 employees have completed the training; an increase of approximately 700 since we last reported at our June meeting. **The Committee agreed that an e-mail should be sent out early in the new year as a reminder that this training is mandatory for all employees.**

Workplace Health and Safety Committee Training

The Human Resources Branch canvassed the Regional OHS Advisors concerning the number of trainers for committee training. The results indicate that several regions do not have sufficient trainers to meet their training needs. **The Human Resources Branch is currently working with the Regional OHS Advisors to develop a strategy to ensure that sufficient trainers are available, and that there is a process in place for replacing trainers as required.** The Employee Co-chair indicated that he had spoken with a number of CIU members in the Quebec region who are willing to take the required training to become Work Place Committee trainers. This should address the shortfall for employee trainers in that region.

The Regional OHS Advisors continue to review two videos for potential use with the accident investigation portion of the training. Mike Matuzic also had the opportunity to review the videos and provided comments to the Secretariat.

3. Job Hazard Analyses (JHA)

The Committee was provided with the following updates:

JHA-1 – Customs Inspectors/Superintendents: Radio Communications Strategy

A decision was made by management to discontinue the use of E-COMM by Inland Enforcement Officers in Pacific Region and replace the system with MIKE radios effective December 31, 2009.

The required equipment has been supplied to the Pacific Region Enforcement Centre (PREC). There were two areas identified with coverage concerns, which are currently being addressed by the service provider in the region (Telus). Training has been tentatively scheduled to commence December 7, 2009. The Employee Co-chair reiterated a concern that the best system available was being taken away, which was moving PREC backwards. He expressed disappointment that the MIKE radios, which possess the minimum acceptable safety features, will become the standard, and further disappointment that more weight was being given to cost than was being given to health and safety of the officers. He indicated that his members working at the Greater Toronto Enforcement Centre (GTEC) have expressed concerns with the MIKE radios they are currently using. The Operations Branch advised that according to information received by the Director of GTEC, local management had not received any negative feedback on the MIKE radios. The Employee Co-chair was asked to encourage his members to take their concerns to local management. The Operations Branch will ensure that local management reports any concerns raised in the region to Headquarters.

The Operations Branch discussed the procedures for risk assessments when conducting inland enforcement activities. If the risk assessment indicates a need for a police presence, or an advance notification call to police, that would be done prior to commencing the activity. In some cases, an actual police presence is necessary. The Employee Co-chair expressed concerns that there are always unknowns and that risk assessments can only go so far based on the information available at that time.

The Comptrollership Branch is participating on an interoperability working group for Public Safety that is looking at providing funding to Agencies to conduct a needs analysis, which would include looking at all areas that use radios and determining if interoperability is required.

The Operations Branch agreed to confirm the nature of the encryption assessment for MIKE radios (i.e. if a FOSS check is requested over a MIKE radio would it meet the required encryption level?) and to verify what was done in terms of a functionality assessment.

JHA-3 – Legacy Immigration (CIC) and Legacy Canadian Food Inspection Agency (CFIA) Enforcement Officers, Hearings Officers and Advisors, and Migration Integrity Officers

Inland Enforcement / Hearings Officers

In November 2009, the final report and action plan were provided to senior management and Committee members. As with previous JHAs, consultation throughout the implementation process will take place at this Committee.

Legacy CIC/CFIA Port of Entry Officers

The draft report on the BSO portion of the JHA-3 has been completed and is currently with management for review. **Once the draft is approved, it will be distributed to the working group for further consultation.**

The Employee Co-chair agreed to confirm the employee members on the working group with the Secretariat by December 7, 2009.

At the request of the Employee Co-chair, the Operations Branch agreed propose recommendations to the VP Operations regarding amending the general JHA-3 message which appears on Atlas. Currently, the message states that the action plan was approved by both employee and employer representatives. The employee representatives feel that the message is misleading in that while they agree that there are some positive measures identified in the action plan, they believe that there are still things missing.

4. Uniforms – Health and Safety Issues

Protective Footwear Study and Protective Work Glove Study

A successful bidder has been selected to conduct a study of protective footwear. The study is expected to start mid-December and be completed by March 31, 2010. The contract to conduct the glove study will be posted on MERX at a later date.

Needs Analysis for Non-Uniformed Officers (NANU)

Presentation to the Budget and Resource Review Committee has not taken place. There are ongoing issues with the costs associated with implementing the recommendations from the NANU study as not all are related to health and safety. Currently, the Operations Branch is looking at various parts of the study to see where linkages can be made with initiatives already going forward (i.e. JHA-3). The CIU members expressed frustration that it has taken so long to implement the recommendations from such a good study. **The Operations Branch agreed to have further discussions in order to provide a timeframe commitment for moving this item forward.**

5. Hazardous Occurrence Reporting

Internal Database of Injuries Report

Committee members reviewed the injury statistics for the period July 1 - September 30, 2009. The report indicated that 71% of all injuries reported were minor injuries (42 in total). The most common causes of hazardous occurrences for this reporting period was improper loading or lifting with 13 injuries. In order to address this, the Human Resources Branch reviewed a Proper Lifting video and obtained enough copies for the regions. The intent is to **send the videos to the Regional OHS Advisors** who, as they monitor the LAB1070s, could send the video to local work places for viewing. A copy of the video was provided to Mike Matuzic for reference. Improvements regarding “corrective action” following an injury were also noted. The OHS Section, Human Resources Branch, continues to work with all Regions to ensure that reports are completed correctly, and that corrective action is indicated.

Security Incident Report

The Committee reviewed the quarterly security incident reports for the periods April 1 to June 30, 2009 and July 1 to September 30, 2009. Relatively few incidents relating to occupational health and safety were noted. The Comptrollership Branch continues to work with the Operations Branch to ensure accurate reporting of security incidents with the Inland Enforcement community.

6. Work Refusals/Directions

There was one work refusal reported since the last meeting. The work refusal occurred in North Portal, Saskatchewan, on Friday, November 27, 2009. An employee refused to work based on the fact that her duty firearm was not sent for servicing following her duty firearms training course and she felt that it would be unsafe to use. Management contacted the armoury in Ottawa and confirmed that as long as the firearm passed the function test, it was safe for use. A function test was performed on the employee's firearm, which concluded that it was safe for use. As a result, the employee returned to work.

The Employee Co-chair questioned why management did not simply provide the employee with one of the spare firearms at that location so that she could continue to work while they conducted their investigation. **It was agreed that the Human Resources Branch would arrange a conference call with the Employee Co-chair, representatives from the Arming Division, and the Occupational Health and Safety Section for follow-up discussion.**

7. Fumigant Study

New ventilation/gas extraction equipment has now been deployed at all major CBSA marine operations except Toronto. The equipment should be installed at that location early in the new year. The warehouse operator in Toronto is currently having a trailer built for the installation of the doors due to limited space inside the warehouse.

New testing procedures for marine operations using the SYFT Voice 200 were communicated to the field on October 30, 2009. The increase in action levels will allow CBSA to perform examination on containers testing between 50% - 80% of the TLV-TWA. Management advised that this change would not jeopardize the health and safety of officers. The change is directly related to the accuracy of the testing method. Numerous studies conducted with the SYFT machine have concluded that the error rate is much lower than with Draeger tubes. Therefore, when testing is done with a SYFT machine the action level can safely be increased. However, if for any reason the SYFT machine is not working and testing is conducted with Draeger tubes, the action levels previously in place will be used.

8. Doubling-up Initiative

Following the last meeting the Operations Branch provided the Committee with an update on infrastructure progress. As of September 30, 2009, 48 officers out of a planned 100 had been hired for the current fiscal year. The goal remains, barring recruitment and/or extreme infrastructure difficulties, to have all ports

doubled up by 2010/2011. The Comptrollership Branch is currently completing a comprehensive review of facilities and housing requirements. The results of this review will allow the Agency to assess the funding impacts as well as to develop timelines to address the requirements. **An update of the review will be provided at the Co-chairs mid-point meeting.**

9. Referrals from Local Workplace Committees

There were no new referrals for the Committee to address. The previous referral from the Pacific Region with respect to the noise survey for vessel engine rooms has now been added to the agenda as a stand-alone item. The Secretariat forwarded a response to the local work place committee who originally referred the matter, advising them of the steps currently being taken to address this issue on a national basis.

10. Noise Levels in Vessel Engine Rooms

The initial study on this issue was conducted in Vancouver, and a follow up study was conducted by Health Canada this past summer in Halifax at the Marine Centre of Expertise as part of the Vessel Rummage Course. The report was provided to Committee members electronically on November 5, 2009. The Operations Branch is currently reviewing the Health Canada Report, assessing the recommendations, and developing an action plan to address the recommendations. The Committee will be provided with a copy of the draft action plan for review and feedback. **An update will be provided at the next meeting.**

11. Occupational Health Assessment Guide (OHAG) – Separate Category for CBSA

Over the last several months, the CBSA has been working with Health Canada to begin the process of scheduling CBSA employees with enforcement duties for standardized medical assessments to ensure they are medically able to safely carry out their duties. The Employee Co-chair was identified by the CIU as the lead on this file. On November 12, 2009, the Committee was provided with electronic copies of the Category III medical assessment criteria, a Questions and Answers document, and the proposed implementation plan.

The implementation of this initiative will begin with officers who are scheduled to attend Duty Firearms Training, and new recruits commencing with Intake 73 in April 2010. Officers identified for CDT training/recertification will be scheduled based on Health Canada's capacity to conduct the assessment. Regional CBSA contacts have been identified to facilitate the process with Health Canada.

The Human Resources Branch emphasized that the reason the Agency was implementing this initiative was based on due diligence to ensure the health and safety of employees. The assessments are in line with other agencies that have employees performing similar duties.

The Employee Co-chair expressed concern that this initiative had the potential to lead to serious accommodation concerns for the Agency and advised that he would like Karen Church, as the Equal Opportunity representative for CIU, to be included on discussions relative to this initiative. The Human Resources Branch indicated that if accommodation issues do arise as a result, they will be addressed in accordance with the Duty to Accommodate Policy. It was noted that Karen Church as a member of the Union Management Disability/Duty to Accommodate Committee would be kept current with any accommodation issues as part of that consultation forum.

The Employee Co-chair suggested clearer messaging be sent to the field because employees have expressed concerns that they may not be successful with this assessment and are therefore not comfortable with this requirement. **The Human Resources Branch committed to look at messaging that could be sent to employees that would include details of the Category III assessment conducted by Health Canada.**

12. H1N1 Influenza

The Agency will continue to monitor the H1N1 influenza situation and provide up-to-date information to employees as it becomes available. CIU's request, sent by letter from the Employee Co-chair to the Employer Co-chair in early November regarding vaccination prioritization for frontline officers, was brought to the attention of the Treasury Board Secretariat and the Public Health Agency of Canada. The Agency was advised that at this time, CBSA officers were not identified as a priority occupational group. All members agreed that employees need to be encouraged to regularly consult Atlas for the most recent updates, which included information on the location of vaccination clinics in their area.

13. Internal OHS Audit

The draft audit report was approved on September 28, 2009 by the Audit Committee and will be posted on the Agency's Internet site in the near future. A copy of the report was provided to Committee members on November 12, 2009. The report was tabled as a new agenda item as the Committee has been identified as the forum to ensure that all stakeholders are provided with regular updates on the action plans identified to address the four recommendations identified in the report. Committee members agreed that the audit was a positive initiative for the Agency and would serve to strengthen the current OHS program.

Round Table

Mike Matuzic enquired as to whether he could obtain a copy of the draft Working Alone Policy. **The Operations Branch will follow-up with the Enforcement Branch.**

Wayne Lee asked whether there was an Agency policy with respect to installing hand sanitizers in buildings, in particular, at 100 Metcalfe St., where he is a member of the work place health and safety committee. It would appear that some privately owned buildings have installed machines while others have not. The Human Resources Branch advised that it was a federal government decision not to install hand sanitizers in buildings where employees have easy access to soap and water. The Agency does provide hand sanitizer at work locations where soap and water are not readily available (i.e. PIL booths). It was noted that studies show that regular hand washing with soap and water is a more effective way of eliminating the spread of germs, than using hand sanitizers.

Closing Remarks

The Employee Co-chair thanked the members for a productive meeting and wished everyone a safe and happy holiday season.

The Secretariat will send proposed meeting dates for 2010 to Committee members before the end of December.

Original signed by

Jason McMichael

February 1, 2010

Original signed by

Camille Therriault-Power

February 1, 2010