



# POWERWORKS

**April 2016** POWER WORKERS' UNION NEWSLETTER

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## Contracting Out Responsibility for Safety is Risky Business for Employers

On March 29 of this year Hydro Ottawa was found guilty and fined \$225,000 in relation to charges filed in 2012 by the Ministry of Labour pursuant to Ontario's *Occupational Health and Safety Act*.

On March 22, 2012, three employees of Dig Safe, a sub-contractor installing new poles under existing energized lines, were excavating a hole when the boom of the work vehicle came too close to the power line about 6 metres above the hole. All three workers received electrical shocks. One worker died in the hospital. It was reported that the other two did not suffer permanent physical injuries.



Hydro Ottawa, the Local Distribution Company, pleaded not guilty and was convicted after a trial on the following charges under the Act:

- Failing to ensure the boom was not brought too close to the power line.
- Failing to ensure a competent worker was stationed to warn the vehicle operator if the boom came too close.
- Failing to take every reasonable precaution to prevent hazards to workers from energized electrical equipment, installation and conductors.

Hydro Ottawa was fined \$225,000 plus an additional 25 percent victim surcharge, required under provincial law. Dig Safe pleaded guilty to similar charges in November of 2013 and was fined \$125,000 plus the 25 percent victim surcharge. Local papers in Ottawa reported that Hydro Ottawa stated, in a letter to the Mayor of Ottawa, that they do not agree with the verdict or the penalty. Hydro Ottawa claimed to have been duly diligent in their evaluation and selection of qualified and experienced contractors as well as alerting those contractors to the hazards of working near energized power lines and in enforcing the use of safe practices to protect workers. Hydro Ottawa is reviewing its options in regards to this matter.

31 year old Barry Robertson died of his injuries four days after the 2012 incident and is survived by his common law partner, child and step-child.

In a similar incident in November of 2015, an employee of PGC Services was electrocuted while operating hydrovac equipment (commonly referred to as a sucker truck) for new hydro pole installations in Vaughan, north of Toronto. The contractor was performing work for PowerStream, the Local Distribution Company, when the boom came into contact with a high voltage power line. The employee was rushed to hospital but was later pronounced dead.

In a joint statement Vaughan Mayor and PowerStream Board Chair along with Brian Bentz, the PowerStream CEO said, "PowerStream and its employees are deeply saddened by this loss of life, our thoughts and prayers are with his family, co-workers and friends at this most difficult time."

24 year old Jake Gordon, the deceased PGC Services employee, lived in Keswick, Ontario and was a member of the Labourers International Union of North America.

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## **Inquest into the Death of Wayne Maschke**

Dr. Paul Dungey, Regional Supervising Coroner for East Region, Kingston Office, announced that the inquest into the death of Wayne Maschke will begin at 9 a.m. on Monday, May 2, 2016 at the Oso Community Hall, 1107 Garrett Street, Sharbot Lake. Dr. John Carlisle will preside as the inquest coroner.

Wayne Maschke, a long-time Hydro One construction electrician and member of the Canadian Union of Skilled



Workers, was killed while he and his crew were rolling a regulating transformer into place at Hydro One's Hinchinbrooke distribution Station north of Kingston near Sharbot Lake.

The 15 ton transformer suddenly shifted during the move and crushed Wayne between the transformer and a steel structure. A Ministry of Labour investigation found that Hydro One had no written procedures for the "jack and roll" method for transformer moves.

Hydro One pleaded guilty to failing, as an employer, to ensure that equipment was moved in a manner that workers were not endangered in contravention of provincial health and safety regulations and in January of 2015, the company was fined \$325,000 (plus a 25 percent victim fine surcharge) in January 2015.

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## **MergeCo Update: PowerStream, Enersource, Horizon Utilities, Hydro One Brampton**

On March 24 a formal agreement was announced among the current shareholders in PowerStream, Enersource and Horizon Utilities. The agreement provides for the merger of the 3 Local Distribution Companies (LDCs) as well as their collective commitment to purchase Hydro One Brampton.

The shareholders include the cities of Vaughan, Markham, Barrie, Mississauga, Hamilton and St. Catharines as well as Borealis, the investment arm of the Ontario Municipal Employees Retirement System (OMERS). With the shareholder agreement now concluded, the parties will proceed with various legal applications to finalize the formation of the new company including an application to the Ontario Energy Board for approval of the 3 LDC merger and the purchase of Brampton Hydro.

The Power Workers' Union is currently bargaining with PowerStream for the 2016 Collective Agreement. The Union has requested the Ministry of Labour, Mediation Services to assist the parties in finalizing outstanding issues in a timely manner. Mediation Services (the Conciliator) will act in a facilitation role only. The usual news blackout regarding details of the negotiations applies.



The PWU-PowerStream Collective Agreement, which expired on March 31, 2016 is the only one of the five collective agreements applicable to MergeCo employees that is up for negotiations this year.

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## **Mental Health Week**

The first week of May is Mental Health Week in Canada. The PWU is committed to developing initiatives that will combat the stigma of mental illnesses and offer PWU

members information, knowledge and support mechanisms that will promote positive mental health.

### The Mood Disorders Society of Canada defines Mental Health as:

**Mental health** (or well-being) is an ideal we all strive for. It is a balance of mental, emotional, physical and spiritual health. Caring relationships, a place to call home, a supportive community, and work and leisure all contribute to positive mental health. However, no one's life is perfect, so managing our mental health is also about learning the coping skills to deal with life's ups and downs the best we can.

### Mental Health by the numbers:

- Chances of having a mental illness in your lifetime in Canada: **One in five**
- Number of Canadian children and youth affected by mental illness at any given point in time: **15% or 1.2 million**
- Percentage of Canadian workers who experience a stress related illness per year: **20%**
- Likelihood of people who are depressed suffering a heart attack: **4 times more likely**
- Most common cause of violent death in the world: **Suicide**
  - Suicide: **49.1%**
  - Homicide: **31.3%**
  - War-related: **18.6%**



### Tips to Improve Mental Health:

- An activity known to reduce the symptoms of anxiety, depression and panic disorder: **Exercise**
- The five psychological aspects of work that promote mental health:
  - **Time structure / known and reasonable deadlines**
  - **social contact**
  - **collective effort and purpose / team work**
  - **social identity**
  - **regular activity / organization of work**

# Canada's Trade Unions - A Woman's Best Friend

*This opinion editorial by PWU President Don MacKinnon appeared recently in the Toronto Star.*

The equality of women and men has become a fundamental Canadian value. So much so that it is protected twice in our Canadian Charter of Rights and Freedoms in our Constitution - once in the equality rights provision (section 15) and then explicitly again in section 28, a provision not subject to the government override power in section 33, which says the rights and freedoms in the Charter “are guaranteed equally to male and female persons”.



Women's equality rights are also protected in human rights legislation across the country. Canadians can be justly proud of the aspirational values set out in these laws but, without a remedy, there is no right and without enforcement, these provisions are just words. This is where trade unions come in.

The fundamental equality of rights among all workers, of whatever sex, race, creed or colour, is one of the foundational principles of trade unionism, not because unions are legally bound by human rights law (although they are), but because equality of rights for workers was one of the main reasons for the establishment of trade unions in the first place – long before the explicit protections set out in the Charter or human rights legislation. For women, what this has meant over time is that unions have been at the forefront of enforcing their rights to equality in terms of protection against harassment and discrimination in the workplace and ensuring not only equal pay for equal work, but fair wages for the work women do. Lobbying and political action by unions and other equality seeking groups has effected legislative change for the benefit of all women in these and other areas of the law. Most critically, though, unions play a major and increasingly important role in making sure that these laws are enforced and that the spirit of those laws is reflected in the wages and working conditions negotiated into the legally binding collective agreements of unionized workplaces.

In an age where even the middle class can't afford to hire a lawyer to litigate a discrimination claim and cash-strapped governments have reduced or eliminated resources that used to be available to assist victims of human rights violations, it has fallen to unions to ensure that violations are remedied through litigation. Trade unions have willingly taken on these duties and, indeed, have fought successfully for the right to grieve human rights and other statutory violations through their collective agreements on behalf of all employees governed by those agreements, whether or not they are union members.

For women specifically, what this means is that those women represented by trade unions earn more than those that are not. For example, in 2013, there were 842,000 women union members working in Ontario, which was about 28.8% of all women employees in the province. They earned, on average, \$7.83/hour more than non-union women because their unions negotiated fair wages and work hours. The average wage gap between working men and women was \$93 less per week for women represented by a trade union than for those who are not. There are differences like this all across the country.

More than this, however, women represented by unions have a relatively quick means of enforcing their rights and remedying violations with the union bearing the legal costs. Unionized women have someone to turn to that can remedy working practices that are unfair to women, such as sexist dress codes and scheduling demands that discriminate against working mothers. Unions make sure that our values as Canadians and the rights of Canadian women embodied in our laws are more than just words and are, indeed, rights that protect and benefit Canadian women. Unions are a woman's best friend, and our society is better for it.

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## Health and Safety Staff Officer Dave Trumble Retires

After serving as a trade union advocate for more than 33 of his 40 years in the electricity industry, Dave Trumble retired at the end of March, 2016.

Dave worked started as an Instrument Mechanic (Control Technician) apprentice in 1976 at the R. L. Hearn Generating Station (GS) with Ontario Hydro. After a short stint at Thunder Bay GS in 1980 he worked at Nova Scotia Power for almost a year.

On his return to Ontario, Dave entered Ontario Hydro's Nuclear Generation Division where he worked at the 22 megawatt Nuclear Power Demonstration reactor in Rolphton Ontario before being transferred to the Bruce Nuclear power Development in 1988.

Dave has been a PWU representative in one form or another since 1982 when he first became a Steward. He was active on the Grey Bruce Labour Council where he served as President from 1994 for more than 10 years.



Dave was a PWU Unit Secretary, assisting three different Control Technician Chief Stewards, and was elected as the Control Technicians Chief Steward at Bruce Power from 2008 to 2012. Dave was on the PWU Bargaining Committee for

negotiation of the 2011 – 2013 Bruce Power Collective Agreement. He was also a Board Member of the Canadian Nuclear Workers' Council.

Dave's true passion is worker health and safety and that's where he has made his biggest mark on behalf of PWU members across the province. Dave was a PWU co-chair on two Joint Health and Safety Committees (JHSC) at different points in his career and was selected by the PWU Executive Board as a PWU Health and Safety Staff Officer in 2012.

Dave quickly set out to make the heart of the Internal Responsibility System (IRS), our Joint Health and Safety Committees, more capable and more effective. Dave demonstrated the patience required to push for improved teamwork at the JHSC level because of his unwavering belief that the very best progress in health and safety could only come from management and worker representatives, who have an intimate knowledge of their own workplaces, learning to work together proactively to develop solutions.

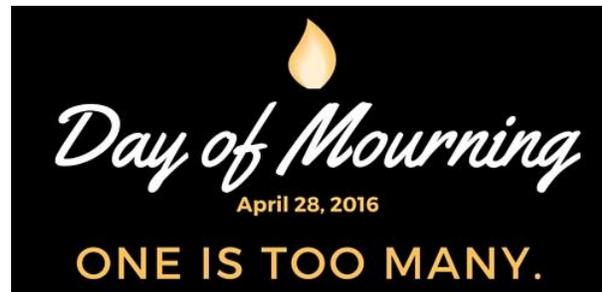
The Power Workers' Union thanks Dave for his lifetime of contribution to his fellow workers, his commitment to trade unionism and his devotion to health and safety.

On behalf of all PWU members, we wish Dave and his wife, Kathy, the very best in their well-deserved retirement years.

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## **PWU Members Remember the Dead on April 28<sup>th</sup>**

With knowledge comes responsibility. Both workers and management have come to know that workplace fatalities and injuries are not simply unfortunate events or the luck of the draw. We know and understand that every accident is preventable, avoidable and unacceptable.



We know today that when a worker dies, becomes ill, or is injured at work, not only that the accident could have been prevented – it should have been prevented.

We know that the terrible suffering of family members, friends and co-workers following a workplace fatality or debilitating injury could have been avoided.

Still, in 2016, approximately 1,000 Canadian workers will die from a work related injury or illness.

To give some perspective - in Canada, more than 6 times as many workers die each and every year from workplace accidents and illnesses than die in impaired driving related fatalities.

It's no wonder that Canadians will gather on April 28<sup>th</sup>, in cities, towns and workplaces across our country, as we have for the past 30 years, to mourn those who have lost their lives — sadly and ironically, in the course of making a living.

Accidents in our industry, have claimed the lives of many PWU members in the past and, although we have a long way to go, we truly have come a long way. We have worked hard with our employers, safety associations and government to find ways to eliminate accidents and deaths from our workplaces and we are making real progress.

Wherever possible we build those partnerships because adversarial cultures and finger pointing will not help us get the job done.

Progress is not possible without accurate information to act upon. When workers report inadequate safety planning or process deficiencies, incidents or accidents, they need to be assured that they are not initiating the assignment of blame to themselves or their co-workers. They need to know that the problems they identify will be corrected in ways that strengthen our safety culture — not in ways that systemically discourage further reporting of safety issues.

Every worker and every manager has an important role to play in a safe workplace. We all have to look out for each other. We know that all workplace injuries and fatalities are preventable and it is with that knowledge that we set aside April 28<sup>th</sup>, the Day of Mourning, to make sure all of those needless deaths and injuries are not forgotten — and to recommit ourselves to a goal that we know is achievable — eliminating work related injuries and deaths.

On April 28<sup>th</sup>, we speak for the dead to protect the living.

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