

# COHSN

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## Police officer recovering following shooting

*By Jason Contant*

An Ontario police officer has been released from hospital, one week after he was shot while on duty at a courthouse.

The incident unfolded at about 11 a.m. on March 28 at the A. Grenville and William Davis Court in the city of Brampton, northwest of Toronto. The Special Investigations Unit (SIU), an arm’s length agency that investigates police incidents involving serious injury or death, said in a statement that a man entered the courthouse and discharged a firearm at a Peel Regional Police (PRP) officer. Then there was an “interaction” between PRP officers and the man. One officer discharged his firearm, fatally injuring the shooter.

The PRP identified the officer as Constable Mike Klarenbeek. He was released from hospital on April 4. On March 29, his condition was upgraded to stable and he was conscious and speaking with his family, the PRP said in a press release. “As Cst. Klarenbeek continues on the road to recovery, he and his family ask for privacy,” the release said.

PRP Chief Jennifer Evans said that it was difficult to hear news that one of her officers had been injured. “I am able to share with all of you that Mike is recovering after having had surgery. The injury he sustained is serious but I am grateful that his prognosis is good,” she said. “I would also like to acknowledge and thank the paramedics and hospital staff who have been caring for Mike. He is receiving excellent medical attention.”

In another statement on March 31, the SIU identified the deceased man as 45-year-old Charnjit Bassi of Brampton, adding that the agency still has 15 investigators and three forensic investigators probing the circumstances of the incident. Ministry of Labour spokesperson Bruce Skeaff added that it was too early to determine whether the ministry would investigate the incident. “This is a police investigation right now,” he said.

Following the shooting, Klarenbeek’s wife released a statement, saying that “Mike specifically wanted to thank a nurse who was at the courthouse that day. She was the first to tend to him, before the paramedics arrived. He says without her help, it may have had a different outcome.”

The motive for the shooting remains under investigation by the SIU and PRP. “Peel Regional Police Homicide and Missing Persons Bureau investigators are conducting a full investigation into the actions and activities of the deceased leading up to the events that transpired that morning,” the PRP said. “In particular, investigators are trying to determine what brought Mr. Bassi to the Brampton courthouse and his intentions on that date.”

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## Manitoba comp board battles overt claim suppression

*By Jason Contant*

The Workers Compensation Board of Manitoba (WCB) has found that overt workplace injury claim suppression occurs in approximately six per cent of cases, representing about 1,000 claims per year.

The finding was part of an in-depth review, *Claim Suppression in the Manitoba Workers Compensation System: Research Report*, released on March 28. While overt suppression — defined as situations in which an employer uses threats or coercion to influence a worker either not to file a claim or to withdraw it once it has been filed, or provides misinformation as to eligibility — was estimated at six per cent, misreporting (reporting lost-time injuries as no-lost-time claims) occurred in an estimated 14 per cent of claims, the report said.

“While the WCB is concerned about all types of under-reporting, we are particularly concerned about overt claim

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suppression because it impacts workers the most,” said WCB president and CEO Winston Maharaj in a statement. “We are using the report’s findings to guide our efforts to reduce claim suppression.”

The statement said that the board is undertaking a variety of initiatives to target the phenomenon:

\* New compliance framework — By the end of the year, the WCB will enhance its compliance framework to educate stakeholders on the rules and obligations of the system;

\* Administrative penalties — The WCB is currently reviewing its administrative penalties related to claim suppression, with a view to seeing those penalties increased;

\* Assessment rate model changes — The board is undertaking a comprehensive review of its rate model to ensure it prioritizes prevention and rewards employers for safe workplaces, while removing financial incentives to minimize or suppress claims. The review will include consultations with stakeholders, as well as actuarial modeling and impact analysis;

**Board to launch another public awareness campaign**

\* Public awareness campaign —

The WCB will launch another public awareness campaign to remind employers that they must report injuries and encourage workers to report injuries by calling the WCB directly;

\* Outreach to vulnerable workers — The board will continue to add resources to its website at [www.wcb.mb.ca](http://www.wcb.mb.ca) in various languages and simple English “as well as launch more language pathways on its website to provide access to translated publications for non-English speakers.”

Besides overt claim suppression and misreporting, the report also found that there appears to be a significant under-claiming of benefits in Manitoba. “Survey evidence suggests that around 30.1% of workers who experienced a work-related injury that involved more than five days of lost working time may not have claimed WCB lost earnings benefits,” the report read. “Lack of knowledge of entitlement rights and workers’ preference for readily available alternatives (e.g. Manitoba Health, sick leave, employer benefit plans) are the most important factors behind under-claiming.”

While claim suppression is difficult to observe, the WCB estimates that about 3,000 claims each year (nearly 19 per cent) involve “soft” suppression, in which an employer continues to pay the worker his or her regular wage once there is a workplace injury and missed work. “Soft claim suppression may occur whether or not the employer is aware of its reporting responsibilities under the *Workers Compensation Act*,” the board said.

*Claim Suppression in the Manitoba Workers Compensation System: Research Report* can be viewed

online at <http://www.wcb.mb.ca/sites/default/files/Manitoba%20WCB%20Claim%20Suppression%20Report%20-%20Final-1.pdf>.

## Health Canada proposes chemical safety changes

By Jeff Cottrill

Health Canada (HC) is proposing amendments to the country’s *Hazardous Products Act* as part of its ongoing process to implement the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The tabled legislative changes, announced on March 28, are part of the federal government’s Economic Action Plan 2014.

The GHS is an international safety standard for workplace chemicals, and many countries — including the United States, Australia, Japan, China, South Korea and those in the European Union — either have adopted or are in the process of adopting the system. The standard deals with the classification of all hazardous chemical substances and mixtures according to health, physical and environmental dangers and the use of labels and safety data sheets to communicate important hazard information.

“We’re looking at implementing that as part of the Workplace Hazards Materials Information System, or WHMIS,” said Jason Wood, director of policy in the workplace, hazardous materials directorate, with HC. While WHMIS is already a very comprehensive hazard communication system, he explained, the GHS is “an international standard that was developed by experts from around the world.”

The GHS would standardize elements of hazard communication such as symbols, signal words and hazard statements that appear on labels or safety data sheets, Wood pointed out. While WHMIS identifies six main hazard classes, the GHS covers 26.

“What that allows for is a more specific way of identifying the severity of the hazards,” said Wood. It would also assist workers with literacy or language challenges: “If their first language in Canada isn’t either English or French, the standardization of the communication materials will actually help them better understand it, rather than having slight variations on all these different products.”

Supporters of the legislative changes include the Canadian Association of Chemical Distributors (CACD), a non-profit trade association based in Burlington, Ontario. Nearly 50 companies in the chemical distribution sector across Canada are CACD members, according to its website.

“We’d like to see it get moving,” said CACD president Cathy Campbell, referring to Canada’s GHS implementation. “We are really urging the government

to move a little speedier and expedite it, so that we can be more harmonized, because the U.S. is already on track.”

Campbell added that the GHS would likely enhance safety in the distributor profession, with a wider range of hazard categories and internationally consistent danger symbols. “Our member company employees are our first priority, and we don’t take risks with their safety,” she said. “The more information people have, the safer they’ll be.”

HC claims that the proposed changes would also increase productivity and diminish health and safety costs in Canada, to the tune of almost \$400 million.

“There is a trade facilitation aspect to this as well,” said Wood, elaborating that implementing the GHS in both Canada and the U.S. “will allow, to a great extent, the use of a single North American label and safety data sheet for each hazardous product.

“If you’re a company selling in Canada and you’re meeting the Canadian WHMIS requirements, you’ll also be able to use that same label and safety-data sheet in marketing your product in the U.S.,” Wood explained. “No need, as there is currently, to print separate labels.”

Canada’s implementation of the GHS is part of the Joint Action Plan under the Regulatory Cooperation Council, agreed upon by Prime Minister Stephen Harper and U.S. President Barack Obama, according to an HC backgrounder. The federal government has established a team called the Working Group on the GHS for Workplace Chemicals, which will help to synchronize Canada’s classification and labelling standards according to the mandates of HC and the U.S. Occupational Safety and Health Administration.

The government plans to finish implementing the GHS by June 1, 2015.

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## Gov’t continues to appeal healthcare extensions

*By Jeff Cottrill*

The Divisional Court, a branch of the Superior Court of Justice in Toronto, held a hearing on March 25, pertaining to the recent decision by the Health Services Appeal and Review Board (HSARB) to allow Ontario migrant workers to have their healthcare benefits extended in extraordinary cases. The Ontario government has continued to appeal this decision.

The appeal stems from the case of two Jamaican migrant workers, Denville Clarke and Kenroy Williams, who were seriously injured in a van accident in August 2012. The accident killed one passenger and injured six others besides Clarke and Williams. Their health coverage was originally scheduled to expire on Dec. 15 of that year; the provincial government

denied the workers’ request for an extension, but the HSARB later ruled that extreme circumstances like medical emergencies warranted extended coverage. The board renewed the decision in October after the government’s first appeal (*COHSN*, Oct. 21, 2013).

“It went well, I think,” said community legal worker Jessica Ponting, referring to the recent hearing. “Fingers crossed, they’ll come back with a good decision.” Ponting works with the Industrial Accident Victims Group of Ontario (IAVGO), a Toronto community legal clinic representing Clarke and Williams.

One of the government’s arguments has been that the workers were not entitled to extended coverage because they didn’t have valid work permits. But they were working under the Seasonal Agricultural Workers Program, and IAVGO has countered that immigration status doesn’t matter in such government programs.

“Workers need to be able to get [Ontario Health Insurance Plan] coverage and healthcare after their work permit expires. If they’re a migrant worker that got injured here, they should be able to have the choice and the means to stay here for healthcare, especially when they’re talking about such compelling circumstances like Mr. Clarke and Mr. Williams, where they got injured on the job,” argued Ponting.

“The workers were essentially forced to defend their right to healthcare,” she explained.

A media spokesperson for Ontario’s Ministry of Health and Long-Term Care declined to comment, as the case was still before the Divisional Court.

IAVGO is not the only organization that supports Clarke and Williams. Justicia for Migrant Workers (JMW), a Toronto-based volunteer collective that advocates social protections for all migrant workers regardless of their immigration status, also intervened to help the two men stay in Ontario for medical treatment.

“The Ontario government claims to be ‘inclusive’ and ‘fair’, yet there is nothing inclusive or fair about this appeal,” activist Chris Ramsaroop was quoted as saying in a JMW press release, dated March 24.

“Migrant workers contribute so much to society and get so little in return. We will continue to stand with migrant workers until their right to healthcare is reaffirmed,” Ramsaroop added.

Ponting added that she does not know what happened to the other six passengers in the vehicle, because they were all repatriated. “Migrant workers, especially, are incredibly disposable,” she said.

According to Ponting, healthcare is a right that should exist beyond the limits of geographical residence. “There’s sort of a moral responsibility to make sure that these workers are given the healthcare that they need,” she pointed out. “Agriculture’s a dangerous

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**Workers forced  
to defend their  
healthcare rights:  
IAVGO**

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job, so certainly being able to provide that healthcare is key, rather than just sending them back home, where healthcare isn't accessible.

"That essential right to healthcare is something that all people deserve, irrespective of immigration status," Ponting said. **CHSN**

## News Summaries

### Clothing store assault spurs charges

VANCOUVER, B.C. — A 31-year-old man has been charged with assault following an attack at a Vancouver clothing store on March 20. According to a press release from the Vancouver Police Department (VPD), at about 5 p.m. that day, a man walked into the Millenium Clothing Store and was recognized as a suspect in a theft from the Gastown Tattoo Parlour four days earlier. An employee approached the man and asked him to leave, and the man allegedly responded by threatening the worker and punching him in the face. The worker received stitches to close a gash on his chin, the press release said. On March 25, the man was identified as Byron Hobbs, after images of an assault at the Looks Wow Face & Body Art revealed similarities between the two suspects. He was arrested on March 28 and charged with one count of assault causing bodily harm and one count of uttering threats.

### Drainage issues blamed for derailment

PROVOST, Alta. — Poor drainage issues and a water-damaged track bed led to the derailment of Canadian Pacific (CP) potash cars in Alberta last year, the Transportation Safety Board of Canada (TSB) said in a newly released report. The limited capacity of the drainage system beside the tracks led to the saturation of the track bed and created a "void" under the tracks, the TSB said in its report, released on March 31. As the heavily loaded train crossed that section of the tracks, the weakened track structure failed, resulting in the derailment of 17 cars loaded with potash, the report said. The incident occurred at about 4 p.m. on April 28, when a CP freight train was heading west from Wilkie, Saskatchewan to Hardisty, Alberta. There were no injuries, but about 350 feet of track was destroyed.

### Improper cylinder handling spurs fine

SMITHVILLE, Ont. — Vomar Industries Inc., a LaSalle, Manitoba-based company operating as Tank Traders, was fined \$55,000 on March 26 for failing to properly handle propane and employees at a workplace in Ontario. On April 1, 2010, a fire occurred on the property, the Ministry of Labour (MOL) said in a statement. About 30,000 propane tanks and three trucks were damaged in the fire. Although no one was injured, about 30 cylinders were projected as far as 280 feet. An investigation revealed that Vomar filled and stored leaking, damaged and corroded cylinders and that the company's cylinder-filling carousel was not operating properly and would routinely overfill cylinders. Rather than immediately evacuating these overfilled cylinders as required, Vomar employees stored them in the southeast corner of the facility, where the fire started. Vomar pleaded guilty to failing to take the reasonable precaution of ensuring that propane cylinders at a workplace were stored in a manner that did not endanger a worker, and received a fine of \$25,000. The company was also fined \$30,000 after pleading guilty to improperly storing and handling damaged cylinders.

### NBFL calls for fracking moratorium

MONCTON, N.B. — The New Brunswick Federation of Labour (NBFL) is calling on all levels of government to adopt an immediate moratorium on all exploration, drilling and hydraulic fracturing, or "fracking," in the province. The call comes after the Fredericton and District Labour Council introduced a resolution requesting the moratorium at an NBFL executive council meeting in February, the federation said in a release on March 24. The resolution was adopted unanimously. "The moratorium should stay in place until such time as the safety and environmental risks associated with fracking have been adequately addressed and until First Nations communities have given full, informed consent for fracking activity on their traditional lands," said NBFL president Patrick Colford in the release. The federation noted that Quebec and Newfoundland and Labrador have already imposed a moratorium on new fracking exploration, with other provinces and regions investigating the risks and effects of fracking.

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