



SAFETY UPDATES

The Union is aware that there are many ongoing issues in the plant affecting workers and your Union is issuing this bulletin as a way of informing the membership as to what is being done to address them. As we have witnessed, management has taken a heavy-handed approach when it comes to rules, procedures and policies, which has been challenging to our membership.

What should have been a positive time moving forward into a new smelter has become a very negative experience and worker morale is very low. Rio Tinto in Kitimat has now decided to go down a behavioral safety path where there is a heavy reliance on the worker and PPE. With that being said there are many issues facing us throughout the plant which the Union has been addressing.

The health and safety major issues, and a progress update, are as follows:

Heat Stress – Work/Rest Cycles – By far, the major concern currently for the membership is the combined effect of heat stress, physical demands, walking/standing times and the lack of adequate rest breaks are having on the memberships' health and safety in their new KMP jobs. Certainly, the company's blanket PPE standards have not helped, but rather exacerbated, these conditions in many cases.

Heat stress monitoring and physical demands analyses have been ongoing in all areas, with more jobs being added to the sampling plan. WorkSafe has been in contact with the company, at the Union's request, and is monitoring any action plan(s). The Union has been pressing the company to institute **minimum** break times, outside of any additional rest cycles required over the course of a shift.

Workers who are affected by heat or physical stress or are fatigued are susceptible to accident or injury. Your Union – your health and safety representatives in particular – has been working diligently to have all of these issues resolved ASAP, but in the meantime it is imperative that you look out for yourselves and your co-workers and take adequate rest breaks, as necessary. Excessive stress or fatigue should be documented through the First Aid department.

PPE Standards – Management brought what they deemed to be the new plant PPE standards to the Plant PPE Committee. There were many standards that, based on safety, we agreed to. There were some that we had concerns about, mainly the shirt tucking in rule (affectionately known as FTT), due to molten material & other risks. The Union is certain that management's unilateral implementation of this new dress code has safety implications (i.e. elimination of the "watershed" standard) and it has been challenged.

The Union received language in a recent arbitration award that any changes to the health and safety policies in the plant must have the mutual consent of the Union, which is the basis of our current

challenge. The Union is using the grievance procedure to uphold what we believe to be our rights in the CLA.

Our position to management is the same at all levels: If a change makes sense for legitimate safety reasons than the Union may be able to accept it; however, if it does not, or introduces additional risks, then it will be vehemently contested.

Drug Testing for Safety Incidents – There have been a number of safety-related incidents lately where employees have been told to take a drug test, post-incident. The Union argues that this practice is contrary to the employer's own Drug & Alcohol policy. The administration of a drug test post-incident is not automatic. There must be **just cause** to suspect an employee is under the influence of drugs or alcohol. There must be an examination, as per a proscribed checklist, and a supervisor has to have reasonable belief of impairment, as stated in the Drug & Alcohol Policy language below:

“6.01 Post Incident and/or Near Hit (Miss) Testing

An employee shall be required to take a drug and alcohol test after:

(a) having been directly and immediately involved in, or after having caused, at the worksite, an incident or a near hit (miss); and

(b) the Supervisor has come to a reasonable belief, on the basis of an examination of the relevant circumstances, that there is cause to suspect alcohol or drug use may have been a contributing factor to the incident or near hit (miss).

*A checklist of factors to be considered in determining whether there is cause to suspect alcohol or drug use was a contributing factor in the incident or near hit (miss) are set out in Appendix A of this policy. It is not necessary to conduct a post incident or near hit (miss) drug and alcohol test if there is clear evidence that the acts or omissions of the employee(s) were **not** a contributing factor (e.g., obvious structural failure, not detectable or preventable with normal maintenance and inspection procedures).”*

As it says above, being involved in an incident is not enough in itself, there must also be just cause to suspect impairment. All this approach does is push safety underground through fear of unwarranted violations of personal privacy and/or reprisal. Furthermore, what we have started to see is that incidents are not being reported nor are they consequently being effectively investigated. This is very concerning to the Union and it should be to the employer as well. Of course, the Union will be challenging these cases.

Shower Times – The Hall has received many reports from members that the company is not allowing adequate shower time. The Union has contacted WSBC on this issue on several occasions and the interpretation of the WorkSafe regulation is clear (see below). “Time” is whatever is adequate to clean yourself and it is to be allotted before the end of your shift.

We have tabled this with management with a recommendation to do an area-by-area analysis and are awaiting their feedback, but we also recommend that members conduct their own studies in order to corroborate any additional information. The Union will also be requesting gate time reports as they relate to this issue.

5.82 Employer's responsibility

(2) If work processes involving substances such as lead, mercury, asbestos, silica or pesticides are high hazard, the employer must also ensure that workers are provided with

- (a) clothing lockers in separate rooms for street clothing and work clothing,*
- (b) heated shower facilities between the rooms, and*
- (c) time for showering and clothing change before the end of the work shift.***

Access to PPE – In many areas of the plant workers are having problems getting access to their required PPE. The company is once again trying to implement PPE vending machines throughout the worksite and once again there are issues. The areas were to have contingencies in place until the machines were fully functional. This is not consistently happening. We've tabled this at the committee level and with upper management. They are aware of this situation and agree it has to be rectified. As the CLA states:

21.05

(a) The Company undertakes to furnish, clean and maintain in serviceable condition, free of charge to the employees, articles of safety equipment such as goggles, face masks, respirators, hard hats, gloves, etc.

It is the employer's responsibility to provide you with the equipment you need, it is not your job to go hunting around trying to find your protective equipment. If you don't have the equipment you need to do the job safely, then you can't proceed.

Right To Refuse Unsafe Work – Another troubling development is the company's recent attack on the right to refuse unsafe work. This is very concerning because as a worker you have 4 basic Health & Safety rights:

1. The right to know – about hazards in the workplace.
2. The right to participate – in OH&S activities through Joint Health & Safety Committees.
3. The right to refuse – unsafe work.
4. The right to no retaliation – e.g., discipline for raising OH&S concerns.

There are two recent cases of workers attempting to enact their legal right to refuse, as they believed tucking in their shirts for specific tasks created unnecessary risk, being denied due process and were then subsequently disciplined.

The Union immediately contacted WSBC to make them aware if the situation and **discriminatory action complaints** (as per #4 above) have been filed by the workers involved; investigations and rulings will now follow. This is a very serious matter because if we have workers afraid to invoke their rights and proceed to do what could be an unsafe task there is a potential for injury or much worse.

This is a bad management strategy and one that has had WSBC rule in workers' favour on 3 previous occasions. Remember, this is not about the outcome of the work refusal but the denial of due process.

Perhaps there are resolves to an issue giving rise to a work refusal (such as having a worker and/or Rep perform a pre-work risk assessment with their supervisor and allow for a shirt to be untucked for specific tasks – based on risk – rather than imposing a blanket policy), but failure to permit a worker (and OHS Rep) that opportunity is against the law. The process provides an opportunity for a supervisor to offer their opinion, but that is **during** the process, not before!

Any violation of a member's fundamental right to refuse will be immediately challenged.

Reduction Coolrooms/Washrooms - On a positive note there seems to be a resolve for the Coolroom/Washroom problems facing the workers in the new Reduction lines. Throughout the whole area of the new lines there were no washrooms or coolrooms built. Given the vast distance of the area this was a huge issue. Thanks to the workers and OHS Reps continued vigilance on this issue it now appears that what should have been part of the original design will now be added. These new facilities will be equipped with cool drinking water and computer terminals. However, an immediate solution for the current lack of cool drinking water in the area must be found, such as running temporary power cables or the use of generators to run the water cooling units.

Access to Washers & Dryers – In addition to providing a laundry service for outer wear the company had traditionally provided members with access to washers and dryers for laundering their undershirts and other underwear on site, to avoid bringing contaminants home. With KMP, the employer had intended on not providing washers and dryers. As a result of considerable push-back from the Union washers and dryers will now be made accessible to the membership. In addition to this, a decontamination standard is being developed to ensure contaminants are also kept out of eating, office and other areas. Expect communication on this item shortly.

Other issues being addressed at the KKOHS&E Committee include:

- Area inspections for new smelter buildings
- Crew safety meetings & Org. Safety meetings
- I.H. sampling for new tasks
- Training issues

It is no surprise that many of the problems we are facing in KMP are as a direct result of the lack of adequate workforce levels.

Remember, that at all times that no task is so urgent or important that you can't take the time to do it safely!

If you're not trained, you cannot proceed!

If you don't have the correct equipment, you cannot proceed!

Your Union is working very hard to resolve each and every issue as they arise, using every means available. Items which cannot be resolved, despite running their course through WorkSafe or the grievance procedure, will be flagged as contract proposals for bargaining in 2017 – which with the membership's support will be achieved.

Lately, nearly every issue we need to have addressed with Rio Tinto has been nothing short of a fight, as the employer seems bound and determined to effectively write our 2017 contract demands for us!

In these challenging times solidarity and support for your Union and its leadership and amongst the membership is paramount.

We are UniFOR!