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Chair

Ms. Raymonde Folco

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•(1125)

[Translation]

The Chair (Ms. Raymonde Folco (Laval—Les Îles, Lib.)): I call to order this 33rd meeting of the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities. This is Tuesday, May 10, 2005.

The program of the first part of our meeting is as follows. Pursuant to Standing Order 81(4), we will deal with votes 10, 20 and 25 of the main estimates for 2005-06 under the Department of Human Resources and Skills Development, which were referred to this committee on Friday, February 25, 2005.

I wish to thank the following witnesses: from the Canadian Center for Occupational Health and Safety, Mr. Len Hong, president and chief executive officer, Labour Branch; from the Canada Industrial Relations Board, Mr. Warren Edmondson, president, and Mr. Robert Cook, general counsel and director of Legal Services; from the Canadian Artists and Producers Professional Relations Tribunal, Mr. David Silcox, chairperson and chief executive officer, and Ms. Josée Dubois, executive director and general counsel.

[English]

Madam Easterbrook is not here today, I take it. She was on our list.

[Translation]

Ladies and gentlemen, if you will allow me, before giving you the floor, I want to take a moment to say this to members of the committee.

I wish to have your agreement on the way we will proceed today. We will give an hour to our witnesses, which means that members of the committee will only have one round of questioning. After that, I would like the committee to deal immediately with our report recommendations. Thank you for your cooperation.

[English]

We will go now to Mr. Len Hong, president and chief executive officer of the labour branch of the Canadian Centre for Occupational Health and Safety.

Welcome, Mr. Hong.

Mr. Len Hong (President and Chief Executive Officer, Labour Branch, Canadian Centre for Occupational Health and Safety): Thank you very much, and good morning.

Thank you, Madam Chair, for providing this opportunity to speak to this committee.

I'll briefly outline the plans of the Canadian Centre for Occupational Health and Safety for this upcoming year and our response to the occupational health and safety needs and concerns of our stakeholders and Canadians.

The Canadian business environment, the social environment, and the workplace health and safety environment continue to change rapidly and, as a result, create many new and different demands for programs and services. Canadian multinational enterprises operating in the global marketplace face the demands of demonstrating operational and managerial excellence. Some of these demands arise from legal requirements, and other demands are based on corporate social responsibility, product stewardship, and response to local market conditions. Certification programs for quality control and environmental management such as ISO 9000 and ISO 14000 are examples of response to demands for certification by buyers. Occupational health and safety certification is an emerging demand placed on some of these enterprises that affects both domestic and international operations.

In spite of these more recent developments, the small and medium-sized business sector—the sector of greatest employment growth in Canada—typically lacks sufficient information, knowledge, resources, or know-how to deal with current occupational health and safety hazards and risks. Therefore, even traditional approaches to risk identification and risk reduction are difficult problems for many in this sector.

The health of Canadians is not divisible into separate compartments of home, community, and the workplace. What affects a person's health in one location or circumstance is transferred to a person's other circumstances. In spite of the separate legal responsibilities for public and workplace health and safety, workplaces have begun to deal with employees' health and safety in a more natural, holistic fashion, recognizing that health includes the physical, mental, emotional, and psychosocial dimensions of a person. These are facets of health not covered adequately by legal requirements. As a result, workplace health and safety is evolving by the development of programs to address mental health, stress, and work-life balance, and to improve organizational and individual wellness and well-being.

In this environment, CCOHS's traditional free information services are still valued and needed by Canadian workers and workplaces, especially the majority of workplaces that are starting to focus on developing occupational health and safety programs or are seeking to improve their programs and systems. As part of our mandate, we continue to develop and provide specialized health and safety resources on a cost-recovery basis to meet the challenge of securing 50% of our budget through cost recovery.

The global marketplace where we compete for cost recovery has been changing extremely rapidly. Every year more and more of the valuable information used by professionals, such as human resource officers, nurses, occupational physicians, occupational hygienists, and safety engineers, for which we have been charging fees, is provided for free through the Internet. In spite of our gains in efficiencies and operations, we need to rapidly adapt to these changes in order to sustain our ability to serve Canadians.

In response to these developments, and in response to the stated needs of stakeholders, both citizens and clients, we will readjust and expand our programs and services to assist workplaces and workers to improve occupational health and safety throughout Canada.

One, we will expand and update the current content and scope of free health and safety information and resources to focus on these holistic health needs. This includes initiatives and programs to assist workplaces to work on preventing occupational injuries, illnesses, and diseases, and improving personal and organizational well-being.

As the focus of improving health in the workplace expands, and improvements in preventing illness and disease occur, there should be significant improvements in the health status of Canadian workers, gains in work performance, and reductions in the overall cost and resource demands on Canada's health care system.

Secondly, we will develop and update requested specialized cost-recovery products and services, such as hazardous chemical assessments, first-aid and poisoning guidelines, best practices for hazardous substances, topic-based health and safety guidebooks, hazardous material information management systems, and occupational health and safety certification resources. This variety of new cost-recovery initiatives responds to the emergent needs of Canada's workforce and workplaces and assists them to efficiently and effectively make the changes necessary to remain competitive while accommodating the health and safety requirements of their employees.

Thirdly, we will develop and support occupational health and safety training. We will develop and deliver basic, high-quality, cost-recovery, online health and safety training courses. Our initial series of e-courses have demonstrated that they can greatly improve the quality, reach, and speed of training workers. Online training is accessible all the time and can be distributed where there is access to our Internet-based courses. Already this program has reached a large number of workers and managers and is extremely effective in improving their knowledge and skills in dealing with specific occupational health and safety matters.

Additionally, we will continue our work to advance the prevention of work-related harm by supporting non-governmental organizations and community initiatives to promote social change, including occupational safety and health education in the school system and linkage of community safety initiatives with workplace health and safety.

In summary, I wish to state that with the ongoing support and direction provided by our stakeholders, clients, and citizens of Canada, we are able to rapidly improve and adapt our programs and services to achieve the broad impacts and outreach to Canadians and to efficiently and effectively assist them to make improvements in their knowledge, skills, and practices.

Overall, the many collaborations and partnerships, of which CCOHS is a significant member, has produced a wide range of occupational health and safety initiatives, has helped to make Canadian workplaces safer, and has helped Canada to be respected as a leader in occupational health and safety innovation.

Thank you.

• (1130)

The Chair: Thank you very much, Mr. Hong.

From the Canada Industrial Relations Board, we have Mr. Edmondson.

Members of the committee, I would bring your attention to the text, which is in French and English, of course.

Mr. Edmondson.

Mr. Warren Edmondson (President, Canada Industrial Relations Board): Good morning, Madam Chair and honourable members.

Thank you very much for the invitation today to address the committee.

My name is Warren Edmondson, as the chair has indicated, and I've been the chairperson of the Canada Industrial Relations Board since January 1, 2004. I'm accompanied today by Rob Cook, our general counsel at the board.

For the sake of brevity, in my presentation I may refer to the Canada Industrial Relations Board as the CIRB or the board.

The Canada Industrial Relations Board is an independent and representational quasi-judicial tribunal responsible for the interpretation and application of the Canada Labour Code, part I, industrial relations, and certain provisions of part II, occupational health and safety. It was established as a representational body in January 1999, through amendments to part I of the code, to replace the previous non-representational Canada Labour Relations Board.

Its mandate is to contribute to and promote a harmonious industrial relations climate in the federally regulated sector through the impartial, effective, and appropriate administration of the rules of conduct that govern labour and management in their representational and bargaining activities. In achieving this strategic outcome, the board provides effective industrial relations solutions for the Canadian labour relations community in a fair and timely manner.

With respect to the adjudicative team at the board, it may be of interest to note that the code requires that the chair and the vice-chairs have experience and expertise in industrial relations and that members are to be appointed after consultation by the Minister of Labour with organizations representative of employees and employers.

The CIRB is beginning its seventh year of existence. For the most part, those years have been rather challenging. Changes to the Canada Labour Code enacted on January 1, 1999, not only created the board, but also provided it with significant new powers and responsibilities, particularly with respect to issues pertaining to mergers and the sale of businesses. Furthermore, the CIRB has been required to mature and adjust to an evolving labour relations climate as well as to structural changes to our national economy, which have all had an impact on employers, employees, and their mutual relationship in Canada.

This is particularly evident in the federally regulated sector, where the degree and the rate of change has been largely unprecedented. Many of the industries, such as telecommunications and air transport, to name but two, have undergone a tremendous transformation over recent years. These profound changes, associated with a workforce that is largely unionized, have led to a situation where the board is increasingly called upon to resolve high-profile and complex issues among bargaining parties.

For example, important matters with which the board is currently seized or has recently dealt with, which have a major impact on many aspects of the lives of Canadians, include the following.

With pre-boarding screening in several large airports, commercial transactions and contract awarding have resulted in a mixture of collective agreements that no longer affect the same employers, shifts in bargaining agents and representation rights being sought, and have consequently generated some unrest.

In air transport, the merging of two major airlines and the difficulties experienced generally in the industry have had repercussions on matters already very complex in nature and in size.

In air navigation, NAV Canada, for example, which was previously regulated by the Public Service Staff Relations Act, is

now under the jurisdiction of the Canada Labour Code, with its commercialization. There are complex issues related to the determination of the level of service that is required to be maintained during a work stoppage.

In telecommunications, mergers of major companies have created important issues on representation rights and bargaining unit structures, and negotiations at a standstill for very long periods have also created issues requiring board determination.

For railway companies, the transfer of jurisdictions among unions has created a need to ensure that collective bargaining rights are maintained and stabilized.

In maritime transport, labour unrest has generated uncertainty for the Atlantic population, and board services continue to be required for such matters as the maintenance of services in the event of a work stoppage or the major reorganization of the bargaining unit structure.

In addition to more complex matters, the demand for the board's adjudicative services has been historically high, although it has declined to more sustainable levels over the last two years. Nevertheless, the level of backlogged matters remains fairly high and will take a number of years to dissipate.

- (1135)

In order to address our caseload, and particularly the number of backlog matters, we've adopted a number of accommodating administrative and procedural measures. We've taken advantage of the 1999 amendments to the code that allow a broader variety of CIRB matters to be decided upon written materials and submissions, and we have made more frequent use of single-member panels.

We've increased and broadened our mediation and our alternative dispute resolution services, which reduces processing time as well as the need for costly hearings or written decisions.

With respect to written decisions, we have striven to provide clear and legally sound decisions that are also consistent across similar matters in order to establish strong and unambiguous jurisprudence. That, in turn, should reduce the number of applications to the board for reconsideration of prior decisions and lessen the likelihood of applications to the Federal Court of Appeal for judicial review.

We're in the final stages of upgrading our information technology infrastructure. More recently, the board has looked at ways to simplify and shorten the processing of specific types of matters that constitute an important proportion of our caseload, such as applications for certification and complaints by union members against their unions with respect to the duty of fair representation.

Finally, our client consultation work group is currently very active in obtaining our stakeholders' views on various issues, including means for expediting processes and reducing our backlog.

In conclusion, I think the board is well positioned to meet the challenges it faces. It will require hard work, but we remain committed to ensuring that the board achieves its mandate of contributing to and promoting a harmonious industrial relations climate in the federally regulated sector as effectively and as efficiently as possible.

Thank you.

The Chair: Thank you, Mr. Edmondson.

And now we'll hear Mr. David Silcox of the Canadian Artists and Producers Professional Relations Tribunal.

Mr. Silcox.

Mr. David Silcox (Chairperson and Chief Executive Officer, Canadian Artists and Producers Professional Relations Tribunal): Thank you, Madam Chairman.

I'd also like to introduce Josée Dubois, who is the executive director of the tribunal.

Thank you all for inviting CAPPRT, as it's known, to appear before you with respect to our main estimates for 2005-06. The last time we met the committee was in May 2003.

The tribunal administers part 2 of the Status of the Artist Act and reports to Parliament through the Minister of Labour. Parliament passed the Status of the Artist Act in 1992 and it became fully effective three years later.

The tribunal just celebrated its 10th anniversary, and for this occasion we published a special annual report last year. It has all the answers in it to questions you may have and a very helpful history of labour in the cultural sector in Canada.

Part 2 of the Status of the Artist Act establishes a regime for collective bargaining between self-employed artists and producers in the federal jurisdiction. The artists covered by the act include writers, directors, performers, photographers, and designers. Producers covered are broadcasters, federal government departments, and most federal agencies and crown corporations, such as the National Film Board and national museums. In all, there are some 100,000 Canadian artists, 165 federal government institutions, and 1,200 broadcasters under the jurisdiction of the Status of the Artist Act.

Pursuant to the act, the tribunal's main responsibilities as a quasi-judicial tribunal are to define the sectors of cultural activity in our jurisdiction that are suitable for collective bargaining and to certify artists' associations to represent independent entrepreneurs working in these sectors. Second, it deals with complaints of unfair practices and other matters brought forward by artists, artists' associations, or producers, and prescribes appropriate remedies.

• (1140)

[Translation]

In carrying out its responsibilities, the Tribunal's ultimate goal is to promote constructive professional relations between self-employed artists and the producers who use their services. To date, the Tribunal has defined 26 artistic sectors as being suitable for collective bargaining and has certified artists' associations to represent these sectors. Some examples of certified artists' associations are:

[English]

the Canadian Actors Equity Association,

[Translation]

Union des artistes,

[English]

the American Federation of Musicians, and the Writers Guild of Canada.

[Translation]

After being certified, the artists' associations can engage federal producers in collective bargaining with the goal of arriving at a mutually satisfactory scale agreement. A scale agreement is similar to a collective agreement except that it establishes the minimum terms and conditions under which a producer engages a self-employed artist.

The Tribunal's main priority is to process matters before it promptly and competently. In carrying out this task, the Tribunal finds it a challenge to meet the tight target dates it has set itself for releasing decisions, as often the Tribunal deals with new matters in which there is no established jurisprudence. However, because the Tribunal is relatively new and small, it has been able to put in place efficient systems within its budget.

Also, because all five current part-time members—there is one vacancy—have experience in labour relations and/or cultural affairs and because they are able to hear cases in both official languages, they can deal with matters effectively. They have all received training in conducting hearings, writing decisions and understanding the code of ethics.

[English]

When we were before this committee in May 2003, we mentioned that the Department of Canadian Heritage had just tabled in Parliament its report on the independent statutory review of our act. The review confirmed the value and ongoing relevance of the Status of the Artist Act. It also pointed out that the act's ability to improve the socio-economic circumstances of self-employed artists is limited, mainly because of its restriction to federal producers.

Quebec is the only province where a similar regime exists. The Province of Saskatchewan is continuing to move toward introducing a collective bargaining regime for self-employed artists, together with other changes that would improve artists' social and economic standing in that province. Recently, in the province of Ontario, the Minister of Culture created an advisory council for arts and culture, and one of the subcommittees is studying the status of Ontario artists. The Canadian Conference of the Arts is urging other provinces to consider this issue.

The independent review of the act also recommended amendments and other changes, with a view to improving its operations and impact, including the successful negotiation of scale agreements. The Department of Canadian Heritage, in consultation with the Department of Human Resources and Skills Development Canada, has been studying the recommendations.

The tribunal looks forward to any changes that will help it to promote constructive professional relations between self-employed artists and producers in our jurisdiction. In particular, I believe the provision for arbitration in the settlement of first-scale agreements, as exists in most other labour jurisdictions, and the creation of a producer association for the federal government producers, as also recommended in the review, would enhance results achieved under the act.

• (1145)

[Translation]

In processing matters before it, the Tribunal devotes resources to helping parties resolve issues themselves where possible, to avoid the necessity of Tribunal hearings. The Tribunal Secretariat also devotes efforts to ensuring that artists' associations and producers understand fully their rights and responsibilities under the Status of the Artist Act. As part of a continuing process, the Secretariat recently met with certified artists' associations in Toronto and Montreal and will be meeting next week with federal government producers. Similar meetings with the broadcasters will be held again later in the fiscal year. Secretariat representatives continue to meet for information purposes with individual client groups when requested.

The Status of the Artist Act and the Tribunal's administration of the Act have contributed substantially and beneficially to good professional relations between artists and producers. There are now over 65 scale agreements negotiated under the Act, of which over 25 are new since the Act came into effect. As well, there are negotiations ongoing for scale agreements that didn't exist before.

[English]

In the year to come, the tribunal will continue to operate efficiently and diligently. Where full-time services are not required, such as human resources, IT, security and mail services, the tribunal has signed service contracts with other government departments. We also share accommodation and some administrative services with the office of the chief review officer established under the Canadian Environmental Protection Act of 1999. As well, we are part of a cluster group with other small agencies for the purpose of sharing the management of new or improved services such as audit. Lastly, we now share a financial officer with another small agency, a unique experience in the federal government.

We have submitted our annual report, departmental performance report, report on official languages, and all the other reports, as required, with the Treasury Board Secretariat or other bodies of government. We also have posted information on travel and hospitality expenditures, contracts over \$10,000, and position reclassifications, as required, on our website.

We hope we have your support for our activities, and I look forward to your questions.

Thank you, Madam Chairman.

• (1150)

The Chair: Thank you very much, Mr. Silcox.

We now come to questions. With your approval, members, I will allow three minutes for questions and answers. I have Mr. Forseth, Madame Gagnon, Mr. Martin, Madame Ratansi.

Mr. Forseth.

Mr. Paul Forseth (New Westminster—Coquitlam, CPC): Thank you.

Thank you for coming today.

I'm wondering if the three organizations in their activities would be somewhat parallel in the kind of cost they generate, in that they are boards, they render decisions, they have an office, they have a support staff, and so on.

I just took what the total program spending or the total cost for each department was and I divided by the number of FTEs you have. I see that at the Canadian Centre for Occupational Health and Safety it comes out to around \$99,562 per employee, about \$100,000 per person, which is fairly standard for a bureaucratic organization.

Then I go over to the Canada Industrial Relations Board and it looks like it's \$126,213 for similar administrative activity.

But when I go over to the Canadian Artists and Producers Professional Relations Tribunal, it's \$221,700 for every FTE.

I'm wondering if there is some explanation as to the inherently different nature of the activity or why one is so much more expensive to operate than the other. Maybe there are some rational explanations for that, or maybe one organization, as compared to another, is just not very efficient. Perhaps you could give me some guidelines on that.

Mr. Len Hong: Thank you very much. I wish to address that question. The Canadian Centre for Occupational Health and Safety is very different from the two counterparts here. It is not a tribunal. It is not a judicial organization. It functions with a broad mandate to work in whichever way possible to support stakeholders in improving health and safety, but not to put in place judicial issues, policy issues, enforcement, inspections, or research. Therefore, our mix of people ranges from administrative assistants, a few clerical people, many professional librarians, professional scientists, and information technology specialists, so there's a wide range of remuneration.

Thank you.

The Chair: Thank you.

Mr. Edmondson.

Mr. Warren Edmondson: Thank you, Madam Chair.

I would only add that I think Mr. Hong is certainly right. I've had some experience in a previous life with the CCOHS, and I know the mandates are very different.

In our case, we are quasi-judicial. I would add that there are a couple of other factors I think that make us somewhat different from the other organizations. We require extensive travel, simply because of the fact that many of our hearings are held at various locations across the country. We have five regional offices—very small regional offices—where complainants can actually get advice, mediation assistance, and file their complaints, which are processed initially through the regional office through our regional registrars and are then handed off to national headquarters and to my office for assignment.

The nature of the work is so different that I think this kind of format for measuring costs and expenditures doesn't necessarily tell us very much, in my view.

Mr. Paul Forseth: I'm just saying that the relations board is within the ballpark, but the exception is the Canadian Artists and Producers Professional Relations Tribunal. That's the one I want to question.

The Chair: Very quickly, Mr. Silcox.

Mr. David Silcox: Thank you, Madam Chairman.

Our total expenditures last year were \$1,327,000. A large amount was returned to the government, to the consolidated revenue fund, so it would actually turn out to be about \$100,000 less than Mr. Forseth has suggested.

• (1155)

Mr. Paul Forseth: Page 15 says \$2,217,000 net program costs.

Mr. David Silcox: That is in terms of the \$325,000 accommodation, which is included in that. I mean, that's something you'd have to deduct, I would think.

Mr. Paul Forseth: I don't think so.

Mr. David Silcox: It's actually at no cost to us.

Mr. Paul Forseth: But that's a cost to the taxpayer. Because your organization exists, you generate certain costs. Some are paid for by other agencies, I understand, in the budgeting, but the net program cost is \$2,217,000. You've got 10 employees, so it comes out to \$221,700 per employee.

I'm just saying that when you seem to be so out of sync with the two other organizations, you should be able to describe what it is about the nature of your organization that makes it so much more inherently expensive than the others.

Ms. Josée Dubois (Executive Director and General Counsel, Canadian Artists and Producers Professional Relations Tribunal): Yes, sir, indeed the budget allocation is that amount, but every year the tribunal has returned...I will just go to some notes I have, and it's also in this year's annual report, as to the amounts of money we've returned every year.

Last year we returned to the consolidated revenue fund \$513,000. These are estimates, but if our caseload is less than what has been predicted, that money is returned to the consolidated revenue fund.

Mr. Paul Forseth: I don't think that answers my question, but perhaps they may want to come back to the committee with a letter or something.

The Chair: Perhaps you could give us in written form, at some other time, an answer that is fuller so the clerk can distribute it to the members of the committee.

Would that be satisfactory, Mr. Silcox, Madame Dubois?

Mr. David Silcox: It's certainly satisfactory to me. Quite clearly we're very close to the CIRB on FTE.

The Chair: We'll expect some correspondence from you very soon then.

Thank you.

Madame Gagnon.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Vincent will be speaking now.

The Chair: You have five minutes.

Mr. Robert Vincent (Shefford, BQ): I have a question for Mr. Edmondson.

I see in the documents that the average time to deal with a certification is 182 days. Can you explain to me why it takes six months to process an application for certification?

The Chair: Who are you addressing your question to, Mr. Vincent?

Mr. Robert Vincent: To Mr. Edmondson, but Mr. Cook may also be able to answer it.

Mr. Warren Edmondson: Thank you, Mr. Vincent. This is a question I have been wondering about ever since I've been appointed to the board.

[*English*]

There are certain explanations I can give you, in view of the complexity in some cases, and the size of some of the bargaining units across the country that the board is required to deal with. The complexity of the organization means there are often many arguments about who should be within the bargaining unit and who should be excluded from the bargaining unit. It's not unusual, as you know, for employers, when the union seeks accreditation, to try to exclude as many people who have managerial roles as possible. Often this delays the process of accreditation.

When you combine that with the size of many of the organizations—not all—we have to deal with at the Canada Industrial Relations Board, it also adds a complexity. But this is a number we recognize we have to do something about. We have to try to reduce that number, in the interest of achieving our mandate. Since I arrived we've put in place a group of people within the organization—some of my vice-chairs, some of the senior staff—and given them the mandate to see if we can't find a way to expedite the process of accreditation.

We have in fact streamlined the process very recently. At a meeting I had in May of a committee I struck with the community—business and labour on both sides of the table—I advised them that we would be introducing an expedited process for accreditation. I am optimistic that if we are here meeting again this time next year, that number will be significantly reduced. It is certainly a goal of the board to reduce that and become as efficient as possible in this regard, because we all know that delay in certification often means that people who want to achieve bargaining rights do not necessarily reach their goal.

• (1200)

[*Translation*]

The Chair: You have some time left, Mr. Vincent.

Mr. Robert Vincent: Can you give me some explanation about the 182 days? I think it's the drafting of the decision that takes a long time. In the case of an application for certification, hearings last a maximum of five days. It takes 182 days to process the case and make a decision. Therefore, it's at the drafting stage that there is a problem. Is it the duration of this stage that you want to reduce?

[*English*]

Mr. Warren Edmondson: It's not only the process of making a decision; it varies from case to case. In some cases it's the investigation process. In some cases hearings are required. In other cases, quite honestly, hearings are not required and we have been very long in getting the decisions out.

I think the problem has been generally the volume of cases since the CIRB was structured in 1999, together with the complexity of cases, and establishing new jurisprudence with a relatively small and new board. Getting the priorities in order in the past, trying to deal with matters in an expedited manner, and trying to sort out the priorities—those have meant unnecessary and lengthy periods of time, in some cases, for the board to make some decisions, simply because we have not been able to do everything at once.

As I said earlier, I respect the importance of this matter, and I believe we are going to address it in the future.

The Chair: Thank you.

Mr. Martin.

[*Translation*]

Mr. Robert Vincent: Is my time up?

The Chair: You've already used more than five minutes, Mr. Vincent.

Mr. Martin.

[*English*]

Mr. Tony Martin (Sault Ste. Marie, NDP): I want to talk briefly about the state of health and safety in our workplaces. I just attended, a week or so ago, a day of mourning in Ontario. Many of the speakers spoke of the increase in accidents and incidents of people being killed on the job over the last year and that it is on the increase. Can you shed some light on why that is happening?

Mr. Len Hong: The honest answer is no. It is increasing. The incidents are increasing. The types of injuries that tend to be

increasing are the ones that are not well regulated, such as repetitive strain injury, musculoskeletal.

Unfortunately, many of the other fatalities are happening to many of our new workers, our young workers. These are matters of which all the various provincial, territorial, and federal governments and agencies are aware of, and together with CCOHS, we have been mounting many programs to get them—the young people and the employers—to learn what to do about it. To be honest, it's always going to be a tricky issue. But I think there is success on the horizon, particularly in Ontario. I say that because we had the opportunity to work with the Ontario Ministry of Education and the Ministry of Labour to put in place occupational safety and health education for all high school students.

If I look around this room, none of us ever had health and safety education—I see you did, excellent—in public school or high school. We had to learn it on the job. Think of the new society we're trying to create: everyone coming into the workforce now will understand their rights and responsibilities, the principles of health and safety, and be prepared to work not just with what they have, but to make their workplaces safer. This is probably the single most dramatic change that Canada has made in the past few years, in comparison to every nation on earth. We are by far the leaders in doing so.

This is the only way I can answer that.

• (1205)

The Chair: Mr. Martin.

Mr. Tony Martin: The increase in accidents and, as you said, the more complicated nature of the workplace and some of the challenges facing workers today calls for, I would guess, more intervention, more education, and more information. Yet when I hear your presentation...I noted that your department is moving very aggressively into a cost-recovery mode for a lot of your services and your information. Do you not think this might be a problem, particularly in smaller workplaces where the margin of profit is very fragile and where workers themselves are getting paid not very much and would not be able to afford perhaps to participate in or take advantage of or buy the information you might be putting together and would want to have out there?

Mr. Len Hong: Thank you very much for those observations. I think Canada is unique in the world with a centre such as ours, which was created many years ago to give free information, so that every Canadian can pick up the telephone and ask us questions. We will provide free responses and send out free information to help them in the workplace with health and safety matters. The information we charge money for is that used by nurses, doctors, toxicologists, or professionals who want a higher level of information to assess the chemical risks and in very strong technical and scientific detail.

The other thing we are quite proud of is that we tend to, because of our tripartite governance—labour, management, and government—offer things for very low cost. We're bringing in online courses that small departments and small companies wouldn't build themselves anyway. They're now going to get a lot of low-cost training that they otherwise wouldn't have even bothered going for. We're hoping to continue to help this way.

The Chair: Madam Ratansi.

Ms. Yasmin Ratansi (Don Valley East, Lib.): My question is to Mr. Edmondson.

I notice that only 56% of the cases are being disposed of. You said your caseload has increased, but it seems to be declining. I need to understand the discrepancy. Why are only 56% of the cases being disposed of? Why is it taking so long? What is the timeframe? What are the issues being reported to you by the people? Are they happy with the outcome?

Mr. Warren Edmondson: The numbers have been levelling off. I'm hoping we'll find a level that will be consistent in coming years, a level that will help us manage our resources. When the board was first structured, there had been a backlog while the legislation was amended. There was a transition period. The board was going through an educational process, with new members, new vice-chairs, new legislation, and new jurisprudence. Many of the issues in the early days were extremely complex. There had been a backlog, a new law to apply, and it took a considerable time to deal with some of these issues.

The volume remains high. The complexity of cases is probably greater than anything seen by the previous board, simply because of the increase in change in federally regulated industries. Companies are merging, selling off their operations. Enterprises formerly in the public sector have now been commercialized. We have a much larger jurisdiction than we previously had. Our cases are much more complex than in the past.

In the previous legislation, the former board never had to deal with the issue of what is commonly known as essential services. The 1999 legislation included a provision requiring employers and unions to continue to provide services deemed to be essential to public health and safety. This board had never seen such issues before. They were extremely complex. In setting up the initial jurisprudence, the board was obliged to proceed cautiously and judiciously.

With respect to the numbers, some cases carry over from year to year. Not everything is decided within the fiscal year in which the complaint arrives.

• (1210)

Ms. Yasmin Ratansi: I took the five years and looked at cases received, cases disposed, and cases pending. The accountant in me started adding figures up. I streamlined the five years and found the average to be 56%, and the caseload seems to be declining. Is it because people are unhappy with it, or is it because of the length of time it takes to solve these problems?

Mr. Warren Edmondson: Let me say that we're aware, because of our contact with the community, of the community's desire to have the board improve its efficiency. This has been, since I arrived a year and a half ago, one of my preoccupations.

The first one was, let's make sure we get the decisions right; let's make sure we're consistent; and then finally, this is a public service and it has to be efficient. It has to meet the needs of the workers and it has to meet the needs of employers.

We are doing whatever we can to try to reduce the amount of time it takes us, given the resources—the number of bodies we have at the board—to reduce that time significantly. How are we doing that? We are doing it by trying as best we can to reduce the number of hearing days. We are doing it by trying to prioritize, so that the “more important” cases, if I can use that phrase, are decided as quickly as possible. We have implemented a process to expedite the certification of bargaining units. Our target is to get it down from the current average of 180 days to 50 days. We think we can do that.

But the volume and the complexity of cases is such that, I can tell you, everybody at this board is going full out. We have for the first time I think since this board was structured actually managed to dispose of more cases in a given period of time—a year—than we've had come in the front door. It will take us a long time to clear up the huge backlog that has developed over the last five years. The reality is that if you look at the first five years of this board compared with the five years preceding of the previous board, the workload has increased substantially, and yet our resources are fairly stable, so we have to find efficiencies internally.

The Chair: Thank you.

Ladies and gentlemen, this is the end of the first part of our meeting.

Thank you very much, Mr. Hong, Madame Dubois, Mr. Silcox, Mr. Edmondson, and Mr. Cook.

Once again, my apologies for cutting the meeting a bit shorter than you might have expected, but I think you all understand the circumstances.

Thank you very much.

I will suspend for one and a half minutes, and I mean one and a half minutes, because we're getting right back to work.

Thank you.

[Proceedings continue in camera]

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