## THE HEATH AND SAFETY IMPACTS OF PRECARIOUS EMPLOYMENT ON NEW, YOUNG AND EQUITY SEEKING WORKERS

Tom McKenna CUPE National Health and Safety Representative BC Region – 2023 Update from 2018





Do workers have a low income because they have ... ?

no health, dental or drug benefits no paid sick days

> volatile earnings that change from month to month

> > no parental

leave benefits

not enough hours to qualify for Employment Insurance

no pension

**⊠** SECURITY

Is their work insecure because they ... ?

have uncertain working arrangments, where they are:

solo self-employed

working under a temporary contract working involuntary part-time

> on call, with an unpredictable schedule and number of hours

reliant on platform work (e.g. TaskRabbit, Amazon Mechanical Turk)

seasonal

working for a temporary agency

a temporary foreign worker

an unpaid intern

an undocumented migrant

exposed to hazardous work and unsafe conditions

not given adequate safety training

or equipment not paid the wages they are owed

being physically or sexually harassed

afraid to speak up about unsafe

or unfair working conditions

afraid to join a union

not aware that they have rights



Is their job a dead end because they ... ?

have no opportunities for

have no opportunities for promotion or a better job do not get training to

improve their skills

have no clear career path can't get their credentials recognized (e.g. newcomers)



I would like to acknowledge the support and assistance of Paul Sylvestre, CUPE National Health and Safety Representative (Ontario Region) in updating this Guide.

# Workers under the age of 25 account for one third of workplace injuries. More than 50% of young workers are injured in the first 6 months of employment. Little has changed since 2018.

#### I. BACKGROUND:

This is an update from the 2018 Guide on the impact of precarious work on the health and safety of workers in BC. Due to the ongoing COVID-19 pandemic, beginning in early 2020, there was little new data available due to the wide-ranging impacts of the pandemic on how and where workers work. New information is referenced on each page as footnote x, while older information is referred to as Source X in Section VI.III, to distinguish new information.

Precarious work (also referred to as non-standard employment or non-standard work) is described as any deviation from standard employment and is characterized as being temporary or casual in nature, lacking benefits, lacking in certain legal protections and usually associated with lower income. Some workers are more likely to be overrepresented in precarious employment, such as women, newcomers to Canada, young workers, new workers and racialized workers. An important issue is the impact on worker's health and safety as well as Collective Agreement entitlements. Due to changing definitions of precarious work, lack of consistent statistics on the prevalence of precarious work and the underreporting of injuries, the need for worker awareness is greater than ever.



The 2020 CUPE Membership Survey indicated that 25% of CUPE members have worked through temporary employment agencies in the last three months. 15% were in precarious employment.\* Another 20% were in vulnerable employment.\*

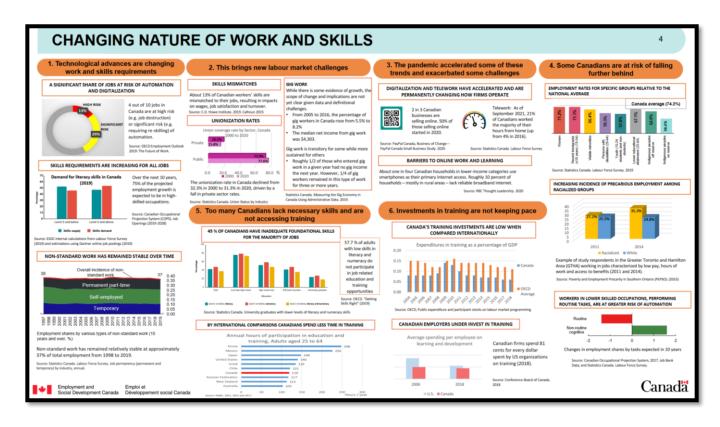
The 2014 Ontario all worker statistics from WorkersActionCentre.org infographic show higher precarity for non-CUPE organized workers.

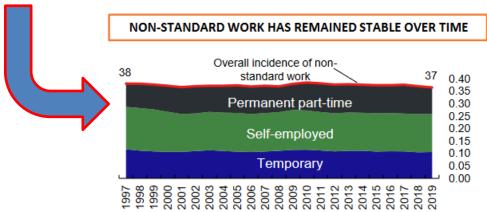
\*These may not have been employers with CUPE members.

<sup>&</sup>lt;sup>1</sup> Alook, A., Brock, S., & Galabuzi, G.E. (2021). A Disproportionate Burden COVID-19 labour market impacts on Indigenous and racialized workers in Canada. CCOHS. See <u>DOCUMENT TITLE</u> (policyalternatives.ca)

## Across Canada reported non-standard work / precarious employment has remained stable from 1997 to 2019 and decreased only slightly in 2020.

Figure 1:





Employment shares by various types of non-standard work (15 years and over, %)

Non-standard work has remained relatively stable at approximately 37% of total employment from 1998 to 2019.

Source: Statistics Canada. Labour Force Survey. Job permanency (permanent and temporary) by industry, annual.

## CUPE members in precarious employment are often female and racialized workers. (CUPE 2020 Membership Survey)

#### II. EXTENT OF THE PROBLEM:

The workers identified in Section I are at high risk of employment-related injuries - little has changed from 2018. Sources 1 and 2 As per WorkSafeBC "young and new workers need special attention because they are at more risk of injury than their older or more experienced counterparts. The injury rate for young male workers is much higher than that of the overall population." In terms of occupational health and safety, WorkSafeBC defines a young worker as "any worker who is under 25 years of age" per "Support for Employers Training and Orientation for Young and New Workers an Employer's Guide to Part 3 of the Occupational Health and Safety Regulation". As of 2023, the fatality rates for BC, as reported by WorkSafeBC are increasing. Younger workers, racialized workers, women, gender diverse workers and workers in precarious employment are at higher risk for serious injuries and fatalities than several years ago. Data collection has become much more challenging due to the COVID-19 pandemic in 2020 to 2023.

The percent of workers in precarious employment has changed little since 2014. In 2014 as many as 21% of workers were under the age of 35 as per a TD Special Report. Source 3 Nearly 30% of young workers were in temporary employment and 35% were in part-time employment. Source 3 In 2014, Statistics Canada released data on employment showing that 15.3% of Canadians were self-employed, 5.3% were involuntarily employed part-time and 11.3% were in a temporary job. Statistics Canada then reported in 2016 that 19% of workers were in part-time employment and 13% of workers were in temporary employment. These statistics have changed marginally since then and have remained fairly consistent since 2011 to 2020 (as per Figure 1). Statistics Canada reported in 2020 that part-time and full-time temporary work dropped marginally (less than 1%).<sup>2</sup> As per the Ontario Law Commission, approximately 22% of jobs (in Ontario) could be characterized as precarious work, defined as having low wages and at least two of three other features: no pension, no union and / or small firm size. Part-time workers are more likely to be precariously employed than full-time workers (with about 33% of part-time workers being employed in positions with low wages, no union and no pension). Nationally, 33% of new Canadians reporting that they have entered self-employment because of a lack of suitable paid jobs as compared to 20% of Canadian-born workers. Source 5 As per the Victoria Times Colonist (January 2018) "workers" currently stay in a job for an average of 4.4 years, a number that has been steadily declining for decades". CAREX Canada data shows that new and young workers are at particularly high risk for occupational injuries and diseases.3 This includes violence (including bullying and harassment).

<sup>&</sup>lt;sup>2</sup> Library of Parliament. HillNotes. December 05, 2020. See Understanding Precarious Work in Canada - HillNotes

<sup>&</sup>lt;sup>3</sup> CAREX Canada. November 15, 2021. See <u>Carcinogen exposures in young and new workers: Assessing the evidence - CAREX Canada</u>

### "...the majority of young workers would not leave a job due to unsafe work conditions"

Sweet et al. (2022) state that "A national survey from the United States found 54% of workers under age 18 had worked with one or more hazardous chemicals at their job. 41% of these workers reported being exposed to fumes / thick smoke, 22% to gasoline or petroleum products, 17% to solvents or paint thinners, and 11% to pesticides."<sup>5</sup>

Younger workers are more vulnerable to workplace hazards due to the following factors:

- Limited employment experience
- Limited worksite experience
- Having multiple employments, often of a temporary duration
- Inability to recognize hazards
- Cognitive development is not complete until the mid-twenties
- Young workers may not be able to assess hazards correctly
- Young workers may not comprehend the long-term implications of disease, injury and disability
- Young workers are less likely to voice their concerns or take action to address hazards
- Young workers typically obtain entry-level jobs with minimal skill requirements
- Entry level jobs are more likely to involve a variety of hazards due to the use of cleaning compounds, solvents, caustics, pesticides and other chemicals
- Entry level jobs are often also part-time or seasonal, which can create or contribute to a
  weak safety culture and decrease worker's ability to gain job-specific skills and associated
  safe working habits
- Young workers often receive inadequate orientation and safety training
- Lack of knowledge of the hierarchy of control
- Lack of knowledge of the use of Personal Protective Equipment (PPE)
- Lack of use of PPE

A large Canadian study found that only 20% of young women and 23% of young men reported receiving any safety orientation within their first year of work. SAFE Workers of Tomorrow surveyed young workers who attended their training seminars and similarly found that 31% of the 566 young workers included in the analysis were told little to nothing about hazards in their workplace. Workers in precarious employment also reported the lowest level of psychological satisfaction (US data).

<sup>&</sup>lt;sup>4</sup> Sweet, C.M., Telfer, J.M., Palmer, A.L., Fazel, S.S., & Peters, C.E. (2022). Perspective: Young Workers at Higher Risk for Carcinogen Exposures. *Frontiers in Public Health*. Volume 10. March 16, 2022. See <u>Frontiers | Perspective: Young Workers at Higher Risk for Carcinogen Exposures (frontiersin.org)</u>

<sup>&</sup>lt;sup>5</sup> Sweet, C.M., Telfer, J.M., Palmer, A.L., Fazel, S.S., & Peters, C.E. (2022). Perspective: Young Workers at Higher Risk for Carcinogen Exposures. *Frontiers in Public Health*. Volume 10. March 16, 2022. See <u>Frontiers | Perspective: Young Workers at Higher Risk for Carcinogen Exposures (frontiersin.org)</u>

<sup>&</sup>lt;sup>6</sup> Sweet, C.M., Telfer, J.M., Palmer, A.L., Fazel, S.S., & Peters, C.E. (2022). Perspective: Young Workers at Higher Risk for Carcinogen Exposures. *Frontiers in Public Health*. Volume 10. March 16, 2022. See Perspective: Young Workers at Higher Risk for Carcinogen Exposures - PubMed (nih.gov)

## Nearly one third of the young workers would not refuse unsafe work in one study'

One large cross-sectional study from the US investigated the PPE practices and types of PPE used among teens (aged 14–17) employed in the retail and service sector. Among those who received PPE training (and who were in contact with hazardous chemicals), only 35% used PPE.<sup>8</sup> Workers who did not receive PPE training only used PPE 26% of the time.<sup>9</sup> The following Tables (1 and 2) show the types of carcinogen exposures, by sector and occupations, that young workers are exposed to.<sup>10</sup>

Table 1:

Sector	Proportion of sector made up of young workers (%)	Most prevalent known or suspected carcinogen exposures
Accommodation and food services	39.0%	Night shift work Polycyclic aromatic hydrocarbons (PAHs) Solar radiation
Retail trade	28.1%	Night shift work PAHs Benzene
Arts entertainment and recreation	27.9%	Solar radiation Night shift work Chloroform
Administrative and support, waste management and remediation services	14.3%	Solar radiation Night shift work Diesel engine exhaust
Agriculture, forestry, fishing and hunting	13.6%	Solar radiation Diesel engine exhaust Wood dust

<sup>&</sup>lt;sup>7</sup> Sweet, C.M., Telfer, J.M., Palmer, A.L., Fazel, S.S., & Peters, C.E. (2022). Perspective: Young Workers at Higher Risk for Carcinogen Exposures. *Frontiers in Public Health*. Volume 10. March 16, 2022. See <u>Frontiers | Perspective: Young Workers at Higher Risk for Carcinogen Exposures (frontiersin.org)</u>

<sup>&</sup>lt;sup>8</sup> Sweet, C.M., Telfer, J.M., Palmer, A.L., Fazel, S.S., & Peters, C.E. (2022). Perspective: Young Workers at Higher Risk for Carcinogen Exposures. *Frontiers in Public Health*. Volume 10. March 16, 2022. See <u>Frontiers | Perspective: Young Workers at Higher Risk for Carcinogen Exposures (frontiersin.org)</u>

<sup>&</sup>lt;sup>9</sup> Sweet, C.M., Telfer, J.M., Palmer, A.L., Fazel, S.S., & Peters, C.E. (2022). Perspective: Young Workers at Higher Risk for Carcinogen Exposures. *Frontiers in Public Health*. Volume 10. March 16, 2022. See <u>Frontiers | Perspective: Young Workers at Higher Risk for Carcinogen Exposures (frontiersin.org)</u>

<sup>&</sup>lt;sup>10</sup> Sweet, C.M., Telfer, J.M., Palmer, A.L., Fazel, S.S., & Peters, C.E. (2022). Perspective: Young Workers at Higher Risk for Carcinogen Exposures. *Frontiers in Public Health*. Volume 10. March 16, 2022. See <u>Frontiers | Perspective: Young Workers at Higher Risk for Carcinogen Exposures (frontiersin.org)</u>

#### Table 2:

Occupation	Proportion of occupation made up of young workers (%)	Top exposures	
Retail salespersons, sales clerks, cashiers	42.1%	Night shift work Polycyclic aromatic hydrocarbons (PAHs) Solar radiation	
Chefs, cooks, and servers	41.1%	Night shift work PAHs Formaldehyde	
Sales and service occupations	32.2%	Night shift work PAHs Solar radiation	
Trades helpers, construction and transportation laborers	27.6%	Solar radiation Silica Night shift work	
Occupations unique to primary sector	20.8%	Solar radiation Diesel engine exhaust Night shift work	

Table 3 shows the types of carcinogen exposures, by sector / industry, that new workers are exposed to. Many new workers are also young workers.<sup>11</sup>

Table 3:

Industry	Proportion of industry made up of new workers	Most prevalent known or suspected carcinogen exposures
Accommodation and food services	20%	Night shift work Polycyclic aromatic hydrocarbons (PAHs) Solar radiation
Business, building, and other support services	15%	Solar radiation Night shift work Diesel engine exhaust
Retail trade	13%	Night shift work PAHs Benzene
Information, culture, and recreation	13%	Night shift work Solar radiation Radon
Construction	12%	Solar radiation Silica Wood dust

<sup>&</sup>lt;sup>11</sup> Sweet, C.M., Telfer, J.M., Palmer, A.L., Fazel, S.S., & Peters, C.E. (2022). Perspective: Young Workers at Higher Risk for Carcinogen Exposures. *Frontiers in Public Health*. Volume 10. March 16, 2022. See <u>Frontiers | Perspective: Young Workers at Higher Risk for Carcinogen Exposures (frontiersin.org)</u>

The sectors most impacted by precarious employment include culture, education, recreation, information and food services as per Statistics Canada. Women are far more likely to be engaged in precarious work than men. Racialized workers are more likely to be engaged in precarious employment. Women also face a substantially greater risk of occupational injury relative to men when working in the same job as per Section III below. Young workers are often employed in construction, the service industry, retail, the food and beverage sector, as lifeguards, as labourers, maintenance workers, farm workers, tree planting and horticulture. 12

Job insecurity continues to play a key role in creating and sustaining occupational health disparities. Source 4 The pandemic has created numerous additional health and safety issues such as dysfunctional Joint Health and Safety Committees. As per the 2021 WorkSafeBC Key Statistics Report in Figure 2, in 2012 183 reported worker fatalities occurred in BC. In 2021 224 worker fatalities occurred in BC. This is not an anomaly; in 2014, 2017, 2018, 2019 there was also much higher workplace related fatalities. The service sector saw the highest 10-year increase in worker fatalities from 18 in 2012 to 34 in 2021.

Figure 2:

Year	New injuries reported in the year	Fatalities occurring in the year and reported by March 31 of the following year	Fatalities as a percentage of new injuries	
2012	144,741	183	0.13%	
2013	144,866	186	0.13%	
2014	146,622	203	0.14%	
2015	145,530	187	0.13%	
2016	148,924	164	0.11%	
2017	152,629	198	0.13%	
2018	155,577	190	0.12%	
2019	158,117	203	0.13%	
2020	128,228	177	0.14%	
2021	141,320	224	0.16%	
WorkSafeBC made decisions to accept 161 work-related death claims in 2021. Of these, 37 of the 161 cases were for workers receiving long-term disability benefits who died from causes related to their compensable injuries or diseases. The 161 work-related death claims accepted during the year cannot be compared to the 224 fatalities in this table as some of the fatalities accepted in 2021 occurred and were reported in a prior year. In addition, some reported fatalities were not compensable.		ses were The 161 work-related of ts who broken down by subset of new injuries The count of new injuries the years 2012–2020 but fatalities There will likely be a regular published in WorkSafed ditton,	The 224 fatalities in this table are categorized in Table 1–7. The 161 work-related death claims accepted in 2021 are broken down by subsector in Table 1–4.  The count of new injuries reported has been revised for the years 2012–2020 because of claim consolidations. There will likely be a revision to the 2021 count in the tab published in WorkSafeBC's Statistics 2022.	

<sup>&</sup>lt;sup>12</sup> Sweet, C.M., Telfer, J.M., Palmer, A.L., Fazel, S.S., & Peters, C.E. (2022). Perspective: Young Workers at Higher Risk for Carcinogen Exposures. *Frontiers in Public Health*. Volume 10. March 16, 2022. See <u>Frontiers | Perspective: Young Workers at Higher Risk for Carcinogen Exposures (frontiersin.org)</u>

<sup>&</sup>lt;sup>13</sup> WorkSafeBC. Key Statistics Report 2021. See WorkSafeBC Statistics | WorkSafeBC

<sup>&</sup>lt;sup>14</sup> WorkSafeBC. Key Statistics Report 2021. See WorkSafeBC Statistics | WorkSafeBC

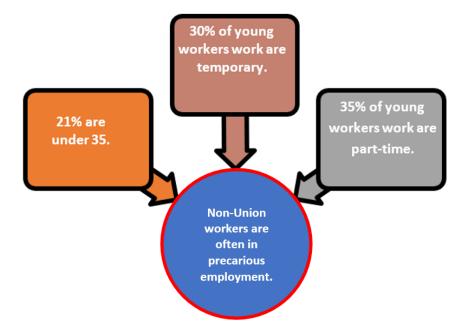
Serious injury claim rates have remained stable from 2017 to 2021 in BC. There has not been any improvement in worker injury rates as per Figure 3 below from WorkSafeBC.<sup>15</sup>

Figure 3:



Workers who are at higher risk for serious injury and fatalities continue to be the most vulnerable as summarized in Figure 4 below.<sup>16</sup>

Figure 4:



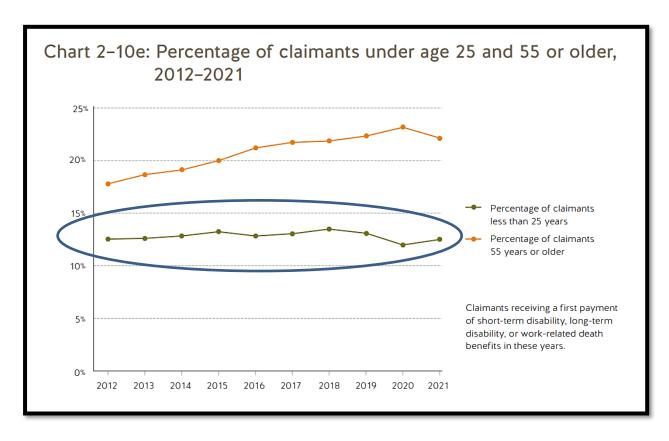
<sup>&</sup>lt;sup>15</sup> WorkSafeBC. Key Statistics Report 2021. See WorkSafeBC Statistics | WorkSafeBC

<sup>&</sup>lt;sup>16</sup> WorkSafeBC. Key Statistics Report 2018, 2019, 2021; BC Federation of Labour; CAREX Canada. See <u>WorkSafeBC Statistics | WorkSafeBC</u>

#### III. INJURY AND FATALITIES RISK FACTORS:

The injury statistics in BC have not changed since 2018. As per Figure 5, there has not been any improvement in the percentage of workplace injury claims for workers under the age of 25 (who are much more likely to be in precarious and new employment) in BC from 2012 to 2021.<sup>17</sup>

Figure 5:



More than 50% of young workers were hurt in the first 6 months of employment. New workers in general are 3 times more likely to be injured during their first month of employment.

This number has remained consistent from 2018 to 2022.



<sup>&</sup>lt;sup>17</sup> WorkSafeBC. Key Statistics Report 2021. See WorkSafeBC Statistics | WorkSafeBC

#### III.I. DIMENSIONS OF RISK:

There are numerous risk factors associated with precarious work. These include:

- Gender
- Age
- Literacy issues
- Being members of equity seeking groups
- Training
- Employee orientation
- Unionization
- Employment sector
- Occupation

As per the Canadian Centre for Occupational Health and Safety (CCOHS) and the Institute for Work and Health (IWH) the IWH study identified four primary "vulnerability dimensions" that lead to increased risk of injury:

- Actual workplace risks and hazards workers experience
- Workplace or organizational-level protection workers are / are not offered in the form of policies and practices
- Awareness of Occupational Health and Safety Rights and responsibilities
- Extent to which workers are empowered to take part in work-related injury prevention and refuse unsafe work

**Having multiple employments has been linked to occupational injuries.** The CCOHS has identified a number of other risk factors Source 5, 6:

- Are more often exposed to hazardous work environments, stressful psychosocial working conditions, increased workload, including unpaid overtime
- Suffer a higher rate of occupational safety and health injuries
- Experience ill health effects
- Experience increased work-life conflict
- Are less likely to receive adequate training for work tasks
- Are less likely to be members of Unions
- Have less protection due to limitations, gaps in legislation

The CCOHS risk factors are supported by WorkSafeBC injury data from the last ten years. The CSA Group National Standard of Canada for Psychological Health and Safety in the Workplace<sup>18</sup> Z1003:13 (R2022) also identifies the psychosocial risk factors and other considerations that employers must address e.g. 4.3.8.1(b)(e) which include work arrangements. Precarious employment can also be a factor under "other chronic stressors identified by workers" in the Implementation Guide (page 5), "Assembling the Pieces An Implementation Guide to the National Standard for Psychological Health and Safety in the Workplace".

<sup>&</sup>lt;sup>18</sup> CSA Group. See <u>Psychological Health and Safety in the Workplace - CSA Group</u> and <u>CAN/CSA-Z1003-13/BNQ 9700-803/2013</u> (R2022) | Product | CSA Group

The Law Commission of Ontario Source 8 identified the following risk factors:

- Lack of training
- Irregular hours
- Long hours
- Lack of knowledge about OHS rights and obligations
- Having multiple jobs
- Lack of access to safe transportation
- · Lack of access to nutritious food
- Lack of rest
- Lack of medical care

The Public Health Agency of Canada and Ontario's Chief Prevention Officer Source 9 identified several factors related to injury rates among young workers as per the May 2016 "Occupational injuries in Canadian youth: an analysis of 22 years of surveillance data collected from the Canadian Hospitals Injury Reporting and Prevention Program". These were:

- Inexperience
- Lack of sufficient training
- Differential hazards and risks

Precarious workers are also at risk of unfair treatment due to power and knowledge differentials between employers and workers as per a study published in the *Journal of Occupational Rehabilitation* and is co-authored by MacEachen, Nicole Billias and Sue Sherifali.<sup>19</sup>

Women have injury rates 20% to 40% higher than men in the same job. Women between 25 and 64 experience more frequent injuries but are less likely to file a WorkSafeBC claim.

<sup>&</sup>lt;sup>19</sup> Billias, N, MacEachen, E., & Sherifali, S. (2023). "I grabbed my stuff and walked out": Precarious workers' responses and next steps when faced with procedural unfairness during work injury and claims processes. *Journal of Occupational Rehabilitation*. See "I grabbed my stuff and walked out": Precarious workers' responses and next steps when faced with procedural unfairness during work injury and claims processes | SpringerLink

#### IV. INJURY RATES:

The injury rate for young male workers is still three to five times higher than the general population as of 2022 and new workers are three times more likely to be injured during their first month on the job than more experienced workers. Source 10 In 2020, the rate of work-related injuries treated in emergency departments for workers ages 15–24 was 1.5 times greater than the rate for workers 25 years of age and older. As per the British Columbia Federation of Labour, workers under the age of 25 account for one third of workplace injuries and more than 50% of young workers were injured in the first 6 months of employment. WorkSafeBC data also shows that new workers are three times more likely to be injured during their first month of employment. Source 9 Nearly 20% of fatalities and injuries for both new and young workers occur during the first month of employment. As per the Institute for Work & Health "Over a 10-year period, the risk of work injury for workers with shorter job tenure has consistently remained higher compared to those employed at a job for more than one year".

Medscape Source 9 stated that "Precarious workers present significantly higher injury rates than those with secure careers, with an increase in risk between 24 and 57% (p < 0.05)". Primary causes of injuries for new and young workers in that data were overexertion and being struck by objects. The Public Health Agency of Canada noted very high injury rates among very young workers per the May 2016 "Occupational injuries in Canadian youth: an analysis of 22 years of surveillance data collected from the Canadian Hospitals Injury Reporting and Prevention Program". Source 11 It stated that "surveys of American and Canadian middle-schoolers found that 18% of working 10 to 14 year-olds reported work injuries from summer jobs and 49.7% of wage-earning 12 to 14 year-olds reported work injuries in the past year" and "Across occupational categories, youth employed in the manual and goods-producing sector have a greater risk of sustaining injuries that result in work disability absence or increased lost-time WC claims compared to those in the service sector".

Statistics do not include the injuries of young workers who are not covered by or are ineligible for Workers Compensation. The study stated that "Since youths are more likely to engage in temporary, casual, contract or seasonal work than adults and the youngest workers frequently work in informal or self-employment arrangements such as farm work, babysitting or with family businesses that are not compulsorily or reliably covered in all provinces, claims data may underestimate youth injuries. This is compounded by general underreporting of work-related injuries by young employees because they fear reprisals, feel powerless or think their employer disregards concerns or because they are not aware of the reporting channels." Common types of injuries for young workers, per the study, were:

- Open wounds (all genders): 32.3%
- Open wounds (male): 36.5%
- Open wounds (female): 24.9%
- Musculoskeletal injuries (all genders): 22.3%
- Musculoskeletal injuries (male): 19.0%
- Musculoskeletal injuries (female): 28.1%

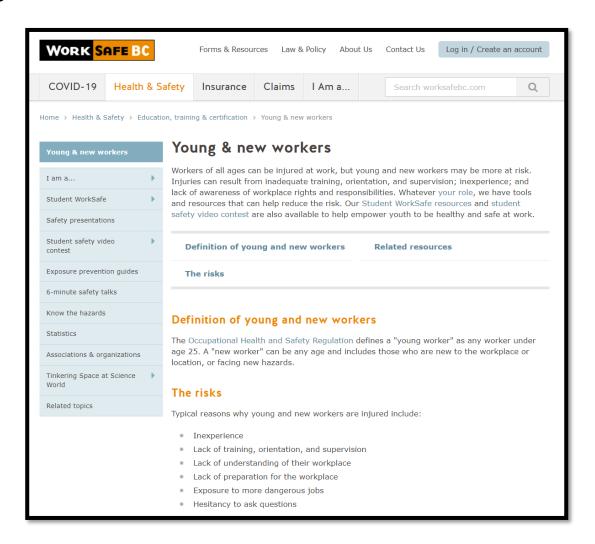
<sup>&</sup>lt;sup>20</sup> CDC. NIOSH. 2020. See <u>Young Worker Safety and Health | NIOSH | CDC</u>

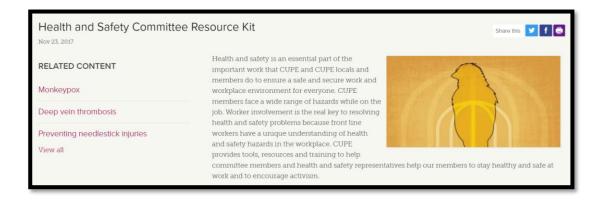
The food and beverage sector (the non-government service sector) had the highest rate of emergency department visits among young workers ages 10 to 17 (35.4%). Construction and trades had the highest hospitalization rate among young workers ages 10 to 17 (21%). Despite these statistics, the vast majority of young workers take a "wait-and-see" approach or are fearful of reprisals when they have safety concerns. Injuries are not reported to WorkSafeBC. Source 13

Between the ages of 25 and 64, in a US study, women had injury rates 20% to 40% higher than men in the same job and while working the same number of hours. Source 14 Women between 25 and 64 experienced more frequent injuries but were less likely to file a WorkSafeBC claim. This is exacerbated when women are in precarious employment. Employers have to do more.

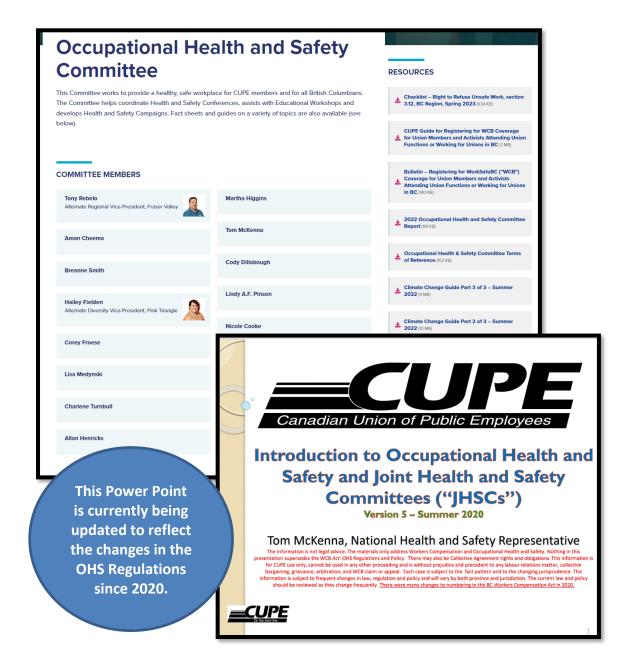
Temporary employment agencies have some of the worst injury and safety statistics. Per the study "How Precarious Employment Affects Health and Safety at Work: The Case of Temporary Agency Workers" it stated that "Amongst injured agency workers, 16% and 20% were known to have received induction from the agency and host respectively, but such data were missing from 59% of the files". Source 12

Figure 6:





#### Figure 7:



V. WORKSAFEBC LEGISLATION, REGULATIONS AND POLICIES DUE DILIGENCE, THE INTERNAL RESPONSIBILITY SYSTEM, THE PRECAUTIONARY PRINCIPLE AND WORKER RIGHTS:<sup>21</sup>

All persons in the workplace need to be aware of the following rights and legal obligations:

- The right to refuse unsafe work
- The right to participate in the workplace health and safety activities through Joint Health and Safety Committees or as a Worker Health and Safety Representative
- The right to know about actual and potential hazards in the workplace
- The right to no discrimination or retaliation
- The legal requirement for incident investigations e.g. WorkSafeBC Form 52E40
- The legal requirement for a thorough orientation of all new and returning workers to all workplaces where they may work
- The legal requirement for regular risk assessments and worksite inspections which include hazards to workers in precarious employment
- The role of the JHSC and worker representatives in the health and safety program

#### V.I. THE WORKERS COMPENSATION ACT<sup>22</sup>

- Section 5 Compensation for Personal Injury
- Form 6 worker's report for Injuries and Occupational Diseases
- Form 7 employer's report for Injuries and Occupational Diseases
- Section 21 to 26 regarding the responsibilities of employers, workers, supervisors, etc.

#### V.II. WORKSAFEBC OHS REGULATIONS<sup>23</sup>

- 3.1 to 3.3 Occupational Health and Safety Programs
- 3.10 Reporting hazards in the workplace
- 3.12 to 3.13 Right to Refuse Unsafe Work
- 3.22 to 3.25 Young or New Workers
- 4.21 to 4.23 Procedures for working alone or in isolation
- 4.27 to 4.31 Violence in the Workplace
- 8 Personal Protective Equipment
- Workplace Hazardous Materials Information System (WHMIS)

There are a number of changes in the OHS Regulations since 2020.

#### **V.III. REHABILITATION SERVICES AND CLAIMS MANUAL (USUALLY VOLUME II)**

- 3-12.00 3-23.30 Compensation for personal injury
- 25.00 32.85 Compensation for occupational disease
- 92.00 100.83 Claims procedures

<sup>&</sup>lt;sup>21</sup> CUPE. Health and Safety Resource Kit. See <u>Health and Safety Committee Resource Kit | Canadian Union of Public Employees</u> (cupe.ca) and Occupational Health and Safety Committee (cupe.bc.ca)

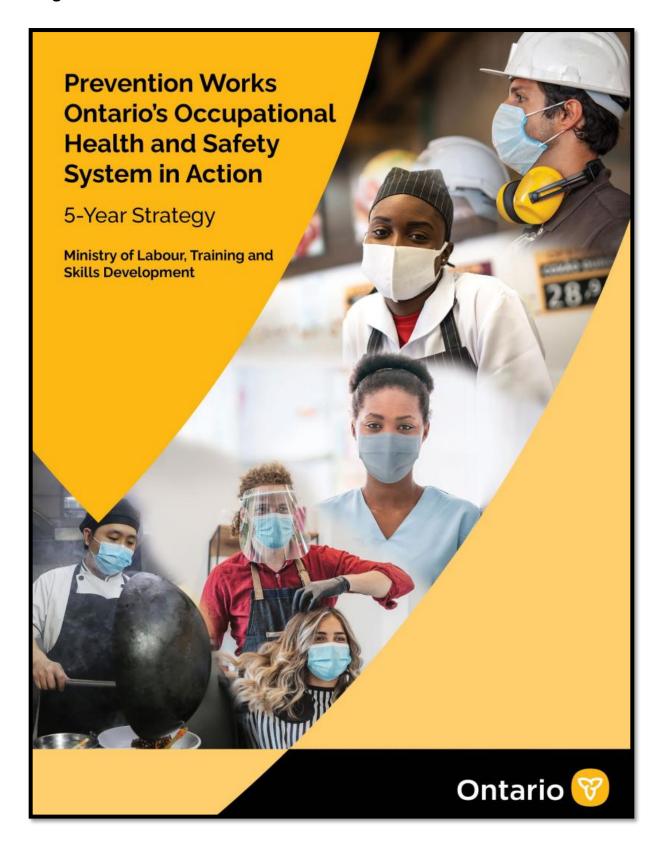
<sup>&</sup>lt;sup>22</sup> WorkSafeBC. BC Workers Compensation Act. See Workers Compensation Act - WorkSafeBC

<sup>&</sup>lt;sup>23</sup> WorkSafeBC. OHS Regulations. See Searchable OHS Regulation & related materials - WorkSafeBC

Processes for addressing workplace health and safety issues pertaining to workers in precarious employment include the following:

- Is the employer aware of the number and location of workers in precarious employment?
- Does the employer's health and safety program include health and safety for workers in precarious employment?
- Does this include equity seeking groups?
- Do employer policies, procedures and training e.g. working alone or in isolation, include workers in precarious employment?
- Are supervisors aware of the health and safety issues that pertain to workers in precarious employment?
- Do supervisors understand the legal obligations under the *Workers Compensation Act* and the OHS Regulations?
- Are supervisors trained on how to address health and safety issues pertaining to workers in precarious employment?
- Are workers in precarious employment given a comprehensive orientation to all worksites where they work or may work?
- Do workers in precarious employment receive training and education related to health and safety?
- How often does this occur?
- Are workers in precarious employment aware of the four rights e.g. Right to Refuse Unsafe Work?
- Are workers in precarious employment aware of the location of additional resources and information?
- Have workers in precarious employment been provided copies of the OHS Regulations and the *Workers Compensation Act* or the location of these?
- Are workers in precarious employment aware of who to contact for health and safety issues?
- Does the JHSC include representation from workers in precarious employment?
- Are precarious employment-related issues discussed in the JHSC meetings?
- Do the regular inspections include precarious employment?
- Are the risk factors and hazards on pages 7 and 8 of this Guide addressed e.g. those risk factors identified by the CCOHS, CUPE, the Law Commission of Ontario, the Public Health Agency of Canada, WorkSafeBC, etc.?
- Do incident investigations consider workers in precarious employment and the health and safety issues that may be encountered in the workplace?
- What is the process for addressing health and safety issues that have been identified?
- Are near misses / hits, accidents, incidents, injuries and occupational diseases that concern workers in precarious employment documented?
- Are near misses / hits, accidents, incidents, injuries and occupational diseases discussed at JHSC meetings?
- Does the annual JHSC evaluation (as required by WorkSafeBC) include issues pertaining to workers in precarious employment?
- Are there Collective Agreement entitlements for workers in precarious employment?

Figure 8:



#### VI. SOURCES OF ADDITIONAL INFORMATION AND ASSISTANCE:

#### VI.I. LINKS TO ADDITIONAL RESOURCES:

#### **CAREX CANADA**

<u>Carcinogen exposures in young and new workers: Assessing the evidence - CAREX Canada</u>

#### **CUPE**

http://cupe.ca/health-and-safety-facts-new-and-young-workers

http://cupe.ca/health-and-safety

http://cupe.ca/health-safety-learning-series

https://www.cupe.bc.ca/committee/occupational-health-and-safety-

committee/

#### **BC FEDERATION OF LABOUR YOUNG WORKER RESOURCES**

https://www.healthandsafetybc.ca/programs/young-workers/

#### **BC FEDERATION OF LABOUR "ALIVE AFTER 5" PROGRAM**

http://www.ccohs.gc.ca/oshanswers/legisl/vulnerable.html

#### CANADIAN CENTRE FOR OCCUPATIONAL HEALTH AND SAFETY

http://www.lco-cdo.org/en/our-current-projects/vulnerable-workers-and-precarious-work/vulnerable-workers-interim-report-august-2012/quick-facts-about-vulnerable-workers-and-precarious-work/

#### FEDERAL PROTECTIONS E.G. PART III OF FEDERAL LABOUR CODE

<u>Federal labour standards protections for workers in non-standard work- Issue paper - Canada.ca</u>

#### LAW COMMISSION OF ONTARIO [QUICK FACTS ABOUT VULNERABLE WORKERS AND PRECARIOUS WORK]

http://www.ilo.org/wcmsp5/groups/public/---ed dialogue/---actrav/documents/meetingdocument/wcms 179787.pdf

#### INTERNATIONAL LABOUR ORGANIZATION. FROM PRECARIOUS WORK TO DECENT WORK http://www.raiseyourhand.com/

#### **WORKSAFEBC NEW AND YOUNG WORKER REGULATIONS**

https://www.worksafebc.com/en/for-workers

#### Figure 9:



# Federal Labour Standards Protections for Workers in NonStandard Work

Issue Paper

This paper is one of a series of papers prepared by the Secretariat to the Expert Panel on Modern Federal Labour Standards as background information to stimulate the Panel's discussions. The papers do not necessarily reflect the views of the Government of Canada.

January 2019

Canada

#### **VI.II. CONTACT NUMBERS:**

WorkSafeBC Emergency & Accident Reporting: 1-888-621-7233 (Free) or 604-276-3100

WorkSafeBC Critical Incident Response: 1-888-922-3700

WorkSafeBC Crisis Support Line: 1-800-624-2928

WorkSafeBC Prevention Information: 1-888-621-7233 (Free)

WorkSafeBC **Prevention Information** (Lower Mainland): 604-726-3100 (Free)

WorkSafeBC Emergency After Hours: 1-866-922-4357 (Free)

#### **VI.III. OTHER SOURCES OF INFORMATION USED IN GUIDE:**

 Association of Workers' Compensation Boards of Canada. http://awcbc.org/?s=Young+&lang=en

2. TD Special Report. "Precarious Employment In Canada: Does The Evidence Square With The Anecdotes?"

http://www.td.com/document/PDF/economics/special/PrecariousEmployment.pdf

- 3. Work organization, job insecurity, and occupational health disparities. http://onlinelibrary.wiley.com/doi/10.1002/ajim.22126/full
- 4. Multiple sources: NIOSH. WorkSafeBC. Ontario Ministry of Labour. https://www.labour.gov.on.ca/english/hs/sawo/pubs/fs\_youngworkers.php
- 5. Canadian Centre for Occupational Health and Safety. http://www.ccohs.gc.ca/oshanswers/legisl/vulnerable.html
- 6. Risk Management of Young, New and Inexperienced Workers. <a href="http://www2.bcforestsafe.org/other/initiatives/greenhands/green hands 20101112v2.pdf">http://www2.bcforestsafe.org/other/initiatives/greenhands/green hands 20101112v2.pdf</a>
- 7. The Law Commission of Ontario.

  Microsoft Word Vulnerable Workers Interim Report Quick Facts.docx (Ico-cdo.org) and http://www.lco-cdo.org/en/our-current-projects/vulnerable-workers-and-precarious-work/vulnerable-workers- interim-report-august-2012/quick-facts-about-vulnerable-workers-and-precarious-work/

- 8. Ontario's Chief Prevention Officer "New Workers Advisory 2014".

  <u>A conversation with Ontario's Chief Prevention Officer (wsps.ca)</u> and <u>Prevention works</u> ontario.ca
- 9. WorkSafeBC, Waiting for safety: Responses by young Canadian workers to unsafe work, Institute for Work & Health <a href="http://www.iwh.on.ca/at-work/69/study-finds-persistence-of-higher-injury-risk-for-new-workers">http://www.iwh.on.ca/at-work/69/study-finds-persistence-of-higher-injury-risk-for-new-workers</a> and Medscape

http://www.medscape.com/medline/abstract/26874687

- 10. Public Health Agency of Canada. Occupational injuries in Canadian youth: an analysis of 22 years of surveillance data collected from Canadian Hospitals Injury Reporting and Prevention Program. <a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4910461/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4910461/</a>
- 11. How Precarious Employment Affects Health and Safety at Work: The Case of Temporary Agency Workers.

https://www.erudit.org/en/journals/ri/2011-v66-n3-ri5004266/1006345ar/

12. WorkSafeBC.

https://www.worksafebc.com/en/health-safety/education-training-certification/young-newworker/statistics

Also see Appendices 3 and 4.

13. University of California, Berkeley. "Working Safer or Just Working Longer? The Impact of an Aging Workforce on Occupational Injury and Illness Costs".

Working Safer or Just Working Longer? The Impact of an Aging Workforce on Occupational Injury and Illness Costs (ca.gov)

"Newcomers to Canada are disproportionately affected by precarious work. Nineteen percent of immigrants compared to 15% of Canadian-born workers are engaged in self-employed work, with 33% of immigrants reporting that they have entered self-employment because of a lack of suitable paid jobs as compared to 20% of Canadian-born workers."

Law Commission of Ontario

#### VII. APPENDICES:

#### Appendix 1:

**3.23 Young or new worker orientation and training** WorkSafeBC (ensure the most current version is being referred to)

An employer must ensure that before a young or new worker begins work in a workplace, the young or new worker is given health and safety orientation and training specific to that young or new worker's workplace.

The following topics must be included in the young or new worker's orientation and training:

- The name and contact information for the young or new worker's supervisor;
- The employer's and young or new worker's rights and responsibilities under the *Workers Compensation Act* and this Regulation including the reporting of unsafe conditions and the right to refuse to perform unsafe work;
- Workplace health and safety rules;
- Hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation;
- Working alone or in isolation;
- Violence in the workplace;
- Personal protective equipment;
- Location of first aid facilities and means of summoning first aid and reporting illnesses and injuries;
- Emergency procedures;
- Instruction and demonstration of the young or new worker's work task or work process;
- The employer's health and safety program, if required under section 3.1 of this Regulation;
- WHMIS information requirements set out in Part 5, as applicable to the young or new worker's workplace;
- Contact information for the occupational health and safety committee or the worker health and safety representative, as applicable to the workplace.

[Enacted by B.C. Reg. 105/2007, effective July 26, 2007.]

#### 3.24 Additional orientation and training

An employer must provide a young or new worker with additional orientation and training if

- Workplace observation reveals that the young or new worker is not able to perform work tasks or work processes safely, or
- Requested by the young or new worker.

[Enacted by B.C. Reg. 105/2007, effective July 26, 2007.]

#### Appendix 2:

#### Five most common natures of injury by occupational domain (Historical data for illustration purposes only)

Occupational group	1 <sup>st</sup>	2nd	3 <sup>rd</sup>
Food/Beverage	Open wounds 47.9	Burn / corrosion 18.4	MSK injuries 12.4
Other Service Sector	Open wounds 32.6	MSK / MSI injuries 31.8	Superficial 11.3
Delivery	Bites 28.4	MSK injures 26.4	Superficial 16.2
Arts / Recreation	MSK 34.2	Factures / dislocations	Superficial 10.1
		18.6	
Construction / Trades	Open wounds 38.6	MSK injuries 16.0	Superficial 10.1
Retail / Administrative	MSK injuries 23.3	Open wounds 29.7	Superficial 14.9
Primary Industry /	Open wounds 23.3	Factures / dislocations	MSK injuries 17.7
Farming / Landscape		19.8	
Material handlers /	MSK injuries 34.1	Superficial 21.6	Open wounds 19.7
Vehicle Operators			
Other Trades /	Open wounds 27.7	Eye injuries 19.8	MSK injuries 14.0
Manufacturing /			
Processing			
Childcare / Personal	Bites 22.8	Superficial 17.5	MSK injuries 16.7
Support			

Support for employers: Training and orientation for young and new workers | WorkSafeBC

#### Support for employers

Training and orientation for young and new workers



Training and orienting young and new workers is a regulatory requirement and is part of your overall health and safety program. This resource outlines the requirements for young and new worker orientation and training, and offers guidance on how you can implement these requirements in your workplace.

#### Who are young and new workers?

As defined in section 3.22 of the Occupational Health and Safety Regulation, a young worker is any worker who is under 25 years of age. A new worker can be any age, and includes workers who are:

- · New to the workplace
- Facing hazards that have changed or developed while they were at work or absent from work
- In a new workplace or location that has different hazards than the old one

#### Why specific requirements for young and new workers?

Young and new workers need special attention because they may be at more risk of injury than their more experienced counterparts. The injury rate for young male workers is much higher than that of the overall workforce. The risk of injury for new workers is higher than for those who have been doing a job for more than a year, and the risk is over three times higher for workers in their first month of the job.

Reasons for the higher injury rate for young and new workers include the following:

- Inexperience and lack of training
- · Lack of understanding of their rights
- · Lack of preparation for the workplace
- Lack of supervision
- Asked to do more dangerous jobs
- Unwillingness to ask questions

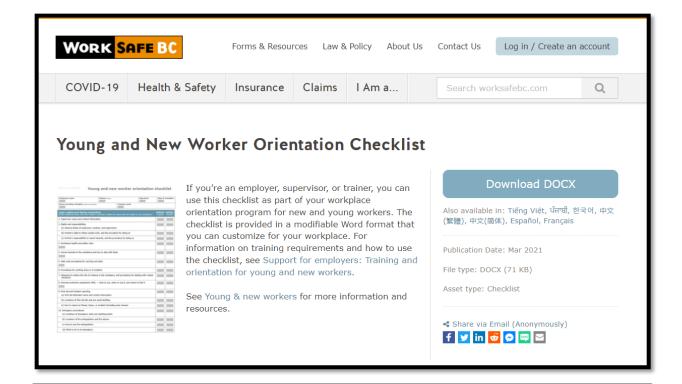
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Support for employers
Training and orientation for young and new workers

WORK SAFE BC

#### Appendix 4:

#### Young and New Worker Orientation Checklist | WorkSafeBC





#### Young and new worker orientation checklist

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Template publication date: March 2021

#### How to use this checklist

Under the Occupational Health and Safety Regulation, all employers are required to provide new and young workers with workplace training and orientation. This checklist has been designed to help you plan and implement your orientation. It is provided in a modifiable Word format that you can customize to fit the specific needs of your workplace.

Additional information about the requirements for worker orientation can be found in Support for employers: Training and orientation for young and new workers.