

WORKER SAFETY RECOMMENDATIONS IN MINING SECTOR



Following the workplace death of Unifor Local 598 member Richard Pigeau on October 15, 2015, Unifor submitted recommendations to a long-overdue inquiry into Pigeau's death which began on August 29, 2022 and concluded on September 2, 2022. Below are the union's recommendations, followed by the full text of the jury's recommendations.

Recommendations submitted by Unifor:

1. Amend the MLTSD's mandatory Supervisor and Worker Health and Safety Awareness Training Programs to include more in depth knowledge on the roles of the workplace parties, the power of JH&SC's and worker representatives and the worker's right to refuse unsafe work. Further amend this training to an annual requirement, not the "once and done" current requirement.
2. Amend the role of Ontario Victim Services so that the family members of deceased workers are given financial support above and beyond the payments by WSIB to help defray costs with attendance at court hearings and inquests for family members who are punished financially for attending these legal proceedings.
3. Amend the Occupational Health and Safety Act to give JH&SCs and worker representatives a greater role in the safety aspects equipment procurement and maintenance that will be used by workers.
4. Amend the Occupational Health and Safety Act and Regulations to give JH&SCs and worker representatives a greater role in a clearly defined Management of Change (MOC) process that sets parameters developed by stakeholder consultations.
5. Have the MLTSD set up an up-to-date alert system for everyone concerning incidents of critical injuries and fatalities as well as near misses. Confidential information may be redacted but the hazard-related messaging can save lives and give workplaces a specific "hazard checkup."
6. Amend the relevant Regulations under OHSA to mandate seat belt and door interlocks on all worker operated moving equipment which will disrupt power to moving parts when disengaged.
7. Have the MLTSD create a special 1800 number for workers to report near misses or incidents. Allow confidentially if requested.
8. Have the MLTSD create a mandatory reporting requirement under the OHSA for near miss reporting for employers.
9. Mandate employers to use OEM parts in maintenance activities otherwise mandate the use Pre Start Health and Safety Reviews in all Regulations.
10. Amend First Aid Regulations to mandate refresher training on a more frequent scale.

The following is the full text of the jury recommendations following the inquest into Pigeau's death:

To the Ministry of the Attorney General:

1. It is recommended that MAG examine the feasibility of applying the funds paid into the Ontario Victims' Justice Fund towards defraying the costs incurred by a deceased's family members to attend and meaningfully participate in the quest process as parties.

To the Ministry of Labour, Immigration, Training and Skills Development and the Minister of the Solicitor General:

2. It is recommended that the MLITSD and the Sol Gen work together to determine the feasibility and creation of an office or a program expansion of an office, such as the Office of the Chief Coroner, to provide family members of a workplace death assistance in navigating the inquest process and assisting in accessing grief and counselling services.

To the Ministry of Labour, Immigration, Training and Skills Development:

3. It is recommended that the MLITSD expedite the amendment to the Occupational Health and Safety Act, R.S.O. 1990 c. O.1. Regulation 854 (Mines and Mining Plants) proposed by the Mining Legislative Review Committee related to management of change processes.
4. It is recommended that the MLITSD examine the feasibility of amending the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, regulation 854 (Mines and Mining Plants) to mandate the use of seatbelts in mobile mining equipment in underground mines.
5. It is recommended that the MLITSD take steps to co-ordinate a risk assessment of the possible risks associated with door ajar interlock systems and subsequent loss of control on underground mining load haul dump machines in use today.
6. It is recommended that the MLITSD take steps to amend the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, Regulation 854 (Mines and Mining Plants) to mandate that all new underground mining load haul dump machines be equipped with door ajar and unbuckled seatbelt alarm systems.
7. It is recommended that the MLITSD take steps to amend the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, Regulation 854 (Mines and Mining Plants) to mandate that all underground mining load haul dump machines currently in use to be retrofitted with door ajar and unbuckled seatbelt alarm systems.
8. It is recommended that the MLITSD take steps to amend the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, Regulation 854 (Mines and Mining Plants) to mandate that all mobile mining equipment in use be used in accordance with any operating manuals issued by equipment manufacturers similar to O.Reg. 213/91 at s.93(3) unless any deviation from the operating manual has first been appropriately risk assessed.
9. It is recommended that the MLITSD and equipment manufacturers take steps to co-ordinate a risk assessment of the possible risks associated with machine steering controls mounted on doors in underground mining load haul dump machines in use today.

10. It is recommended that the MLITSD and equipment manufacturers assess the feasibility of integrating a sensor into the operator's seat that would be part of the operator presence system (OPS).

To the Chief Prevention Officer of the Ministry of Labour, Immigration, Training and Skills Development:

11. It is recommended that the Chief Prevention Officer of the MLITSD take steps to examine the feasibility of creating a reporting and/or notification system to promote the rapid sharing of information between mine operators and equipment manufacturers related to mobile equipment high potential risk incidents such that information could be shared expeditiously to proactively prevent the occurrence of similar events at other mines.

To Caterpillar of Canada Corporation:

12. It is recommended that CAT take steps to assess the hazards of loss of control on underground LHDs when the door opens on a STIC steer equipped machine during operation. Specifically, to address a transmission shift to neutral and steer lockout.
13. It is recommended that CAT explore relocation of the door latching mechanism in order to make it more visible to the operator of LHD equipment, such as flipping the hinges and the latch to opposite sides.
14. It is recommended that CAT assess the risks and feasibility of allowing the orientation of the operator's seat to swivel in order to allow the operator to have more maneuverability to view the striker.

To Glencore Corporation:

15. It is recommended that training related to the management of change process take place on a regular basis (annual as a minimum) to ensure that all employees are continually informed as to what requires the initiation of the management of change process.