



Workers Compensation Statutory Review

Safety for all workers



FFAW | UNIFOR
Fish, Food & Allied Workers

Who we are

Fish, Food and Allied Workers is the largest private sector union in Newfoundland and Labrador, representing more than 13,000 workers, most of whom are employed in the fishing industry, which is widely considered the most dangerous occupation in the world.

FFAW-Unifor members also work in the hotel, hospitality, brewing, metal fabrication and marine transportation. For the purpose of this submission, it is important to consider the unique realities of our workers in the fish processing and fish harvesting sectors to better understand the issues, challenges, and recommendations presented.



Fish Processing

We represent thousands of workers in fish processing, which is considered a more traditional manufacturing workplace than fish harvesting.

Workers in fish processing continue to have a high occurrence of lost time and injury claims, with the incident rate of soft tissue injuries and lost time from work are consistently higher than the provincial average.



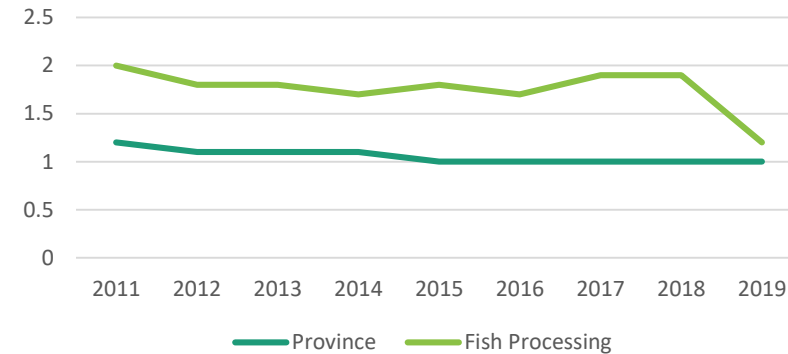
Fish Processing and injury

Workers in the fish processing sector continue to experience higher incident rates, soft tissue injury rates, head injury rates (10.9 in 2018 compared to the provincial rate of 3.0), and hearing loss rates (4 times higher) compared to the provincial averages.

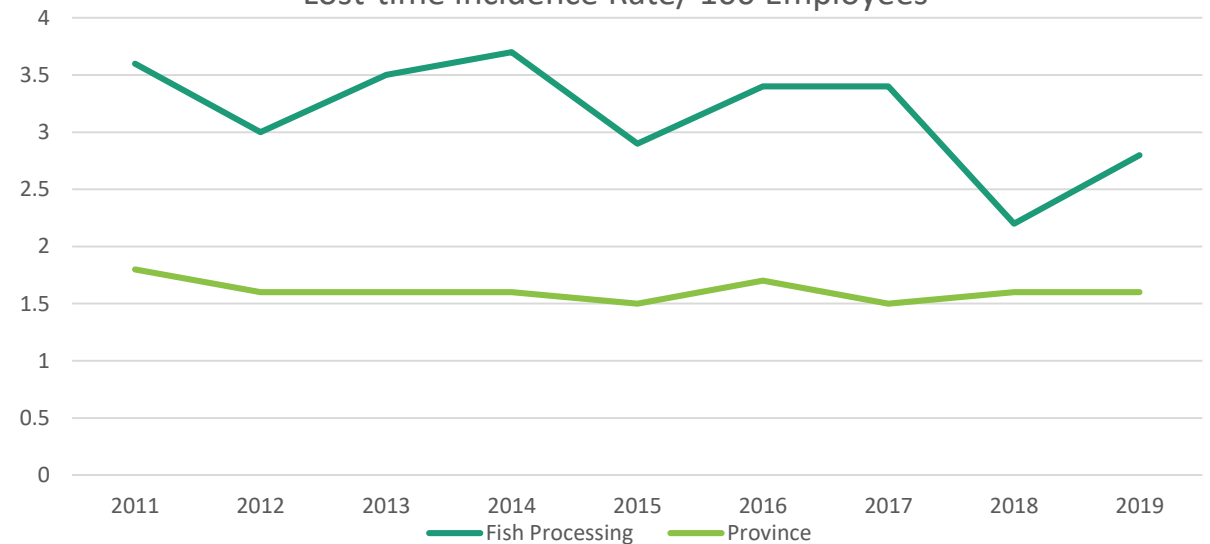
Companies are aware of the higher incident rates at fish plants with ongoing calls from workers to increase health and safety measures to reduce harm.

The safety records in plants is an ongoing concern for plant workers, many of whom feel that safety issues are being downplayed in order to maintain production.

Soft Tissue Incidence Rate/ 100 Employees



Lost-time Incidence Rate/ 100 Employees



Increased Risk Factors

- A significant percentage of the plant workers are over the age of 55 (46%) compared to all other occupations (22%)
- Approximately 55% are women with many currently suffering with occupational asthma due to shellfish. Shellfish occupational asthma is caused by exposure to the airborne materials that are generated during the processing of shellfish. difficulty breathing)



Rural Realities and Seasonal Work

Compounding these health concerns and risk factors are the economic realities of a seasonal workforce in a rural location.

The dependence on seasonal fish plant employment by workers in rural communities, where there are few other opportunities, results in workers not reporting incidents or continuing to work while injured in order to avoid any loss in income or access to EI benefits.

Therefore, injuries can become more severe with complete loss of the ability to return to work.



Rural Realities and Seasonal Work

Worker re-entry and Early and Safe Return to Work (ESRTW) is further complicated for rural plant workers rural who may not have access to medical services that allow for comprehensive care.

For example, if a plant worker is experiencing a soft tissue injury, they may not be able to get the services they require due to the lack of availability within a region.

Further complicating the ability for rural plant workers to return to work is the lack of availability of other jobs at the workplace that would allow for a full and safe return to work.



Fish Processing Recommendations

Recommendation: Therefore, the Workplace Health, Safety and Compensation Act must be amended to state that no injured worker can receive compensation pay that is less than the province's minimum wage when related to the number of hours that the injured employee regularly worked.

Recommendation: It is imperative that the maximum is granted to support OHS initiatives and if this is currently the case, the percentage of the total assessment and investment income must be increased.

Recommendation: In order to offer more robust information about health and safety in this province the commission must be allocating the maximum of its totally assessment and investment with opportunity to expand this portfolio.

Fish Harvesters

In the past thirty-years there has been a much greater focus on safety in the fishery.

Harvesters have better, bigger vessels and better able to withstand the demands of the ocean.

Safety is a priority for fish harvesters because the consequences of something going wrong are often life threatening.

Harvesters now:

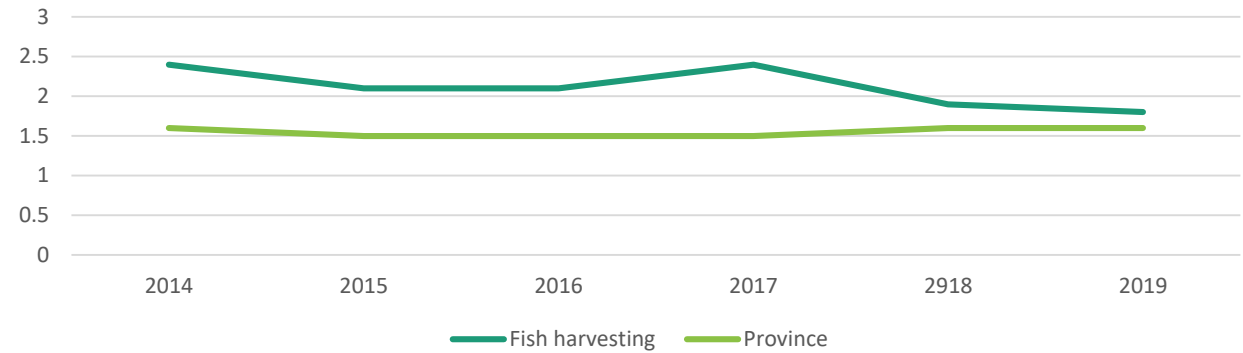
- Invest heavily in safety gear;
- They are heavily engaged with the Canadian Marine Advisory Council and;
- Are actively engaged in the NL Fish Harvester Safety Association (NLFHSA).



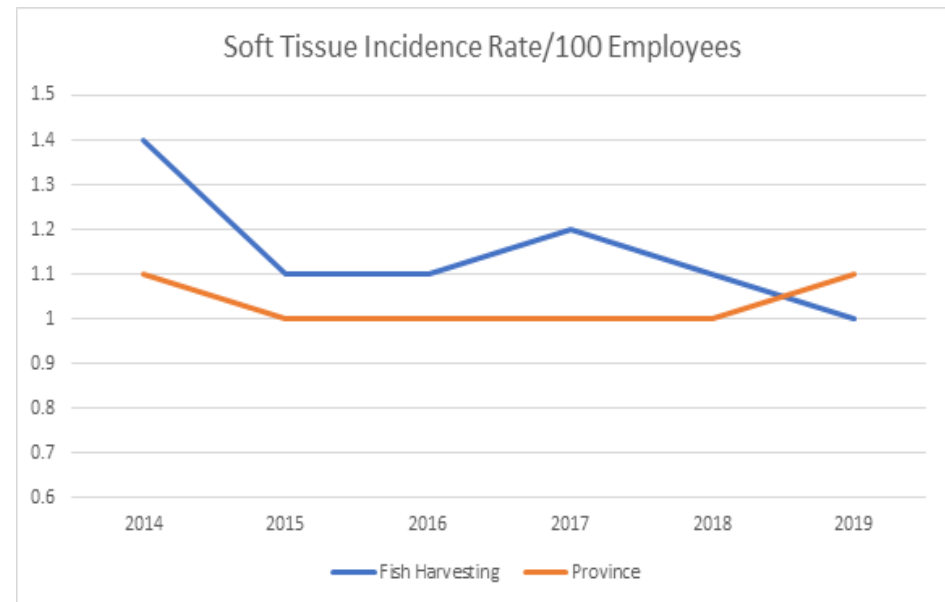
Improvements in Fish Harvester Safety

Due to fish harvester efforts, injuring rates are trending downward over the past five years. As the table below shows, lost time incident rates have declined by 25% since 2014 and in 2019 were nearly at the provincial average. For incidences of workplace soft-tissue industries, the decline has been 28% and in 2019 declined below the provincial average.

Lost-time Incidence Rate/100 Employees

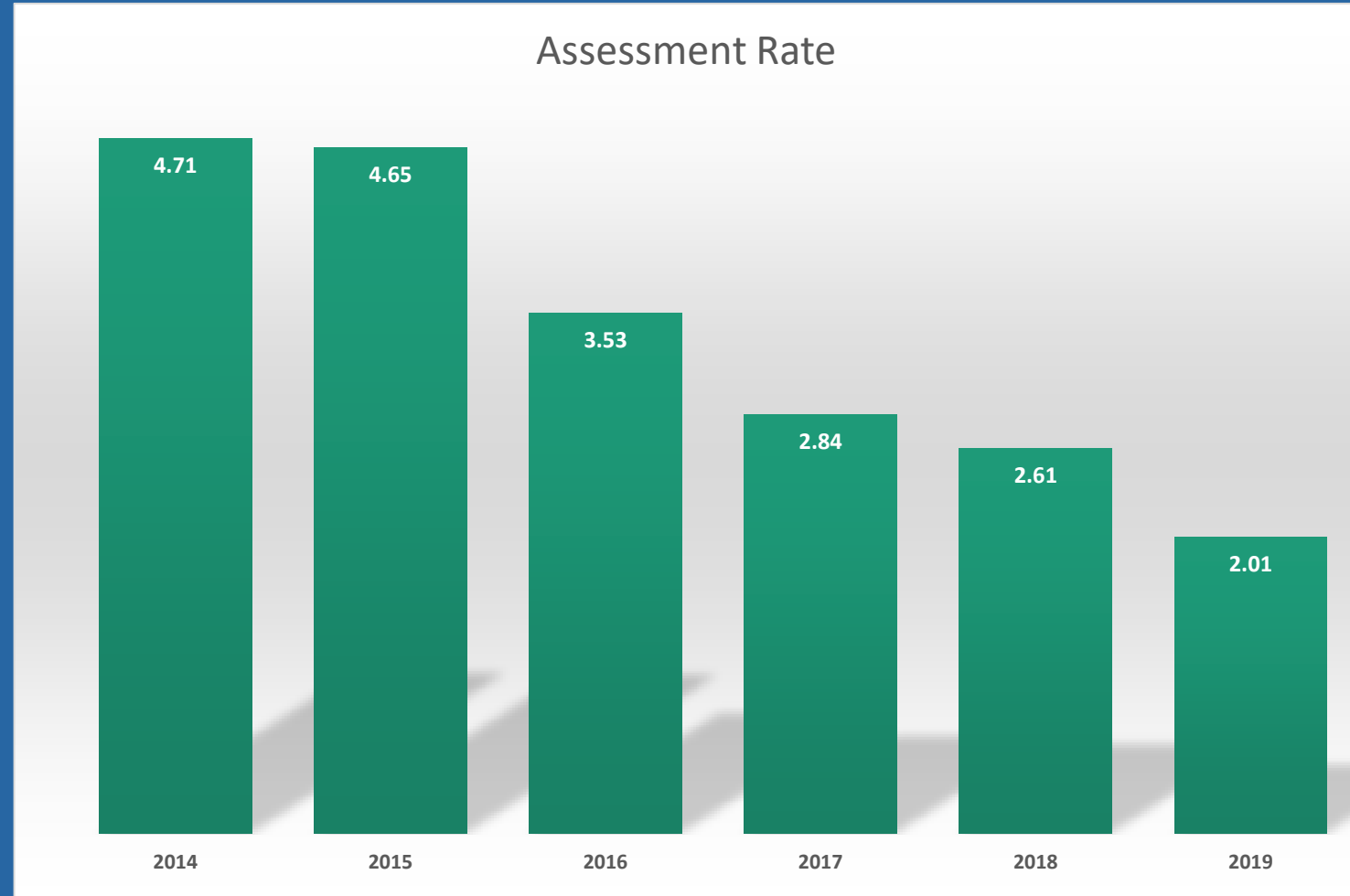


Soft Tissue Incidence Rate/100 Employees



Significant Decline in Assessment Rate

- The assessment rate for fish harvesting has declined by 57% in the last 5 years.
- The decline was not the result of Workplace NL incentives.



An Important Caveat

Workplace NL stats do not only cover the inshore fleet, they also cover offshore vessels owned by the major processing companies.

Inshore harvesters are not known to be significant users of the worker's compensation system for several reasons:

- **Compensation levels**
- **Seasonality**
- **Alternatives that make more sense.**

FFAW would be very interested in seeing what the inshore and offshore figures would look like when separated.

Fish Harvesting

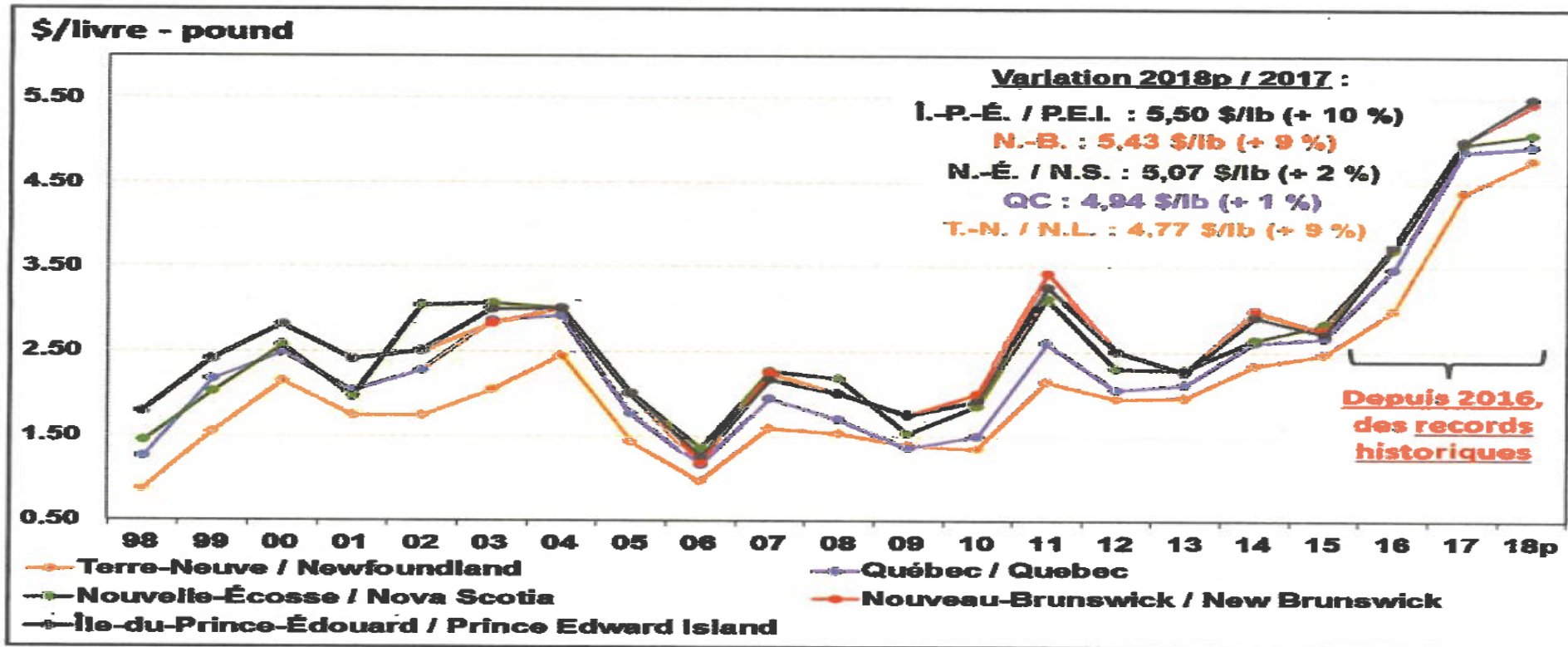


Industry Highlights

The Fish Harvesting Industry captures the inshore and offshore harvesting of sea species, including aquaculture.

The Cost of Worker Compensation Benefits to Fish Harvesters

Snow Crab Landing Prices by province, 1998-2018p (\$/livre - pound)



Source: MPO, régions du Québec, Terre-Neuve, du Golfe et des Maritimes / DFO, Quebec, Newfoundland, Gulf and Maritimes Regions.
 Compilation: Services stratégiques, MPO, région du Québec / Strategic Services, DFO, Quebec Region.
 p : préliminaire / preliminary

The Concerns of Fish Harvesters

- Comment in the recent Workplace NL report on PRIME.
- Fundamental misunderstanding of the fishery. Fish prices are negotiated for all harvesters and is not separated by boat size. It is impossible to separate one fleet.
- Many harvesters use larger boats for some fisheries and smaller boats for others. How would this work?
- Right now all harvesters are covered for workers compensation. We do not want a system like that which exists in New Brunswick, where some harvesters are covered and others are not.
- This suggestion in the Workplace NL report would also not address the most pressing safety concern, which are the lives lost at sea. All the tragedies in the past decade have happened on smaller vessels and most of these were the result of issues with the vessels. These are challenges that harvesters address at the federal level.



Fishing Harvesting Industry

The majority of the fish harvesting industry is currently excluded from PRIME. With the structural changes that have occurred in this sector, and the consistently high injury rates, it was recommended that vessels over 45 feet participate in PRIME and be subject to the insurance principles.

The current system works and should be maintained.

We know of no harvesters that want to change the current system.

We know of no harvesters that are interested in participating in the PRIME program.

Harvesters are always focused on safety and they want to participate in the worker compensation system. Harvesters already participate and pay a cost for doing so.

This is a cost that they are willing to pay.



Fish Harvesting Recommendations

Recommendation: FFAW-Unifor recommends no changes to how the fish harvester worker compensation is structured and managed.

Recommendation: FFAW-Unifor recommends that the Income Replacement Rate be increased to be on par with the rest of Canada at \$85,000.

Questions



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