

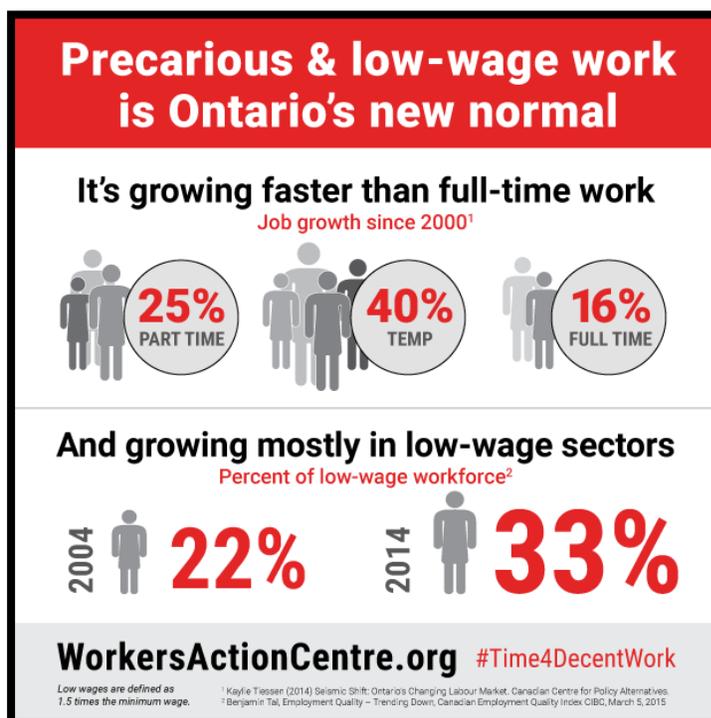
INJURY PREVENTION FOR WORKERS IN PRECARIOUS EMPLOYMENT & NEW AND YOUNG WORKERS 2018

A REVIEW OF THE ISSUES, STATISTICS, LEGISLATION AND SOURCES OF INFORMATION

***Workers under the age of 25 account for one third of workplace injuries.
More than 50% of young workers were hurt in the first 6 months of
employment.***

I. BACKGROUND

Precarious work (also referred to as non-standard employment) 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 and new workers and racialized workers. Any reference to “precarious workers” is meant to mean precarious employment. One primary 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 2014 CUPE
Membership Survey
Results for Equality
indicated that 25% of
CUPE members were in
precarious work.***

II. EXTENT OF THE PROBLEM

The workers identified in Section I are at high risk of employment related injuries.¹ As per WorkSafeBC (WCB) “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.”

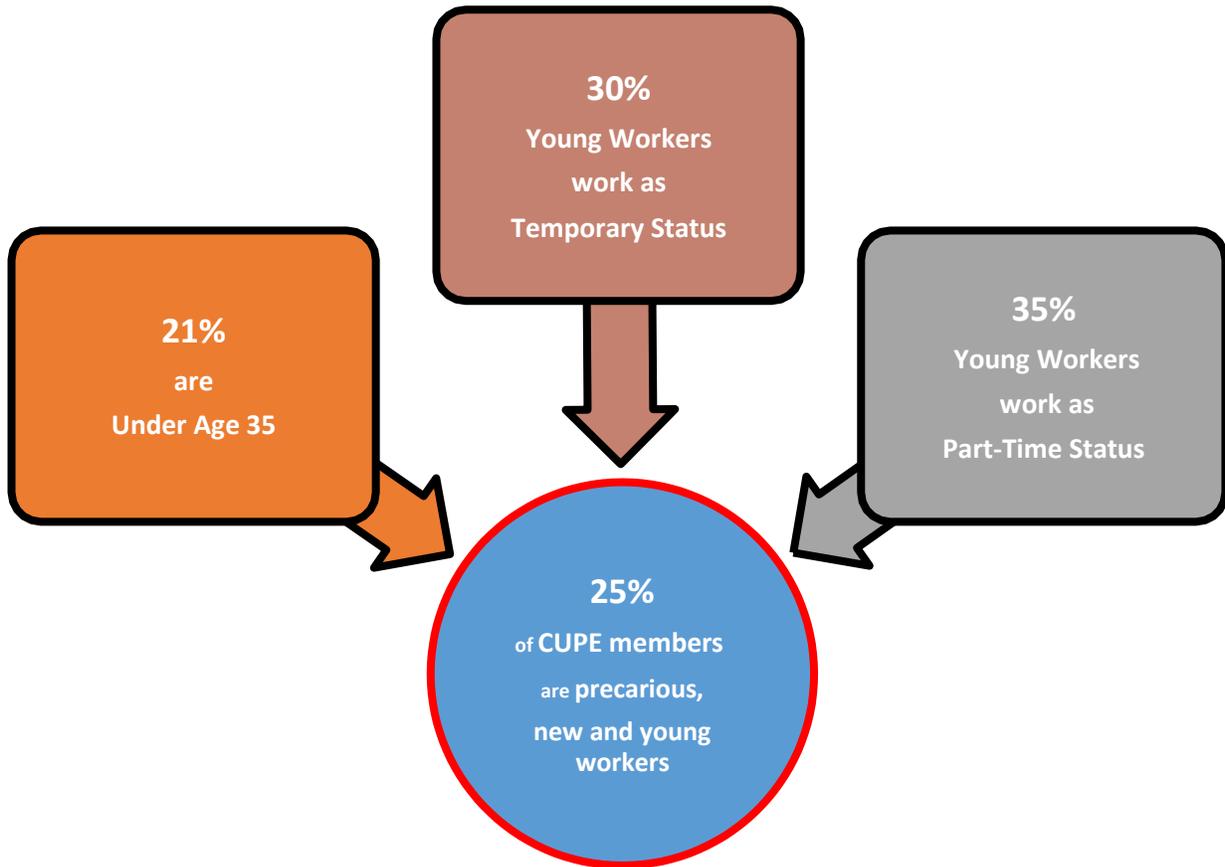
The 2014 CUPE Membership Survey Results for Equality indicated that 25% of CUPE members were in precarious employment. Data from CUPE is summarized in Figure 1 below.

Various agencies and private bodies have different statistics and definitions for young workers and workers in precarious employment. In 2014, 21% of workers were under the age of 35 as per a TD Special Report.² As many as 30% of young workers are in temporary employment and 35% are in part-time employment.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 relatively consistent since 2011 overall except for small annual increases in part-time employment and temporary employment for all age groups each year. 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. 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.” Few studies address short-term duration employment.

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. Women also face a substantially greater risk of occupational injury relative to men when working in the same job as per Section III below. Job insecurity plays a role in creating and sustaining occupational health disparities.⁴

FIGURE 1:



25% of CUPE Members Nationally are in Precarious Employment or are New and Young Workers

III. HIGHER RISK OF INJURY AND FATALITIES

There are numerous risk factors associated with precarious work. These include gender, age, ESL issues, literacy issues, exposure to hazards, training, employee orientation, unionization, employment sector and injury rates. The following sections review several of these areas.

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.



III.I. DIMENSIONS OF RISK

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.

III.II. EXPOSURE TO HAZARDS

The CCOHS⁵ also noted that workers in precarious employment:

- 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 the tasks they are required to perform,
- Are less likely to be members of trade unions, and
- Have less protection due to limitations, loopholes and exclusive interpretations of legislation.

The Law Commission of Ontario⁶ identified the following risks to workers in precarious employment:

- 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 identified several factors related to injury rates along 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



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.

III.III. INJURY RATES

The injury rate for young male workers is 3 to 5 times higher than the general population.⁷ As per the British Columbia Federation of Labour, workers under the age of 25 account for one third of workplace injuries. 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.⁸

Nearly 20% of fatalities and injuries for both new and young workers occur during the first month of employment.⁹ 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. Risk is particularly elevated among those in the first month on the job, with over three times the risk of a lost-time injury as workers with over a year’s job experience.”

This data was echoed by Medscape where it stated that “Precarious workers present significantly higher injury rates than those with secure careers, with an increase in risk between 24 and 57% ($p < 0.05$).”¹⁰ The primary causes of injuries for new and young workers in that data was 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.”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.” More importantly, the 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 youth 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.”

The most 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%

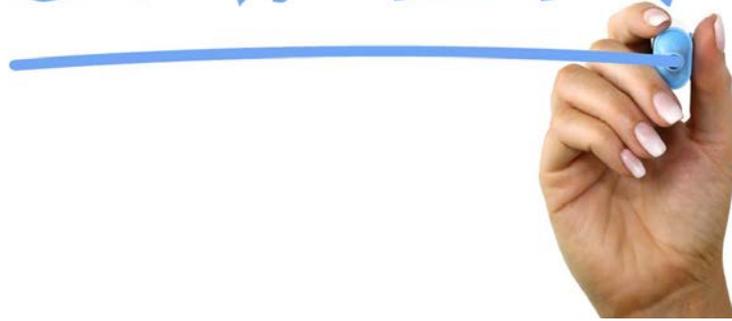
The food and beverage sector had the highest rate of emergency department visits among young workers age 10 to 17 (35.4%). Construction and trades had the highest hospitalization rate among young workers age 10 to 17 (21%). See Appendix 2.

Despite these statistics, the vast majority of young workers take a “wait-and-see” approach when they have safety concerns and usually do not report injuries to WorkSafeBC.¹³

Between the ages of 25 and 64, women had injury rates 20% to 40% higher than men in the same job and while working the same number of hours.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.” See Appendix 3 as well for US statistics.

SAFETY



IV. WORKSAFEBC PREVENTION AND COMPENSATION LEGISLATION, REGULATIONS AND POLICIES

Precarious, new and young workers need to be aware of their rights and receive more extensive frequent training. The rights every worker needs to be aware of include:

- 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, or the right to be informed about, actual and potential dangers in the workplace.
- The right to no discrimination or retaliation.

IV.I. WORKERS COMPENSATION ACT

- Section 5 Compensation for Personal Injury
- Section 6 Occupational Disease
- Section 115–117 reviews the responsibilities and general duties of employers, workers (all) and supervisors.

IV.II. WORKSAFEBC OHS REGULATIONS

- 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) and the Globally Harmonized System of Classification and Labeling of Chemicals (GHS), including the safety Data Sheets for hazardous products

IV.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

IV.IV. THE EMPLOYMENT STANDARDS ACT (there are no specific provisions directly relating to precarious work and injury prevention)

IV.V. OTHER POTENTIALLY APPLICABLE LEGISLATION

- The *Agricultural Employees Protection Act*
- The *Employment Protections for Foreign Nationals Act*
- The *Human Rights Code / Act*
- The Immigration and Refugee Protection Regulations
- The Canadian Charter of Rights and Freedoms

V. SOURCES OF ADDITIONAL INFORMATION AND ASSISTANCE

CUPE has many resources available, including WorkSafeBC claims, appeals and Occupational Health & Safety (Prevention) materials, Guides, Templates, Forms and Power points. CUPE National has a new Health and Safety Learning series as well. See below for additional resources and contact numbers.

V.I. LINKS TO ADDITIONAL RESOURCES

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

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

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

[http://www.cupe.bc.ca/occupational health and safety committee](http://www.cupe.bc.ca/occupational_health_and_safety_committee)

<https://www.healthandsafetybc.ca/resources/young-worker-resources/>

(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/>

(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 RAISE YOUR HAND MATERIALS)

<https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-regulation/part-03-rights-and-responsibilities#SectionNumber:3.23>

(WORKSAFEBC NEW AND YOUNG WORKER REGULATIONS)

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

(WORKSAFEBC WORKERS' WEBSITE)

V.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)

* *The BC Federation of Labour and CUPE have recommended a number of changes to legislation and policy regarding working alone or in isolation.*

** *The BC Federation of Labour and CUPE have recommended a number of changes to legislation and policy regarding violence.*

V.III. References

¹ 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 NIOSH. WorkSafeBC. Ontario Ministry of Labour. "New and Young Workers"

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> ⁵ Risk Management of Young, New and Inexperienced Workers.

http://ww2.enform.ca/safety_resources/companies/resourcesandtools/greenhands.aspx

⁶ The Law Commission of Ontario

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

⁷ Ontario's Chief Prevention Officer "New Workers Advisory 2014"

⁸ WorkSafeBC. 2010 to 2016 statistics

<https://www.worksafebc.com/en/health-safety/education-training-certification/young-new-worker/statistics>

⁹ Waiting for safety: Responses by young Canadian workers to unsafe work

<http://www.sciencedirect.com/science/article/pii/S0022437513000078> and

Institute for Work & Health

<http://www.iwh.on.ca/at-work/69/study-finds-persistence-of-higher-injury-risk-for-new-workers>

¹⁰ Medscape

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

¹¹ 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.

[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC49104](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4910461/)

[61/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4910461/)

¹² 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/>

¹³ WorkSafeBC

<https://www.worksafebc.com/en/health-safety/education-training-certification/young-new-worker/statistics>

¹⁴ University of California, Berkeley. "Working Safer or Just Working Longer? The Impact of an Aging Workforce on Occupational Injury and Illness Costs"

VI. APPENDICES

Appendix 1

3.23 Young or new worker orientation and training

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

Occupational group	1 st	2 nd	3 rd
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 18.6	Superficial 10.1
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 / Farming / Landscape	Open wounds 23.3	Factures / dislocations 19.8	MSK injuries 17.7
Material handlers / Vehicle Operators	MSK injuries 34.1	Superficial 21.6	Open wounds 19.7
Other Trades / Manufacturing / Processing	Open wounds 27.7	Eye injuries 19.8	MSK injuries 14.0
Childcare / Personal Support	Bites 22.8	Superficial 17.5	MSK injuries 16.7

Appendix 3

		Temp Injured	Temp Non-injured	Non-temp Injured	Non-temp Non-Injured
California	Total	51,227	203,383	2,007,337	12,551,308
Florida	Total	6,233	105,267	267,486	6,919,928
	Construction	772	7,008	3,832	239,608
	Production	312	22,718	2,536	252,904
	Transportation/Logistics	657	27,383	6,568	389,222
	Office	150	37,500	2,966	1,283,704
Massachusetts	Total	3,128	44,644	150,883	2,993,880
Minnesota	Total	3,188	43,210	102,393	2,470,801
Oregon	Total	3,545	26,275	115,787	1,505,527
	Construction	69	1,501	1,378	54,212
	Production	176	8,684	2,001	93,049
	Transportation/Logistics	184	4,066	2,862	111,288
	Office	25	6,725	831	249,488

Data from worker's compensation claims in California, Florida, Massachusetts, Minnesota and Oregon over a five-year period found that the incidence of temporary worker workplace injuries was between 36% and 72% higher than that for non-temporary workers as per ProPublica.

ProPublica stated that "This gap widened significantly for workers in certain blue-collar, more-dangerous occupations and narrowed for workers in less dangerous occupations" and "Temporary workers were 68% more likely than non-temporary workers to be working in the 20% of occupations with the highest injury rate as measured by the U.S. Bureau of Labor Statistics."