

# newsletter

case & comment -

## nurses & SARS -- *Abarquez v Ontario* \*

Linda Vannucci \*

In this Court of Appeal<sup>1</sup> judgment, 07 May 2009, fifty-three nurses who contracted SARS while employed at Toronto hospitals between March and July 2003, alleged that the Government of Ontario was liable in negligence and owed them a private law duty of care that gave rise to their claim for damages resulting from SARS.

The Crown was successful in having the claim struck out and their action dismissed by the Court of Appeal.

In their claim, the nurses and families alleged that the Province failed to provide them with timely information about SARS, thus exposing them to the risk of contracting SARS. The *Occupational Health and Safety Act* came into play as the Ministry of Health Long Term Care was an employer/supervisor under the *OH&S Act* and, as such, failed to ensure the nurses' health and safety in the

hospitals. They allege the Ministry of Labour as well failed to enforce the Directives and failed to enforce occupational health and safety standards. They also claimed that Ontario breached their Section 7 *Charter* rights (security of the person) by exercising discretion and bad faith and having improper motives.

The Court held that while Ontario was obligated to protect the public at large from SARS, it did not owe individual residents such as the nurses a private law duty of care. This was even though the nurses had been more vulnerable to the SARS virus, given their requirement to work with SARS patients. The Ministry of Labour's duty to inspect was owed to the public as a whole pursuant to the *OH&S Act* and it did not owe a private law duty of care to the nurses.

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<http://www.workers-safety.ca/>  
see page 6 for Resources & Links.

## TORONTO WORKERS' HEALTH & SAFETY LEGAL CLINIC

The Court was of the view that imposing a private law duty of care on the Province of Ontario to safeguard the health of the nurses would conflict with its overriding public law duty to pronounce standards that are in the interest of the public at large. The Court stated, "Simply put, the interests of nurses ... cannot be prioritized over the general public interest." (para. 28 of the Decision)

The nurses also relied on the *OH&S Act's* definition of

employer and supervisor to argue that Ontario was an employer of the nurses, and a supervisor as well. The Court held that the Directives issued by the Government during the SARS crisis could not alter the autonomy of the hospital as employers, or could not amount to an assumption of control by Ontario over their day-to-day operations. Although the Directives had an impact on workplace health and safety, it was not taking charge over the workplace or assuming an employer-like authority over

a worker. The nurses also argued that the Ministry of Labour had a private law duty implied from its powers to enforce the *OH&S Act*. This, as well, did not convince the Court.

The Court appeared affected by the fact that striking down this case did not leave the plaintiffs without legal remedy as they could file claims under the *Workplace Safety and Insurance Act*. O

in next issue: case & comment - SARS & class action -- *Williams v Canada* <sup>2</sup>

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### in the press - \*

M In the *Toronto Star*<sup>23</sup>: "Flash fire in science lab burns students / Mississauga ..." <sup>456</sup>

M In *The Globe and Mail*<sup>78</sup>: "... Four dead, fifth ... with serious injuries after falling 13 storeys ... [Toronto]"

M Readers may recall commentary<sup>9</sup> on a home renovation news photo of the Prime Minister without protective eyewear. In *The Globe and Mail*<sup>10</sup>: "... personal flotation device ... Operation photo-op?"

M The organization and pace of work, and "efficiency" and "scientific management," are often of concern for workplace health & safety analyses. Readers may therefore be interested in the legacy of **Frederick Taylor**<sup>11</sup> (Louis Brandeis was an early supporter), dealt with in *The Management Myth: Why the Experts Keep Getting it Wrong*,<sup>12</sup> reviewed in *The New Yorker*<sup>13</sup> as: "... NOT SO FAST ... ."

M Also in *The New Yorker*,<sup>1415</sup> commentary on professional sport - US football -- as hazardous work: "Your brain on football ... " <sup>1617</sup>

## TORONTO WORKERS' HEALTH & SAFETY LEGAL CLINIC

M And an editorial in *The Globe and Mail*<sup>18</sup> on Canadian hockey, following *Globe Sports* items : "... **BRAIN DAMAGE...**"<sup>19 20 21 22 23 24</sup>

M Reported in *The New York Times*: "BP Faces Record Fine ... \$87 Million [US] for 2005 Refinery Blast,"<sup>25</sup> "... that killed 15 workers ... Texas City, Tex. ..."

M Also in *The New York Times*:<sup>2627</sup> "Law Seeks to Ban Misuse of Genetic Testing / Family histories of fatal diseases have been used against workers."

M Also in *The New York Times*:<sup>28</sup> "Job Injuries Are Habitually Underreported, [US] G.A.O. Says [re OSHA audits]."

M In *Chemical & Engineering News*, published by the American Chemical Society : "RUNAWAY REACTION / ... Inexperience with highly reactive chemicals turned fatal in 2007 [Jacksonville, Florida]."<sup>2930</sup> Four workers were killed; 4 other workers injured; 28 others in the community were injured. This item is based on a report of the Chemical Safety & Hazard Investigation Board.<sup>3132</sup> There is appears to be no Canadian equivalent of the US CSB.

<http://www.workers-safety.ca/>

**Resources & Links**

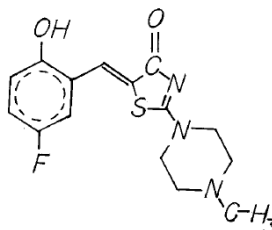
<http://www.workers-safety.ca/web-links/19-other-resources>

**US Chemical Safety & Hazard Investigation Board**

<http://www.chemsafety.gov/default.aspx>

M Also, in *C&EN*: "HEADS BUTT OVER DEADLY EXPLOSION / DUST ... unions want tougher regulations."<sup>33 34</sup> This is also based on a report of the US CSB.<sup>35</sup> The incident occurred at an Imperial Sugar plant, Savannah, Georgia, 07 February 2008; 14 workers were killed; 36 injured. The United Food & Commercial Workers<sup>36</sup> is reported in *C&EN* to be critical of the CSB.<sup>37</sup>

M Readers of this *newsletter*<sup>3839</sup> may be aware of the importance of *CAS Registry Numbers*.<sup>40</sup> Reported in *C&EN*: "A Scientific Milestone," "... CAS ... recorded the 50-millionth chemical substance into the CAS Registry ..."<sup>41 42 43 44</sup>



CAS 1181081-51-5

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## Clinic outreach - report to Clinic Board --

Linda Vannucci \*

As reported in the previous issue of this newsletter,<sup>1</sup> the Clinic's Board Planning Day, 30 September, considered a report of our survey of community agencies we have served over the years. The purpose was to evaluate whether our services have met their needs and if there are any unmet needs that we are unaware of. That report is summarized here:

As a precursor to our Annual Planning Day, the Clinic conducted a Community Service Partner Workshop Satisfaction Survey,<sup>2</sup> conducted by Dave Griffiths. This took place during summer 2009 and a report was issued in late August.

The purpose of the survey was to capture qualitative and quantitative information from representative community service partners that receive workers and newcomers to Canada legal rights workshops from the Clinic's CLW, Carl Kaufman.

The survey's, data and conclusions are to be available on the Clinic's website.

Ten agencies were selected to which our Clinic delivers workshops most frequently and ten more were selected at random. A questionnaire based on initial terms of reference was drafted by the

survey taker and approved by the Clinic.

Dave reviewed the survey results at the Clinic's Planning Day Board meeting, 30 September.<sup>3</sup>

The majority of the community service partners interviewed expressed a need for the workshops to be delivered more often and suggested ways to increase the scope and subject matter of the workshops.

As a result of the survey findings, the Clinic is following up by organizing a WHMIS training segment for young workers at community agencies. O

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## Clinic's fact sheet project

Linda Vannucci \*

For years our Clinic has had a series of fact sheets on various workplace health & safety and related topics.<sup>12</sup> Recently, the Clinic has decided that the following new fact sheets will be written:

§ WHMIS (Sunrise explosion)

§ Muslim Women and Hijab (occupational health and safety and the Ontario *Human Rights Code*)

§ Health and Safety in the Service Sector (hospitality and retail)

§ Health and Safety and Farm Workers

§ Health and Safety and Office Workers

§ Toronto Workers' Health and Safety Legal Clinic

§ Bullying at Work

§ Bedbugs

§ LAMP, St. Michael's Hospital

§ Health and Safety and Working for a Temporary Agency

## TORONTO WORKERS' HEALTH & SAFETY LEGAL CLINIC

The Clinic has engaged Sheila Riddell, who previously co-

edited our *Workers' Guide*, to write these new fact sheets.<sup>3</sup>

The fact sheets would be translated in the three target languages. ○

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### Women of Inspiration.

-- INJURED WORKERS' DEMONSTRATION at THE MINISTRY OF LABOUR  
04 December 2009 --

Linda Vannucci \*



As previously reported in this newsletter,<sup>12</sup> Women of Inspiration is a support group for women who are permanently injured at work. They meet monthly and provide moral support to each other while working collectively to persuade the Ministry of Labour and the Workplace Safety and Insurance Board to improve Ontario's working conditions and Ontario's workers' compensation system.

Most recently, *Women of Inspiration* attended the Annual Injured Workers Winter Demonstration in front of the Ministry of Labour on a cold December day. At the demonstration, WSIB officials and the Minister of Labour were pressed to get rid of the deeming provisions of the *Workplace Safety and Insurance Act*. Deeming workers to earn wages while they are

not working has caused poverty to so many injured workers. As well, the workers pressed for universal coverage and an end to experience rating, a merit system which gives employers cause to hide injuries and discourage workers from making claims. Afterwards, the Clinic hosted a pizza and hot chocolate gathering. ○

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### Clinic budget. \*

LEGAL AID ONTARIO has approved a budget for its continuing financing of our Clinic: <sup>1</sup>

## TORONTO WORKERS' HEALTH & SAFETY LEGAL CLINIC

<b>Personnel Services</b>	Staffing -	4	\$
	Total salary pool and benefits		406,370
	Temporary staff		2,192
	component Bookkeeper		<u>6,038</u>
	<b>Total Funding for Personnel Services</b>		<u>414,600</u>
<b>Operating Costs</b>	Travel		11,000
	Communications		13,901
	Office Rent		40,617
	Other Accommodation Costs		3,634
	Equipment expenses		5,560
	Office Supplies		5,725
	Library		9,096
	French language services		1,000
	Conference Fees		3,100
	Audit and other reporting		<u>2,901</u>
	<b>Total Funding for Operating Costs</b>		<u>96,534</u>
<b>Contingency funds</b>			<u>3,500</u>
<b>Approved Annual Budget, 2009-10</b>			<u><u>514,634</u></u>

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<http://www.workers-safety.ca/>  
**Resources & Links**  
<http://www.workers-safety.ca/web-links/19-other-resources>

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1 **LEGAL AID ONTARIO** ... is available to low income individuals and disadvantaged communities for a variety of legal problems, including criminal matters, family disputes, immigration and refugee hearings and poverty law issues such as landlord/tenant disputes, disability support and family benefits payments.

2 **LAO – getting help**

3 **LAO – community & specialty clinics**

4 **LAO – contact**  
 LEGAL AID ONTARIO  
 Provincial Office  
 Atrium on Bay  
 40 Dundas Street West, Suite 200, Toronto M5G 2H1

## TORONTO WORKERS' HEALTH & SAFETY LEGAL CLINIC

416 979 1446  
1 800 668 8258  
fax 416 979 8669

<http://www.legalaid.on.ca/en/default.asp>

- 5 [CAS Registry Numbers](http://www.cas.org/expertise/cascontent/registry/regsys.html) Chemical Abstracts Service American Chemical Society  
<http://www.cas.org/expertise/cascontent/registry/regsys.html>
- 6 [American Chemical Society - Periodic Table](http://acswebcontent.acs.org/games/pt.html) <http://acswebcontent.acs.org/games/pt.html>
- 7 [Brookhaven National Laboratory - Chart of Nuclides](http://www.nndc.bnl.gov/chart/) <http://www.nndc.bnl.gov/chart/>
- 8 [Standards Council of Canada](http://www.scc.ca/en/index.shtml) 270 Albert Street, Suite 200 Ottawa, Ontario. K1P 6N7  
<http://www.scc.ca/en/index.shtml> <http://www.scc.ca/>
- 9 [International Organization for Standardization](http://www.iso.org/iso/home.htm)  
ISO Central Secretariat  
International Organization for Standardization  
1, ch. de la Voie-Creuse,  
Case postale 56  
CH-1211 Geneva 20, Switzerland. <http://www.iso.org/iso/home.htm>
- 10 [Ontario -- workers](http://www.ontario.ca/en/residents/index.htm) <http://www.ontario.ca/en/residents/index.htm>
- 11 [Ontario Ministry of Labour](http://www.labour.gov.on.ca/index.php?/english/index.html) <http://www.labour.gov.on.ca/index.php?/english/index.html>
- 12 [Settlement.Org / Welcome to Ontario](http://www.settlement.org/index.asp)  
Toronto Workers' Health & Safety Legal Clinic, "Workplace Health and Safety Fact Sheets," 2000;  
[http://www.settlement.org/sys/library\\_detail.asp?doc\\_id=1002639](http://www.settlement.org/sys/library_detail.asp?doc_id=1002639)  
<http://www.settlement.org/index.asp>
- 13 [LAMP](http://www.lampchc.org/) Community Health Centre  
Lakeshore Area Multiservice Project  
185 Fifth Street, Toronto, Ontario. M8V 2Z5 <http://www.lampchc.org/>
- 14 [Ontario Ministry of Environment](http://www.ene.gov.on.ca/en/index.php) <http://www.ene.gov.on.ca/en/index.php>
- 15 [Ontario e-LAWS](http://www.e-laws.gov.on.ca/index.html) <http://www.e-laws.gov.on.ca/index.html>
- 16 [Legislative Assembly of Ontario](http://www.ontla.on.ca/web/home.do) <http://www.ontla.on.ca/web/home.do>
- 17 [Justice Laws Web Site -- online source of consolidated Acts and regulations of Canada](http://laws.justice.gc.ca/en/index.html)  
<http://laws.justice.gc.ca/en/index.html>
- 18 [Ontario courts](http://www.ontariocourts.on.ca/en/) <http://www.ontariocourts.on.ca/en/>
- 19 [Law Society of Upper Canada](http://www.lsuc.on.ca/index_en.html) [http://www.lsuc.on.ca/index\\_en.html](http://www.lsuc.on.ca/index_en.html)
- 20 [LexUM](http://www.lexum.umontreal.ca/index_en.php) [http://www.lexum.umontreal.ca/index\\_en.php](http://www.lexum.umontreal.ca/index_en.php)
- 21 [CanLII](http://www.canlii.org/en/index.php) <http://www.canlii.org/en/index.php>

## TORONTO WORKERS' HEALTH & SAFETY LEGAL CLINIC

22	<a href="http://scc.lexum.umontreal.ca/en/index.html">Supreme Court of Canada decisions</a>	http://scc.lexum.umontreal.ca/en/index.html
23	<a href="http://www.solon.org/Constitutions/Canada/English/ca_1867.html">The Constitution Act, 1867</a> (originally called The British North America Act, 1867; [United Kingdom] 30 & 31 Victoria, c.3.)	http://www.solon.org/Constitutions/Canada/English/ca_1867.html
24	<a href="http://www.osha.gov/">US Occupational Safety &amp; Health Administration</a> 200 Constitution Avenue, NW, Washington, DC, 20210.	http://www.osha.gov/
25	<a href="http://www.ilo.org/global/lang--en/index.htm">International Labour Organization</a> ILO Headquarters 4 route des Morillons CH-1211 Genève 22 Switzerland	http://www.ilo.org/global/lang--en/index.htm
26	<a href="http://www.mapl.com/msds/msds/index.html">MARATHON ASHLAND PETROLEUM LLC</a> 539 SOUTH MAIN STREET FINDLAY, OHIO, 45840 Marathon Material Safety Data Sheet System	http://www.mapl.com/msds/msds/index.html
27	<a href="http://www.jtbaker.com">Mallinckrodt Baker, Inc., Worldwide Offices</a> 222 Red School Lane Phillipsburg, New Jersey, 08865, USA. Material Safety Data Sheets	www.jtbaker.com
28	<a href="http://www.acgih.org/home.htm">ACGIH®</a> American Conference of Governmental Industrial Hygienists 1330 Kemper Meadow Drive, Cincinnati, Ohio, 45240, USA.	http://www.acgih.org/home.htm
29	<a href="http://www.ccohs.ca/">Canadian Centre for Occupational Health and Safety</a> 135 Hunter Street East, Hamilton, Ontario. L8N 1M5	CCOHS, http://www.ccohs.ca/
30	<a href="http://www.injuredworkersonline.org/Library/library.html">Injured Workers' Consultants</a> Community Legal Clinic 815 Danforth Ave, Suite 411, Toronto. M6G 3X4	Library
31	<a href="http://catalog.loc.gov/">US Library of Congress</a> Online Catalog 101 Independence Avenue, SE Washington, DC, 20540.	http://catalog.loc.gov/
32	<a href="http://ec.europa.eu/environment/chemicals/reach/reach_intro.htm">REACH</a> = Registration, Evaluation, Authorisation and Restriction of Chemical substances = European Community Regulation on chemicals and their safe use.	http://ec.europa.eu/environment/chemicals/reach/reach_intro.htm
33	<a href="http://echa.europa.eu/home_en.asp">ECHA</a> = European Chemicals Agency, Helsinki, Finland.	http://echa.europa.eu/home_en.asp
34	<a href="http://www.hrsdc.gc.ca/eng/home.shtml">HRSDC</a> Human Resources and Skills Development Canada Minister of Labour	
35	<a href="http://www.chemsafety.gov/default.aspx">US Chemical Safety &amp; Hazard Investigation Board</a> 2175 K Street NW Suite 400, Washington, DC 20037;	CSB 202 261 7600

### Clinic's submission re Bill 168

TO THE STANDING COMMITTEE ON SOCIAL POLICY  
THE OH&S AMENDMENT ACT (VIOLENCE AND HARASSMENT IN THE WORKPLACE), 2009.

<http://www.workers-safety.ca/remository?do=view&file=publications%3A+newsletter%2C+Workers+Guide%2C+FACT+SHEETS%2C+reports%2C+etc%7C2009+11.%7C2009+11+20.+TWHSLC+Bill+168+Submissions.doc>

### NOTES:

March 2010.

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# TORONTO WORKERS' HEALTH & SAFETY LEGAL CLINIC

<sup>9</sup> – in this newsletter, April 2009 04, Vol.17 No.02, page 5.

## \* case & comment - nurses & SARS

-- *Abarquez v Ontario* Abarquez et al. v Her Majesty the Queen in Right of Ontario, Ontario Court of Appeal, 95 ONTARIO REPORTS (3d) Part 6, 07 Aug. 2009, pages 414-430.  
[http://www.ontariocourts.on.ca/decisions\\_index/2009.htm](http://www.ontariocourts.on.ca/decisions_index/2009.htm)  
<http://www.ontariocourts.on.ca/decisions/2009/may/20090NCA0374.pdf>

<sup>2</sup> Opinions expressed here are the writer's, and are not necessarily of the Clinic; she may be contacted: [vannucl@lao.on.ca](mailto:vannucl@lao.on.ca)

<sup>1</sup> <http://www.ontariocourts.on.ca/coa/en/index.htm>  
<http://www.ontariocourts.on.ca/en/>

<sup>2</sup> *Williams v The Attorney General of Canada* et al., Ontario Court of Appeal, 95 ONTARIO REPORTS (3d) Part 6, 07 Aug. 2009, pages 401-414.  
[http://www.ontariocourts.on.ca/decisions\\_index/2009.htm](http://www.ontariocourts.on.ca/decisions_index/2009.htm)  
<http://www.ontariocourts.on.ca/decisions/2009/may/2009ONCA0378.pdf>

## \* in the press -

<sup>2</sup> "Flash fire ..." Jesse McLean & Jennifer Yang, Staff Reporters, "Flash fire in science lab burns students / Mississauga accident critically injures teen in high school class / Teacher 'saved us all,'" Toronto Star, 12 March 2010, pages A1 & A10.

<sup>3</sup> <http://www.thestar.com/news/gta/article/778730--student-in-severe-condition-after-science-class-blast?bn=1>

<sup>4</sup> <http://www.dpcdsb.org/MARCL/>

<sup>5</sup> [http://www.dpcdsb.org/NR/rdonlyres/DC7923DE-6E02-430F-8296-87422681460F/58986/Letter\\_to\\_Parents\\_Web2.doc](http://www.dpcdsb.org/NR/rdonlyres/DC7923DE-6E02-430F-8296-87422681460F/58986/Letter_to_Parents_Web2.doc)

... St. Marcellinus Catholic Secondary School  
730 Courtney Park Drive West  
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Phone: (905) 564-6614 Fax: (905) 564-3202

March 12, 2010

Dear Parents and Guardians:

On Wednesday afternoon, an accident occurred during a routine, teacher-led, Grade 11 Science experiment that, regrettably, resulted in injuries to five students. Four of the students were treated at a local hospital and released, while the fifth student was transferred to Sunnybrook Medical Centre where she is in critical but stable condition.

I commend the actions of the classroom teacher and other staff, whose response quickly brought the situation under control and thank the members of Mississauga's Emergency Services for their very rapid response to our call for aid. As a school community, we continue to pray for the full recovery of everyone who was affected and offer them every support we are able.

We strive to ensure that St. Marcellinus is a safe, healthy, caring and inclusive place to learn and work. As with all issues that take place within and outside of our school that impact our community, I wanted to bring this matter to your attention.

If you have any questions or concerns, please do not hesitate to contact me.

Please continue to keep St. Marcellinus in your prayers and especially Katherine and Ms. Barros.

Sincerely,

T. Wisniewski  
Principal

<sup>7</sup> "... Four dead ..." Susan Krashinsky, Toronto, "WORKPLACE ACCIDENT / Police, province probe construction deaths / Four dead, fifth man in hospital with serious injuries after falling 13 storeys when suspended scaffolding breaks in two," *The Globe and Mail*, 26 December 2009, page A10.

<sup>8</sup> see also: Joe Freisen, Toronto, "THE UNDERGROUND ECONOMY / WORKING IN THE DARK," *The Globe and Mail*, 09 January 2010, pages M1 & M3.

<sup>10</sup> "... personal flotation device ...

Operation photo-op?," 6 LETTERS TO THE EDITOR, with REUTERS photo of the Prime Minister in a rubber boat heading towards HMCS *Ville de Québec*, *The Globe and Mail*, Toronto, 01 December 2009, page A22.

<sup>11</sup> Frederick Taylor.

<sup>12</sup> Matthew Stewart, *The Management Myth: Why the Experts Keep Getting it Wrong*, W. W. Norton & Co., New York, 2009; ISBN: 0393065537

<sup>13</sup> Jill Lepore, "A CRITIC AT LARGE / NOT SO FAST / Scientific management started as a way to work. How did it become a way of life?," *The New Yorker*, 12 October 2009, pages 114-122.

<sup>14</sup> "Your brain on football ..." [cover flap] *The New Yorker*, 19 October 2009.

<sup>15</sup> Malcolm Gladwell, "ANNALS OF MEDICINE / OFFENSIVE PLAY / ..." *The New Yorker*, 19 October 2009, pages 50-59.

<sup>16</sup> See also: Alan Schwarz, Washington, DC, "N.F.L. Scolded ... / ... Before House [of Representatives] Panel Over Handling of Players' Brain Injuries," *The New York Times*, 29 October 2009, pages A1 & A18.

<sup>17</sup> See also: Deborah Blum, "Will Science Take the Field? / For 80 years, the N.F.L. ignored concussion data ..." *The New York Times*, OP-ED, 05 February 2010, page A21.

<sup>18</sup> "SPORTS CONCUSSIONS / Requiem for Reg Fleming," *The Globe and Mail*, 19 December 2009, page A24.

<sup>19</sup> "...BRAIN DAMAGE ..." *The Globe and Mail*, 18 December 2009 :

<sup>20</sup> "Allan Maki, "...BRAIN DAMAGE ..." pages S1 & S3.

<sup>21</sup> Sean Gordon, "...BRAIN DAMAGE ..." pages S1 & S3.

<sup>22</sup> James Christie, "Building a better helmet ..." page S2.

<sup>23</sup> Robert MacLeod, "Minor hockey gets serious about safety," page S2.

<sup>24</sup> Bruce Dowbiggin, "Fleming's diagnosis should serve as wakeup call," page S3.

<sup>25</sup> BP ... to Be Fined \$87 Million Stephen Greenhouse, "BP Faces Record Fine ... / ... to Be ... \$87 Million for 2005 Refinery Blast," *The New York Times*, 30 October 2009, pages B1 & B6.

<sup>26</sup> Steven Greenhouse, "Law Seeks to Ban Misuse of Genetic Testing / Family histories of fatal diseases have been used against workers ..." *The New York Times*, 16 November 2009, page B5 :

<sup>27</sup> "The most important new antidiscrimination law in two decades - the Genetic Information Nondiscrimination Act - will take effect in the nation's workplaces next weekend, prohibiting employers from requesting genetic testing or considering someone's genetic background in hiring, firing or promotions. ...."

<sup>28</sup> Steven Greenhouse, "Job Injuries Are Habitually Underreported, G.A.O. Says," *The New York Times*, 17 November 2009, page A21.

<sup>29</sup> RUNAWAY REACTION.

<sup>30</sup> *C&EN*, "RUNAWAY REACTION / ... Inexperience with highly reactive chemicals turned fatal in 2007," 21 September 2009, page 8.

<sup>31</sup> US Chemical Safety & Hazard Investigation Board, 2175 K Street NW Suite 400, Washington, DC 20037; 202 261 7600  
<http://www.chemsafety.gov/default.aspx>

<sup>32</sup> "T2 Laboratories Inc. Reactive Chemical Explosion"  
<http://www.csb.gov/investigations/detail.aspx?SID=8>

<sup>33</sup> Imperial Sugar, Savannah, Georgia.

<sup>34</sup> *C&EN*, "HEADS BUTT OVER DEADLY EXPLOSION / [SUGAR] DUST ..." 28 September 2009, page 12.

<sup>35</sup> "Inferno: Dust Explosion at Imperial Sugar"  
<http://www.csb.gov/videoroom/detail.aspx?VID=33>

<sup>36</sup> United Food and Commercial Workers International Union  
<http://www.ufcw.org/index.cfm>

<sup>37</sup> -- see also: UFCW, Press Room, 24 September 2009, "US CHEMICAL SAFETY BOARD AGAIN FAILS TO STAND FOR BETTER SAFETY RULES FOR AMERICA'S WORKERS / Unions call for immediate change, stricter regulations on dangerous combustible dust hazards."

<http://www.govtrack.us/congress/bill.xpd?bill=h110-493>  
<http://www.govtrack.us/congress/bill.xpd?bill=h110-493>  
<http://www.ufcw.org/index.cfm>


<sup>38</sup> 50-millionth chemical substance

<sup>39</sup> see in this newsletter: "...What are CAS Numbers ..." Vol.16 No.3, July 2008, pages 4-7.

<sup>40</sup> <http://www.cas.org/expertise/cascontent/registry/regsys.html>

<sup>41</sup> Matthew Toussant, "A Scientific Milestone," *C&EN*, 14 September 2009, page 3.

<sup>42</sup> <http://www.cas.org/newsevents/connections/het/erocycle.html>

<sup>43</sup>  CAS 1181081-51-5  
(5Z)-5-[(5-Fluoro-2-hydroxyphenyl)methylene]-2-(4-methyl-1-piperazinyl)-4(5H)-thiazolone  
<sup>44</sup> <http://www.cas.org/cgi-bin/cas/regreport.pl>

## \* Clinic Outreach - report

[vannucl@lao.on.ca](mailto:vannucl@lao.on.ca)  
<sup>1</sup> Vol. 17, No.4, September 2009, pages 5 & 6 -- "Board planning day."

<sup>2</sup> "Toronto Workers' Health and Safety Legal Clinic Community Service Partner Workshop Satisfaction Survey June/July 2009."

<sup>3</sup> MINUTES OF THE BOARD OF DIRECTORS MEETING OF WEDNESDAY, 30 SEPTEMBER 2009. O

## \* Fact sheet project. [vannucl@lao.on.ca](mailto:vannucl@lao.on.ca)

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<sup>2</sup> <http://www.workers-safety.ca/remository?dir=publications%3A+newsletter%2C+Workers+Guide%2C+FACT+SHEET%2C+reports%2C+etc%7C2000++++%28including+FACT+SHEETS%29>

<sup>3</sup> [http://www.rwbh.ca/sheila\\_riddell.html](http://www.rwbh.ca/sheila_riddell.html)

\* *Women of Inspiration*. Opinions expressed here are the writer's, who is a Clinic lawyer. She may be contacted: [vannucl@lao.on.ca](mailto:vannucl@lao.on.ca)

<sup>1</sup> "Women of Inspiration," April 2008, Vol.16, No.2 page 2;  
<sup>2</sup> and: "Women of Inspiration," winter 2005, Vol.13 No.1, pages 4 & 5.

<sup>1</sup>\* **Clinic Budget.**

<sup>1</sup> <http://www.workers-safety.ca/remository?do=view&file=publications%3A+newsletter%2C+Workers+Guide%2C+FACT+SHEET%2C+reports%2C+etc%7C2009+11.%7C2009+11+06.+Approved+Annual+Budget.doc>

## for future issues:

- *Maquila*. [www.maquilasolidarity.org](http://www.maquilasolidarity.org)
- case & comment - random drug testing of safety-sensitive workers - *Imperial Oil Ltd. v CEP, Local 900*. \*
- US *Genetic Information Nondiscrimination Act*. \*\*
- US Chemical Safety & Hazard Investigation Board.
- Canadian federal OH&S inspections.
- evidence brought into court --not-so-safely?-- failure of hazard communication to workers.

\* *Imperial Oil Ltd. v Communications, Energy & Paperworkers Union of Canada, Local 900*, Ontario Court of Appeal, 96 ONTARIO REPORTS (3d) Part 9, 06 November 2009, pages 668 & 688.  
[http://www.ontariocourts.on.ca/decisions\\_index/2009.htm](http://www.ontariocourts.on.ca/decisions_index/2009.htm)  
<http://www.ontariocourts.on.ca/decisions/2009/may/2009ONCA0420.htm>  
[http://www.cep.ca/index\\_e.html](http://www.cep.ca/index_e.html)

\*\* <http://www.govtrack.us/congress/bill.xpd?bill=h110-493>

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