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

# newsletter

TORONTO WORKERS' HEALTH & SAFETY LEGAL CLINIC

# ANNUAL GENERAL MEETING 24 October 2012

at 180 Dundas Street West, 19th Floor; 5:30 p.m.

- 1. Last AGM minutes. 345678 91011
- 2. Annual Report. 1213
- 3. Financial Report. 141516171819202122
- 4. Appointment of auditor.
- 5. Election of new Board members & thanks to previous. At this AGM,  $\sim \frac{1}{2}$  of all Board positions<sup>232425262728</sup> will become vacant to be filled for two-year terms. Also other vacancies would be filled.
- 6. Other business.
- 7. Discussion topic: Ministry of Labour inspections for high-rise construction work.

Refreshments -- All welcome -- Please Post.

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# ANNUAL GENERAL MEETING

Formal notices are in this issue of this newsletter.

# AGM September 2012. annual report.

The Toronto Workers' Health and Safety Legal Clinic exists to promote and provide access to justice to low income non-union workers/organizations by providing advice, representation, public legal education and law reform concerning occupational health and safety and related workplace laws through consistently high quality services in a cost-effective, efficient and innovative manner. The Clinic was able to fulfil many of its 2011 goals and objectives. \*

The Clinic's activities in pursuit of those goals are described below under the following headings:

- 1. LAW REFORM
- 2. CASEWORK
- 3. OUTREACH

\*relevant document copies are to go on the Clinic's website soon -- http://www.workers-safety.ca/

- 4. ANNUAL PLANNING MEETING
- 5. CLINIC MONITORS IMPORTANT CASES
- 6. STATISTICAL INFORMATION
- 7. PRESENTATION AT AMERICAN CHEMICAL SOCIETY MEETING.
- 8. MEMBERSHIP REPORT
- 9. <u>LEGAL AID ONTARIO</u>
- 10. LEASE RENEWAL
- 11. CLINIC LAWYER/DIRECTOR APPOINTED TO MOL PREVENTION COUNCIL.

# 1. LAW REFORM

The Clinic continues to promote improved occupational health and safety laws and their enforcement. As well, we promote improved WSIB laws on behalf of our client community. The Clinic's 2011 law reform activities are as follows:

- (i) an oral presentation to the Interim Prevention Council on Health and Safety concerning health and safety awareness materials and workers' guides, with a view to emphasizing our health and safety philosophy, that employers have responsibility to maintain good health and safety practices, and workers have rights that they should feel free to exercise in the workplace without fear of reprisal;\*
- (ii) we provided oral submissions as to the content of the Draft Awareness Poster that employers will be required to post in the workplace some time during 2012;\*
- (iii) written and oral submissions regarding the WSIB Funding Review to Harry Arthurs, WSIB Funding Review Chair;\*
- (iv) written submissions responding to WSIB New Draft Policies; \*
- (v) written submissions on Bill 160 (Amendments to the OHSA) to the Standing Committee of the Ontario Legislature on Social Policy;\*
- (vi) written and oral submissions concerning vulnerable workers to the Law Commission of Ontario;\*
- (vii) publication of letters, promoting better enforcement of health and safety laws in reference to vulnerable workers -- to: a newspaper Editor;<sup>3</sup> the Minister of Labour;<sup>4</sup> a Coroner;<sup>5</sup>
- (viii) follow-up oral presentation to the Arthurs WSIB Funding Review;\*
- (ix) written submissions concerning the WSIB Policy Review to WSIB staff;\*
- (x) oral presentations to the Ministry of Labour and WSIB concerning their Health and Safety Awareness Campaign.\*

## 2. CASEWORK/ADVICE

During 2011, we turned our focus from WSIB cases to a broader focus on occupational health and safety. Comparison of our statistics for 2010 and 2011 concerning advice support this. For example, in 2010, 54% of the advice we gave was on the subject of WSIB; in 2011, it made up 43% of our advice calls. At the same time, we increased the number of health and safety and employment standards

matters we attended to at the Ontario Labour Relations Board.

We also had a significant increase in our Clinic's statistics with respect to the number of new cases going from 61 new cases in 2010 to 68 new cases in 2011. Our summary advice, however, went from 318 to 304, likely due to diminished WSIB advice referrals in line with our focus on occupational health and safety.

# 3. <u>OUTREACH/PUBLIC LEGAL EDUCATION</u> (INCLUDING NETWORKING, COMMUNITY DEVELOPMENT AND EDUCATION)

We continued to do presentations concerning the new violence/ harassment provisions of the OHSA which came into effect June 15, 2010.\*

For the first time in 2011, the Clinic Staff Lawyer organized a training session for occupational health physicians, on the subject of writing medical legal reports. The session was well-attended with the physicians appreciating having the dialogue on medical legal writing.\*

The Clinic attended various injured worker groups and updated them on the work of the Expert Panel and Interim Prevention Council as well as the proposed amendments to the OHSA in Bill 160.\*

The Clinic continues to publish a *newsletter* with a circulation of over 200. Each issue is an attempt to provide information and analysis of issues pertaining to occupational health and safety.

The Clinic's website continues and has caused an increase in inquiries. The site is www.workers-safety.ca. The site includes information about the Clinic, its services, and an extensive list of its publications and governing documents. The site is maintained by Clinic volunteers. We have included Clinic submissions as well as the Clinic funding applications on the site in an effort to be as transparent as possible.

The Clinic continues to work with other groups which share similar goals and objectives. These groups are:

- 1. Workers' Compensation Network\*
- 2. Toronto Injured Workers Advocacy Group (TIWAG)\*
- 3. OFL Health and Safety Committee\*
- 4. OFL WSIB Committee\*
- 5. Employment Standards Work Group (ESWG)\*
- 6. RAACWI\*
- 7. Institute of Work and Health and Occupational Health Clinic for Ontario Workers (OHCOW)\*
- 8. The Ontario Bar Association, WSIB Section: Chair, John Bartolomeo\*

The Clinic continued to made inroads in the migrant farm worker community in rural Ontario due to Law Foundation of Ontario funding for a Spanish-speaking articling student.\* In 2011, the Clinic, in cooperation with CSSP\* and IAVGO,\* shared the student, Moira Daly.<sup>6</sup> Moira did outreach in rural communities of Ontario with the help of Justicia for Migrant Farm Workers.<sup>7</sup> She conducted a mapping exercise, resulting in a comprehensive document outlining all of the workplace concerns of migrant farm workers. \*

See also STATISTICAL INFORMATION below.

# 4. ANNUAL PLANNING MEETING

At the Clinic's Annual Planning Meeting in June 2011, we began a dialogue with Colonel Pat Stogran (retired) about the health and safety issues and compensation issues faced by Canadian Armed Forces veterans. The federal tribunal that hears their cases does not keep a case law library for veterans and their representatives. Based on our workers' compensation expertise, the Clinic agreed to investigate the possibility of assisting veterans with their health and safety and compensation issues. Since our meeting with Colonel Stogran, we have contacted the Pension Advocates Bureau,\* the organization that assists veterans at the appeals tribunal to advise that we intend to be available to do this type of casework. To date we have not received any referrals. As well, we appear in the July issue of *Esprit de Corps* magazine advertising our availability to act for veterans with compensation issues. The ad is strategically placed next to an article by Colonel Stogran. Still, we have not been contacted by any veterans as a result of the ad. As of the date of the writing this report, we are contemplating what else we should do to move this matter forward, if anything. (see below) 8

# 5. CLINIC MONITORS IMPORTANT CASES.

Following the tragic 24 December 2009 workplace swing-stage accident where four workers died and one was severely injured, C45 criminal negligence charges were laid against Metron Construction Corporation as employer, as well as the owner, and an alleged supervisor. Up to the date of the writing of this report, Clinic volunteers have been monitoring these cases. A preliminary hearing against is continuing for the alleged supervisor. The cases against Metron and the owner have been resolved by plea agreements. Metron was fined \$200 000 under the *Criminal Code*. The owner entered a guilty plea to offences under the *OH&S Act* and was fined \$90 000; *Criminal Code* charges against him were withdrawn. We understand the Crown is appealing the amount of the fine against Metron; it had argued that the fine should have been \$1 000 000.

Earlier this year, *OH&S Act* charges against the principles of Filsinger's Organic Foods resulted in a fine of \$22 500 against one of the owners. The charges arise from the deaths of two migrant farm workers from Jamaica who died due to asphyxiation after entering a confined space used for making apple cider vinegar. We requested a Coroners Inquest into the matter but were denied. We have obtained the Ministry of Labour reports regarding Filsinger, via Freedom of Information.

These matters are reported and commented on in the Clinic's newsletter.

# 6. STATISTICAL INFORMATION

The number of new files for the time period of January 1, 2011 until December 31, 2011 is as follows:

Casework 68
Summary Advice 304
Law Reform 8
Community Education And Organizing (includes 9 Community Development files) 127

As of December 31, 2011, the total number of active staff cases is 178.

The Clinic's outreach worker did 113 presentations to 2391 people in 2011.

## 7. PRESENTATION AT AMERICAN CHEMICAL SOCIETY MEETING.

An abstract we submitted for presentation at the American Chemical Society, 38th Northeast Regional Meeting, Rochester, New York was accepted for presentation at a General Poster Session 01 October 2012. (see below)<sup>15</sup>

# 8. **MEMBERSHIP REPORT**

As of December 31, 2011, the Clinic had 160 members and a newsletter mailing list of approximately 200 names of individuals and organizations.

# 9. **LEGAL AID ONTARIO**

In 2011, the 2012-2013 Funding Application\* was amended to require clinics to report on their administrative savings over the past year and their administrative savings plans for the next three years. As a result, we have undertaken a review of expenditures in all categories of our operations budget.

# 10. LEASE RENEWAL

Legal Aid Ontario announced that clinics should not renew leases beyond April 2014. At the same time, LAO is supporting a transformation of the clinic system which would involve co-location and amalgamations of clinics where appropriate.

# 11. CLINIC LAWYER/DIRECTOR APPOINTED TO MOL PREVENTION COUNCIL.

(see below) 16

from an Ontario Ministry of Labour news release 09 August:

# New [Prevention] Council to Advise on Workplace Health and Safety

McGuinty Government Committed to Preventing Workplace Injury and Illness

...

Ontario's new <u>Prevention Council</u> will help protect workers and improve workplace health and safety across the province.

The council will provide support for the Chief Prevention Officer and advise the Minister of Labour on:

- Prevention of workplace injuries and illnesses.
- Development of a provincial occupational health and safety strategy.
- Proposed changes to funding and delivery of services for the prevention of workplace injuries and occupational diseases.

The newly formed council includes four labour representatives, a non-union labour representative, four employer representatives, an occupational health and safety expert and a representative from the Workplace Safety and Insurance Board (WSIB). Nine members of the Prevention Council are being announced at this time; one employer representative and a representative from the WSIB are currently being finalized and will be announced in the near future.

Protecting workers on the job is part of the McGuinty government's continued commitment to preventing workplace injuries, while creating jobs.

...

Our Clinic's Lawyer/Director has been appointed to this Council:

..

# Linda Vannucci Director, Toronto Workers' Health and Safety Legal Clinic (non-union worker representative)

- appears before the Ontario Labour Relations Board on behalf of low income non-union workers alleging that they have been fired for raising health and safety concerns
- acts for injured workers at Workplace Safety and Insurance Board Appeal Resolution Office and Workplace Safety and Insurance Appeals Tribunal.

# **Previously**

- community programmer/outreach worker in low income housing, Etobicoke, 1975-1978
- community legal worker, York Community Services (represented Italian-speaking injured workers), 1979-1983.
- staff lawyer, Toronto Workers' Health & Safety Legal Clinic 1989-2008.

### **Education**

- B.A., State University of New York at Oswego
- LLB, Osgoode Hall Law School, Toronto, 1986
- Called to the Bar of Ontario, 1988

. . .

# Our Clinic & veterans issues.

As reported previously in this *newsletter*, 123456 our Clinic was placing an ad in the July issue of *Esprit de* 

Corps<sup>78</sup> – the same Esprit de Corps issue as an article by Colonel (retired) Pat Stogran.

Both the ad<sup>9</sup> and article<sup>10</sup> have appeared. We still await response to the ad.

case & comment — more on R v Filsinger's —

# Government inspection failure? -- $CO_2$ confined space asphyxiation of two migrant workers in a fermentation reactor on an Ontario apple farm

for presentation at American Chemical Society, 38th Northeast Regional Meeting, Rochester, New York. 123

General Poster Session 4 01 October 2012.

Linda Vannucci, Toronto Workers' Health & Safety Legal Clinic, 180 Dundas Street West, Suite 2000, Box 4, Toronto, Ontario, M5G 1Z8, Canada, 416-971-8832, 416-971-8834, vannucl@lao.on.ca

Michael Grossman, PhD, PO Box 5954, Station A, Toronto, Ontario, M5W 1P3, Canada, 416-363-4464, 416-363-4464, d441267@yahoo.ca

**Abstract:** The authors are of the Toronto Workers' Health & Safety Legal Clinic, a part of LEGAL AID ONTARIO's community clinic system, that assists low income clients. The Clinic has been following *R v Filsinger's*, under Ontario's *Occupational Health & Safety Act*, because of its importance in analyzing the

proper role of government inspection in preventing workplace harm from chemical & other hazards. Two migrant workers, from Jamaica, by way of a Canadian government temporary worker program, died from  $CO_2$  asphyxiation in a fermentation reactor that was a confined space. Opinion is expressed that those fatalities were foreseeable and preventable, and that there should be better government enforcement of existing regulations. Comparison is made with another prosecution, for four fatalities, not involving a chemical hazard  $-R \ v \ Metron --$  at a worksite of a construction company that does work in Toronto and New York City.

CHHA radio 1610AM, 05 July 2012.



2012 07 05. CHHA radio 1610 labour news .mp3

(interview starts at 6 minutes, 40 seconds; after music.)

http://www.workers-safety.ca/
→ Main Menu → Publications → ... → 2012 07 → ...

# LAO Speciality Clinic Review.

Linda Vannucci

LEGAL AID ONTARIO, from which our Clinic receives nearly all of its financing, has been conducting Reviews of all Clinics within its system.

LAO selected four general Clinics and two specialty Clinics for a quality service review during 2012.

As a result, staff from the Quality Service Office of

LAO will be at our Clinic conducting a review the week of 25 September 2012.

Our Clinic was last reviewed in 2000. 1

# in the press -

• In The New York Times: "[US] Military Hazing Has Got to Stop / Two suicides reveal the depth of the problem." 23

• Also in The New York Times: "4 Decades On, U.S. Starts Cleanup Of Agent Orange [containing dioxin] in Vietnam." 45

CAS<sup>6</sup> 1746-01-6 789

- Also in The New York Times: "War Wounds / This Iraq war veteran wishes he had lost a limb. Instead he has to watch himself lose his mind. / The U.S. military lavishes care on damaged equipment, but not on wounded soldiers." 10 "... car bomb ... severe concussion ... Three weeks later ... roadside bomb ... second concussion ..."
- In The Globe and Mail: "AFRICA'S TINY MINERS / More than a million children scavenge in abandoned mines... / CHILD LABOUR / A deadly grind." 11
- Also in The Globe and Mail: "A MOMENT IN TIME >> AUG. 29, 1907 / QUEBRC BRIDGE COLLAPSES DURING CONSTRUCTION, KILLING 75." 12
- $\bullet$  In NOW: "... Susan G. Cole on why she's not impressed with the Olympic ideal / Stop calling this self-destructive behaviour heroic ...." 13
- In the Toronto Star : "Crown seeking larger fine [for Metron] in scaffold tragedy that killed four workers." 141516171819
- In the NATIONAL POST: "CONSTRUCTION WORKER FALLS TO DEATH."20
- In CHEMICAL & ENGINEERING NEWS, American Chemical Society, Washington, D.C.: "PARTIES STRIKE DEAL IN LAB DEATH CASE / SAFETY: Charges against University California system are dropped; professor's case continues." <sup>21</sup> "... The fire in Harran's lab started as Sangji used a syringe to transfer *tert*-butyllithium, which ignites spontaneously in air. The plunger came out of the syringe barrel, causing the compound to burst into flames. Sangji was not wearing a lab coat, and her clothes caught fire, burning her torso, arms, and hands. ..."

CAS 594-19-4 22 23

- Also in C&EN: "CALIFORNIA DEAL TIGHTENS LAB SAFETY / Agreement outlines safety program for UC system; defense for UCLA PROFESSOR focuses on investigator's past." 24
- Also in C&EN: "REGULATION California may require alternatives to chemical ingredients of questioned safety." 25

# **CORRECTION** - with regrets:

Vol.20, No.4, page 3 - July 2012. case & comment - Filsinger's. The repeating unit for polyethylene, following from Brown, should have been indicated as  $-(CH_2-CH_2)_n$ , with molecular masses ranging from 50 000 to over 1 500 000 g/mol, for n=...~3500, ..., 100 000, ....

### NOTES:

### AGM 2012.

previous: http://www.workers-safety.ca/ 2011 06 AGM

3 Last AGM minutes.

AGM Minutes - September 7, 2011

MINUTES OF THE ANNUAL GENERAL MEMBERSHIP MEETING OF THE TORONTO WORKERS' HEALTH & SAFETY LEGAL CLINIC, WEDNESDAY, SEPTEMBER 7, 2011

1. <u>APPROVAL OF MINUTES OF THE 2010 ANNUAL GENERAL MEETING</u>

Moved by Ivan Lancaric and seconded by Leon Mackenzie that the minutes of the 2010 Annual General Meeting are approved.

### 2. ANNUAL REPORT

The Annual Report was reviewed. It was mailed out to members and is on the website. The change in the Report is that it covers the period of January 1 to December 31, 2010.

Moved by John Field and seconded by Kemraj Baboolal that the Annual Report is accepted. CARRIED.

3. TREASURER'S REPORT

The Audited Financial Statement for the fiscal year ended March 31, 2010 is on the website and was mailed out to members. Michael Grossman, Treasurer of the Board, reported.

## 4. ELECTION OF NEW BOARD MEMBERS

Two Year Terms (8 positions):

Suinaiya Sharmeen John Field Diana Dongak-Lee

September 2012.

Fiona Lui Selvathy Kumar Georgina Clinton (2 vacant positions)

One Year Term Remaining:

Hilary Balmer Ivan Lancaric Victoria Padel Michael Grossman

ACM Minutes - September 7, 2011

Jason Achorn (1 vacant position)

Moved by John Field and seconded by Kemraj Baboolal that there is a motion of confidence in the Board of Directors

CARRIED.

# 5. SPECIAL RESOLUTION OF THE BOARD OF

Moved by Selvathy Kusnar and seconded by Jason Achorn that the Special Resolution of the Board of Directors contained in the September 7, 2011 minutes be accepted.

6. DISCUSSION TOPIC ON THE CLINIC'S PROVIDING ADVICE/ REPRESENTATION TO CANADIAN FORCES PERSONNEL AND VETERANS REGARDING HEALTH AND SAFETY AND COMPENSATION ISSUES

Linda updated the Board on the activities since the August 11, 2011 meeting with Colonel Pat Stogran (retired). We have received a few decisions of the Veterans Appeal Board. As well, Pat Stogran has referred us to the Pension Advocates Bureau to find out more about the process. It was agreed that the most pressing issue is the fact that the decisions of the Appeal Tribunal are not published. This deprives veterans of case law and natural justice. John B. reported that of the veterans who obtained counsel and appeal Tribunal decisions to the Federal Court, about 50% of them are successful. We have also discovered that the Tribunal decisions

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are labeled "protected" and Linda will follow up to figure out whether this limits us or prevents us from publishing decisions on our website. It would be interesting to know if there have been any Court challenges to the secrecy of the decisions. The RCMP also fall under the same Tribunal.

### 7. MOTION FOR ADJOURNMENT

Moved by Victoria Padel and seconded by Jason Achorn that the meeting be adjourned at 6:50 p.m. CARRIED.

Minutes taken by Linda Vannucci.

S:  $\DIRECTOR\AGM\AGM-2\ 011\ .MIN]$ 

# related Board minutes.

September 7, 2011

TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC

MINUTES OF THE BOARD OF DIRECTORS MEETING OF

WEDNESDAY, SEPTEMBER 7, 2011

BOARD MEMBERS PRESENT: Hilary Balmer (Chair), Michael Grossman (Treasurer), Ivan Lancaric (Member-at-Large), Jason Achorn (Secretary), Fiona Lul, Victoria Padel, John Field, Diana DongakLee

STAFF PRESENT: Linda Vannucci, Carl Kaufman, John Bartolomeo

The meeting commenced at 5:45 p.m.

1. SPECIAL RESOLUTION TO AMEND CLINIC BY-LAW ARTICLE 3.01 AT LINE 3

Moved by John F. and seconded by Jason A. that By-Law Article 3.01 at Line 3 be amended by deleting "7 shall constitute quorum" and amending same to say "6 shall constitute quorum".

CARRIED.

2. STAFF PAY INCREASES

Vol. 20 No.5.

Moved by Michael G. and seconded by Jason A. that the Clinic's Approved Annual Budget for 2011-2012 is endorsed by the Board.

Pay increases outlined in the Budget of 2% plus 1% pay equity commencing April 1, 2011 to be paid out to staff.

CARRIED.

3. MINUTES OF THE COMIVITTEE OF JUNE 15, 2011 EXECUTIVE

Moved by Victoria P. and seconded by Ivan L. that the Executive Committee minutes are accepted as

The meeting adjourned at 7:05 p.m., at which time the Annual General Meeting started.

PLEASE NOTE THAT THE NEXT BOARD MEETING WILL BE THE THIRD

September 7, 2011

WEDNESDAY OF OCTOBER, which is October 19, 2011 at 5:30 p.m. at the Clinic, due to Linda's vacation during the following week. Please send in your regrets by Tuesday, October 18, 2011 if you cannot attend.

[S :Linda\\DIRECTOR\Sept .7-11-BD-min]

9 by-law amendment. See in this newsletter, Vol.19, No2, page 9.

> ANNUAL GENERAL MEETING 07 September 2011 by-law amendment. quorum for Board meetings.

The AGM endorsed the Special Resolution of the Board of Directors amending Article 3.01 of the General By-Law - to now be:

### NUMBER OF DIRECTORS AND QUORUM

The affairs of the Clinic shall be managed by its board of directors. Until changed in accordance with the Act, the number of directors shall be 15 of whom 6 shall constitute a quorum for the transaction of business. One third of the members of the board shall be representative of the clients of the clinic. Notwithstanding vacancies remaining directors may act if constituting a quorum.

11 http://www.workerssafety.ca/publications?do=view&file=publicati ons%3A+newsletter%2C+Workers+Guide%2C +FACT+SHEETS%2C+reports%2C+etc%7C200 2+06++Board+Manual%7C2002+06+26+13+51. ++Board+Orientation+Manual-Revised+2002++%5B%5D.wpd http://www.workerssafety.ca/publications

Annual Report - see box starting on page 1.

13 previous: http://www.workerssafety.ca/

• Annual Report:

o <u>2011.</u>

o <u>2010.</u>

o 2009.

o <u>2008</u>.

# 14Financial Report.

15[copied from Hilborn Ellis Grant page with character recognition.] TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC

FINANCIAL STATEMENTS March 31, 2011

Hilborn Ellis Grant LLP Chartered Accountants Toronto, Ontario

[copied from Hilborn Ellis Grant page with character recognition.]

Hilborn Ellis Grant LLP **Chartered Accountants** 

Independent Auditor's Report

To the Board of Directors of

Toronto Workers' Health and Safety Legal Clinic

We have audited the accompanying financial statements of Toronto Workers' Health and Safety Legal Clinic, which comprise the statement of financial position as at March 31, 2011, and the statement of operations and funds balance and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory

Management's Responsibility for the Financial Statements
Management is responsible for the preparation and fair
presentation of these financial statements in accordance with Canadian generally accepted accounting principles, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility
Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of **Toronto Workers' Health and Safety Legal Clinic** as at March 31, 2011 and its financial performance and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

...[Hilborn Ellis Grant LLP]

August 11, 2011 Licensed Public Accountants

401 Bay Street, Suite 3100. P.O. Box 49, Toronto, On ario, Canada M5H 2Y4 Phone: 416-364-1359 Fax: 416-364-950: Statement of Financial Position Year ended March 31, 2011

		Legal Disbursements	Capital	Non- LAO	Non-	2011	2010
	General	Fund		Outreach	LAO	Total	Total
	Fund	\$	\$	Fund	Fund	\$	\$
-	\$			\$	\$		
Assets							
Current Assets							
Cash	79,201	26,287	-	5,329		119,093	
Accounts receivable	851	-	-	-	1,602	2,453	760
HST receivable	3,739	55	-	-	-	3,794	1,044
Prepaid expenses	7,218	-	-	-	-	7,218	6,578
	91,009	26,342	-	5,329	9.878	132,558	126,431
Capital assets	-	-	3,545	-	-	3,545	3,405
Total assets	91,009	26,342	3,545	5,329	9,878	136,103	129,836
Liabilities Current Liabilities							
Accounts payable	40,502	-	-	-	-	40,502	24,112
Inter- fund payable (receivable)	(1,602)	-	-	-	1,602	-	-
Deferred revenue	3,760	-	-	-	-	3,760	3,359
	42,660	_	_	_	1.602	44,262	27,471
Funds Balance	48,349	26,342	3,545	5,329	8,276	91,841	102,365
Total liabilities and funds balance	91,009	26,342	3.545	5,329	9.878	136,103	129,836

Approved on behalf of the Board: ...[Linda Vannucci]

tor to Workers Health and Safety Legal Clinic

<sup>18</sup>[copied from Hilborn Ellis Grant page with character recognition.] TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC Statement of Operations and Funds Balance Year ended March 31, 2011

I cai clided Maieli	51, 20						
	General Fund \$	Legal Disburse ments Fund \$	l Fund	Non- LAO Outre ach Fund \$	Non- LAO Fund \$	2011 Total \$	2010 Total \$
Revenues							
Legal Aid Ontario							
- direct receipts - indirect receipts	469,883 2,579	6,020	-	- :	-	475,903 2,579	432,688 2.249
The Law Foundation of Ontario	_		-	-	42.057	42.057	
Recovered from clients	-	10	-	-	-	10	-
Donations	-	-	-	-	450	450	120
Other income	-	-	-	1	-	1	1
	472,462	6,030	-	1	42,507	521,000	435,058
Expenses							
Salaries	344,565	-	-	-	-	344,565	293,293
Benefits	52,627	-	-	-	-	52,627	49,075
Professional dues	4,931	-	-	-	-	4,931	3,508
Travel	2,125		-	-	-	2,125	1,951
Communications	4,405		-	-	-	4,405	4,106
Accommodation	45,980		-	-	-	45,980	44,439
Equipment	3,059		-	-	-	3,059	2,896
Library	10,412		-	-	-	10,412	13,567
Supplies and services	9,884		-	59	-	9,943	9,917
Audit fees	3,047		-	-	-	3,047	2,947
Indirect payments	2,579		-	-	-	2,579	2,249
Legal disbursements	-	4,710	-	-	-	4,710	2,281
Project expense	-		-	-	42,118	42,118	229
Amortization	-		1,023	-		1,023	721
	483,614	4,710	1,023	59	42,118	531,524	431,179
Excess of revenues over	(11,152)	1,320	(1,023)	(58)	389	(10,524)	3,879
expenses (expenses over revenues)							
Funds transferred to Capital Fund	(1,163)	-	1,163	-	-	-	-
Funds balance, beginning of year	60,664	25.022	3,405	5,387	7,887	102,365	98,486
Funds balance, end of year	48,349	26,342	3,545	5,329	8,276	91,841	102,365

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19 [copied from Hilborn Ellis Grant page with character recognition.] TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC Statement of Cash Flows Year ended March 31, 2011

	2011 Total \$	2010 Total \$
Cash flows from operating activities		
Excess of revenues over expenses	(10,524)	3,879
(expenses over revenues) Item not affecting cash		
Amortization	1.023	721
Amortization	(9,501)	4,600
<del>-</del>	(9,501)	4,000
Changes in non-cash working capital		
Decrease (increase) in accounts receivable	(1,693)	18
Decrease (increase) in HST receivable	(2,750)	305
Increase in prepaid expenses	(640)	(454)
Increase (decrease) in accounts payable	16,390	(15,024)
Increase in deferred revenue	401	3,359
<del>-</del>	2,207	(7,196)
Purchase of capital assets	(1,163)	(2,514)
Net increase (decrease) in cash	1,044	(9,710)
Cash, beginning of year	118,049	127,759
Cash, end of year	119,093	118,049
=		

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# TORONTO WORKERS' HEALTH AND SAFETY LEGAL Notes to Financial Statements

March 31, 2011

### 1. Nature of Organization and Basis of Presentation

Toronto Workers' Health and Safety Legal Clinic is incorporated without share capital under the laws of the Province of Ontario The clinic was formed to provide equal access to quality legal services for lowincome workers in Ontario dealing with health, safety and compensation issues.

The clinic qualifies as a not-for-profit organization under the Income Tax Act and is exempt from corporate income tax.

These financial statements are prepared using the accrual method with capital assets being recorded as assets and amortized over their useful lives.

### 2. Significant Accounting Policies and General

### a) Fund accounting

These financial statements are prepared following the restricted fund method of accounting for contributions. All the funds described below, except as noted, are restricted as to use by various agreements between the clinic and Legal Aid Ontario ("LAO) and title to the clinic assets vests with the funder.

### i) General Fund

These funds are used to provide a range of legal and paralegal services, including information, advice and representation, to low-income individuals and families.

# ii) Legal Disbursements Fund

These funds are used to provide for certain direct expenses incurred in representing clinic clients in legal proceedings

This fund holds the capital assets of the clinic that have been funded by LAO.

## iv) Non-LAO Outreach Fund

These funds are used to fund specific community outreach projects.

### v) Non-LAO Fund

These funds are used to fund specific community projects.

### b) Management estimates

The preparation of financial statements in conformity with Canadian generally accepted accounting principles requ management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

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 $^{21}$  [copied from Hilborn Ellis Grant page with character recognition.]

# TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC Notes to Financial Statements (continued)

March 31, 2011

2. Significant Accounting Policies and General (continued)

### c) Financial instruments

The financial assets and financial liabilities of the clinic are classified and measured as follows:

Financial Asset/Liabilit	y Category	Measurement	
Cash	Available for sale	Fair value	
Accounts receivable	Loans and receivables	Amortized cost	
Accounts payable	Other financial liabilities	Amortized cost	

Financial instruments measured at amortized cost are initially recognized at fair value and then subsequently at amortized cost with gains and losses recognized in the statement of operations in the period in which the gain or loss occurs.

The fair value of a financial instrument is the estimated amount that the clinic would receive or pay to settle a financial asset or financial liability as at the reporting date

The carrying amounts of cash, accounts receivable and accounts payable, approximate fair value due to the short-term nature of these financial instruments.

### d) Capital assets

Capital assets are recorded at cost. The capital assets are being amortized on a straight-line basis as follows:

Computer equipment	- 3 years
Office equipment	- 5 years
Telephone equipment	- 8 years

### 3. Capital Assets

	Accumulated Cost Amortization		2011 Net	2010 Net
	\$	\$	\$	\$
Computer equipment	52,635	51,666	969	-
Office equipment	19,006	16,430	2,576	3,405
Telephone equipment	5,537	5,537	-	
	77,178	73,633	3,545	3,405

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<sup>22</sup>[copied from Hilborn Ellis Grant page with character recognition.]

TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC
Notes to Financial Statements (continued)

March 31, 2011

# 4. Indirect Payments

Legal Aid Ontario administers and makes payments on behalf of the clinic for the following expenditures:

ocherar r unu		
Pension and group insurance	\$	129
Supplies and services		2,172
Library	_	278
	\$	2.579

### 5. Lease Commitments

The clinic is committed to lease its premises until August, 2014. Minimum lease payments are as

2012	\$	46,111
2013		46,481
2014		46,851
2015		19,586
	\$	159.029
	_	

### 6. Capital Disclosures

The clinic's objectives in managing its capital, which it defines as its net assets, are to maintain a sufficient level to provide for normal operating requirements on an ongoing basis and to continue its mandates as disclosed in note 2 a). The clinic monitors its capital in order to ensure it has sufficient revenue before committing to

7. **Future Accounting Change**In December 2010 the Accounting Standards Board ("AcSB") issued Part III of the CICA Handbook Accounting to provide Canadian private sector notfor-profit organizations with a new financial reporting framework for fiscal years beginning on or after January 1, 2012. Early adoption is

Until Part III of the Handbook is adopted, the clinic will continue to follow the pre-changeover accounting standards in Part V of the Handbook.

Management is currently evaluating the implications of Part III of the Handbook and is developing a plan to meet the timetable published by the AcSB for adoption.

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### 23 Clinic's Board & committees.

<sup>24</sup>Clinic Board membership is in staggered two-year terms:

\$ending ~September 2012: Hilary Balmer Ivan Lancario Victoria Padel Michael Grossman Iason Achorn Tony Avakian [vacant position]

\$ending ~September 2013: Sumaiya Sharmeen Iohn Field Diana Dongak-Lee Fiona Lui Selvathy Kumar Georgina Clinton [vacant position] [vacant position]

<sup>25</sup> The Clinic's committees (continued after the AGM until Board or Executive decisions would change it):

\$Executive Committee - to assist the Board in its functions, and to act for the Board when the Board is unable to meet: Hilary Balmer -- chair Carl Mohan - vice chair Jason Achorn - secretary Michael Grossman - treasurer

 $<sup>^{20}</sup>$ [copied from Hilborn Ellis Grant page with character recognition.]

Ivan Lancaric - member-at-large.

\$Personnel Committee -- To negotiate with Clinic staff on terms and conditions of their employment and to resolve all other personnel matters that may arise:
Hilary Balmer

Hilary Balmer John Field Victoria Padel

\$Outreach Committee -- To develop and implement strategies for reaching non-unionized workers with OD&S problems and to monitor and evaluate all outreach undertaken by the Clinic:

Hilary Balmer Jason Achorn Victoria Padel Diana Dongak-Lee

\$Planning & Priorities Committee -- To set Clinic priorities in relation to casework, community education and organizing and law reform, within parameters of Objectives of the Clinic as established by the Board; to decide which kind of cases the Clinic will undertake and whether or not particular cases fall within one of these categories:

Hilary Balmer John Field Selvathy Kumar

\$Website Committee - To consider possible improvements to the Clinic's website, which would make it easier to manage:

manage: John Field Michael Grossman Victoria Padel

<sup>26</sup> Board and committee members may be contacted through the Clinic's phone number or e-mail.

<sup>27</sup> Clinic members who would want to participate on the Board or a committee are invited to contact Linda Vannuci, Lawyer/Director vannucl@lao.on.ca .

<sup>28</sup>See: BOARD ORIENTATION MANUAL; CONSTITUTION AND BY-LAWS, ARTICLE THREE.

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

http://www.workers-

safety.ca/publications?dir=publications %3A+newsletter%2C+Workers+Guide% 2C+FACT+SHEETS%2C+reports%2C+e tc%7C2002+06++Board+Manual

See in this *newsletter*, April 2012, Vol.20, No.1, page 5. For previous: October 2011, Vol.19, No.2, page 10; Vol.18, No.3, July 2010, page 2; Vol.17, No. 3, June 2009, page 13; September 2009, Vol.17, No.04, page 8.

# annual report

<sup>2\*</sup>relevant document copies are to go on the Clinic's website soon -http://www.workers-safety.ca/

<sup>3</sup> See in this *newsletter*: Aug. 2012, Vol.20, No.4, page 6.

<sup>4</sup>See in this *newsletter*: July 2012, Vol.20, No.2, pages 16 & 17. <sup>5</sup> See in this *newsletter*: July 2012, Vol.20, No,2, pages 7-10.

<sup>6</sup> See in this newsletter: Oct. 2011, Vol.19, No.2, page 8.

<sup>7</sup> See in this *newsletter*: July 2008, Vol.16, No.3, page 1.

<sup>8</sup> See in this *newsletter*, this issue, page 6.

<sup>9</sup> See in this *newsletter*, Vol.20 No.4 pages 5 & 6.

<sup>10</sup> See in this *newsletter*, Vol.20 No.3 pages 1 - 4. <sup>11</sup> See in this *newsletter*, Vol.20 No.2 pages 10 & 11.

<sup>12</sup> See in this *newsletter*: this issue, page 8.

<sup>13</sup> See in this newsletter: July 2012, Vol.20, No.2, page 7.

<sup>14</sup> See in this *newsletter*: Aug. 2012, Vol.20, No.4, pages 1– 4. <sup>15</sup> See in this *newsletter*, this issue, page 6.

<sup>16</sup> See in this *newsletter*, this issue, pages 5 & 6.

# MOL Prevention Council

www.labour.gov.on.ca/english/news/2012/bg\_p revcouncil20120809.php

www.labour.gov.on.ca/english/news/2012/bg\_p revcouncil20120809.php



NEWS

Ministry of Lab

New Council to Advise on Workplace Health and Safety McGuinty Government Committed to Preventing Workplace Injury and Illness

Au

Ontario's new <u>Prevention Council</u> will help protect workers and improve workplace health ar safety across the province.

The council will provide support for the Chief Prevention Officer and advise the Minister of Labour on:

Prevention of workplace injuries and illnesses.

Development of a provincial occupational health and safety strategy.

injuries and occupational diseases.

The newly formed council includes four labour representatives, a non-union labour representative, four employer representatives, an occupational health and safety expert and

I ne newy formée cours incluses tour abour representatives, a not-union abour representative, four employer representatives, an occupion al neath and safety expert and representative from the Workpace Safety and Insurance Board (WSIS). Nine members of the Prevention Council are being amonomed at this time, one employer representative and a representative from the WSIS are currently being finalized and will be amounced in the near future.

preventing workplace injuries, while creating jobs.

### QUOTES

"This accomplished, dynamic group — selected from labour, employer and academic backgrounds — will work with the Chief Prevention Officer to help improve workplace health and safety throughout Ontario. Our ultimate and shared goal is to eliminate work-related injury and illness."

illness." — Linda Jeffrey, Minister of Labour

"I am looking forward to working closely with these prevention leaders to develop and impleme a province-wide occupational health and safety strategy that will lead ultimately to safer workplaces for all workers in Ontario."

### QUICK FACTS

The <u>Prevention Council</u> will report to the Minister of Labour through Chief Prevention Offic
The <u>Occupational Health and Safety Act</u> requires the members of the Prevention Council tohoose a chair by a date to be fixed by the minister.

 Since the launch of <u>Safe At Work Ontario</u> in June 2008, the province's team of more th 400 health and safety inspectors conducted more than 160,000 proactive and 66,000 reactive field visits, issued more than 360,000 compliance orders and conducted 25 proactive inspection bilitzes.

### LEARN MORE

Read more about Prevention Council members

Find out more about how Ontario's first <u>Chief Prevention Officer</u> is helping improve worker health and safety.

Bill Killorn, Minister's Office, 416-326-7708 Matt Blajer, Communications Branch, 416-326-7405

ontario.ca/labour-new Disponible en françai

### 4 veterans

¹See in this *newsletter* : ²•July 2012, Vol. 20, No.2, page 1. & Vol.20, No.3, page 6.

3See also:

4•"veterans issues," October 2011, Vol. 19, No.2, page 11.

5. "Clinic's Annual General Meeting / veterans issues discussion / 15 June &

07 September 2011," October 2011, Vol. 19, No.2, page 10.

<sup>6</sup>•Colonel (retired) Pat Stogran, "A Treatise on Benefit of the Doubt for Canadian Veterans," October 2011, Vol. 19, No.2, pages 1→5.

<sup>7</sup> Esprit de Corps Ottawa K1Y 4T3

8 http://www.espritdecorps.ca/

<sup>9</sup>Esprit de Corps volume 19 issue 6 page 43. <sup>10</sup>Esprit de Corps volume 19 issue 6 pages 16 & 43.

### 1ACS NERM

<sup>2</sup>38th Northeast Regional Meeting, Rochester, New York.

Document ID: NERM1173

Program Area: RM\_NERM: Regional Meetings Symposium Title: (NERM004) Environmental General Session

3 http://nerm.sites.acs.org/

4 (NERM027a) General Poster Session #2

### CHHA radio 1610AM

http://en.wikipedia.org/wiki/CHHA http://www.sanlorenzo.ca/english/Voces\_L atinas\_1610\_AM.html

www.mhso.ca/ggp/Ethnic\_groups/Italian/Luck y\_Rao/Rao.html

## LAO Speciality Clinic Review.

see in this newsletter mid-July 2012, Vol.20, No.3, page 6.

# in the press -

<sup>2</sup>Military Hazing Judy Chu, "[US] Military Hazing Has Got to Stop / Two suicides reveal the depth of the problem," *The New York Times*, OP-ED, 04 August 2012, page A17. "Judy Chu, a Democrat, represents California's 32nd Congressional Distriction".

<sup>3</sup>See also Emanuel Tanay, "Victims of Military Hazing," *The New York Times*, [letter] to the editor, 10 August 2012, page A16.

<sup>4</sup>Agent Orange. Thomas Fuller, "4 Decades On, U.S. Starts Cleanup Of Agent Orange in Vietnam," *The New York Times*, 10 August 2012, pages A14 & A7.

<sup>5</sup> See also: Glenn Hess, "DIOXIN U.S., Vietnam start cleanup of Agent Orange contaminant at former base near Da Nang," *C&EN*, 20 August 2012, page 11.

 $^6$  -- re CAS -- see in this *newsletter* - July 2008. Vol.16, No.03, page 4?7.

CAS 1746-01-6 C<sub>12</sub>H<sub>4</sub>Cl<sub>4</sub>O<sub>2</sub> 321.97 g/mol.

<sup>8</sup> http://en.wikipedia.org/wiki/2,3,7,8-Tetrachlorodibenzodioxin

http://en.wikipedia.org/wiki/Polychlorinated\_dibenzodioxins

9http://www.epa.gov/ttn/atw/hlthef/dioxin.html

- 10 War Wounds concussion. Nicholas D. Kristof, "War Wounds  $\,/\,$  This Iraq war veteran wishes he had lost a limb. Instead he has to watch himself lose his mind. / The U.S. military lavishes care on damaged equipment, but not on wounded soldiers." The New York Times, Sunday Review, 12 August 2012, pages 1, 6, 7.
- 11 AFRICA'S TINY MINERS Geoffrey York, with photos by John Lehmann, "AFRICA'S TINY MINERS / More than a million children scavenge in abandoned mines ... / CHILD LABOUR / A deadly grind," The Globe and Mail, FOCUS, Toronto, 18 August 2012, pages A1, F1, F4, F5.
- 12BRIDGE 1907 Tamara Baluja, "A MOMENT IN TIME >> AUG. 29, 1907 / QUEBRC BRIDGE COLLAPSES DURING CONSTRUCTION, KILLING 75," Toronto, 29 August 2012, page A2.
- <sup>13</sup>Olympic ideal "... Susan G. Cole on why she's not impressed with the Olympic ideal Stop calling this self-destructive behaviour heroic ...." NOW, Toronto, 16-22 Aug. 2012, page 11.
- <sup>14</sup>Metron Tony Van Alphen, Staff Reporter, "Crown seeking larger fine [for Metron] in scaffold tragedy that killed four workers," Toronto Star, 21 Aug. 2012.

<sup>15</sup>See also in this *newsletter*:

- <sup>16</sup> Vol.20 No.4 pages 5 & 6.
- <sup>17</sup> Vol.20 No.3 pages 1 4.
- <sup>18</sup> Vol.20 No.2 pages 10 & 11.
- 19 this issue, pages 5.
- <sup>20</sup>CONSTRUCTION FATALITY Vidya Kauri, "CONSTRUCTION WORKER FALLS TO DEATH." Toronto, 29 August 2012, page A7.
- 21 tert-butyllithium. Michael Torrice & Jyllian Kemsley, CHEMICAL & ENGINEERING NEWS, American Chemical Society, Washington, D.C., news of the week, 06 August 2012, page 7. WWW.CEN-ONLINE.ORG http://cenm.ag/courtdocs

<sup>22</sup> 1,1-dimethylethyl Lithium (CH<sub>3</sub>)<sub>3</sub>-C-Li CAS 594-19-4 64.055 g/mol.

<sup>23</sup> http://en.wikipedia.org/wiki/tert-butyllithium

- Jyllian Kemsley & <sup>24</sup> *tert*-butyllithium. Michael Torrice, C&EN WEST COAST NEWS BUREAU, "CALIFORNIA DEAL TIGHTENS LAB SAFETY / Agreement outlines safety program for UC system; defense for UCLA PROFESSOR focuses on investigator's past," *C&EN*, SCIENCE & TECHNOLOGY, 13 August 2012, pages 34, 35, 36, 37. WWW.CEN-ONLINE.ORG http://cenm.ag/ucdeal.
- <sup>25</sup>safer alternatives. Cheryl Hogue, "REGULATION California may require alternatives to chemical ingredients of questioned safety," C&EN, news of the week, 06 August 2012, page 9. WWW.CEN-ONLINE.ORG

### CORRECTION.

1 CAS 9002-88-4

<sup>2</sup> at page 68.

<sup>3</sup>See William H. Brown, INTRODUCTION TO ORGANIC CHEMISTRY / SECOND EDITION, Willard Grant Press, Boston, 1978; Chapter 3 "Alkenes and Alkynes," 3.14 "Polymerization of Substituted Ethylenes," page 67, et seq.

<sup>4</sup> http://en.wikipedia.org/wiki/Polyethylene ■

# for future issues:

- Maquila. www.maquilasolidarity.org
- Canadian federal OH&S inspections.\*
- •US Chemical Safety & Hazard Investigation Board.
- more on Advisory Panel on OH&S.
- topic revisited—Ministry of Labour library. \*\*
- ·book review: Occupational Health & Safety-Theory, Strategy & Industry Practice, 2nd Edition. \*\*\*
- David Macdonald, Success is No Accident / Declining Workplace Safety Among Federal Jurisdiction Employers, CANADIAN CENTRE for POLICY ALTERNATIVES, Ottawa K1P 5E7; 27 April 2010; ISBN 978-1-897569-88

nttp://www.policyalternatives.ca/

http://www.policyalternatives.ca/publications/reports/success%E2%80%89%E2%80%89no%E2%80%89accide

nt http://www.policyalternatives.ca/sites/default/files/u ploads/publications/reports/docs/Success%20Is%20No %20Accident\_0.pdf "Report blasts federal workplace inspection," Canadian Occupational Health & Safety News, 03 May 2010, Vol.33,

No.17, pages 1 & 2.

\*\*See in this newsletter Vol. 15 No.4.

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not legal advice. This newsletter includes information considered correct and up-to-date according to its context. It also contains opinions. But nothing here should be taken as legal advice. Legal advice should be obtained from professional counsel, which might include our Clinic's lawyers, when acting on a lawver-client basis.

Errors and misstatements happen, although we try to be careful and strive for accuracy. We would try to correct as soon as possible. Please let us know if you see any needed corrections or explanations.