

The proposed legislation clearly reflects its main purpose, which is prevention, in other words, prevention of accidents on the job and occupational diseases. The 1984 revision of the Act is aimed at increasing the participation and responsibilities of workers and employers, at every stage of the prevention process. It provides for more active participation by workers and employers and for the control and implementation of measures dealing with health and safety. It also provides for setting up more effective lines of communication in the work place, so that the "voice of concern" for health and safety can be heard and corrective action taken.

Mr. Speaker, the new provisions concerning health and safety representatives and labour management committees are only two examples of this increased participation and responsibility. The proposal to establish an Advisory Council on Occupational Safety and Health clearly indicates this government's commitment to guarantee not only that all parties will be heard, but that they will have a significant role in the overall process of developing policies, regulations and programs. In all work places employing more than 20 persons, labour and management will sit together on Safety and Health Committees. In small offices and workshops, workers will have an opportunity to be heard through an official representative.

Members of the National Advisory Council will be selected from labour and management. Their responsibility will be to advise the Minister of Labour. Essentially, the revised act emphasizes the fact that safety and health problems should be solved by the main people involved, namely the workers. The former general statements of employer and worker responsibilities have been replaced by a concise outline of specific responsibilities which have been added to those established in 21 different sets of safety and health regulations. Those consolidated statements of responsibilities will focus on the legal obligations of all persons now covered. They will be easier to understand, more uniform and clearer.

That change will also provide for the establishment of future regulations that will also be more readable, more succinct and more economical to produce. The amended enforcement sections clearly show that this government is seeking compliance through a practical and enlightened approach. The government is aware that the vast majority of employers and workers are ready and willing to meet their obligations to maintain occupational safety and health. On the other hand, Labour Canada is constantly striving to develop policies and programs to ensure that all people involved are aware of their legal obligations and the way they can meet requirements.

Mr. Speaker, in consultation with the Department of Justice, a policy of compliance with the amended Act has been developed. The main objective of that policy is to obtain a high percentage of voluntary compliance with the Act, through fair and equitable provisions. This in no way means the enforcement procedures in the Act, including the availability of stiffer and higher penalties, will not play an important role in the

enforcement of the Act, but enforcement is only one way of securing compliance. In most cases, enforcement procedures will be used only when attempts at obtaining voluntary compliance have failed.

The amendments to the clauses of Bill C-34 dealing with compliance should reduce the field of government intervention in the regulation process and will induce a higher degree of voluntary compliance. The supervisory activities of the occupational health and safety committees and the involvement of the members of the Advisory Council in the drawing up of legislation should promote voluntary compliance and reduce occupational hazards.

The improvements in the compliance policy will provide various procedures to deal with offences. The safety officer may accept a written assurance of voluntary compliance for a minor offence but, if necessary, he will officially set in writing the corrective steps needed or he will try to obtain a court order to remove the conditions posing an immediate threat to occupational health or safety.

Mr. Speaker, as a general policy, legal proceedings will only be launched for offences which are effectively crimes or serious violations of the law.

In a general effort to decriminalize the Code and to provide for more appropriate penalties the amendments to sections on penalties have greatly reduced the number of offences liable to imprisonment. Under those amendments, an imprisonment penalty can only be imposed in the case of offences related to deliberately dangerous acts in contradiction with safety and health standards prescribed under the legislation.

Some steps have clearly been taken to standardize the enforcement of the Code, as shown by the amendment which will effectively provide the protection of the law to workers who up to now were neglected as a result of legislation "subject to any other Parliament legislation".

Amendments to the sections that specified which workers are covered by the Canada Labour Code, and to the Financial Administration Act will from now on protect, either directly or indirectly, members of the federal Public Service working in transportation or on offshore oilrigs, and who were not covered before. This means that Part IV of the Code will now apply to approximately 300,000 more workers than before. The provisions which protect those who must do dangerous work were amended to specify the rights and responsibilities of those involved and to guarantee that fatal hazard or chronic illness situations will not be excluded from the motives which the worker can invoke to request legal protection. Experience has shown that the use of the phrase "imminent danger" was imposing restrictions hindered protection afforded to workers. This is why the word "imminent" has been deleted and the definition of hazardous work and normal occupational danger clarified.