

Knowledge Activism in Pandemic Times.

Tuesday Injured Workers Session

September 1, 2020

Andy King



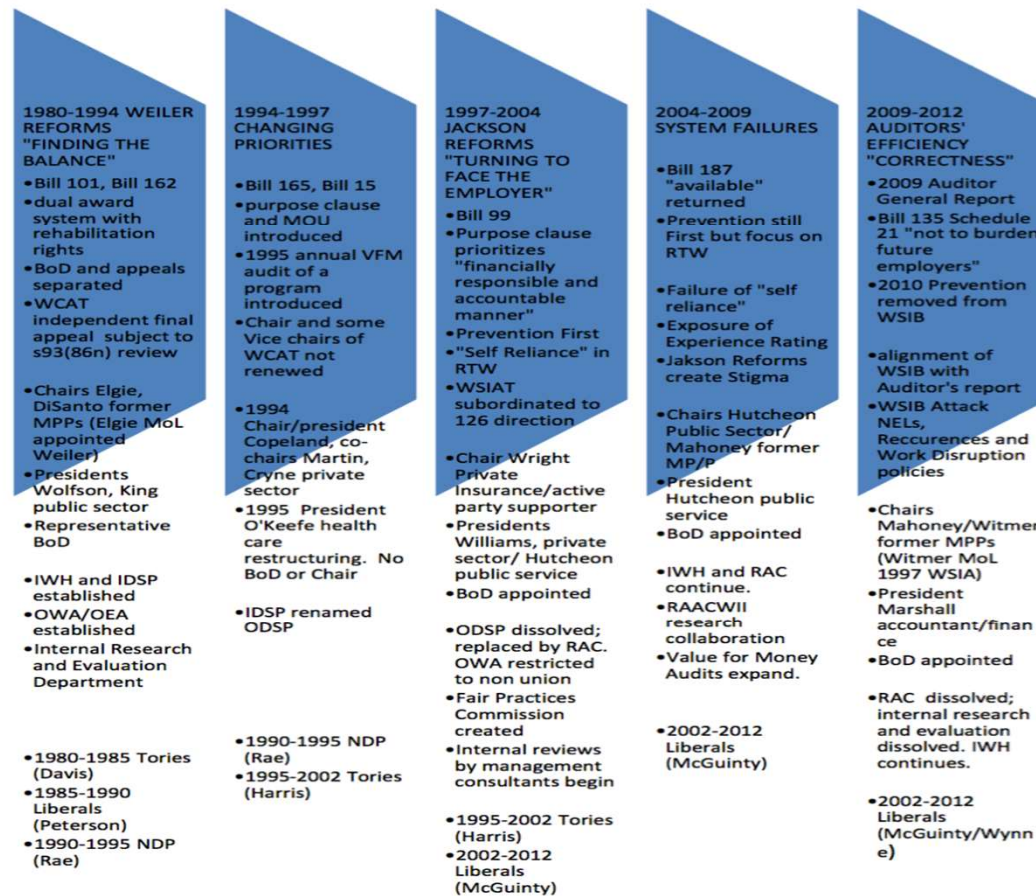
Agenda

- Workers' Health and Safety and Injured Workers Movements
- Historical Context
- What do we know about our struggles?
- Knowledge Activism
- What had we learned in Pre Pandemic Times?
- Discussion

Workers' Health and Safety and Injured Workers Movements

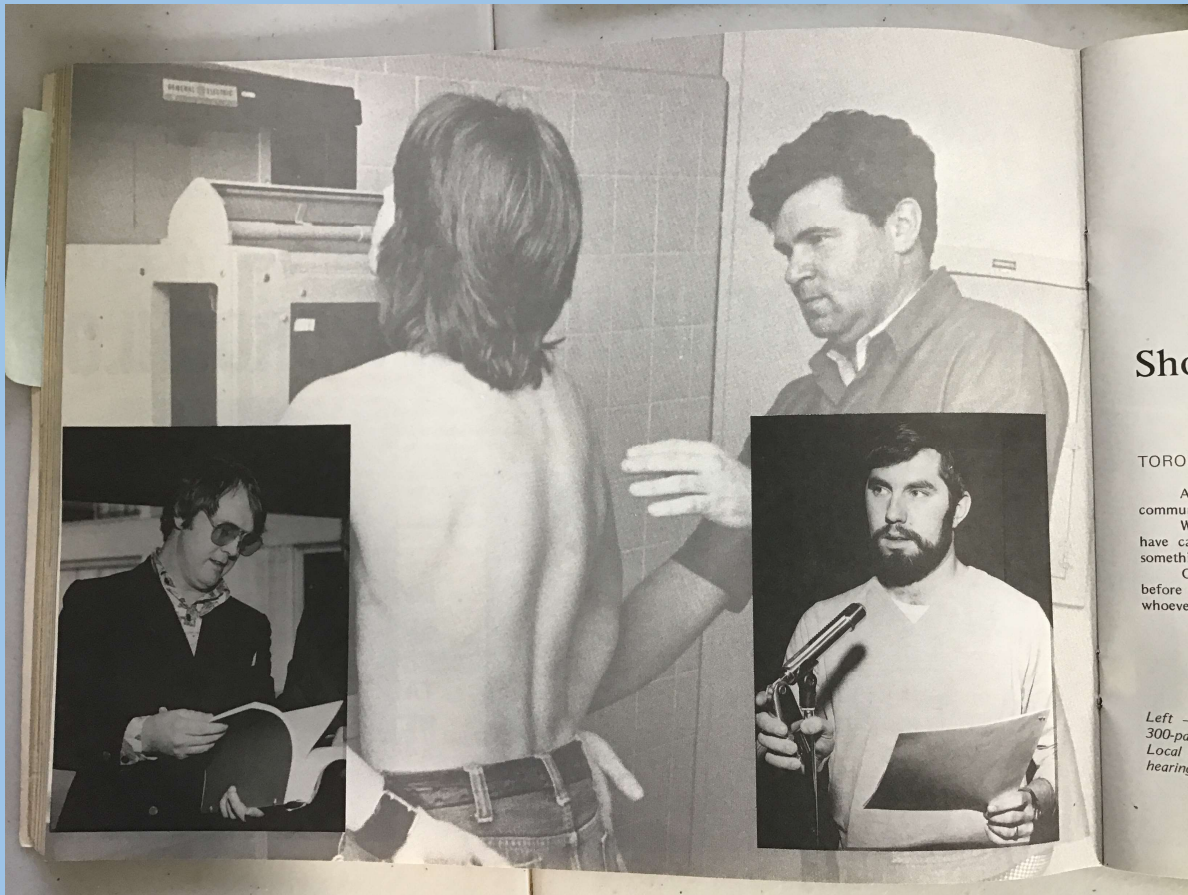
- 1884 Factory Acts
- 1914 Workers Compensation
- 1920s Silicosis (1943-1980 McIntyre Powder)
- 1974 Union of Injured Workers
- 1976 Occupational Health and Safety Act
- *1980 Weiler Report*
- 1985 Workers' Health & Safety Centre
- 1989 Occupational Health Clinics for Ontario Workers
- 1991 Ontario Network of Injured Workers Groups
- *1995 Harris Attack*
- 2003 SARS
- *2020 Ford*

Figure 1: Reform Timeline



1980-2012 Weiler to Marshall -
Changes to Workers Compensation

Historical Context

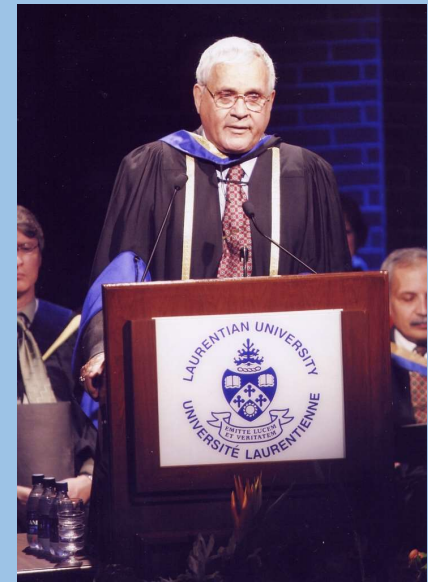


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What can we learn from our struggles?

Independent Published Research in Ontario



Labour OHCOW Academic Research Collaboration

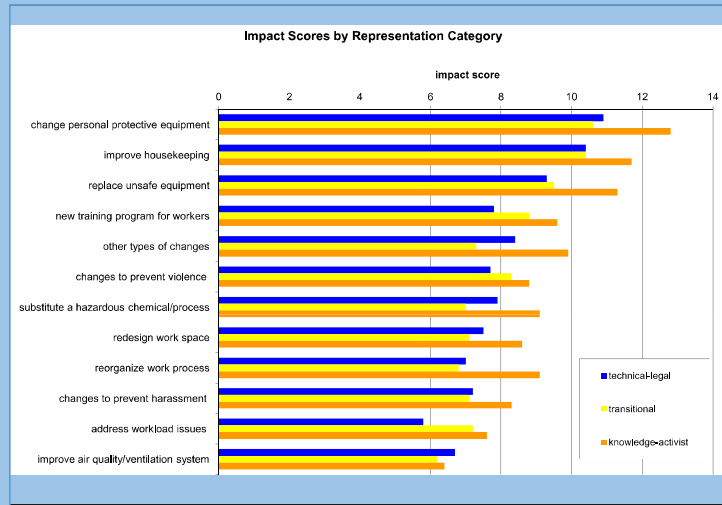


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- Terri Symanski, OPSEU Andrew King, USW
- Nick DiCarlo, CAW Sari Sarineen, UNIFOR
- Nancy Johnson, ONA Andréane Chénier, CUPE
- John Oudyk, OHCOW Ellen Simmons, WH&SC
- Syed Naqvi, OHCOW Laura Lozanski, CAUT
- Wayne Lewchuk, McMaster University
- Alan Hall, Windsor/ Memorial University
- Lisa McCaskell, OPSEU

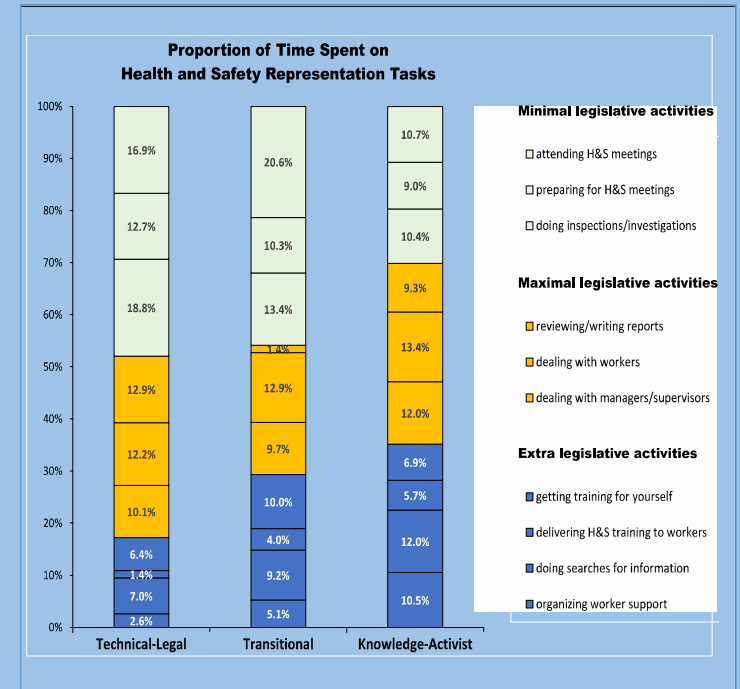
1. Legal Technical v Political Activism

2006 Hall, Forrest, Sears, Carlan. *Making a difference: Knowledge activism and worker representation in joint OHS committees* (R I/IR 61(3) 408)



2. Legal Technical v Knowledge Activism

2016 Hall, Oudyk, King, Naqvi, Lewchuk. *Identifying knowledge activism in worker health and safety representation: A cluster analysis* (AJIM 59(1) 42)



Workers' Knowledge is Political



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Knowledge Activism

Knowledge Activists understand worker health and safety in broad political terms and are willing to challenge management's assumptions and even mobilize support from co-workers. Knowledge activists develop strategies and tactics based on research and using external and independent knowledge about hazards.

Health and safety representation

WRITING THE WORKERS BACK IN

Occupational Health Clinics for Ontario Workers  Centre de Santé des Travailleurs(es) de l'Ontario 

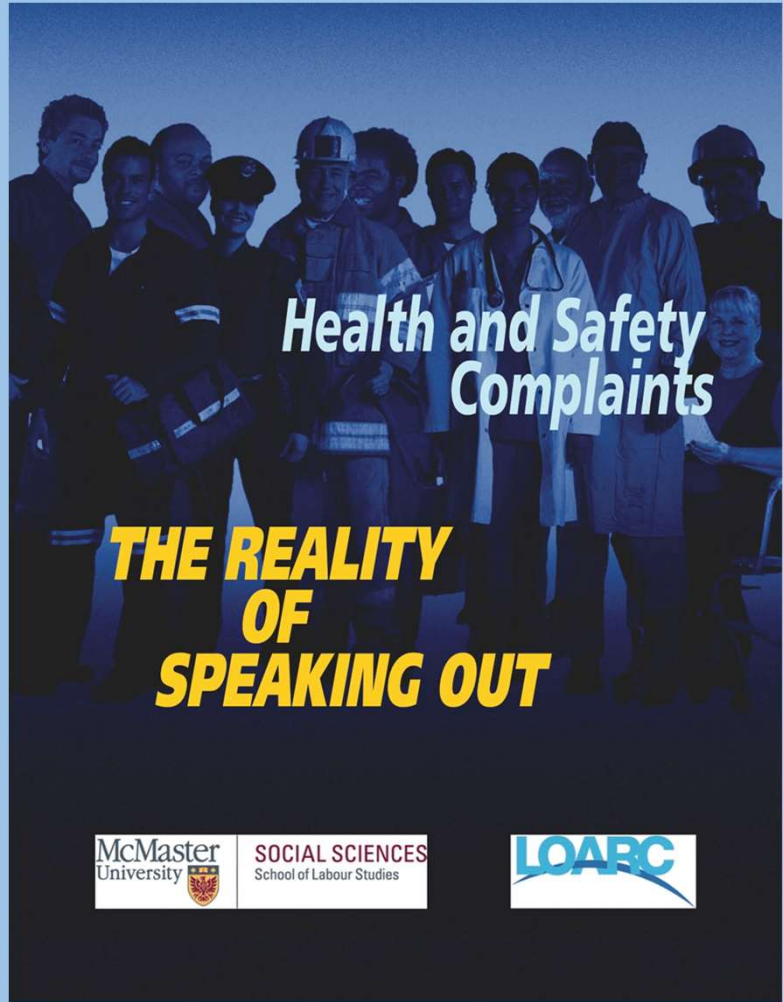
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Ten operating principles for guiding effective participation

From the survey and stories, we started to see similarities in the elements that made knowledge activist representatives more effective and successful. We were able to summarize them:

1. *Research*: Strategically conduct and use research to make claims, present solutions, and build legitimacy and trust.
2. *More than just meetings*: Emphasize the importance of working with and outside committees. Effective representation requires an activist approach.
3. *Mobilize your influence*: Recognize and understand the challenges and consequences of representation. Know how to mobilize influence using knowledge, the law and worker support. Be prepared for push back from some in management.
4. *Listen to workers*: Making change requires listening to and acknowledging concerns of other workers. Build from their experience and engage them with education that is needed. Train co-workers in health and safety. Engage them in the monitoring and change process.
5. *Address authority*: Understand that influencing management requires an ongoing effort to educate and influence their way of seeing things (e.g. constantly reinforce messages like health and safety pays).
6. *Build trust*: Recognize the importance of building relationships in the committee and in the workplace and build trust, mutual respect and legitimacy.
7. *Be assertive*: Be assertive, persistent and keep your cool. Be diplomatic. Figure out how to move forward over the long term if there is resistance. If you draw a bottom line, have a strategy to defend that bottom line.
8. *Build solutions*: Don't just identify the problem. Provide and work with management to develop solutions that address the source of the hazard.
9. *Use inspections and minutes*: Recognize the value of inspections, reports and minutes but do not define your role just in these terms. Beware management efforts to confine your activities to a technocratic or bureaucratic box (i.e. keeping reps busy with reports, imposing long drawn out processes for decision-making, responding to numerous minor issues and limiting access to shop-floor or workers).
10. *Use the law strategically*: Recognize the limitations of the law but know and use the law and regulations where they provide leverage. Develop a relationship of trust with local MDL inspectors and use that relationship tactically and strategically.



**Health and Safety
Complaints**

**THE REALITY
OF
SPEAKING OUT**



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Union versus Non-union Applicants

- Union members were less likely to be terminated and more likely to suffer changes in terms of employment.

Applicant Union member	Reprisal included termination		Total
	NO	YES	
NO	42 7.62	509 92.38	551 100.00
YES	68 49.64	69 50.36	137 100.00
Total	110 15.99	578 84.01	688 100.00

Pearson chi2(1) = 144.1776 Pr = 0.000

TABLE 2: Reasons why applicant claimed they were reprised

Type of Reprisal	Number of cases	% of 688
Concrete Reprisal (93.0%)		
Harassment	213	31.0
Work hazard	459	66.7
Violence at work	94	13.7
Work refusals	191	27.8
Formal	56	8.1
Informal	135*	19.6
Protection Reprisal (43.2%)		
Was acting in a Worker OHS role	153	22.2
Applicant called inspector	199	28.9
Injury Reprisal (26.6%)		
Sickness	48	7.0
Injuries at work	71	10.3
Needed accommodation	43	6.3
Mental Health	21	3.1

TABLE 10: How cases were resolved

	Number	% of 688 cases
OLRB terminated case	69	10.0
OLRB terminated because no <i>prima facie</i>		26.1% (of terminated cases)
Settlement reached	510	74.1
Terminated consent Applicant	81	11.8
Settlement filed		79.2 (of settled cases)
Settlements averaged \$5000 or less		68.3 (of settled and filed)
Hearings	40	5.8
Awarded	10	1.4
Dismissed	30	4.4

What had we learned in Pre Pandemic Times?

- Pandemics are treated as short term emergencies when some workers are characterized as “heroes”
- Stress and violence are the most prevalent, dangerous and pervasive hazards. They are exacerbated by precarious employment relationships.
- Our occupational health and safety is connected to the strength of all other employment laws (employment standards, workers’ compensation, union, human rights, CPP, EI) and vice versa.
- Increasing numbers of workers were not protected by employment laws and increasingly courts were saying so.

Discussion