

Report for Discussion at SWG – Retrospective Work Histories for GE Workers

Prepared by: OEHC-P

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OEHC-P has talked at length about the information necessary for each GE file to have a fair review. The beginning of a fair review is to ensure that the complex history of work place exposures at GE is complete and accurate. To capture and understand these exposures requires:

- An historical understanding of the work being done within a large work area – many workers do not know and/or don't remember what was being done around them
- A historical understanding of the “factory floor” – much of the landscape has changed and hence can only be understood if you worked there at the time
- An understanding of the processes and chemicals used in the various jobs
- Experience in responding to MOL and Health and Safety issues identified 30 and 40 years ago
- Experience and understanding on how to do comprehensive hygiene studies.
- And finally the ability to interview workers and determine the accuracy and completeness of the retrospective work history information submitted to date

It is obvious from the files that we have looked at to date that the complexities of the factory environment at GE make it very difficult for workers to provide comprehensive details on their work exposures. All of these workers have experienced varying levels of poor health and struggle with the process of navigating complex medical and compensation systems. In cases where the worker is now deceased, the difficulty increases. This in turn makes it very difficult for OHCOW physicians and staff to develop a detailed picture of exposures.

Another complexity is, again, The Health Study completed in 2002 by Dr. Roland Hosien, Vice-President, Environment, Health and Safety, GE Canada . The information included in that document and information “remembered” by workers differs. The issue of exposures is different than our concerns about the methodology of this study and validity of the results. As it relates to exposures, sometimes the difference is in the amount of exposure and sometimes it is refuting the information in The Health Study completely. It is obvious to the OEHC-P that it was very much in GE’s best interest for that study not to be made available to people like John Ball and Don McConnell. If they had been able to review the document and compare that information to their “remembrances” we suspect WSIB would have been in a difficult position in maintaining the credibility of that information. However, many files were evaluated based on this report and denied compensation because the content and interpretation was deemed complete and scientifically accurate. We now strongly recommend that files and work histories be reviewed and all exposures be verified. In the worker/family examples discussed below, we will get signed affidavits confirming the accuracy of the information from workers at GE (this is over and above John Ball and Don McConnell’s information).

As part of the OEHC-P Fair Review Fair Compensation process we have reviewed the files of many GE workers and looked in detail at their retrospective work histories. In almost every one of those files the information specific to work place exposures is at best incomplete and in the worst case scenario missing. It is our opinion that the denials based on this information are unjust.

- Worker/family 1 — This worker was denied based on not enough exposure. OEHC-P reviewed this workers retrospective work history as detailed in his WSIAT denial. We were shocked to discover that his work history did not include the years he worked in Building 10 (back and forth between building 8 and 10 for 8 years!) and was exposed to asbestos! He was given 10 years 1 month exposure to asbestos but needed 15 years to qualify for compensation. In September 2005 CAW 524 received correspondence from WSIB asking for a review of his work history – As far as we can determine from the WSIB file CAW 524 did not respond to this request. We are in the process of getting legal affidavits to confirm this workers exposure history.

- Worker/family 2 - – This worker was denied based on not enough exposure to _____. Prior to meeting with OEHC-P, this worker completed a written a 5 page summary of his work time at GE – OEHC-P took that information and added significant details related to asbestos, silica and fibreglass exposures. We were astounded at what was missing from this work history. We asked three questions: Why was so much critical information missing? Why did the worker not know what was in his work area? Why did CAW 524 not help this worker ensure his full exposure history was captured? What would the outcome have been if it had been fully documented and captured? Why were the exposures “remembered” by co-workers (will get sign affidavit) different than what was in the Health Study? This simple example represents many many files.

Recommendations:

- That all retrospective work histories be reviewed to ensure all exposures are documented prior to the next step in the compensation/appeals process
- That the SWG discuss this concern and develop a plan to ensure all retrospective work histories are complete
 - That the plan must include ways to gather and confirm historical exposure histories from workers who have intimate knowledge of the work environment – for example – OWA set up Advisory Panel of GE workers (current and/or retired) who can review and confirm exposure histories.

- Prepared by OEHC-P for the Small Working Group (SWG):
OHCOW, OWA, WSIB, CAW & OEHC-P meeting as follow up to the first Summit of the five groups held in Peterborough July 2012