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with Lang Michener LLP in Toronto, consideration must still be given to factors such as balancing employee privacy with the employer's right to know, the need to accommodate workers identified in the program, and the employee's basic right to be free of discrimination.

"By having a random drug test, you've simply identified them as a group, and, therefore, the policy could be discriminatory on its face," Mulroy explains.

Says TPS's Imrie, "In the event that there is a significant legal challenge, and if the service decides that we will stop the program until the legal challenge has been addressed, we will stop it."

Conrad McCallum is editor of Canadian Occupational Health & Safety News.

Talking akin to feeling tipsy

By Trisha Richards

Most prudent employers wouldn't entertain the possibility of workers driving on company business while swigging a bottle of vodka. Well, a scientific study suggests that talking on a cell phone while on the road may be just as risky.

Driving with a blood-alcohol level at the legal limit has an associated risk factor, "which is about the same as we found for using a cellular phone," say Dr. Donald Redelmeier, a professor of medicine, and Dr. Robert Tibshirani, a professor of preventive medicine, both with the University of Toronto. A summary of their findings, which appeared in a recent issue of the *New England Journal of Medicine*, further notes the risk of a collision is four times higher than when the phone was not being used.

Whether or not a motorist claims to be an expert driver is irrelevant, the report says, because the relative risk was similar for drivers who differed in personal characteristics, such as age and driving experience. The bottom line is that "cellular phones should be used sparingly," the researchers warn. "That is, drivers should avoid unnecessary calls, keep the conversations brief, and suspend dialogue during particularly hazardous circumstances," they add.

Also as a precaution, the Canada Safety Council (CSC) website recommends that motorists use a hands-free phone while driving so that both hands can remain on the steering wheel. Attaching

the microphone to the visor, just above the line of vision, so that eyes can stay peeled on the road is another suggestion. "You can then talk on the phone as if you were talking to a passenger," the information notes.

But just keeping eyes straight ahead and hands at "10 and two" may not be the best safety solution. Results from a recent study, headed by Dr. David Strayer, a psychology professor at the University of Utah, say hands-free devices can prove just as distracting.

Experiments have shown that "when participants engaged in cell phone conversations, they missed twice as many simulated traffic signals as when they were not talking on the cell phone and took longer to react to those signals they did detect," the report says. These shortcomings were attributed to motorists being distracted by the "conversation itself."

Conversations with passengers have less risk-potential than cell phone conversations because in-person discussions modulate depending on driving difficulty, and "as the demands of driving increase, participation by all participants in a conversation decreases," the research says.

The Canadian Centre for Occupational Health and Safety (CCOHS) cites driver distraction as a leading cause of traffic accidents, and south of the border, it is estimated by the National Highway Traffic Safety Administration that 30 per cent of all vehicle crashes involve drivers whose attention was diverted from the road.

But getting drivers to hush up may not be all that simple. The 2003 Nerves of Steel Survey, commissioned by the CSC and TheSteelAlliance, showed that 35 per cent of drivers admit to operating a cell phone on the road, while a whopping 79 per cent have witnessed other drivers chatting and cruising.

So if admitting there's a problem is the first step, it looks like there still may be a long way to go.

Trisha Edwards is a writer in Toronto.

Incentives could kick start fitness

By Vanessa Mariga

Alberta is toying with the idea of offering incentives to employers who take steps to trim workplace injury rates and beef up job satisfac-