

Safety and Health Committees Basics



Where are committees required?

- Employers are required to establish a safety and health committee
 - For each workplace where there are 20 or more workers s. 40(1)

Committee Membership

- 4 – 12 members
- At least ½ not associated with management (worker representatives)
 - Elected by workers or by union constitution
- 2 co-chairpersons who alternate chairing the meetings
 - Management co-chair (Chosen by Management)
 - Worker co-chair Chosen by the committee)

s. 40(8)
- Names of members must be posted s.40(9)

- **Committee Size**
 - To be determined by workplace s. 3.1(1)
- **Terms of Office**
 - 2 years or by union constitution s. 3.2
- **Quorum**
 - $\frac{1}{2}$ worker members, $\frac{1}{2}$ employer members must be present s. 3.5

Meetings

- Within 1 month of establishing committee
- Regular intervals not exceeding 3 months
- 3 days notice to members prior to regularly scheduled meetings
- Suitable location and resources
- Special meetings called by co-chair or SHO

s. 3.3, 3.4

Rules of Procedure

- When are meetings held
- Procedures for changing meeting dates
- Rules respecting the conduct of committee meetings
- Anything else determined by the committee

s. 3.6

Members Paid

- *A member of a committee is entitled to take time off from his or her regular work duties in order to carry out his or her duties as a committee member under this Act and the regulations. The member shall be paid by his or her employer at the member's regular or premium pay, as applicable, for all time spent carrying out his or her duties as a committee member... s. 40(11)*

Entitlement to pay for work as a committee member and Entitlement to pay for work as a representative
(as of April 01, 2014)

- **[NEW: sections 40(12) and 41(7)]** – new provisions clarifying that time spent performing duties of a safety and health committee member or representative is considered time at work; employer to pay worker at regular or premium rate of pay, as applicable.

Time off for committee work and Time off for work as representative (as of April 01 2014)

- [sections 40(11) and 41(6)] – worker to receive time off from their regular duties to perform the following safety and health committee member/representative duties:
 - One hour to prepare for committee meeting or representative meeting with employer.
 - Time required to attend each meeting.
 - Time required to attend safety and health training in accordance with section 44, as approved by the employer.
 - Such time as is required to carry out other assigned duties of a committee member or representative.

Recommendation by co-chair of committee (as of April 01, 2014)

- **[NEW: section 41.1(1.1)]** where a committee fails to reach consensus, either co-chair may forward a safety and health recommendation to the employer.

Employer response to recommendations and Contents of response (as of April 01, 2014)

- **[sections 41.1(2) and 41.1(3)]** – employer must respond in writing, including short and long term control measures, within 30 days of receiving recommendation to the representative, committee or committee co-chair who submitted the recommendation.

Duties of the Safety and Health Committee

40(10)

- *The receipt, consideration and disposition of concerns and complaints respecting the safety and health of workers*
 - Receive concerns and take them forward to committee meetings
 - Document worker concerns

- *Participation in the identification of risks to the safety or health of workers or other persons, arising out of or in connection with activities in the workplace*

- *The development and promotion of measures to protect the safety and health and welfare of persons in the workplace, and checking the effectiveness of such measures*

- *Cooperation with the occupational health service, if such a service has been established at the workplace*

- *Cooperation with a safety and health officer exercising duties under this Act or the regulations*

- *The development and promotion of programs for education and information concerning safety and health in the workplace*

- *The making of recommendations to the employer or prime contractor respecting the safety and health of workers*

- *The inspection of the workplace at regular intervals*

- *The participation in investigations of accidents and dangerous occurrences at the workplace*

- *The maintenance of records in connection with the receipt and disposition of concerns and complaints and the attendance to other matters relating to the duties of the committee*

- *Such other duties as may be specified in this Act or prescribed by regulation*
 - Risk assessment
 - Safe work procedure development

Minutes

- Legibly recorded in an acceptable format
- Signed by co-chairpersons
- Kept on file by employer for 10 years
- Distributed to:
 - Employer
 - Each committee member
 - Workplace Safety and Health Division (within 7 days)
 - Posted in the workplace (within 7 days)

Bulletin Board

- Name and term of members
- Scheduled dates of meetings
- Agenda
- Minutes
- Items recommended by the committee

Scheduled Inspections

(e) a schedule for the regular inspection of the workplace and of work processes and procedures at the workplace

What's involved?

- *Formal*: planned walk through or examination of workplace
- *Informal*: conscious awareness of safety & health hazards and controls as people do their jobs

Scheduled Inspections: Opportunity

- Identify potential problems
- Identify equipment deficiencies
- Identify effects of process or material changes
- Identify improper shortcuts
- Identify inadequacies in remedial actions
- Assess Leadership
- Determine leadership commitment to Safety and Health in the workplace.

Committee Involvement

- Meaningful role in the inspection and recognition of hazards process
- Review the employers plan for inspections to ensure a thorough analysis of hazards
- Monitor the effectiveness of the employer's plan

Investigating Incidents

(i) a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43

What's involved?

- Accident
 - An unfortunate incident that happens unexpectedly and unintentionally. Something that happens by chance or without apparent cause.
- Incident
 - Preferred term for an event which has resulted in damage to property and/or people, a right to refuse situation, or a near miss.

Principles

- Incidents don't just happen - they are caused
- Incidents can be prevented if causes are eliminated
- Causes can be eliminated if all incidents are investigated properly
- Unless the causes are eliminated, the same situation will reoccur

Committee Involvement

- Participate in the investigation of incidents and dangerous occurrences at the workplace
- Make recommendations for corrective actions
- Follow up to ensure corrective actions are implemented and effective

Employer Responsibilities

Most control over the workplace – therefore also the most responsibilities

- Take precautions to ensure safety, health, and welfare of workers
- Providing and maintaining a safe workplace, equipment, tools and systems
- Identifying hazards and precautions necessary for protection
- Providing information, training and PPE
- Providing competent supervision

Requirement

- *An employer shall establish a written workplace safety and health program for each workplace where 20 or more workers of that workplace are regularly employed*

W210 7.4(1)

Right to Refuse Dangerous Work

[section 43]

(as of April 01,2014)

- Inspecting the dangerous condition and Remedial action [section 43(3) and (4)] changed from 'Inspecting the workplace,' immediate inspection of the *dangerous condition* must occur when a worker has exercised their right to refuse.
- Other workers not to be assigned [section 43(6)] – new provisions require an employer to ensure that a worker is not assigned to perform work that has been refused for safety and health concerns until • The employer has advised the alternate worker in writing: the first worker's refusal, the reasons for the refusal, the right to refuse, and why the task does not present a safety and health risk.
- Where practicable, the first worker advises the alternate worker of the right to refuse and the reasons for the refusal
- An inspection of the *dangerous condition* and remedial action taken to correct any dangerous condition under subsection 43(3) and 43(4) has occurred.

Competency of committee members and representatives (as of April 01, 2014)

- **[NEW: sections 41(8) and 40(13) and]** – new provisions requiring employers and prime contractors to ensure that committee members and representatives receive the training required to competently fulfill their duties.

Educational Leave

- Equivalent of 2 days each year provided to each member of the committee (employer and worker members)
- No loss of pay or benefits
- Courses can include those offered by the Division, approved by the committee, or provided in the collective agreement
- First aid training is separate

Educational Leave [section 44] (as of April 01, 2014)

- Educational leave [section 44(1)] – employer to provide safety and health committee members and representatives the greater of 16 hours or the number of hours the worker normally works during two shifts, for training.
- Pay while attending educational leave programming and Exception [**NEW: sections 44(2.1) and (2.2)**] – employer to pay safety and health committee members, representatives or workers for the greater of: the hours spent at training or the regularly worked hours during a shift. Does not apply to employers at a construction project site or employers at a seasonal workplace as defined in subclause 40(1)(a)(i).

Discriminatory Action [section 42] (as of April 01, 2014)

- Failure to pay wages or benefits [**section 42(2)**]
 - failure to pay wages or benefits when required by the Act is a discriminatory action, in addition to those outlined in section 42(1)(a) through (h).

Workplace Safety and Health Branch (Division) & Southern Health-Santé Sud's WS&H Program

Department of Labor:

Winnipeg: (204) 957-7233

Website: <http://www.gov.mb.ca/labour/safety>

WS&H Program:

Mark Nore Regional Manager WS&H Program

mnore@southernhealth.ca

- Report serious incidents.
- Inquire about Workplace safety and health issues.
- Find out about the services offered by the Division.

Questions?

