



Document #: L-CMD01	 Operating Procedure (OP) <small>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg</small>	Status: Version 3.0 Revised: August 2024 Owner: Occupational and Environmental Safety and Health (OESH)
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Purpose	<p>In keeping with the Winnipeg Regional Health Authority (WRHA) commitment to providing a safe and healthy workplace as noted in the WRHA 'Workplace Safety and Health' policy, the following Operational Procedure has been developed to ensure that Workplace Health and Safety Committees are in place and functioning effectively.</p>
Background	<p>This OP supersedes Workplace Safety and Health Committees and Representatives (Version 2) dated April 2016</p>


1.0	<u>Guiding Principles</u>
1.1	<p>This operational procedure is also designed to ensure that when followed, the minimum requirements of Manitoba Workplace Safety and Health legislation is complied with and where possible exceeded.</p>
1.2	<p>As with all matters relating to the Safety and Health of workers, the Workplace Safety and Health Committee should be consulted for their input.</p>

2.0	<u>Definitions</u>
2.1	<p>The Act: means <i>The Workplace Safety and Health Act</i></p>
2.2	<p>Committee: Means a workplace safety and health committee established under section 40 of the Workplace Safety and Health Act.</p>
2.3	<p>Employer:</p> <ul style="list-style-type: none"> (a) Every person who, by himself or his agent or representative employs or engages one or more workers, and (b) the Crown and every agency of the government.
2.4	<p>Supervisor: Means a person who has charge of a workplace or authority over a worker.</p>
2.5	<p>Worker:</p> <ul style="list-style-type: none"> (a) Any person who is employed by an employer to perform a service whether for gain or reward, or hope of gain or reward or not. (b) Any person engaged by another person to perform services, whether under a contract of employment or not <ul style="list-style-type: none"> i who performs work or services for another person for compensation or reward on such terms and conditions that he is, in relation to that person, in a position of economic dependence upon that person more closely resembling the relationship of any employee than that of an independent contractor, and


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	ii who works or performs services in a workplace which is owned or operated by the person who engages him to perform services, (c) Any person undergoing training or serving an apprenticeship at an education institution or at any other place.
2.6	Directors / Managers / Supervisors / Lead: means a person who has charge of a workplace or authority over a worker.
2.7	OESH: Means the Occupational and Environmental Safety & Health department of the WRHA.
2.8	Consultation: Considering, without prejudice, the views, and the opinions of the committee throughout the decision-making process.
2.9	Quorum: One-half of the worker members and one-half of the members appointed by the employer.

3.0	<u>Operational Procedure</u>
3.1	<p>The facility/site/program/department shall establish a Workplace Safety and Health Committee for each workplace where at least 20 of their workers are regularly employed.</p> <p>The facility/site/program/department shall ensure where a safety and health committee are not required, but where five or more workers are regularly employed shall cause a worker not associated with management to be designated as the worker safety and health representative. The worker safety and health representative shall be appointed in accordance with the constitution of the union which is the certified bargaining agent or has acquired bargaining rights on behalf of those workers, or if no such union exists, shall be elected by the workers they represent.</p>
3.2	<p>The committee membership shall</p> <p>(a) consist of not fewer than four or more than 12 persons, of whom at least 1/2 shall be persons</p> <ul style="list-style-type: none"> i representing workers who are not associated with the management of the workplace, and ii appointed in accordance with the constitution of the union that is the certified bargaining agent or that has acquired bargaining rights on behalf of those workers, or where no such union exists, persons elected by the workers they represent; and <p>(b) shall have two co-chairpersons — one chosen by the employer members on the committee, and the other chosen by the worker members on the committee — who shall alternate in serving as chairperson at meetings of the committee and shall participate in all decisions of the committee.</p> <p>Note: Management members of the committee shall be appointed by the site leadership.</p>
3.3	<p>The term of office for committee members or representatives is two (2) years unless otherwise specified in a union collective agreement. Members continue to hold office until re-appointed or re-elected or until a successor is appointed or elected.</p>


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3.4	The name and the date that each member’s term of office expires, must be posted on the Health and Safety bulletin boards.
3.5	<p>The committee may designate standing resource positions (nonvoting) to attend the meetings. These may include but are not limited to:</p> <ul style="list-style-type: none"> (a) OESH site assigned Safety Coordinator & Musculoskeletal Injury Prevention Specialist (MSIPs) (b) Infection Prevention and Control representative (c) Facility Management (d) Shared Health representative (e) On site contracted representative
3.6	<p>The committee must establish written Rules of Procedure for discharging its duties and/or responsibilities. Refer to Appendix A. The rules must include but are not limited to:</p> <ul style="list-style-type: none"> (a) Regular meetings (frequency, day, time and place) (b) Procedure to be followed and type and amount of notice to be given to change the day, time or place of a regular meeting of the committee; and (c) Rules respecting the conduct of committee meetings. (d) Any information related to the committee and its duties that are not outlined in or that may differ from what is outlined by this operational procedure. Note: the requirements of the Workplace Safety and Health Act and Regulation are the minimum requirements to be met.
3.7	The committee must meet within one month of being established and, after that, at regular intervals not exceeding three months as specified in the committee’s written rules of procedure. Members must be given at least 3 days notice of any regularly scheduled meeting.
3.8	The employer must provide a committee with a suitable location for committee meetings and appropriate resources for carrying out its duties and functions.
3.9	A co-chairperson of a committee may call a special meeting to deal with matters of urgent concern, including but not limited to serious incidents, accidents or dangerous occurrences or matters believed to constitute a serious risk to the safety or health of a worker or other persons.
3.10	<p>A member of a committee or Representative 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 in the following manner:</p> <ul style="list-style-type: none"> (a) One hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting; (b) The time required to attend each meeting of the committee; (c) The time required to attend workplace safety and health training in accordance with section 44 of The Act, as approved by the committee and the employer, reflected in Section 5 of this Operational Procedure.


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	(d) Such time as the committee determines is necessary to carry out his or her duties as a committee member, as outlined under the Manitoba Workplace Safety and Health Act and Regulations and this Operational Procedure.
3.11	The member of the committee 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 as approved by the committee as described under section (3,10).


4.0	<u>Responsibilities</u>
4.1	Employer (a) Act in accordance with the objects and purposes of the Act by ensuring, so far as is reasonably practicable, the safety, health, and welfare at work of all workers; and (b) Comply with the Manitoba Workplace Safety and Health Act and Regulations as well as this Operational Procedure.
4.2	Facility/Site/Program Executive Team (a) Ensure the implementation of this operational procedure through provision of support to the Workplace Safety and Health Committee, as required. (b) Ensure resources (information, training, supplies and time) are made available to committee members to provide / maintain 4.2.1 (c) Demonstrate a commitment to objectives of the Operational Procedure throughout the facility/program. (d) Collaborate and co-operate with the workplace safety and health committee regarding the matters with which that committee is charged under the Workplace Safety and Health Act and Regulations. (e) Provide a bulletin board in a prominent place in the workplace that is readily accessible to workers for the exclusive use of committee members. (f) Provide the committee with a suitable location for committee meetings and appropriate resources for carrying out its duties and functions. (g) If requested by the committee or a representative, the facility/site/program/department shall disclose the following to the committee or representative: information concerning the testing of any equipment, device or chemical or biological substance used at a workplace; i an inspection or investigation report respecting safety and health at the workplace, other than a harassment investigation report; ii a report respecting workplace safety and health monitoring or audits. iii a report providing summary information on the results of a harassment investigation, without disclosing the circumstances relating to the complaint or any information that could identify a worker or other person involved with the matter.

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	<ul style="list-style-type: none"> (h) Ensure that a committee member or representative is allowed to examine any logbook, assessment, inspection report or other record that the facility/site/program/department or prime contractor is required to keep at the workplace under the Workplace Safety and Health Act or the regulations. (i) If a facility/site/program/department receives written recommendations from the committee, a representative or either committee co-chairperson regarding the health and safety of workers, the facility/site/program/department shall respond in writing to the committee, representative or committee co-chairperson/s within 30 days after receiving the recommendation/s. The response of a facility/site/program/department must: <ul style="list-style-type: none"> i contain a timetable for implementing the recommendations that the facility/site/program/department accepts. ii contain any interim control measures that the facility/site/program/department will implement to address the danger posed to the safety or health of a person; and iii give reasons why the facility/site/program/department disagrees with any recommendations that the facility/site/program/department does not accept. (j) In the event that the facility/site/program/department agrees with and implements all of the recommendation/s within 30 days of receiving the recommendation/s, a written response from the Facility/Site/Program Executive Team indicating such will be considered acceptable. The response must: <ul style="list-style-type: none"> i Contain the recommendations that the facility/site/program/department addressed ii Contain the control measures utilized to address each recommendation iii In the case where a recommendation stipulates the control method to be used, contain any alternative methods utilized to address recommendations. For each alternative method, a rationale will be provided to explain why the recommended control method was not used and how the alternative method addresses the recommendation iv Contain the date that each recommendation was implemented v Contain the date that the facility/site/program/department Executive Team returned the written response to the committee. (k) Other responsibilities that may be specified in the committee’s written rules of procedure as required in 3.6.
4.3	Directors/Managers/Supervisors/ Leads <ul style="list-style-type: none"> (a) Consult and co-operate with the workplace safety and health committee. (b) Provide sufficient time to committee members to uphold their responsibilities as outlined in, but not limited to, the specifications listed in 3.12. (c) Ensure that committee members are paid their regular or premium rate to uphold their responsibilities as outlined in this Operational Procedure. (d) Other responsibilities that may be specified in the committee’s written rules of procedure as required under 3.6.
4.4	Worker


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	Consult and co-operate with the workplace safety and health committee.
4.5	<p>Workplace Safety and Health Committees or Representatives</p> <p>(a) The duties of the committee will include but not be limited to:</p> <ul style="list-style-type: none"> i Receipt, consideration, and disposition of concerns and complaints respecting the safety and health of the workers. ii 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. iii 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. iv Co-operation with the occupational health service where established within the workplace v Co-operation with a safety and health officer exercising duties under the Workplace Safety and Health Act or the regulations vi Development and promotion of programs for education and information concerning safety and health in the workplace. vii The making of recommendations to the facility/site/program/department respecting the safety and health of workers. Where a committee fails to reach consensus, either co-chair may forward a safety and health recommendation to the facility/site/program/department. viii The inspection of the workplace, work processes, and procedures at least once before each regularly scheduled committee meeting as per the WRHA Inspections Operational Procedure. (Note: if a committee meets more than once per quarter then the inspections must be completed no less than once per quarter. The committee may choose to conduct inspections more frequently, however the chosen rate of inspections must still meet legislated requirements for such in all other regards). ix The participation in investigations of accidents and dangerous occurrences at the workplace. x The review of statistical information, investigations and/or reports related to injuries, near misses and dangerous occurrences at the workplace. xi The resolution of refusals of dangerous work as outlined in the WRHA Operational Procedure – Right to Refuse Dangerous Work. xii 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. xiii Such other duties as may be specified in this Act or prescribed by regulation. <p>(b) Ensure the following information is posted on the bulletin board provided:</p> <ul style="list-style-type: none"> i Name of each committee member and the date each member’s term of office expires. ii Scheduled dates of committee meetings. iii Agenda for each meeting. iv Copy of minutes of each meeting signed by the co-chairpersons which must remain posted until all matters of concern recorded in the minutes are resolved.


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	<ul style="list-style-type: none"> v Any improvement order, report or other documentation applicable to the workplace, issued by or recommended to be posted by a safety and health officer; vi Any order made by the director under section 21 or 40 of the Act vii Any other information that a committee member deems pertinent <p>Discuss with OESH on any other required information to post on your WSHC Bulletin Board.</p> <p>A committee member must not disclose a worker’s personal health information unless the disclosure is required or permitted by law. The committee must ensure that the minutes of each meeting are:</p> <ul style="list-style-type: none"> i Recorded in an acceptable format to the Workplace Safety and Health Branch ii Signed by the co-chairpersons iii Kept at the workplace for a period of not less than 10 years from the date of the meeting iv Distributed as follows within 7 days of a committee meeting: <ul style="list-style-type: none"> v One copy to each member of the committee vi One copy to be posted on the Safety and Health Bulletin Board vii One copy to the OESH Safety Coordinator responsible for the facility/site/program/department. viii One copy to each standing resource positions (nonvoting). ix A copy may be sent to any other entity, as determined by majority consensus of the committee. <p>(c) Other responsibilities that may be specified in the committee’s written rules of procedure as required in 3.6.</p>
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<p>4.6</p>	<p>Co-Chairs of Workplace Safety and Health Committees</p> <ul style="list-style-type: none"> (a) Alternate who is facilitating the meetings. (b) Meet prior to the scheduled meeting to prepare the agenda. (c) Approve and sign the minutes of committee meetings prior to distribution. (d) Ensure that the names of the committee members are posted in a conspicuous location throughout the facility/site/program/department. (e) If a committee has failed to reach a decision about whether or not to make a recommendation to the facility/site/program after attempting in good faith to do so, either co-chairperson may make written recommendations to the facility/site/program/department. (f) May call a special meeting to deal with matters of urgent concern, including but not limited to serious incidents, accidents, dangerous occurrences or matters believed to constitute a serious risk to the safety or health of a worker or other persons. (g) Respond to requests and inquiries made from a Safety and Health Officer (h) Accompanying a Safety and Health Officer who conducts an inspection or investigation at a workplace, as requested by the Safety Officer
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	(i) Other responsibilities that may be specified in the committee's written rules of procedure as required in 3.6.
4.7	<p>Occupational and Environmental Safety & Health</p> <ul style="list-style-type: none"> (a) Assist facility/site/program/department with interpretation and implementation of this Operational Procedure. (b) Act as a resource for the Workplace Safety and Health Committee or Representative. (c) Provide information respecting lost time injuries in the facility/site/program/department to the committee members. (d) Act in a consultative manner to the committee in matters of Health & Safety as requested by the committee (e) Assist in the interpretation of Health and Safety related documents presented to the Committee (f) Assist the committee in the resolution and dispensation of safety concerns (g) Assist the committee in meeting its legislated requirements for training.
5.0	<u>Training Requirements</u>
5.1	The facility/site/program/department must ensure that committee members or representatives are trained to competently fulfill their duties as committee members or representatives as outlined in this Operational Procedure.
5.2	<p>The facility/site/program/department must allow each member of the committee, the representative, or their respective designates, to take educational leave each year, without loss of pay or benefits, for the purpose of attending workplace safety and health training seminars, programs or courses of instruction, as stipulated below:</p> <ul style="list-style-type: none"> (a) SAFE Work Manitoba (b) Manitoba Association for Safety in Healthcare (MASH) (c) Occupational and Environmental Safety & Health (OESH) (d) approved by the committee; or (e) provided for in the current collective bargaining agreement respecting the workers at the workplace
5.3	The amount of time allowed for educational leave is greater than either 16 hours or the total number of hours the employee would normally work during two shifts.
5.4	The total number of safety and health committee members for whom the facility/site/program/department is required to provide this educational leave during any year is equal to the number of members constituting the normal size of the committee as determined in the committee's Rules of Procedures.
5.5	The facility/site/program/department must pay a committee member, representative or designate who attends a workplace safety and health training program referred to in this section at the worker's regular or

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	premium pay, as applicable, for the greater of the actual number of hours spent attending the training; and the number of hours the worker normally works during a normal shift.
5.6	All training must be documented. Records must be kept as required by the Workplace Safety and Health Act and Regulations. See Appendix B - Education Tracking WSHC template 2023

6	REFERENCES
6.1	REFERENCES: Government of Manitoba. (2022). The Workplace Safety and Health Act – W210 10/02. Winnipeg: Queen’s Printer. www.safemanitoba.com Government of Manitoba. (2022). The Workplace Safety and Health Regulation – 217/2006. Winnipeg: Queen’s Printer. www.safemanitoba.com

7	APPENDIX
7.1	Appendix A - Rules of Procedure May 2023 Appendix B - Education Tracking WSHC template 2023