

OCCUPATIONAL AND ENVIRONMENTAL SAFETY & HEALTH OPERATIONAL PROCEDURE

Subject: Workplace Safety and Health Committees and Representatives

Effective Date: April 2016 **Supersedes:** March 2009

Review Date: 3 years or legislation or job changes

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1.0 GUIDING PRINCIPLES

- 1.1 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 (20.10.030), the following Operational Procedure has been developed to ensure that Workplace Health and Safety Committees are in place and functioning effectively.
 - 1.2 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.
 - 1.3 As with all matters relating to the Safety and Health of workers the Workplace Safety and Health Committee should be consulted for their input.
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2.0 DEFINITIONS

- 2.1 **The Act:** The Workplace Safety and Health Act W210 of Manitoba.
- 2.2 **Committee:** Means a workplace (occupational) safety and health committee established under section 40 of the Workplace Safety and Health Act.
- 2.3 **Employer:**
 - 2.3.1 Every person who, by himself or his agent or representative employs or engages one or more workers,
 - 2.3.2 and The Crown and every agency of the government.
- 2.4 **Supervisor:** Means a person who has charge of a workplace or authority over a worker.
- 2.5 **Worker:**
 - 2.5.1 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.
 - 2.5.2 Any person engaged by another person to perform services, whether under a contract of employment or not

- 2.5.3 Any person undergoing training or serving an apprenticeship at an education institution or at any other place.
- 2.6 **Director** – means the person administratively responsible for the department or unit. Director includes heads of departments.
- 2.7 **OESH** - means the Occupational and Environmental Safety and Health Unit
- 2.8 **Consultation** – consider in good faith, the views and the opinions of the committee in the process of making a decision.
- 2.9 **Quorum** – one half of the worker members and one half of the members appointed by the employer.

3.0 OPERATIONAL PROCEDURE

- 3.1 The facility/site/program shall establish a Workplace Safety and Health Committee for each workplace where at least 20 of their workers are regularly employed. The number of workers employed at a workplace shall be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each working day. *More than one Committee may be necessary dependent on the size of the facility and the number of workers. For example, Health Sciences Centre may have building committees.*

Facilities/sites where a safety and health committee is 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 he represents.

- 3.2 The committee membership shall
- 3.2.1 consist of not fewer than four or more than 12 persons, of whom at least 1/2 shall be persons representing workers who are not associated with the management of the workplace.
- 3.2.2 be 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.
- 3.2.3 be such that it represents all aspects of the facility/site/program.
- 3.2.4 ensure that if more than one union is present in the facility/site/program, the worker membership of the Committee will be made up of at least one representative from each union.

Note: Management members of the Committee shall be appointed.

- 3.3 The facility/site must not influence or attempt to influence the election of the worker members of a committee. An employer, prime contractor or worker who disputes
- 3.3.1 the number of worker members to be elected; or
- 3.3.2 the election of, or manner of electing, worker members; may refer the dispute to a safety and health officer employed by the Department of Labour, Workplace Safety and Health who may issue an order in accordance with the Act.

- 3.4 The term of office for committee members or representatives is two (2) years unless otherwise specified in a union agreement. Members continue to hold office until re-appointed or re-elected or until a successor is appointed or elected.
- 3.5 The Committee 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. Co-chairs shall alternate in serving as chairperson at meetings of the committee and shall participate in all decisions of the committee.
- 3.6 The names and departments of all Committee members and/or Representatives must be posted on the Health and Safety bulletin boards.
- 3.7 The Committee may designate standing resource positions (non voting) to attend the meetings. These may include but are not limited to:
 - 3.7.1 OESH site assigned Safety Coordinator
 - 3.7.2 Infection Prevention and Control
 - 3.7.3 Facility Management
- 3.8 The Committee must establish written rules of procedure for discharging its duties and/or responsibilities. *Refer to Appendix B.* The rules must include but are not limited to:
 - 3.8.1 Regular meetings (frequency, day, time and place)
 - 3.8.2 Procedure to be followed and type and amount of notice to be given to change the day, time or place of a regular meeting; and
 - 3.8.3 Rules respecting the conduct of committee meetings.
 - 3.8.4 Any information related to the committee and its duties that are not outlined in or differ from this operational procedure. *Note: the requirements of the Workplace Safety and Health Act and Regulation are the minimum requirements to be met.*
- 3.9 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.
- 3.10 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.
- 3.11 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. The member shall be paid 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.
- 3.12 A member of the committee or Representative is to receive time off from their regular duties to perform the following safety and health committee member duties:
 - 3.12.1 one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting
 - 3.12.2 the time required to attend each meeting of the committee
 - 3.12.3 the time required to attend safety and health training as per Section 5 of this Operational Procedure as approved by the committee and the facility/site/program.
 - 3.12.4 Such time as the committee determines is necessary to carry out his or her duties as a committee member as outlined in this Operational Procedure.

4.0 RESPONSIBILITIES

4.1 Facility/site/program

- 4.1.1 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 his workers, and complying with the Act and regulations.

4.2 Facility/Program Executive Team

- 4.2.1 Assign responsibilities to staff within the facility/program to ensure the implementation of this operational procedure.
- 4.2.2 Ensure resources (information, training, tool, equipment and time) are available to provide / maintain 4.2.1
- 4.2.3 Support the Operational Procedure throughout the facility/program.
- 4.2.4 Consult and co-operate with the workplace safety and health committee regarding the duties and matters with which that committee is charged under the Workplace Safety and Health Act and Regulation
- 4.2.5 Provide a bulletin board in a prominent place in the workplace that is readily accessible to workers for the exclusive use of committee members.
- 4.2.6 Provide the committee with a suitable location for committee meetings and appropriate resources for carrying out its duties and functions.
- 4.2.7 If requested by the committee or a representative, the facility/site/program shall disclose the following to the committee or representative:
 - 4.2.7.1 information concerning the testing of any equipment, device or chemical or biological substance used at a workplace;
 - 4.2.7.2 an inspection or investigation report respecting safety and health at the workplace;
 - 4.2.7.3 a report respecting workplace safety and health monitoring or audits.
- 4.2.8 Ensure that a committee member and a representative is allowed to examine any logbook, assessment, inspection report or other record that the facility/site/program or prime contractor is required to keep at the workplace under the Workplace Safety and Health Act or the regulations.
- 4.2.9 If an facility/site/program receives written recommendations from the committee, representative or committee co-chairperson identifying anything that may pose a danger to safety or health of any person, the facility/site/program shall respond in writing to the committee, representative or committee co-chairperson no later than 30 days after receiving the recommendations unless the facility/site/program implements all of the recommendations within 30 days of receiving the recommendations. The response of an facility/site/program must:
 - 4.2.9.1 contain a timetable for implementing the recommendations that the facility/site/program accepts;
 - 4.2.9.2 contain any interim control measures that the facility/site/program will implement to address the danger posed to the safety or health of a person; and
 - 4.2.9.3 give reasons why the facility/site/program disagrees with any recommendations that the facility/site/program does not accept.

4.2.10 Other responsibilities that may be specified in the Committee's written rules of procedure as required in 3.8.

4.3 **Directors/Managers/Supervisors**

4.3.1 Consult and co-operate with the workplace safety and health committee.

4.3.2 Provide sufficient time to committee members to uphold their responsibilities.

4.3.3 Ensure that Committee members are paid their regular or premium rate to uphold their responsibilities as outlined in the Operational Procedure.

4.3.4 Other responsibilities that may be specified in the Committee's written rules of procedure as required in 3.8.

4.4 **Worker**

4.4.1 Consult and co-operate with the workplace safety and health committee.

4.5 **Workplace Safety and Health Committees or Representatives**

4.5.1 The duties of the Committee will include but not be limited to:

4.5.1.1 Receipt, consideration, and disposition of concerns and complaints respecting the safety and health of the workers.

4.5.1.2 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.

4.5.1.3 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.

4.5.1.4 Co-operation with the occupational health service where established within the workplace

4.5.1.5 Co-operation with a safety and health officer exercising duties under the Workplace Safety and Health Act or the regulations

4.5.1.6 Development and promotion of programs for education and information concerning safety and health in the workplace.

4.5.1.7 The making of recommendations to the facility/site/program 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.

4.5.1.8 The inspection of the workplace, work processes, and procedures at the 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 once per quarter).

4.5.1.9 The participation in investigations of incidents that result in medical attention, lost time or had the potential to cause a serious incident as outlined in the WRHA Operational Procedure – Injury/Near Miss Reporting.

4.5.1.10 The investigation of serious incidents as defined in the WRHA Operational Procedure – Injury/Near Miss Reporting.

4.5.1.11 The review of statistical information, investigations and/or reports related to injuries, near misses and dangerous occurrences at the workplace.

4.5.1.12 The resolution of refusals of dangerous work as outlined in the WRHA Operational Procedure – Right to Refuse Dangerous Work.

- 4.5.1.13 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.
- 4.5.2 Ensure the following information is posted on the bulletin board provided:
 - 4.5.2.1 Name of each committee member and the date each member's term of office expires.
 - 4.5.2.2 Scheduled dates of committee meetings.
 - 4.5.2.3 Agenda for each meeting.
 - 4.5.2.4 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.
 - 4.5.2.5 Reporting and Resolution of Safety and Health Concerns Poster.
 - 4.5.2.6 Any other item that the committee deems pertinent.
- 4.5.3 A committee member must not disclose a worker's personal health information unless the disclosure is required or permitted by law.
- 4.5.4 The committee must ensure that the minutes of each meeting are
 - 4.5.4.1 Recorded in an acceptable format
 - 4.5.4.2 Signed by the co-chairpersons
 - 4.5.4.3 Kept at the workplace for a period of not less than 10 years from the date of the meeting
 - 4.5.4.4 Distributed as follows within 7 days:
 - 4.5.4.4.1 One copy on file
 - 4.5.4.4.2 One copy to each member of the Committee
 - 4.5.4.4.3 One copy to be posted on the Safety and Health Bulletin Board
 - 4.5.4.4.4 One copy to be sent by email, fax or mail to the Department of Labour and Immigration - Workplace Safety and Health Division
 - 4.5.4.4.5 One copy to the OESH Safety Coordinator responsible for the facility/site/program.
- 4.5.5 Other responsibilities that may be specified in the Committee's written rules of procedure as required in 3.8.
- 4.6 **Co-Chairs of Workplace Safety and Health Committees**
 - 4.6.1 Alternate facilitating the meetings.
 - 4.6.2 Meet prior to the scheduled meeting to prepare the agenda.
 - 4.6.3 Approve and sign the minutes prior to distribution.
 - 4.6.4 Ensure that the names of the committee members are posted in a conspicuous location throughout the department/facility/site/program.
 - 4.6.5 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.
 - 4.6.6 Other responsibilities that may be specified in the Committee's written rules of procedure as required in 3.8.

4.7 Occupational and Environmental Safety & Health

- 4.7.1 Assist facility/site/program with interpretation and implementation of this Operational Procedure.
 - 4.7.2 Act as a resource for the Workplace Safety and Health Committee or Representative.
 - 4.7.3 Provide information respecting lost time injuries in the department/facility/site/program to the committee members.
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5.0 TRAINING REQUIREMENTS

- 5.1 The facility/site/program 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 The facility/site/program 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.
 - 5.3 The amount of time allowed for educational leave is the greater of 16 hours and the number of hours the worker normally works during two shifts.
 - 5.4 The total number of safety and health committee members for whom the facility/site/program is required to provide this educational 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 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 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.
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REFERENCES:

- Government of Manitoba. (2002). *The Workplace Safety and Health Act – W210*. Winnipeg: Queen's Printer. www.safemanitoba.com
- Government of Manitoba. (2006). *The Workplace Safety and Health Regulation – 217/2006*. Winnipeg: Queen's Printer. . www.safemanitoba.com
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Appendices:

- Appendix A: Committee Minutes Form
- Appendix B: WRHA Rules of Procedure
- Appendix C: Workplace Safety and Health Committee Structure