



**CEU REPRESENTATIVE  
JOINT HEALTH AND SAFETY COMMITTEE  
MANUAL**

# TABLE OF CONTENTS

	Page #
<b>JOINT HEALTH AND SAFETY COMMITTEE CONTACTS</b> .....	4
<b>INTRODUCTION</b> .....	6
Welcome to the JHSC.....	6
<b>THE ROLE OF A CEU JHSC REPRESENTATIVE</b> .....	7
Your job is to identify health & safety hazards.....	7
You can speak freely about health & safety issues.....	7
Your work is on the employer’s time.....	7
Our Collective Agreement gives CEU right to help you.....	8
Keep your members informed.....	9
<b>ROLE OF THE JHSC</b> .....	10
JHSC must have worker and management representatives.....	10
Workers’ Compensation Act mandates committee’s role.....	11
Duties and functions of joint committee.....	11
<b>JHSC RESPONSIBILITIES</b> .....	13
Your responsibility to make sure JHSC is effective.....	13
<b>SELECTION AND TERM OF JHSC MEMBERS</b> .....	14
The Workers’ Compensation Act gives CEU right to select worker reps.....	14
CEU Executive determines the election process.....	14
Contact CEU Rep. if you can’t fulfill your duties.....	15
CEU JHSC Reps select their own co-chair.....	15
List of JHSC members is posted on WSN and Bulletin Boards.....	15
<b>JHSC EDUCATIONAL LEAVE</b> .....	
Employer must allow work time for training.....	
<b>JHSC STRUCTURE</b> .....	
At least half the JHSC must be CEU Reps.....	
There must be a worker and employer co-chair.....	
Disagreements within JHSC.....	
<b>JHSC MEETINGS</b> .....	
Monthly Meetings.....	
Co-Chairs.....	
Secretary.....	
Terms of Reference.....	
Meeting Minutes.....	
New Business Items.....	
Old Business Items.....	
Recommendations.....	
Statistical Reports.....	
Next Meeting.....	
Meeting adjournment time.....	
<b>PROCESS FOR RESOLVING HEALTH AND SAFETY ISSUES</b> .....	
Health and Safety Issue Flow Chart.....	
Employer has primary responsibility for safety.....	
Members should come to you if not satisfied.....	
JHSC should deal with issues that aren’t resolved.....	
Committee has power to recommend solution.....	
Employer must respond to recommendation.....	
Refer unresolved issues to CEU Corp. Health & Safety Committee co-chair.....	

Health and Safety Issue Flow Chart.....

Employer has primary responsibility for safety.....

Members should come to you if not satisfied.....

JHSC should deal with issues that aren't resolved.....

Committee has power to recommend solution.....

Employer must respond to recommendation.....

Refer unresolved issues to CEU Corporate Health & Safety Co-chair.....

**RECORDS**.....

**STATISTICS**.....

**INSPECTIONS**.....

    Worksites must be inspected monthly.....

    Report deficiencies to manager.....

**ACCIDENT/INCIDENT INVESTIGATIONS**.....

    Accident/Incident Report forwarded to JHSC.....

    Accident/Incidents must be investigated.....

    You are responsible for making sure action is taken.....

**REFUSAL OF UNSAFE WORK**.....

    The Collective Agreement and Workers' Compensation Act allow worker to  
    refuse unsafe work.....

**OTHER JHSC RESPONSIBILITIES**.....

    Working alone or in isolation.....

    Ergonomic (MSI) requirements.....

    Consultation.....

**THE CORPORATE JOINT HEALTH AND SAFETY COMMITTEE**.....

**JOINT HEALTH AND SAFETY COMMITTEE**  
**CONTACTS**

	Name	Phone	Email
Steward			
Manager			
CEU Corporate Health & Safety Rep			
Safety Health and Wellness		1610	Safety (Corporate) (SM)
First Aid Attendants			
Security			
Property Management			
<b>Joint Health and Safety Committee members</b>			
Warden(s)			

CEU Corporate Health and Safety Committee representatives:

Chris Lundquist	604-231-8326
David Farrell, Co-Chair	604-354-5703
Brenda Matsalla	604 232 7797
Rachael Barbour	604-232-5974
Andrew Lim	604-244-6488

## **INTRODUCTION**

**Welcome to the Joint Health and Safety Committee (JHSC).** The CEU Executive and CEU members of the Corporate Health and Safety Committee thank you for taking on this important duty.

This manual is designed to help you in your role as a CEU worker representative on the JHSC. Your role is essential in ensuring a safe and healthy workplace for you and your fellow workers. You have the support of the CEU in this position.

The purpose of this manual is to:

- Provide an overview of your duties and responsibilities in this position.
- Provide basic information on how to fulfill your duties.
- Tell you how to obtain more information or assistance.
- Define the major areas of responsibility of the JHSC.
- Explain the CEU's role in health and safety matters.

Contact your CEU Corporate Health and Safety Committee representative if you have questions or require more information.

## **THE ROLE OF A CEU JHSC REPRESENTATIVE**

The Workers Compensation Act (WCA) requires worker representation on a Joint Health and Safety Committee. Under the WCA every worker must take reasonable care to protect their own and other workers' health and safety. As a CEU JHSC representative you have broader responsibilities.

### **Your job is to identify health and safety hazards**

WCA Section 130 outlines the duties and functions of JHSCs of which your role is integral. This legislation gives you and the committee the authority to identify health and safety issues, recommend solutions and facilitate enforcement of the regulation. As a CEU JHSC worker representative you have been elected to represent the members at your worksite on health and safety issues. Sometimes this will put you in the position of disagreeing with management, other worker representatives, or CEU members.

### **You can speak freely about health and safety issues**

In order to stand up for the interests of your workplace, you have the obligation to speak freely while on this committee. The WCA Division 6 prohibits any discriminatory action against you for your activities on the committee or raising any other health and safety matters.

### **Your work is on the employer's time, not yours**

Your time away from your work for meetings and other committee functions is time worked for the employer. These are work duties and the employer will pay you for this time.

**Time from work for meetings and other committee functions**

WCA Section 134

- (1) *Each member of a joint committee is entitled to time off from work for*
  - (a) *the time required to attend meetings of the committee, and*
  - (b) *other time that is reasonably necessary to prepare for meetings of the committee and to fulfill the other functions and duties of the committee.*
- (2) *Time off under subsection (1) is deemed to be time worked for the employer, and the employer must pay the member for that time.*

**Our collective agreement gives the CEU the right to help you**

Article 58 of the Collective Agreement between the WCB and the CEU requires the employer to comply with the WCA and the Occupational Health and Safety Regulation (OHSR). Also, it identifies a process for consultation between the parties.

**Statutory Compliance**

Collective Agreement Section 58.01

*The Parties agree to cooperate fully in the promotion of safe work habits and safe working conditions and in the prevention of accidents and occupational diseases in the workplace. In doing so, the Parties will adhere to the provisions of the Workers' Compensation Act and related regulations.*

## **Joint Occupational and Health Committees**

Collective Agreement Section 58.02

*(a) The Parties recognize the joint Occupational Health and Safety Committees in promoting a safe workplace. The Occupational Health and Safety Committees will be established and governed in accordance with the provisions of the Occupational Health and Safety Regulation made pursuant to the Workers' Compensation Act. The Committees will be between as the Board and the Union, with equal representation, and with each party appointing its own representatives.*

*(b) The process for consultation for Occupational Health and Safety Issues will be in the following sequence:*

- (i) Joint Occupational Health and Safety Committees;*
- (ii) Divisional Management and Union Representative;*
- (iii) Safety, Health and Security Department and Union Representative.*

### **Keep your members informed**

We cannot over emphasize the importance of the JHSC and your role. You are required to communicate details of JHSC activities and decisions to your work location. You are encouraged to present this information at the monthly staff health and safety meetings.

Keep the workers that approach you with an issue informed until the issue is resolved.

## **ROLE OF THE JHSC**

### **The JHSC must have worker and management representatives**

The JHSC is made up of worker and employer representatives working together to identify and resolve health and safety problems in the work place.

WCA Section 125 states:

*An employer must establish and maintain a JHSC in  
(a) each workplace where 20 or more workers of the employer  
are regularly employed.*

### **Smaller offices have a single representative**

Single worker representatives have been assigned to offices with less than 20 employees. These representatives have the same rights, responsibilities and duties and functions as a JHSC.

While the employer is ultimately responsible for the overall health and safety program, the JHSC's have legislated duties and functions.

## **The Workers' Compensation Act mandates the committee's role**

### **Duties and functions of joint committee**

#### ***WCA Section 130:***

*A joint committee has the following duties and functions in relation to its workplace:*

- (a) to identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations;*
- (b) to consider and expeditiously deal with complaints relating to the health and safety of workers;*
- (c) to consult with workers and the employer on issues related to occupational health and safety and occupational environment;*
- (d) to make recommendations to the employer and the workers for the improvement of the occupational health and safety and occupational environment of workers;*
- (e) to make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with this Part and the regulations and to monitor their effectiveness;*
- (f) to advise the employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers;*
- (g) to advise the employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers;*
- (h) to ensure that accident investigations and regular inspections are carried out as required by this Part and the regulations;*
- (i) to participate in inspections, investigations and inquiries as provided in this Part and the regulations;*
- (j) to carry out any other duties and functions prescribed by regulation.*

Every employee has a responsibility to report problems to the manager. However if the problem is not corrected it should be reported to a member of the JHSC.

## **JHSC RESPONSIBILITIES:**

**It is your responsibility to make sure the JHSC is effective**

- Hold regular meetings once a month.
- Set the terms of reference.
- Ensure workplace inspections are done once a month and reports are reviewed.
- Ensure accident investigation reports are conducted, reports are reviewed and appropriate actions are taken.
- Ensure management corrects any health and safety issues.
- Deal with employee health and safety issues.
- Ensure monthly staff health and safety meetings take place.

## **SELECTION AND TERM OF JHSC MEMBERS**

**The WCA gives the CEU the right to select worker representatives.**

### **Selection of worker representatives**

WCA Section 128

- (1) *The worker representatives on a joint committee must be selected from workers at the workplace who do not exercise managerial functions at that workplace, as follows:*
- (a) *If the workers are represented by one or more unions, the worker representatives are to be selected according to the procedures established or agreed on by the union or unions.*

**The CEU Executive determines the election process**

### Resolution of the CEU Executive

*We resolve that the CEU representatives of the Local Safety Committees be elected biannually in the month of November, in odd numbered years, for a term of two years starting the following January first. Should the election not produce sufficient representatives, the CEU Co-Chair of the Corporate Safety Committee is empowered to appoint a representative. Once elected, the CEU Representatives of the Local Safety Committees will identify 2 alternates in their jurisdiction by the following January 31. If they are unable to identify alternates by that date, the CEU Co-Chair of the Corporate Safety Committee is empowered to appoint alternates.*

**Contact the CEU Representative if you cannot fulfill your duties**

If you are unable to complete your term, contact your CEU Corporate Health and Safety Committee representative. The CEU Chair will appoint a replacement.

**The CEU JHSC representatives select their own co-chair**

The CEU representatives will select a co-chair from its membership.

**The list of JHSC members is posted on WSN and Bulletin Boards**

Your name and work location will be posted to WSN and the Health and Safety bulletin board(s).

## **JHSC EDUCATIONAL LEAVE**

### **The employer must allow work time for training**

As a JHSC member you are entitled to 8 hours training each calendar year. The time taken for training is time worked and is paid for by the employer. The employer also pays for the costs of any training course and the reasonable costs of attending the course.

#### **Educational Leave**

WCA Section 135.

*(1) Each member of a joint committee is entitled to an annual educational leave totalling 8 hours, or a longer period if prescribed by regulation, for the purposes of attending occupational health and safety training courses conducted by or with the approval of the board*

The CEU recommends the BC Federation of Labour training courses and encourages your participation in these. The CEU encourages you to take this training early in your term.

You are to ensure that the employer maintains a record of the courses you have taken.

## **JHSC STRUCTURE**

JHSC are made up of two co-chairs, an employer and CEU member, employer and CEU representatives, and alternates. The JHSC will also have someone performing secretarial duties. This person may be a committee representative or an assigned individual.

### **Other employer obligations to support committee**

WCA Section 136

*(1) The employer must provide the joint committee with the equipment, premises and clerical personnel necessary for the carrying out of its duties and functions.*

### **At least half the JHSC must be CEU representatives**

WCA Section 127(c) states that at least half the members must be worker representatives. Within this requirement, the employer has determined the number of management, worker and alternate representatives for each JHSC.

### **There must be a worker and employer co-chair**

WCA Section 127(d) requires that there must be 2 co-chairs, one selected by the worker representatives and the other selected by the employer.

WCA Section 131(1) states the co-chairs will determine the JHSCs' rules of procedure, including rules respecting how it is to perform its duties and functions.

## **Disagreements within JHSC**

Contact the CEU Corporate Health and Safety Committee Co-Chair.

## **JHSC MEETINGS**

### **Monthly Meetings**

WCA Section 131 (2) states that JHSC meetings are held at least once a month. Meetings are to be scheduled so that all regular members can attend each month. If you are not able to attend, arrange for an alternate to attend on your behalf. Each meeting must have at least one management member present and management representatives must not outnumber the CEU representatives. **If a meeting is missed, it is your responsibility to resolve the issue within your JHSC. If this is not successful or another meeting is missed, work with the CEU Corporate Health and Safety Committee Co-Chair to resolve the issue.**

Special meetings will be held at the call of the co-chairs. These meetings are held when an issue requires immediate attention or for issues identified by the JHSC that require additional time to that provided for in the monthly meeting.

### **Co-chairs:**

Jointly set the agenda, facilitate the meetings, prepare recommendations to management, and liaise with the CEU Corporate Health and Safety Committee representative.

### **Secretary**

WCA Section 136 (1) outlines that an employer is to provide clerical personnel to assist in the duties and functions of the committee. These include:

- Arrange for the meeting place.
- Notify the members of the meetings via Outlook calendar.
- Publish and distribute the agenda.
- Publish meeting minutes.
- Distribute the minutes.

- Post the minutes on the health and safety bulletin board(s).
- Maintain the health and safety bulletin board(s).

### **Terms of Reference**

The first meeting after the elections, the JHSC will establish the terms of reference. A copy of the terms of reference is to be forwarded to the CEU Corporate Health and Safety Co-Chair.

### **Meeting Minutes**

Minutes are required for each JHSC meeting. The JHSC secretary is responsible for documenting the minutes and distributing them well before the next meeting. Review the accuracy of the minutes before the next meeting. If the minutes are not accurate or incomplete be sure they are amended before they are adopted.

A copy of the meeting minutes is forwarded to the CEU Corporate Health and Safety Co-Chair.

### **New Business Items**

Raise issues that have been reported to the manager and have not been adequately resolved and any issues of interest to the JHSC.

### **Old Business Items**

Ensure old business items are tracked until the JHSC is satisfied they are resolved.

### **Recommendations**

If JHSC is not satisfied with the resolve at the local level, then the co-chairs, with help from the committee, will write a recommendation to the employer.

### **Statistical Reports**

Review monthly workplace inspections, hazardous conditions in the workplace reports, first aid records, accident/incident investigations, ergo liaison team reports and staff safety meeting minutes.

### **Next meeting**

The date, time and place of next meeting will be agreed upon.

### **Meeting adjournment time**

Document time in meeting minutes.

# PROCESS FOR RESOLVING HEALTH AND SAFETY ISSUES

## Health and Safety Issue Flow Chart

The chart at the end of this section and this explanation are meant to be a model of how issues should flow through the manager, JHSC and labour relations. It is not meant to cover every situation. You or any member may seek help, advice or intervention from your steward and/or the CEU Corporate Health and Safety Co-Chair at any time.

1. **The employer has primary responsibility for safety-** The primary responsibility for health and safety in the workplace falls to the employer. If a health and safety issue arises, members must report it to their manager. Note: If a member feels uncomfortable approaching their manager, it is appropriate for them to contact you and/or their steward to raise the issue with the manager on their behalf.
2. **Members should come to you if they are not satisfied-** If the member is not satisfied with the manager's actions at step 1, the issue will be referred to you, (if you are not already involved at step 1). You are to attempt to resolve the issue with the manager and steward.
3. **The JHSC should deal with issues that aren't resolved-** If the issue is not resolved, take it to the JHSC for the next meeting or request a special meeting if the issue is pressing. The JHSC will attempt to resolve the issue.
4. **The committee has the power to recommend a solution-** If the issue is not resolved, the JHSC should submit a

recommendation outlining a proposed solution(s) to the issue. If the committee does not submit a recommendation and you think it should, contact your steward and the CEU Corporate Health and Safety Committee Co-Chair. If you feel the recommendation is inappropriate or inadequate, contact your steward and the CEU Corporate Health and Safety Committee Co-Chair. If a recommendation is submitted, you must check that the employer has responded in 21 days.

5. **The employer must respond to a recommendation in 21 days-** The employer is required by legislation to respond in writing within 21 days to recommendations. If the employer cannot respond within 21 days, they are to provide the reasons why in writing. If the employer does not meet these requirements, go to step 7.
6. If employer's response does not resolve the issue, go to step 7.
7. **Refer any unresolved issues to the CEU Corporate Health and Safety Committee Co-Chair-** Consultation will take place to determine whether it is appropriate to act under the WCA, the Collective Agreement or both.

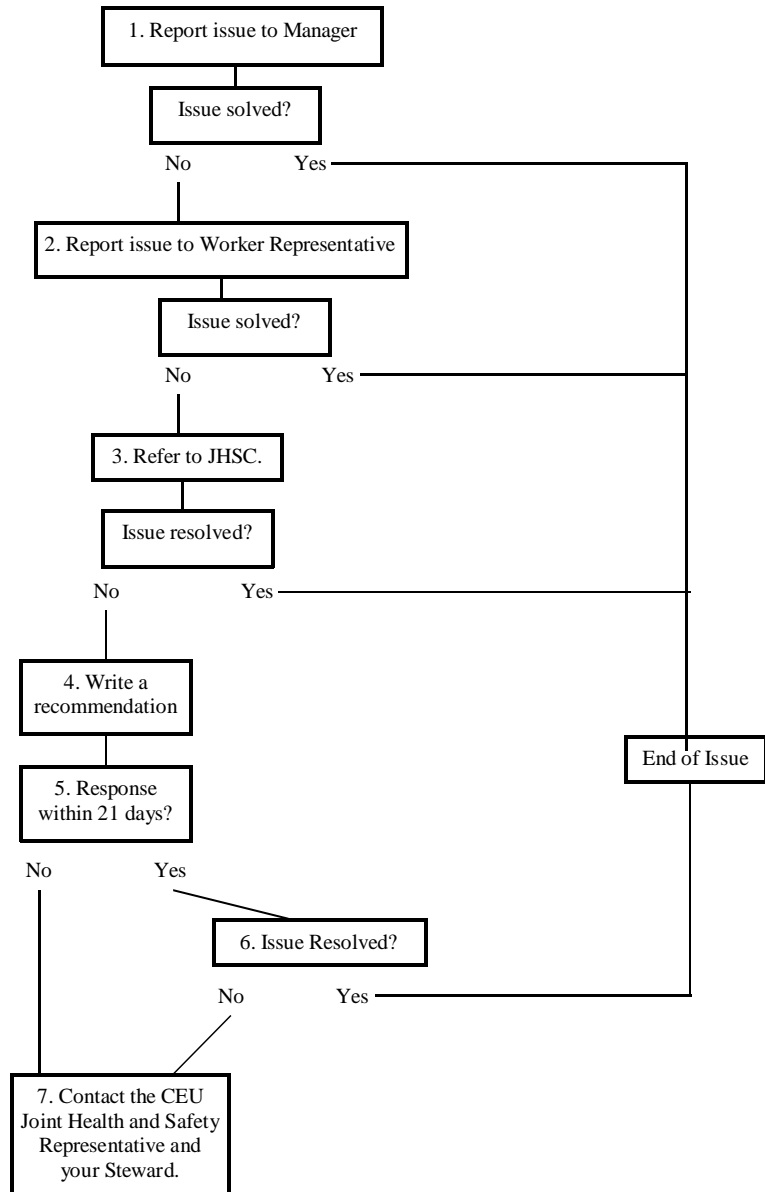
**Note that nothing above limits the ability of the CEU to act under the Collective Agreement at any time.**

## **Employer must respond to committee recommendations**

### WCA Section 133

- (1) *This section applies if a joint committee sends a written recommendation to an employer with a written request for a response from the employer.*
- (2) *Subject to subsections (4) and (5), the employer must respond in writing to the committee within 21 days of receiving the request, either*
  - (a) *indicating acceptance of the recommendation, or*
  - (b) *giving the employer's reasons for not accepting the recommendation.*
- (3) *If the employer does not accept the committee's recommendations, a co-chair of the committee may report the matter to the Board, which may investigate and attempt to resolve the matter.*
- (4) *If it is not reasonably possible to provide a response before the end of the 21 day period, the employer must provide within that time a written explanation for the delay, together with an indication of when the response will be provided.*
- (5) *If the joint committee is not satisfied that the explanation provided under subsection (4) is reasonable in the circumstances, a co-chair of the committee may report this to the Board, which may investigate the matter and may, by order, establish a deadline by which the employer must respond.*
- (6) *Nothing in this section relieves an employer of the obligation to comply with this Part and the regulations.*

## Flowchart



## **RECORDS**

Records recording health and safety activities are to be maintained. The JHSC should have the following records available at each meeting for the committee to review:

- Meeting minutes
- Workplace inspections
- Hazardous conditions in the workplace reports
- First aid reports
- Accident/incident investigations
- Ergo liaison team reports
- Staff safety meeting minutes
- Workplace monitoring results

You may draw on these records to assist in identifying health and safety issues.

The employer may audit the JHSC activities and records. The CEU sees the audit as a valuable process in developing the Health, Safety and Security program. You are encouraged to participate in any audits.

## **STATISTICS**

The employer is updating their statistical reporting requirements.  
Details will be forwarded.

# INSPECTIONS

## **Worksites must be inspected monthly**

The JHSC is to ensure regular monthly inspections of the work location are conducted. In your first meeting after the elections the JHSC will schedule the inspections for the year. Inspections identify hazards due to conditions or practices.

### **Workplace Inspections**

Occupational Health and Safety Regulation OHSR Sections:

3.5

*Every employer must ensure that regular inspections are made of all workplaces, including buildings, structures, grounds, excavations, tools, equipment, machinery and work methods and practices, at intervals that will prevent the development of unsafe working conditions.*

3.6

*Machinery, tools and equipment must be inspected in accordance with the manufacturer's recommendations or as otherwise specified by the relevant provisions of this Regulation.*

3.7

*A special inspection must be made when required by malfunction or accident.*

3.8

*An inspection required by section 3.5 and a major inspection required by section 3.7 must, **where feasible, include the participation of members of the joint committee or the worker health and safety representative, as applicable,....***

## **Report any deficiencies to the manager**

Any deficiencies found during regular inspections are to be reported immediately to a manager. If the issue is not resolved, it is to be a 'new business' item at the next JHSC meeting. If it is an issue that needs immediate attention, you may contact your steward and the CEU Corporate Health and Safety Committee Co-Chair.

Inspections should be made far enough ahead of the meeting so that minor housekeeping items can be corrected in time and the JHSC can concern itself with more significant matters.

## **ACCIDENT/INCIDENT INVESTIGATIONS**

### **Accidents/Incidents Reports should be forwarded to the JHSC**

The JHSC is to monitor accident/incident investigations by reviewing the accident/incident investigation reports. These reports must outline recommendations to follow to prevent the accident/incident. It is the JHSC's job to follow the issues until all recommendations and suggested actions are completed to their satisfaction.

### **Accidents/Incidents must be investigated by a worker representative and a management representative**

Section 58.04 of the Collective Agreement requires that investigations are done by a union representative and an employer representative.

#### **Investigation of Incidents**

Collective Agreement Section 58.04

*Pursuant to Sections 173-176 of the Workers' Compensation Act, accidents and reports of unsafe or deteriorated work environments will be investigated jointly by at least one (1) representative designated by the Union and one (1) representative designated by the Board.*

### **You are responsible for making sure action is taken**

You should ensure:

- All accidents are investigated.
- CEU representatives are involved in all investigations.
- The JHSC receives copies of all investigation reports.
- That the report and actions are completed in a timely manner.

If not, raise the issues with the full JHSC. If there is no resolution, contact your steward and the CEU Corporate Health and Safety Committee Co-Chair.

WCA Division 10 and OHSR 3.4 outline the criteria for these investigations. The legislation is included here for your reference.

**Immediate notice of certain accidents**

WCA Section 172

- (1) An employer must immediately notify the board of the occurrence of any accident that*
- (a) resulted in serious injury to or the death of a worker,*
  - (b) involved a major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation,*
  - (c) involved the major release of a hazardous substance,*  
*or*
  - (d) was an incident required by regulation to be reported.*

### **Incidents that must be investigated**

#### WCA Section 173

- (1) *An employer must immediately undertake an investigation into the cause of any accident or other incident that*
  - (a) *is required to be reported by section 172,*
  - (b) *resulted in injury to a worker requiring medical treatment,*
  - (c) *did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or*
  - (d) *was an incident required by regulation to be investigated.*
- (2) *Subsection (1) does not apply in the case of a vehicle accident occurring on a public street or highway.*

### **Investigation process**

#### WCA Section 174

- (1) *An investigation required under this Division must be carried out by persons knowledgeable about the type of work involved and, if they are reasonably available, with the participation of the employer or a representative of the employer and a worker representative.*
- (2) *As far as possible, the investigation must*
  - (a) *determine the cause or causes of the incident,*
  - (b) *identify any unsafe conditions, acts or procedures that contributed in any manner to the incident, and*
  - (c) *if unsafe conditions, acts or procedures are identified, recommend corrective action to prevent similar incidents.*
- (3) *The employer must make every reasonable effort to have available for interview by a person conducting the investigation, or by an officer, all witnesses to the incident and any other persons whose presence might be necessary for a proper investigation of the incident.*
- (4) *The employer must record the names, addresses and telephone numbers of persons referred to in subsection (3).*

### **Accident/Incident investigation report**

#### WCA Section 175

- (1) *As part of an investigation required by this Division, an employer must ensure that an incident investigation report is prepared in accordance with the regulations.*
- (2) *The employer must provide a copy of the incident investigation report to*
  - (a) *The joint committee or worker representative as applicable, . . .*

### **Follow-up action and report**

#### WCA Section 176

- (1) *Following an investigation under this division, the employer must without undue delay undertake any corrective action required to prevent recurrence of similar incidents.*
- (2) *As soon as is reasonably practicable, the employer must prepare a report of the action taken under subsection (1) and*
  - (a) ***provide the report to the joint committee or worker representative, as applicable, . . .***

### **Employer or supervisor must not attempt to prevent reporting**

#### WCA Section 177

*An employer or supervisor must not, by agreement, threat, promise, inducement, persuasion or any other means, seek to discourage, impede or dissuade a worker of the employer, or a dependant of the worker, from reporting to the board*

- (a) *an injury or allegation of injury, whether or not the injury occurred or is compensable under Part 1,*
- (b) *an illness, whether or not the illness exists or is an occupational disease compensable under Part 1,*
- (c) *a death, whether or not the death is compensable under Part 1, or*
- (d) *a hazardous condition or allegation of hazardous condition in any work to which this Part applies.*

### OHSR Section 3.4

*An employer must ensure that an incident investigation report required by division 10 of Part 3 of the Workers Compensation Act contains*

- (a) the place, date and time of the incident,*
- (b) the names and job titles of persons injured in the incident,*
- (c) the names of witnesses,*
- (d) a brief description of the incident,*
- (e) a statement of the sequence of events which preceded the incident,*
- (f) identification of any unsafe conditions, acts or procedures which contributed in any manner to the incident,*
- (g) recommended corrective actions to prevent similar incidents, and*
- (h) the names of the persons who investigated the incident.*

## **REFUSAL OF UNSAFE WORK**

**The Collective Agreement and the WCA allow a worker to refuse unsafe work**

Employees have the right to refuse unsafe work. The procedure employees are to follow for a situation where there is a refusal of unsafe work is stated in Occupational Health and Safety Regulation (OHSR) Section 3.12.

As a worker member of the JHSC, your involvement is required in the process as outlined in subsection (4). Work refusals are a serious action. You should contact the CEU office as soon as possible.

### **Unsafe Work Activities**

Collective agreement Section 58.03

*Employees have the right to do particular work under section 3.12 of the Occupation Health and Safety Regulation if they have reasonable grounds to believe the performance of such work will endanger their health and safety, or may endanger another person.*

## **Procedure for Refusal of Unsafe Work**

### OHSR Section 3.12

- (1) *A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.*
- (2) *A worker who refuses to carry out a work process or operate a tool, appliance or equipment pursuant to subsection (1) must immediately report the circumstances of the unsafe condition to his or her supervisor or employer.*
- (3) *A supervisor or employer receiving a report made under subsection (2) must immediately investigate the matter and*
  - (a) *ensure that any unsafe condition is remedied without delay, or*
  - (b) *if in his or her opinion the report is not valid, must so inform the person who made the report.*
- (4) *If the procedure under subsection (3) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, the supervisor or employer **must investigate the matter in the presence of the worker who made the report and in the presence of***
  - (a) ***a worker member of the joint committee,***
  - (b) ***a worker who is selected by a trade union representing the worker, or***
  - (c) *if there is no joint committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.*
- (5) *If the investigation under subsection (4) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor, or the employer, and the worker must immediately notify an officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.*

**No discriminatory action**

WCA Section 3.13

- (1) *A worker must not be subject to discriminatory action as defined in section 150 of Part 3 of the Workers Compensation Act because the worker has acted in compliance with section 3.12 or with an order made by an officer.*
- (2) *Temporary assignment to alternative work at no loss in pay to the worker until the matter in section 3.12 is resolved is deemed not to constitute discriminatory action.*

## **OTHER JHSC RESPONSIBILITIES**

The employer has a general responsibility to consult with the JHSC. The regulation contains requirements for the employer to consult with the JHSC around some specific issues. Two examples of health and safety issues that come up are working alone and ergonomics.

### **Working Alone or in Isolation**

#### **OHSR Section 4.21**

- (4) *The procedure for checking a worker's well-being, including time intervals between the checks, must be developed in consultation with the joint committee or the worker health and safety representative.*

### **Ergonomic (MSI) Requirements**

The employer is responsible to minimize the risk of musculoskeletal injury to workers.

*Definition "musculoskeletal injury" or "MSI":*

Means an injury or disorder of the muscles, tendons, ligaments, joints, nerves, blood vessels or related soft tissue including a sprain, strain and inflammation, that may be caused or aggravated by work.

### **Consultation**

#### **OHSR Section 4.53**

- (1) *The employer must consult with the joint committee or the worker health and safety representative, as applicable, with respect to the following when they are required by the Ergonomics (MSI) Requirements:*
- (a) *risk identification, assessment and control;*
  - (b) *the content and provision of worker education and training;*
  - (c) *the evaluation of the compliance measures taken.*

## **THE CORPORATE JOINT HEALTH AND SAFETY COMMITTEE**

The Corporate Joint Health & Safety Committee is a joint committee between the CEU and the WCB. It is made up of a management Co-Chair, three management members, a CEU Co-Chair and four CEU members.

The purpose of the committee is to ensure the safety of employees at the WCB.

If you have any difficulty or questions, please contact a CEU representative of the Corporate Health and Safety Committee.