

Workplace Safety and Health Committee Procedures

Safety and Health Issues defined

As defined under the Workplace Safety & Health Act W210, "health" means the condition of being sound in body, mind and spirit, and shall be interpreted in accordance with the objects and purposes of this Act; "safety" means the prevention of physical injury to workers and the prevention of physical injury to other persons arising out of or in connection with activities in the workplace. The employer is responsible for providing a safe, healthy workplace. *The Act* requires that the employer in workplaces with twenty or more regularly employed workers to form a workplace safety and health committee. The committee is composed of worker and employer representatives, its purpose is to help the employer maintain a safe, productive, healthy work environment where risks to the workers safety, health and welfare is minimized or eliminated. This cooperative approach to ensuring a safe and healthy work environment is an effective internal responsibility system (IRS).

Committee function

The role of the committee is to help the school division and its workers prevent injuries and illnesses by helping them make the IRS effective. The school division may delegate responsibilities to the committee. The committee is not expected to be a safety officer or enforce safety and health rules. In other words, the committee is not expected to make decisions about what is adequate to protect the safety and health of workers. The committee's role is to advise and assist, not assume managerial functions. The committee cannot assume any of the legal obligations, duties, or responsibilities of either the school division or the employees. The committee should not be involved in disciplinary matters. Maintaining compliance and adequate levels of safety and health at work is the responsibility of the school division, managers and supervisors. However, as an internal auditor of the IRS, the committee can inform the school division about general problems with worker compliance and recommend corrective action. The school division is responsible to ensure that all committee members are trained to fulfill their duties.

Committee structure

The school division must ensure that the committee is structured and maintained as required by law. All employees have a duty to help the school division make the committee effective. The committee shall have at least four, but not more than 12 members. At least half the members must be members representing workers not involved in management. All members of the committee will be provided with a copy of these "Committee Rules of Procedure" and a copy will also be posted on the workplace safety and health bulletin board for review by all workers.

Worker members of the committee 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 where no union exists, persons elected by the workers they represent. The school division must select employer members. Employer members must not outnumber worker members on the committee. The school division may provide clerical support to the committee. Support personnel who are not committee members should not vote or participate unduly in committee deliberations. Anyone, other than employer or worker members, who attend a meeting is considered a guest and therefore can only attend the meeting upon the invitation of the entire committee.

Committee duties

- (a) the receipt, consideration and disposition of concerns and complaints respecting the safety and health of workers;
- (b) 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;
- (c) 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;
- (d) co-operation with the occupational health service, if such a service has been established within the workplace;
- (e) co-operation with a safety and health officer exercising duties under this Act or the regulations;
- (f) the development and promotion of programs for education and information concerning safety and health in the workplace;
- (g) the making of recommendations respecting the safety and health of workers;
- (h) the inspection of the workplace at regular intervals;
- (i) the participation in investigations of accidents and dangerous occurrences at the workplace;
- (j) 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; and
- (k) such other duties as may be specified in this Act or prescribed by regulation.

Committee recommendations will be by committee consensus and include a “risk-assessment” where applicable.

Helping orientate new and inexperienced workers.

Handling refusals to work under section 43(1) of *the Act*.

Co-chairperson selection and responsibilities

The committee must have two chairpersons. The employer co-chair must be designated by the school division and the worker co-chair selected by worker members. Both co-chairpersons have the same rights and responsibilities, including the right to call and chair meetings. Co-chairs will alternate chairing meetings. Both co-chairpersons will work jointly, along with all committee members, to keep all workers informed of the committee’s activities.

Both co-chairs or their designates are responsible to carry out investigations as outlined in Part 2.9(1) of the Workplace Safety and Health Regulation 217/2006.

Investigations: serious incidents and accidents

2.9(1) An employer must ensure that each of the following is investigated as soon as reasonably practicable after it occurs:

- (a) a serious incident;
- (b) an accident or other dangerous occurrence
 - (i) that injures a person, and results in the person requiring medical treatment, or
 - (ii) that had the potential to cause a serious incident.

Both co-chairs can call a “Special Meeting” to deal with matters of urgent concern.

Both co-chairpersons are entitled to receive information sent to them by Manitoba Workplace Safety and Health and distribute it to workers.

Terms of office

Each committee member serves for a minimum of two years or by union constitution. Members may serve for more than one term.

If a member does not want to serve on the committee anymore, that person should remain in office until someone is ready to take over.

Quorum at meetings

The quorum for committee meetings shall consist of one-half the employer members and one-half the worker members.

Scheduling of regular meetings

The committee shall meet at least within every 90 days.

The co-chairpersons will schedule the meetings and provide agendas to committee members.

Additional meetings

Either co-chairperson may call special and emergency meetings of the committee.

Meeting minutes

The co-chairpersons must sign the minutes after each meeting. Within one week of each meeting, the school division should ensure that a copy is:

- sent to Paul Deacon (Paul forwards to MANTE, MTS and CUPE)
- posted in the workplace
- circulated to committee members
- kept on file for 10 years for future reference. (Paul keeps digital copies in "S" drive")

The school division shall provide the committee with a bulletin board in the workplace for posting minutes and safety and health information.

Beyond this, the committee should work with the school division to continually maintain the effectiveness of the IRS.

Dealing with the Concerns of Workers

The committee shall encourage workers to discuss their workplace safety & health concerns with their committee members and suggest practicable solutions.

Workers should be reminded that their concerns need to be discussed with supervisors to attempt resolution at that level. If workers choose, they can request that the committee member speak to the supervisor regarding the concern on their behalf.

Concerns that cannot be resolved at the supervisor level are then brought to the committee meeting for discussion.

Methods include:

- conversations
- contacts during inspections and investigations
- meetings