

*Code of Practice for
Workplace Safety and Health Committees*

**A Guide to Organization, Functions and Procedures
& Safety and Health Committee Checklist**

Workplace Safety & Health Division
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Manitoba 

Building for the Future

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INTRODUCTION

1. The Workplace Safety & Health Act and This Code of Practice

The Workplace Safety & Health Act was adopted by the Manitoba Legislature in 1976 and came into force on September 1, 1977. It establishes a unified administration of safety and health laws and policies, and it provides for labour management Safety & Health Committees to serve as a basic method for joint resolution of problems in the workplace.

The following Code of Practice provides practical guidance concerning Workplace Safety and Health Committees. It spells out in greater detail how Committees are to be established, their functions, their operating procedures and their relationship with other persons involved in workplace safety and health. This Code provides practical guidance concerning the requirements of Manitoba Regulation 106/88R adopted under the Workplace Safety & Health Act. It does not replace either the Regulation itself or the Act.

2. Basic Objectives of a Democratic Safety and Health Program

The Manitoba Workplace Safety & Health Act provides for the establishment of joint labour management Safety & Health Committees in individual workplaces or classes of workplaces designated by the provincial cabinet.

Workers and employers share an equal concern in preventing accidents and ill health arising out of conditions in the workplace. The intent of the joint Safety & Health Committees is to enhance the ability of workers and employers to resolve safety and health concerns reasonably and cooperatively. They should do so on their own, with a minimum of government involvement.

The specific objectives of a Safety & Health Committee include:

- (i) assisting workers and the employer to identify, record, examine, evaluate and resolve safety and health concerns in the workplace;
- (ii) developing practical procedures and conditions to help achieve the highest possible degree of safety and health in the workplace; and
- (iii) promoting education and training programs to develop detailed knowledge of safety and health concerns and responsibilities in each individual in the workplace.

THE WORKPLACE SAFETY & HEALTH ACT

3. *Some Important Points*

The next few pages present certain important extracts from the Workplace Safety & Health Act, which concern joint labour-management Safety & Health Committees. These are only a few of the items in the Act and the entire Act and relevant Regulations should be studied in detail in order to gain a working knowledge of their provisions.

Section 4 of the Act describes the duties of employers.

These include:

consult and co operate with the workplace safety and health committee where such a committee exists, regarding the duties and matters with which that committee is charged under this Act.

Section 5 of the Act describes the duties of workers.

These include:

consult and co operate with the workplace safety and health committee, where such a committee exists, regarding the duties and matters with which that committee is charged under this Act.

Section 40 of the Act describes the establishment and duties of Workplace Safety & Health Committees.

These include:

the committee shall have a continuing concern with respect to the safety and health of the workers in the workplace.

the duties of the committee include:

- (i) the 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) the development and promotion of measures to protect the safety, health and welfare of persons in the workplace, and checking the effectiveness of such measures;
- (iv) co-operation with the occupational health service, if such a service has been established within the workplace;
- (v) Co operation with a Safety and Health Officer who is exercising his duties under this Act;
- (vi) the development and promotion of programs for education and information concerning safety and health in the workplace;
- (vii) 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
- (viii) such other duties as may be specified in this Act or regulations.

Section 42 provides protection for workers involved in safety and health issues in their workplace.

no discriminatory action shall be taken or threatened by an employer or any person acting on behalf of the employer, or by any union against any worker because that person participates in, or in any way associates with, or has participated in or has in any way associated with, the functions of the workplace safety and health committee or of the worker safety and health representative.

4. Representatives and Committees

The Workplace Safety & Health Act provides for the designation of Worker Safety & Health Representatives in certain workplaces. This provision is intended to be applied to certain workplaces where it is not practical to establish full scale Committees.

FORMATION OF SAFETY & HEALTH COMMITTEES

5. Committee Size

Once a workplace has been designated as requiring a Safety & Health Committee, the appropriate employer shall consult with the union (where a union exists) to determine the number of worker members required for the Committee. Where no union exists, the employer shall consult with the workers. Some factors to keep in mind when determining the size of the

Committees are:

- (i) the complexity of the employer's operation, the complexity of union representation and the size, locations and nature of the workplace;

- (ii) the degree of hazard within the workplace;
- (iii) the total number of workers.

The employer may be represented on the Committee by as many persons as he wishes up to the usual limit of six. But the number of employer members must not exceed the number of worker members.

The total number of worker members shall not be less than two and usually not more than six.

A suggested formula for worker members:

- (i) for less than 50 workers, two worker members;
 - (ii) 50 100 workers, three worker members;
 - (iii) for each 100 workers thereafter, one additional worker member until the total is six.
- For the purpose of determining the number of workers at a workplace, those workers deployed individually or in small groups at changing sites away from the main work location may be considered to be employed at the main work location.

6. Worker Members

In a unionized workplace, worker members of the Safety & Health Committee should be selected in accordance with the constitution of the appropriate union. In a non-unionized workplace, the employer shall designate one or more workers not connected with management to coordinate election procedures. The election shall be conducted in accordance with recognized democratic practices.

No employer or worker shall attempt to influence the appointment or election of the other party's members. Any dispute concerning the number of workers to be elected, the election or its procedures shall be referred to the Manitoba Labour Board.

7. Term of Office

The term of office of Committee members shall normally be one year. Members are eligible for reelection. Vacancies shall be filled in accordance with section 6. Each member shall hold office until his successor is selected.

8. Posting of Members' Names

The names of Committee members shall be posted in a prominent place along with the scheduled meeting dates of the Committee, and any guidelines or rules which the Committee may adopt.

9. Existing Safety Committees

Where a safety & health committee already exists on a voluntary or negotiated status such a committee may form the basis of the statutory joint Safety & Health Committee. However, it must comply with all the requirements of The Workplace Safety and Health Act and the Regulations.

10. Ex Officio Members and Advisors

There shall be no ex officio members of the Safety & Health Committee, but the committee may invite persons to attend in an advisory or observer capacity.

11. Occupational Health Nurse

If there is an occupational health service at the workplace, the occupational health nurse may attend Safety & Health Committee meetings in an advisory capacity if so invited.

12. Construction Sites or Other Projects

Where a Committee is required on a construction site or other project, the principal contractor shall coordinate the formation of the joint Safety & Health Committee with representation on the Committee from the various crafts and sub contractors.

13. Complex Workplaces

In any workplace where the workers are represented by more than one union or by more than one bargaining unit in the same union or where an employer's operation is conducted in more than one location the establishment of the Safety & Health Committee may be varied to meet the particular circumstances. Where more than one Committee is deemed necessary the approval is required of the Director of the Workplace Safety & Health Division (Department of Labour and Immigration).

If a single Committee is deemed desirable its composition shall reflect so far as possible the proportion of workers in each union or unit or at each location, but the factors noted in clause 5(a) should also guide the determination of the Committee's composition.

14. More than One Employer in One Workplace

Where two or more employers occupy the same or adjacent workplaces such employers and the workers may by mutual consent coordinate their efforts by establishing a single Safety & Health Committee.

MEETING GUIDELINES

15. Co Chairpersons

There shall be two co chairpersons chosen for each Safety & Health Committee, one co-chairperson shall be chosen from and by employer members, and one co chairperson shall be chosen from and by worker members. The co chairpersons shall participate to an equal extent as any other member in the discussions and decisions of the meeting.

16. Rotation

The chairpersonship shall alternate from meeting to meeting between the two chairpersons.

17. Initial Meetings

The initial meetings of the Safety & Health Committee shall be used to study the requirements and intent of The Workplace Safety & Health Act, the Regulations and the Code of Practice. The Director may provide various advisory services, for example, arranging to have a Division representative attend the initial meetings.

18. Committees to Meet Regularly

The Safety & Health Committee at any workplace shall meet regularly at intervals to be determined by the Committee, but not less than once in each calendar quarter (except that monthly meetings may be required at workplaces designated by the Director by reason of particular hazards, complexity of operations or large number of workers employed).

19. Notification of Meetings

All Committee members shall be individually notified at least three days in advance of all regular Committee meetings. The place and time of each regular committee meeting, and its agenda shall be posted in the prominent place referred to in section 8.

20. Meeting Place, Time and Quorum

A meeting place shall be made available by the employer during regular working hours. The quorum for meetings shall consist of one half of the employer members and one half of the worker members.

PROCEDURES TO RESOLVE CONCERNS

21. Responsibilities of Employers and Workers

Employers and workers have unique and specific responsibilities described in the Workplace Safety & Health Act. These responsibilities are in no way reduced by the existence and activities of a Safety & Health Committee.

22. Responsibility of Committee Members

The Safety & Health Committee will function best if each of its members believes that the safety and health of all persons at the workplace is the responsibility of each member.

23. Reporting of Concerns

All persons connected with the workplace shall forward safety or health concerns to the appropriate supervisor and where practicable, to a Safety & Health Committee member. Such concerns may also be forwarded directly to a Safety & Health Committee member if the person reporting believes this to be proper. If requested any Committee member contacted directly shall keep confidential the identity of the person who forwarded the concern.

24. Procedure for Handling of Concerns

First Stage Direct Resolution: Where a safety or health concern is identified, the appropriate supervisor shall attempt to remedy or resolve the matter. Where practicable a worker member of the Safety & Health Committee shall be involved in this effort. In certain circumstances it may be desirable for the worker affected to participate as well. Concerns resolved in this manner shall be recorded in the minutes of the next meeting although the Committee may choose not to record matters of a minor nature.

Second Stage Committee Involvement: Where a satisfactory resolution is not achieved the Committee member or the appropriate supervisor shall ensure that the concern is placed on the agenda of the next regular meeting for the purpose of resolving the concern. The matter shall be placed on the agenda of each successive meeting until it is resolved. Beside the agenda item shall be placed the date on which the concern first arose. All workers and the employer shall co operate with the Committee in resolving the concern.

Third Stage Outside Assistance: If the Committee members are unable to resolve the concern they shall request assistance from the Workplace Safety & Health Division of the Department of Labour and Immigration. They may also request assistance from other appropriate consultation services. While it is preferable that all members of the Committee should agree with the request for assistance such an agreement is not required.

25. Examination of Dangerous Conditions

Where a worker believes that a dangerous condition exists in his workplace an inspection shall be undertaken, or a special meeting shall be held by the Committee co chairpersons or their designates, forthwith for the purposes of examining the condition and resolving the concern. This provision is in addition to the rights of the worker under the Act to report that condition to a Safety & Health Officer and to refuse to work under that condition.

26. Decision or Recommendation of Committee

A person who has reported a safety or health concern to a Safety & Health Committee member shall be notified of any decision or recommendation made by the Committee relating to that concern.

27. Warning of Dangerous Conditions

Where the Committee agrees that a condition existing in the workplace is dangerous or unusually dangerous or that work required to remedy a condition may itself be dangerous the Committee members shall so advise all persons at the site or location likely to be affected by the condition or the danger.

WORKPLACE INSPECTIONS

28. Importance of Inspections

The ability of Safety & Health Committee members to contribute to the resolution of safety or health concerns at the workplace will be greater if members become informed of the types of tasks performed and operating methods used throughout the workplace, as well as the types of hazards and problems which may be encountered in the course of workplace operations.

29. Detailed Plant wide Survey

The Safety & Health Committee shall periodically carry out detailed safety and health surveys within the workplace for the purposes of:

familiarization with the types of tasks performed and the operating methods used throughout the workplace;

identification of workers' concerns related to safety and health in the workplace; and

identification of safety or health hazards, including working conditions, operating procedures, and technical methods with the view to the elimination of those hazards.

30. Regular Inspection

In preparation for regular meetings, each Committee member should inspect a specific part of the workplace and the operations conducted therein.

31. New Materials Processes, etc.

When an employer is planning to introduce new equipment, changes in operating procedures, new chemicals or other substances or materials into a workplace, he shall advise the Safety & Health Committee which in turn shall give priority to considering the implications, with regard to safety and health, of such plans for the workers. The objective of the Committee should be the recommendation of measures to be incorporated at the same time as the planned introductions, to help ensure the highest practical degree of safety and health.

32. Inspection visits by Government

The worker co chairperson of the Safety & Health Committee or his designate shall accompany a government Safety & Health Officer during any inspection. It may be most effective to have a different worker designated for each department and for each shift. They may be joined by the employer co chairperson or his designate. Both co-chairpersons or their designates shall be present during the discussion of the inspection report and shall sign the report indicating they

have read it. Copies of the report shall be provided by the Officer to both Committee co-chairpersons or their designates.

SERVICES FROM THE DEPARTMENT OR LABOUR

33. Assistance of the Division

The Workplace Safety & Health Division shall periodically organize courses, lectures or seminars for the purpose of training members of the Safety & Health Committee.

34. Material Available

The Division shall make such resources available which may assist the Safety & Health Committee to fulfill its functions in regard to the promotion of safety and health education, information and programs.

35. Problem Referral

Without limiting the responsibilities of the Safety & Health Committee and in as much as the Division has the capability to respond, the resources of the Division may be called upon to assist the Committee to evaluate safety or health concerns and to arrive at practicable solutions.

EDUCATION AND INFORMATION

36. Explanation of Function

The Safety & Health Committee shall explain its purpose and function to all persons in the workplace, and inform all persons of their rights and duties under the Workplace Safety & Health Act and Regulations and the Codes of Practice.

37. In Plant Meetings and Evaluations

The Safety & Health Committee should periodically initiate in plant or office meetings, discussions, or presentations, so that workers may discuss and critically evaluate safety and health matters, including the performance of the Committee and the adequacy and effectiveness of government support services.

38. Display, Distribution and Posting of Material

The Safety & Health Committee shall ensure the distribution and display of information and educational materials, which have specific relevance to the safety and health of workers in that workplace.

RECORDS

39. Minutes

Minutes of all Safety & Health Committee meetings are required. Minutes, consisting of matters relating to the receipt and disposition of safety or health concerns and other important considerations, shall be recorded on forms provided by the Division.

40. Minutes Circulation

When signed by both Safety & Health Committee co chairpersons the employer shall forward one complete copy of the minutes to the Division. One copy shall be posted in a prominent place in the workplace and the original copy shall be retained in the records of the Committee.

41. Posting of Minutes

Minutes of the meeting shall be circulated to Committee members, and posted within one week of that meeting and where possible remain posted for not less than one month after the next meeting. Meetings shall be located in the same place as that referred to in section 8.

42. Production of Minutes

Facilities for the production and maintenance of minutes and records shall be made available by the employer.

CO OPERATION WITH OCCUPATIONAL HEALTH SERVICES

43. Referral of Health Concerns

If an occupational health service as designated by the Minister under the Act exists in or near the workplace the Safety & Health Committee should forward health concerns to the occupational health service, and it shall receive full information regarding any action taken by the occupational health service in relation to the concern thus forwarded.

44. Reports on Health Service Activity

The service should send periodic reports to the Committee on its other activities and regarding other safety and health concerns.

GENERAL PROTECTION

45. Discrimination

Manitoba Regulation 106/88R indicates that safety or health functions and activities are deemed to be service performed in the course of employment. The Regulation prohibits discrimination for such activities. The Regulation also prescribes a procedure for remedying alleged discriminatory action. Persons affected by this Code of Practice should consult the Regulation for a description of their legal rights.

Safety and Health Committee Checklist

Forming a Safety and Health Committee

The number of employer members must not exceed the number of worker members. In a unionized workplace, the union(s) should select worker members in accordance with their constitution.

In a non-unionized workplace, the employer should designate one or more workers not connected with management to coordinate the democratic election of worker members. Term of office is normally one year. Members are eligible for re-election.

No employer or worker shall attempt to influence the appointment or election of the other party's members.

For the Employer

Provide a bulletin board in a prominent place for the exclusive use of committee members in connection with safety and health subjects.

Provide a meeting place for the committee during regular working hours.

Provide each committee member two days paid educational leave annually for safety and health training seminars.

Consult and cooperate with the committee.

Advise the safety and health committee of planned introduction of new equipment, new operating procedures or new chemicals or other substances or materials.

All safety and health committee activities carried out by workers are considered service in the course of employment.

Meeting Guidelines

- ◆ There are to be two co-chairs: one chosen from and by worker members and one from and by employer members.
- ◆ Chairpersonship alternates between the two from meeting to meeting.
- ◆ Co-chairs participate to an equal extent to any other member in the discussions and decisions for the meeting.
- ◆ Meet regularly at intervals determined by the committee but not less than once in each calendar quarter.
- ◆ A quorum consists of one half of the worker members and one half of the employer members.
- ◆ No ex-officio members allowed but others may be invited to attend in an advisory or observer capacity.
- ◆ Use the three stage procedure for handling concerns - see Code of Practice section 24.
- ◆ Call special meetings as required.

- ◆ Everyone is responsible to make the committee a team effort - this is not a negotiating table!

Duties and Responsibilities of Committee Members

- Protect the anonymity of complainants who request same.
- Inspect dangerous conditions and/or call a special meeting to resolve the concern.
- Notify complainants of any decisions or recommendations made by the committee relating to their concerns.
- Notify all workers at any site where the work is determined to be dangerous.
- Periodically carry out plant wide surveys to determine types of tasks performed, operating methods used, and hazards and problems which may be encountered in the course of workplace operations.
- Prior to regular meetings, each committee member should inspect a specific part of the workplace and the operations conducted therein.
- Review safety of new equipment, materials or processes and make recommendations accordingly.
- Worker co-chair or designate shall accompany a Safety & Health Officer during any inspection. They may be joined by the employer co-chair or designate. Both co-chairs/designates shall be present during discussion of the inspection report and shall sign the report indicating they have read it.
- Hold plant or office meetings/discussions/presentations to discuss, critically evaluate and get input on safety and health matters.
- Distribute and display safety and health information and educational materials relevant to your workplace.

Agenda

- Co-chairs of the committee prepare the agenda.
- Include the place and time of the meeting.
- Forward to individual committee members at least three clear days in advance.
- Post the agenda on the Safety and Health Bulletin Board in advance.
- Stick to only safety and health issues at the meetings.

Minutes

- Use WS&H forms or create your own standardized format to record minutes.
- Put the name & address of your workplace on the minutes.
- List those in attendance and their role: i.e. worker rep, management rep, resource person, etc.
- Record the date an issue is/was raised (use the Origin column on the WS&H forms).
- Minutes must be signed by both co-chairs.
- Within one week, distribute minutes as required.
- Put one copy in your safety and health committee files.
- Circulate minutes to safety and health committee members.
- Post minutes on your Safety and Health Bulletin Board.
- Fax to WS&H at 948-2209 or mail minutes to WS&H (if you mail the WS&H forms, please put them in an envelope).
- Minutes will be reviewed by your Safety and Health Officer.
- Phone or write your Safety and Health Officer if you are unable to resolve an issue yourselves and would like his/her assistance in finding a solution.
- The Safety and Health Bulletin Board
 - Must be located in a prominent place.
 - Post the names of all committee members, how to contact them and their term of office expiry date.

- Post scheduled dates (and times, when available) of committee meetings.
- Post the agenda for each meeting ahead of time.
- Post the minutes for each meeting within one week after and for at least one month after the next meeting.
- Items recommended from time to time by committee members for posting.
- Items issued from time to time by WS&H for posting.