



**SAFE
WORK**

S SPOT THE HAZARD
A ASSESS THE RISK
F FIND A SAFER WAY
E EVERYDAY

**EVERYONE'S
RESPONSIBILITY**



Workplace Safety and Health Program Committee Manual

AUGUST 2003

Workplace Safety and Health Committee Manual

Table of Contents

<i>Introduction</i>	1
What is in this guide	2
<i>Chapter 1: Maintaining a safe workplace</i>	5
Introduction	5
Fundamentals	5
What is workplace safety and health?	6
What causes injuries and occupational illnesses?	7
The internal responsibility system for workplace safety and health	11
What is the goal of an internal responsibility system?	11
What is the philosophy of internal responsibility?	12
What are the components of an effective IRS?	14
Direct responsibility for workplace safety and health	15
What are the legislated duties of employers, supervisors and workers in the IRS?	16
What is due diligence?	17
What is shared responsibility for safety and health?	18
Worker rights	18
Critical role of committees in the IRS	18
What are the major responsibilities of committees?	19
Role of the legislation in supporting internal responsibility	19
Role of the Workplace Safety and Health (WS&H) Division	20
How does the IRS link up with the WS&H Division?	20
Review	22
<i>Chapter 2: Identifying, assessing and controlling hazards</i>	23
Introduction	23
Definitions	23
What is a hazard?	23
What is an occupational illness?	23
What is probability?	23
What is severity?	23
What is a risk?	24
What is risk analysis?	24
Principles of hazard identification, assessment and control	24
Collect information	24
Assess the risk	25
Set priorities	25
Communicate information	27
Develop, select and implement controls	27
Identifying and assessing health hazards	27

How can health hazards be identified? _____	28
How can health hazards be assessed? _____	29
Identifying and assessing safety hazards _____	32
Controlling hazards _____	32
Example: managing the safety of controlled products under WHMIS _____	33
Technical steps in hazard control _____	34
Selecting controls _____	36
Monitoring the effectiveness of controls _____	36
What else can be done? _____	36
Review _____	37
Chapter 3: The committees' role in prevention of injuries and occupational diseases _____	39
Introduction _____	39
How committees are expected to function _____	39
Where committees are required _____	40
How committees are structured _____	40
Selecting members _____	40
Posting names _____	40
Selecting co-chairpersons _____	40
Terms of office _____	41
Quorum at meetings _____	41
Frequency of meetings _____	41
Additional meetings _____	41
Minutes of meetings _____	41
Duties of committees _____	42
Dealing with the concerns of workers _____	42
Handling refusals to work under section 43 of <i>the Act</i> _____	44
Advising and assisting the employer _____	46
Helping the employer with policies, plans and programs _____	46
Helping the employer orientate new and inexperienced workers _____	46
Helping the employer plan worker training _____	47
Worker training programs _____	47
Communicating with workers _____	49
Protection for committee members _____	49
Review _____	50
Chapter 4: Responsibilities of employers and employees towards the committee _____	53
Introduction _____	53
Responsibilities of employers _____	53
Training members of the committee _____	54
Providing information _____	54
Providing time _____	55
Helping the employer to inspect the workplace regularly _____	55
Providing progress reports _____	55
Helping the committee conduct investigations _____	55

Resolving concerns reported by the committee _____	56
Providing access to records _____	56
Responsibilities of managers, supervisors and workers _____	57
Managers _____	57
Supervisors _____	57
Workers _____	57
Review _____	59
Chapter 5: Holding effective committee meetings _____	61
Introduction _____	61
Meeting requirements _____	61
Planning meetings _____	61
Managing meetings and solving problems _____	62
Some items to concentrate on _____	63
Look for underlying causes of problems _____	65
Consider both facts and feelings _____	65
Involve stakeholders _____	66
Consider what is known and not known about the problem _____	66
Review the sequence of events _____	66
Developing recommendations _____	66
After the meeting _____	67
Role of the employer _____	68
Review _____	69
Chapter 6: Maintaining committee effectiveness _____	71
Introduction _____	71
Teambuilding _____	71
Establish membership _____	71
Clarify the expectations of committee members _____	71
Develop group procedures _____	71
Agree upon goals _____	72
Set measurable objectives to achieve the goals _____	72
Establish roles and responsibilities for each member _____	72
Agree on ways of handling disagreements _____	72
Clarify how members will support each other _____	72
Consider how to involve influential employees not on the committee _____	73
Consider expectations placed on the committee _____	73
Consider organizational factors affecting the work of the team _____	73
Consider how to evaluate the performance of the committee _____	73
Training _____	73
New members _____	73
Review _____	74

Chapter 7: Inspections	77
Introduction	77
Types of committee inspections	78
Regular inspections	78
Inspections with a safety and health officer	78
Intermittent inspections	78
Training for inspections	78
Planning inspections	79
Inventories and checklists	79
What to inspect	80
Pre-inspection meetings	81
What to do during inspections	81
Handling the results	81
When an unsafe condition is found	83
Review	84
Chapter 8: Investigating incidents	87
Introduction	87
Reportable incidents	87
Planning investigations	87
Standards	88
Carrying out investigations	88
Secure the scene and report the incident	88
Study the scene	89
Interview witnesses	89
Investigate the physical evidence	89
Finding the causes	90
Analyze the incident factors	90
Find the incident causes	91
Taking action	91
Review	92
Chapter 9: Legislation	95
Introduction	95
The difference between an Act and regulations	95
Key legislation for committees	95
Review	102

Appendices	105
Appendix 1: Notification requirements for new operations	107
Appendix 2: Forms	109
Committee minute form	109
Committee recommendation form	111
Committee incident investigation summary report form	115
Appendix 3: Communication, conflict resolution and problem solving techniques for committee members	117
Introduction	117
Four principles of safety and health communication	117
Verbal communication techniques	118
Active listening	118
Written communication	119
Raising controversial issues	120
Other communication tools	120
Handling differences of opinion	121
Managing disagreements	121
Appendix 4: Helping the employer plan worker training	123
Training procedures	123
Monitoring orientation and training	123

PLEASE NOTE

This publication is not designed to interpret the legislation. It is not intended to be used in court. Please use the original legislation whenever you wish to interpret or apply the law. To purchase copies of *The Workplace Safety and Health Act*, or any of *The Workplace Safety and Health Regulations* contact Statutory Publications in Winnipeg at (204)945-3101. FAX number is (204) 945-7172.

Industries under federal jurisdiction – such as transportation, broadcasting and telecommunications – are governed by *The Canada Labour Code*. If you work in a federally regulated industry, please contact the appropriate agency for information.

Introduction

Manitoba's approach to workplace safety and health legislation stems from the philosophy that responsibility for workplace safety and health is shared in the workplace. *The Workplace Safety and Health Act* (called *the Act*) and *Regulations* (called *the regulations*) set out a structure for this internal responsibility system (called the *IRS*).

Workplace safety and health committees (called *committees*) are required in workplaces with twenty or more workers. Worker safety and health representatives (representatives) are required in workplaces with between ten and nineteen workers. Committees and representatives are the primary mechanisms for employers and workers to work together in identifying and resolving safety and health concerns. Experience with committees has proven they reduce injuries and illnesses in the workplace.

A committee helps the employer and workers to improve safety and health in the workplace by helping to identify and resolve concerns. This is done, in part, by:

- Helping the employer identify, assess and control hazards
- Providing a channel of communication between the employer and workers
- Conducting regular inspections
- Talking with workers about their safety and health concerns
- Helping the employer develop and monitor policies, plans and programs
- Participating in incident investigations and investigations of dangerous occurrences (called "near misses")
- Meeting to discuss concerns and make recommendations for corrective action to discuss with the employer

What is in this guide

This guide is intended to help committees and employers understand their responsibilities for establishing and maintaining safe and healthy workplaces. It is not a detailed description of the legislation. Terms used, such as “work together” or “should” do not necessarily mean that there is a legal requirement for the committee to do everything discussed.

Legal requirements are partially listed in Chapter 9. *The Act* and regulations require the committee to perform specific tasks, such as investigating refusals to work (Section 43 of *the Act*) and dangerous occurrences [Manitoba Regulation 106/88R Section 6(2)]. Generally, the legislation requires the employer to involve the committee in developing and promoting all required policies, plans, programs and procedures and in reviewing incidents, injury and other prescribed reports.

It is unrealistic to expect every committee to be involved in writing all prescribed policies, plans, programs and procedures. However, the employer must provide the committee with enough time and resources to provide input during the development of these documents.

Read the entire manual or only what you need right now. Review the legislation as you go. Adapt the information to suit your needs.

Chapter 1: Maintaining a safe workplace

This chapter reviews the role of the employer and committee; how committees are expected to function and their duties within the internal responsibility system. It also discusses the role of the Workplace Safety and Health Division (called the The Division) of Manitoba Labour and Immigration.

Chapter 2: Identifying, assessing and controlling hazards

Read this chapter to learn the basics of hazard identification, assessment and control.

Chapter 3: The committee’s role in injury prevention

This chapter discusses the nuts and bolts of committee structure and organization. It reviews how committees operate, where they are required, how they should be set up and what their duties are.

Chapter 4: Responsibilities of employers and workers towards the committee

Review this chapter for information about the responsibilities of employers, managers, supervisors and workers to the committee.

Chapter 5: Holding effective committee meetings

Each committee is expected to meet at least once every three months. Read this chapter to find out how to hold effective meetings.

Chapter 6: Maintaining committee effectiveness

This chapter discusses how committee members can develop a strong sense of teamwork, obtain training and orientate new members.

Chapter 7: Inspections

Read this chapter for information about how committees plan, carry out and benefit from workplace inspections.

Chapter 8: Investigating incidents and dangerous occurrences

This chapter provides information about the duties of committees and employers in investigating incidents and dangerous occurrences.

Chapter 9: Legislation

Read this chapter for information about the responsibilities of committees and employers as set out in *the Act* and regulations.

Appendix

This area reviews special topics, such as notification requirements for new operations and how to complete a committee minutes form. It provides form templates and discusses effective communication techniques, problem solving methods and dispute resolution processes.

Notes

Maintaining a safe workplace

- Fundamentals
- The internal responsibility system for workplace safety and health
- Direct responsibility for workplace safety and health
- Critical role of committees in the IRS
- Role of the legislation in supporting internal responsibility
- Role of the Workplace Safety and Health (WS&H) Division

Introduction

This chapter reviews the causes of injuries and occupational diseases and how an effective internal responsibility system (called the *IRS*) for safety and health can prevent them. We'll discuss responsibilities within the IRS, including the role of the workplace safety and health committee (called a *committee*).

We'll deal with how Manitoba's Workplace Safety and Health legislation and the Workplace Safety and Health Division (called the *Division*) of Manitoba Labour and Immigration support the IRS.

Fundamentals

Diligent employers realize that it is easier and cheaper to manage risk than administer loss. They know that the root causes of incidents also cause quality control, environmental protection, production and labour relations problems. They understand incident prevention also prevents other losses. Responsible organizations combine safety and health with environmental protection and quality control activities. Successful employers have found that effective safety and health practices go hand in hand with competitiveness.

Workers have a right to a safe and healthy workplace. Since workers may be more aware of the daily hazards they face than the employer, it makes sense for them to have an essential role in hazard identification, assessment and control.

Every officer, director, manager, contractor, supplier, contracted employer or self-employed person, supervisor and worker must do everything that can reasonably be expected to maintain safe and healthy working conditions (in other words, "show due diligence"). Joint worker/management workplace safety and health committees (committees) play an invaluable role in helping the internal responsibility system for safety and health succeed. The IRS is discussed later in this chapter.

What is workplace safety and health?

The human suffering and financial loss caused by injuries and illnesses at work each year in Manitoba is tremendous. Accident statistics and their financial costs are set out in Manitoba Workers' Compensation Board (WCB) figures. Every statistic represents incalculable human suffering. The suffering of the injured is often intensified by the knowledge that most injuries and occupational illnesses are preventable. Effective workplace safety and health programs have been proven to reduce injuries and illnesses in the workplace.

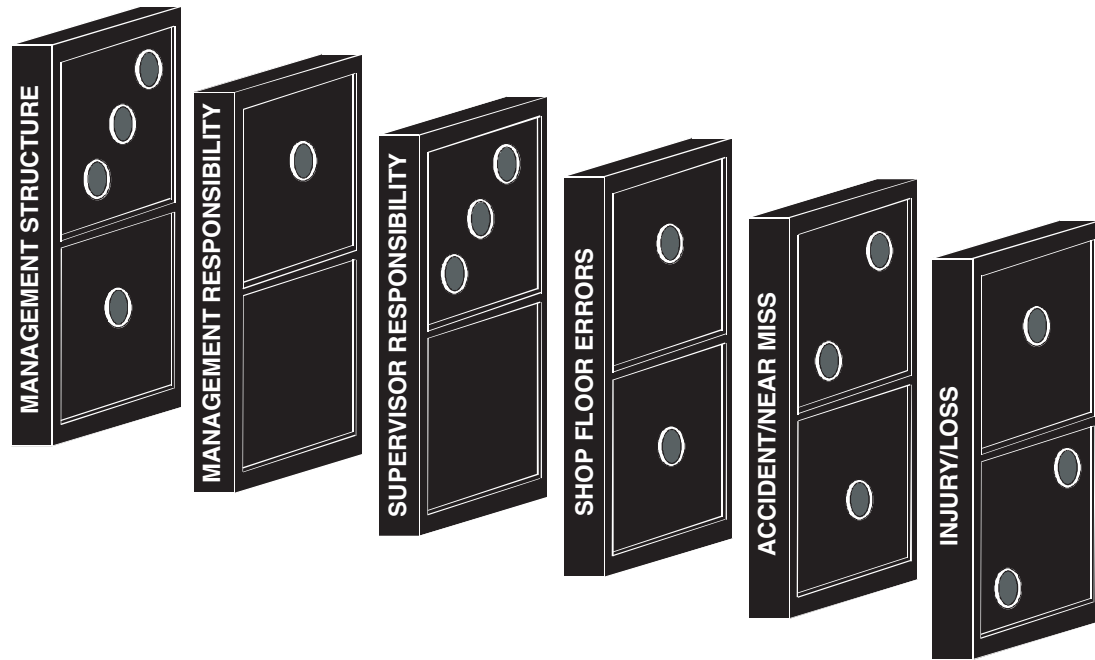
Workplace safety and health involves more than simply correcting unsafe actions and conditions. Section 2(2) of *the Act*, states that the objects and purposes of *the Act* include:

- the promotion and maintenance of the highest degree of physical, mental and social well-being of workers
- the prevention among workers of ill health caused by their working conditions
- the protection of workers in their employment from factors adverse to their health
- the placing and maintenance of workers in working environments that are adapted to their individual physiological and psychological conditions

Where these things are not present, injuries, illnesses and loss result.

What causes injuries and occupational illnesses?

This book uses a simplified version of the accident causation theory proposed by Edward E. Adams¹. The falling domino sequences shown in this section illustrate the Adams model. The IRS concept is compatible with this model. Each domino represents a component of the IRS.

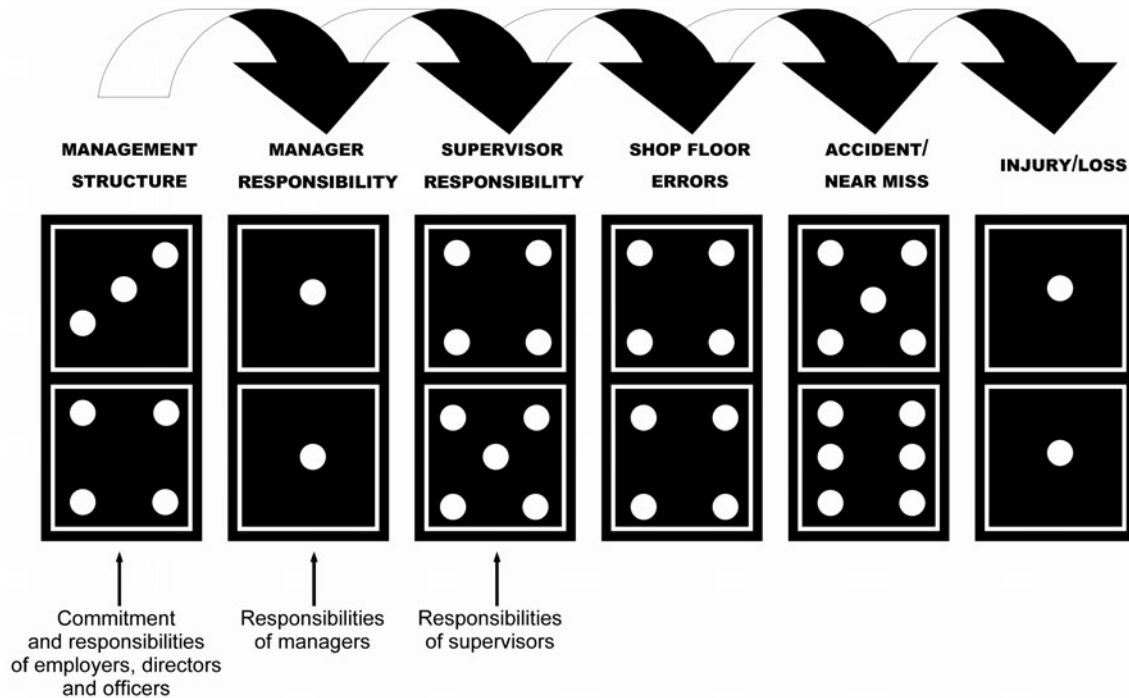


The Adams model suggests that:

1. Failures in the senior management structure (carrying out the safety and health responsibilities of the employer) produce an inadequate safety and health environment (so called root causes of incident).
2. These structural failures lead to inadequate safety and health practices by middle management.
3. In turn, this causes inadequate safety and health practices by supervisors.
4. This creates unsafe activities and conditions at the level of the worker (so called shop floor errors or direct causes).
5. Shop floor errors lead to injuries or dangerous occurrences (called near misses).
6. These produce human and economic loss.

¹*Total Quality Safety Management—An Introduction*. American Society of Safety Engineers, 1995. Adapted from: Accident Theory Part I by Peter Strahlendorf. Occupational Health and Safety Canada magazine, September/October 1995, (pp. 48-58). Southam Magazine and Information Group, Don Mills Ontario.

The falling domino sequence is illustrated below.



The dominos can begin falling at any point. For example, failures at the middle management level can cause problems in supervisory behaviour, eventually leading to an injury or occupational disease.

The role of each “domino” in preventing injuries and illnesses in the IRS is discussed in the following sections.

Management structure

This represents the commitment and role of the employer, directors, owners and senior officers in:

1. Establishing and communicating a commitment from the employer that safety and health is a top priority.
2. Setting goals for the safety and health program/policy by:
 - a) setting objectives to help the organization evaluate its program
 - b) establishing clear standards of performance
 - c) holding subordinates accountable for their performance
 - d) setting rewards for effective performance
3. Establishing an effective system to implement the desired performance by:
 - a) setting up an effective chain of command
 - b) providing adequate operating authority and responsibility
 - c) providing adequate delegation of responsibility
 - d) hiring and training competent staff
4. Establish a policy/system to ensure the workplace is designed and maintained properly by:
 - a) properly engineering operations, workplace layout and production (through suitable ergonomics, lighting, ventilation, temperature control, etc.)
 - b) ensuring safety and health is a major consideration in equipment purchasing and general procurement
 - c) implementing effective orientation and training programs
 - d) involving workers in developing the safety and health program through the workplace safety and health committee or worker safety and health representative (representative)

- e) establishing an effective workplace safety and health committee or designating a capable representative
- f) knowing and complying with the legislation

Accountability is proportional to responsibility. The employer is ultimately responsible and accountable for safety and health.

Manager responsibilities

1. Manager responsibility refers to the role of middle management in allocating adequate resources for safety and health. It also describes their responsibilities for ensuring that supervisors under their authority carry out their duties properly. Managers can help the employer to establish a safety and health culture by:
 - a) following the policies of the employer and ensuring supervisors follow them also
 - b) establishing goals that will help implement the employer's policies and programs in the local work area
 - c) developing and enforcing safe and healthy work procedures
 - d) allocating adequate resources for safety and health
 - e) ensuring supervisors are properly selected and trained in their responsibilities
 - f) providing supervisors with the necessary authority and responsibility for safety and health
 - g) holding supervisors accountable for their performance
 - h) ensuring there are enough supervisors to effectively supervise workers and control hazards
 - i) assisting the local committee to carry out its duties effectively
 - j) knowing and complying with the legislation
 - k) scheduling (such as shifts and work processes) with safety and health in mind
2. As representatives of the employer, the law holds managers and supervisors accountable for their safety and health actions. Sometimes, someone with a higher responsibility fails to carry out a duty. Under the legislation, this does not relieve others of their duties.

Supervisor responsibilities

1. In the legislation, a supervisor is identified as a person who has charge of a workplace or authority over a worker. While supervisors have all of the rights and duties of workers, they also share some of the employer's responsibilities.
2. Supervisors are critical to effective safety and health practices. Supervisors can help the employer keep the workplace safe and healthy by:
 - a) taking training in their safety and health duties and responsibilities
 - b) establishing goals that help implement the employer's program in the local work area
 - c) setting an example by working and acting safely
 - d) following the policy of the employer and ensuring workers follow it also
 - e) allocating adequate resources for safety and health
 - f) conducting regular inspections, group meetings and other safety and health activities
 - g) ensuring workers are properly orientated and trained
 - h) coaching workers in safety and health
 - i) establishing and enforcing safe work procedures, rules and practices
 - j) providing workers with the necessary authority and responsibility for safety and health

- k) holding workers accountable for their performance
- l) identifying the underlying cause of incidents and other departures from safety and health practices, and taking corrective action
- m) responding to workers' safety and health concerns promptly and creating an environment where workers are encouraged to bring these concerns forward
- n) cooperating with the workplace safety and health committee
- o) knowing and complying with legislation

Shop floor errors

Shop floor errors refer to unsafe acts and conditions that directly cause injuries and occupational illnesses. Shop floor errors are usually at the level of the worker, but can involve self-employed persons and others. While shop floor errors often arise because of systemic failures in the IRS, they are sometimes caused by the practices or decisions of those performing the job. The IRS can control many aspects of worker practices, but it cannot control them all.

Incidents

Incidents cause injury or illness and often result in property loss. The seriousness of the loss and injury is often a matter of chance. Incidents may or may not cause property loss.

Incidents often have several causes. Several things can go wrong at once. Each error may be traced to a variety of underlying causes. For example, an employer may have no safety and health policy, or the policy may have inadequate standards. Supervisors may tolerate unsafe conditions and work practices. Workers may not report hazards and "cut corners" to increase production. When something goes wrong, the causes can usually be traced back through each "domino" in the chain of command.

While the employer usually controls the underlying causes, workers and supervisors often control the direct causes. Therefore, to significantly improve the safety and health system and prevent the dominos from falling, everyone must work together. This is why workplace safety and health is important to everyone and why employers and workers need each other's help to prevent injuries and illnesses. Prevention of injuries and occupational illnesses starts with an effective internal responsibility system for workplace safety and health.

The internal responsibility system for workplace safety and health

The Workplace Safety and Health Act supports every workers' right to a safe and healthy workplace. The duty for creating and maintaining a safe and healthy workplace falls on every person in the workplace, to the degree they have the authority and ability to do so. Whether they are the Chief Executive Officer or the newest worker hired, everyone has a personal and shared responsibility for working together co-operatively to prevent injuries and occupational illnesses.

Because employers have the greatest degree of control over the workplace, they also have the greatest degree of legal responsibility for safety and health. But this does not relieve supervisors and workers from their duty to co-operate in controlling workplace hazards and to take the necessary precautions to protect themselves and others from hazards.

The Act also recognizes that only workers who are adequately informed and empowered can effectively fulfill their responsibilities. It grants three important rights to workers:

- The right to know about workplace hazards, including how to identify hazards and protect themselves from those hazards, and about the rights afforded to workers under *the Act*.
- The right to participate in decisions related to workplace safety and health, free of reprisal for their participation. Participation, in part, is achieved through consultation with the committee or representative.
- The right to refuse dangerous work.

The Act protects these rights by prohibiting employers from imposing discipline or other sanction on workers for fulfilling their responsibilities or exercising their rights. This helps workers participate on a more even footing with employers and supervisors in preventing workplace injuries and illness.

Taken together, these components are often called the internal responsibility system (IRS) for workplace safety and health. However, good safety and health cannot rely on the internal responsibility system alone. Ongoing monitoring and enforcement by the Workplace Safety and Health Division are also required.

The combination of internal monitoring by workplace safety and health committees, and external monitoring and enforcement by the Workplace Safety and Health Division ensures better legislative compliance and a more effective internal responsibility system in the workplace.

What is the goal of an internal responsibility system?

The goal of an internal responsibility system is to get people working together to identify and control situations (hazards) that could cause harm. Its ultimate objective is to ensure everyone integrates safety and health into their work. Committees and representatives help workers and employers to communicate and work together to identify and control hazards.

Internal responsibility has many advantages:

- It places responsibility for controlling hazards on those in the workplace, making everyone a contributor to workplace safety and health
- It applies everyone's knowledge to improve safety and health
- It is better suited to developing solutions for each workplace than traditional government-driven "command and control" systems
- It encourages employers and workers to take joint action to identify and control hazards through co-management of safety and health
- Properly handled, it promotes cooperation and motivates everyone to protect their safety and health and that of their fellow workers

What is the philosophy of internal responsibility?

The philosophy of internal responsibility recognizes that employers have a legal and moral duty to provide a safe and healthy workplace. Worker participation is crucial to effective safety and health, because only worker participation allows hazards to be properly identified and controlled. The philosophy of internal responsibility is based on:

- Personal responsibility
- Inclusiveness
- Cooperation
- Sharing of information
- Accountability

Personal responsibility

Each individual is responsible for integrating safety and health into work life. Safety and health is everyone's responsibility. **The committee is not the IRS—it is the system's auditor.**

Inclusiveness

Everyone is involved in the IRS, both as individuals and as members of a group (workers, managers and committee members). Shared responsibilities complement each other.

Cooperation

Everyone's objective should be the same—to improve safety and health. Workers and employers are expected to work together to identify and resolve safety and health problems. The committee functions as a safety and health team. Differences of opinion and position are expected. However, if the approach taken is unduly confrontational or uncooperative, then the committee may not be effective.

Sharing of information (the right to know)

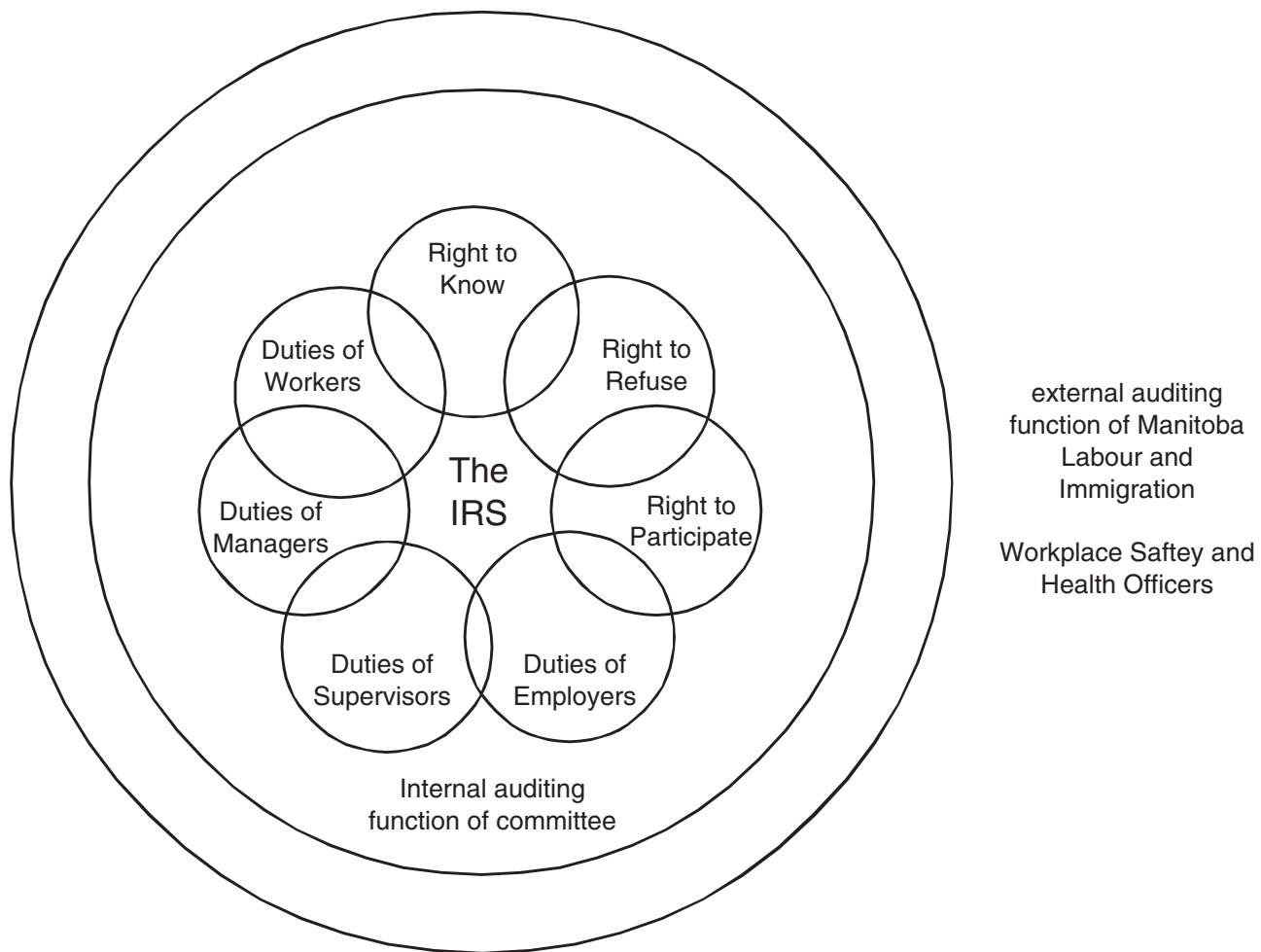
Everyone has a right to receive information needed to identify and control hazards in the workplace. Information is needed before each person can adequately assume responsibility for safety and health. Good information is particularly important for workplace safety and health committee members.

Accountability

Our responsibility for maintaining a safe and healthy workplace comes with our **right** to a safe and healthy workplace. Everyone is accountable (as an individual) for carrying out their responsibilities. The greater the authority, the greater the accountability. An effective IRS requires competent management and supervision, employees who work and act safely and a committee that is effective.

Internal Responsibility for Safety and Health				
Responsibilities	Workers	Supervisors	Managers	Employer
For work	Perform job.	Assign tasks and schedule work.	Determine objectives.	Establish goals and objectives.
For people	Direct helpers/ new workers.	Orientate and train new workers.	Select and develop supervisors.	Establish hiring policies. Select and develop managers.
For work performance	Use training, knowledge and skills to perform work.	Specify who does what and assign authority.	Assign jobs to supervisors and delegate authority.	Determine who does what and delegate authority.
For direction of work	Follow safe work practices and cooperate with supervisor	Follow safety and health policies and programs.	Implement safety and health policies and programs.	Establish safety and health policies, programs and procedures.
For relations with people	Follow policies, programs and procedures.	Coordinate implementation of programs, policies and procedures on shop floor.	Implement policies. Conduct daily business in compliance with employer's policies and legislation.	Determine policies, procedures and programs and ensure compliance.
For facilities and equipment	Safely use tools, equipment and machinery.	Provide adequate tools, equipment and machinery.	Provide supervisors with adequate resources.	Authorize expenditures and assign adequate resources to managers
For conditions of work	Implement and maintain standards. Cooperate with committee.	Implement standards and train workers. Cooperate with committee.	Help employer develop standards. Train supervisors to implement standards. Help committee to be effective.	Determine safety and health philosophy and policies. Maintain effectiveness of committee.
For accountability	Inspect tools and equipment. Report hazards to supervisor.	Inspect work areas, tools, equipment and machinery. Report problems to managers and recommend solutions.	Develop effective solutions to problems. Accountable to employer for operations.	Account to directors and society for safe operation of work.

What are the components of an effective IRS?



Outer ring – This is the external auditing function of workplace safety and health officers. Officers monitor the effectiveness of the IRS and help correct deficiencies through education, assistance and enforcement.

Inner ring – The role of the workplace safety and health committee as an internal auditor of the IRS.

Small circles – The duties and rights of those in the workplace and the role they play in maintaining the IRS. These rings support and complement each other.

Direct responsibility for workplace safety and health

In Manitoba, The Workplace Safety and Health Act and regulations assign duties for the control of workplace hazards to those people who are directly responsible for:

- the organization of work
- the design of the work process
- the manner and conditions under which work is performed

In simple terms, employers, supervisors and workers all have responsibilities for:

- identification of hazards
- analysis of the risks posed by those hazards
- communication of information throughout the workplace about the risks
- control of those risks

The employer's responsibilities are the broadest and cover all areas of safety and health in the organization. Usually, managers are responsible for the safety and health of all employees who report to them. Supervisors are responsible for the safety and health of their workers in all areas where they work. Workers are responsible for protecting their safety and health and helping supervisors ensure the safety of their work areas, tools, equipment and machinery.

Others with direct responsibilities include:

- self-employed persons (including consultants)
- contractors (someone who directs the activities of one or more self-employed person or employer)
- owners
- suppliers

What are the legislated duties of employers, supervisors and workers in the IRS?

Employers	Supervisors	Workers
<ul style="list-style-type: none"> • Providing a safe and healthy workplace. • Establishing a committee or designating a worker representative as needed and ensuring the committee or representative is effective. • Consulting and cooperating with the committee or representative. • Providing the information and training needed to protect the safety and health of workers. • Ensuring committee members or the worker representative obtain training in their duties. • Ensuring that supervisors are competent and provide competent supervision. • Arranging for the regular examination and maintenance of the workplace, tools and equipment to ensure the safety and health of workers. • Enabling the committee or worker representative to inspect the workplace regularly. • Promptly correcting unsafe conditions and activities reported by the committee or worker representative. • Ensuring that the committee or worker representative investigates reportable incidents. • Knowing and complying with safety and health requirements. 	<p>Supervisors are “workers” and bear all of the safety and health responsibilities assigned to workers. However, they are also agents of the employer and are often assigned significant responsibility for carrying out the employer’s duties under the legislation.</p> <p>Supervisors have specific duties under the legislation for:</p> <ul style="list-style-type: none"> • Ensuring that workers under their direction know and comply with safety and health requirements. • Ensuring that workers under their direction receive adequate supervision. • Cooperating with the committee or worker representative. • Knowing and complying with safety and health requirements. 	<ul style="list-style-type: none"> • Taking reasonable care to protect their safety and health and that of other workers. • Cooperating with employers, supervisors, committee members and worker representatives. • Using safe work procedures, safeguards and personal protective equipment. • Reporting hazards (such as unsafe situations and activities) to the employer/supervisor immediately. • Refraining from harassment. • Participating in training and safety and health meetings. • Knowing and complying with safety and health requirements.

What is due diligence?

The legislation can not cover everything that can happen on the job. Sometimes you must take measures to protect your workers and service providers that go beyond the legislation. This is what is meant by “due diligence”. What you must do to provide a safe and healthy workplace depends on the circumstances, the risks, the opportunities for control, etc.. *The Act* requires you to think, be engaged, creative, plan ahead and do everything reasonably practicable to prevent injuries and occupational illnesses.¹

Due diligence means that a person has a legal duty to take every precaution reasonable in the circumstances to avoid both harm and an offence against the law.

For information about how to show due diligence, see:

- **Elements of A Workplace Safety and Health Program; and**
- **A Guide For Setting Up A Workplace Safety and Health Program.**

Both are available from the Workplace Safety and Health Division at no charge.

Due diligence describes a very high standard to take reasonable care. In the context of *the Act* and regulations, this due diligence standard is reflected in the following principles:

1. **General duties** – *The Act* imposes a duty on everyone in the workplace to take reasonable care to protect their safety and health and that of others, to the degree that they have the authority and ability to do so. This general duty is in addition to, and goes far beyond, merely complying with the law.
2. **Regulatory compliance** – If someone is charged with contravening the legislation, they cannot successfully defend themselves by saying that they did not intend to break the law or did not mean to fail to comply. To defend themselves adequately, they must be able to show that they took every reasonably practicable action to ensure compliance.
3. **Reasonably practicable** – What a reasonable person, in the same position and circumstance would have done to prevent the incident. When making that determination, three main factors need to be taken into account: (1) foreseeability; (2) preventability; (3) control.
4. **Proactive** – Due diligence requires a proactive and systematic approach to safety and health. This standard can best be met within a workplace by establishing and implementing a safety and health program that:
 - identifies hazards
 - assesses the risks associated with those hazards
 - implements measures to eliminate or minimize those risks
 - monitors each part of the program to ensure that it is adequate and effective

Employers must develop and implement this plan in consultation with their workers. Workers must comply with the program to the extent that they have the knowledge, authority, and ability to do so.

¹, “Reasonably practicable” is determined by asking what a reasonable person, in the same position and circumstance would have done to prevent the incident. When making that determination, three main factors need to be taken into account: (1) foreseeability; (2) preventability; (3) control.

What is shared responsibility for safety and health?

Responsibility can be shared among the workplace parties, such as the employer, supervisors and contractors.

In this case, the person with the greatest degree of control over the situation has the greatest responsibility. Employers exercise the greatest degree of control over the organization of work, the design of the work process and the manner and conditions under which work is performed. The employer and his or her agents therefore have the greatest degree of moral and legal responsibility for providing a safe and healthy workplace. However, supervisors and workers must help the employer maintain a safe and healthy workplace.

Worker rights

Recognizing that power is not shared equally among employers, supervisors and workers, *the Act* sets out three basic rights of workers within the IRS:

- The right to know about the hazards in the workplace, how to identify them and how to protect themselves.
- The right to participate in making workplace safety and health decisions through consultation with committees, worker representatives and other workers.
- The right to refuse work believed by the refusing worker to be dangerous.

It also prohibits employers from acting against a worker for fulfilling responsibilities or exercising rights under the legislation. This protection is fundamental to making the IRS work. Protection motivates and empowers workers to fulfil their legislative duties and participate in a meaningful way in the control of workplace hazards. In this way it encourages workers to help the employer provide a safe and healthy workplace.

In short, the IRS sets up a system of checks and balances within the workplace that enables workers, supervisors and employers to integrate the best possible safety and health practices into daily activities.

Critical role of committees in the IRS

Committees are required in all workplaces with twenty or more workers. Workplaces with ten or more, but less than twenty workers, require a worker safety and health representative.

Employers have a duty to consult and co-operate with the committee or the worker representative for the purpose of resolving concerns on matters of safety, health, and welfare at work.

The Division interprets “consult” to mean that, while not obliged to obtain the approval or permission of the committee/representative, an employer is obliged to consider, in good faith, the news and opinions of the committee or worker representatives in the process of making a decision.

To fulfill the obligation to consult in good faith, an employer must give the committee or representative a real opportunity:

- **To be informed** of information essential to making a reasonable and informed assessment;
- **To review and assess** the information and possible alternatives or options;
- **To comment** and, or make recommendations on the possible options and alternatives; and
- **To be considered.** This means the employer will consider the recommendations of the committee or representative and where applicable, give the committee or representative credible reasons for not accepting or implementing the committee or worker representative’s recommendations.

Committees and representatives don’t have direct responsibility (and the accompanying legal liability) for controlling hazards. Their role is to monitor the IRS to ensure it is working properly. They have no management authority. Their role is to advise and recommend.

Effective committees and worker representatives are essential to creating the workplace partnership needed to effectively protect workers' safety and health. By consulting with committees, worker representatives and workers, employers benefit from workers' expertise in detecting workplace safety and health hazards and developing practical approaches to controlling those hazards.

The committee and worker representative are the mechanism for bringing safety and health concerns into the open and focusing attention on them until they are resolved. Committees and worker representatives serve as a check on the potential for some employers and supervisors to ignore or minimize their safety and health responsibilities.

Committees and worker representatives *shine a spotlight* on weaknesses in the IRS and recommend ways of correcting those weaknesses. They provide a bridge to the external responsibility system when assistance and advice are needed.

Committees and worker representatives must do more than simply help the employer correct unsafe acts and conditions. They should look at the root causes for hazards (such as policies, orientation, training, workplace layout, etc.) and help the employer resolve them.

What are the major responsibilities of committees?

Major responsibilities include:

- participating in the identification and control of hazards
- helping to identify and resolve safety and health concerns of workers
- receiving and distributing information, including publications sent from the Workplace Safety and Health Division to employers and employees
- inspecting the workplace regularly
- meeting regularly to discuss workplace safety and health concerns
- maintaining records of meetings and returning copies to the Workplace Safety and Health Division
- investigating reportable incidents
- helping to establish and promote safety and health programs and policies
- helping to develop and promote safety and health training
- investigating refusals to work under section 43 of *the Act*
- carrying out responsibilities set by specific regulations

If the committee does not deal with a problem, the employer is responsible for taking the initiative.

Role of the legislation in supporting internal responsibility

The original Manitoba Workplace Safety and Health Act became law in 1977. *The Act* was revised in 1984 and in 2002 to strengthen worker involvement and to better protect their safety and health.

Accompanying safety and health regulations were passed under authority of *the Act* to:

- elaborate on duties established by *the Act*
- specify responsibilities for those within the IRS
- set safety and health standards for all places of employment
- set rules and requirements for controlling hazards in specific industries, processes or conditions

The legislation has one aim—to help those in the workplace to establish and maintain safe and healthy working conditions. It does this by:

- ensuring societal expectations are reflected in workplace practices
- providing a way of protecting the safety and health of workers
- supporting the internal responsibility system
- providing employers and workers with information and tools to carry out their safety and health responsibilities
- ensuring safety-conscious, responsible employers are not at a competitive disadvantage to employers who are less so

Role of the Workplace Safety and Health (WS&H) Division

The Workplace Safety and Health Division's fundamental objective is to prevent work-related injuries and illnesses. It attempts to do this by assisting committees and worker representatives, workers, supervisors and employers to understand and carry out their responsibilities for the control of workplace hazards.

Ensuring compliance is the most important responsibility of the Workplace Safety and Health Division's Safety and Health Officers (inspectors). However, inspectors also help ensure each workplace's IRS, committee or worker representative is effective by providing assistance and advice.

Inspectors, hygienists and other staff are responsible for thousands of workplaces. Many workplaces are complex and have a variety of hazards. Those hazards cannot be controlled solely through periodic government inspections. When inspectors find problems, it is a sign that the IRS is not working properly.

When the IRS is working properly, the enforcement role of inspectors lessens. Their role becomes one of consulting, advising and supporting the IRS.

Over the past 25 years, the Workplace Safety and Health Division has learned that effective committees are much more successful in focusing attention on safety and health concerns than periodic inspections. Work-related injuries and illnesses can be prevented when workers understand their rights and responsibilities and employers are genuinely committed to protecting the safety and health of their employees.

How does the IRS link up with the WS&H Division?

- 1. Routine inspections** – When an inspector visits the workplace, the worker co-chairperson of the committee or his/her designate, (or a worker safety and health representative) should accompany the inspector. The committee member or worker representative can ask the officer for advice about concerns at the workplace. In turn, the officer provides the committee with a report on the results of the inspection.
- 2. Complaints** – Anyone can contact the WS&H Division for assistance and advice if the IRS has not dealt with a concern effectively. The legislation protects those who call.
- 3. Work refusals** – Often, a work refusal is a sign of a failure in the IRS. Refusals can usually be prevented by paying enough attention to job safety and to the concerns of workers.
Refusals are often resolved by the worker and supervisor involved. Some are resolved by the worker co-chair of the safety and health committee. During a refusal to work, contact the Workplace Safety and Health Division if the matter has not been resolved. In such cases, a workplace safety and health officer will investigate and make a ruling. The worker may continue the refusal until the officer rules. The officer will provide a written decision to the refusing worker, each co-chairperson and the employer. Section 37 of *the Act* allows anyone directly affected by an officer's decision to appeal it to the Director of the WS&H Division. The appeal does not suspend the operation of the officer's decision.

- 4. Investigations** – Employers must notify the WS&H Division about incidents/serious incidents set out in the regulations. If an inspector investigates, the committee or worker representative has an opportunity to inform the officer about concerns.
- 5. Failure of the committee** – If the committee cannot function effectively, an inspector should be asked for help. Committee minutes sent to the WS&H Division often provide the first clue that things are not going well. A dysfunctional committee is a sign of deeper problems with the IRS. An inspector may intervene.
- 6. Disputes** – An inspector may intervene to resolve conflict in the committee. If necessary, an officer can issue an Improvement Order requiring the employer (or anyone else covered by the legislation) to take corrective action.

Review

Workplace safety and health includes physical and mental health factors as well as social well being. The goal of an effective IRS is to get everyone involved in identifying and controlling hazards before they harm a worker. Worker involvement through workplace safety and health committees or worker representatives is crucial in making this happen.

Modern incident theory suggests that fundamental failures in the work environment cause most injuries and occupational illnesses. When something goes wrong, problems can be found at every level in the chain of command. While the employer often controls the root causes, workers and supervisors control the direct causes for incidents. In order to control both root and direct causes, employers and workers must work together within the internal responsibility system.

Under the IRS everyone has responsibilities and accountabilities for workplace safety and health. The degree of accountability is proportional to the degree of responsibility. While the employer retains ultimate control, only worker participation is effective in systematically identifying and controlling hazards. Committees and representatives perform a critical function by serving as a means of communication and cooperation between the employer, workers and the WS&H Division.

Legislation sets up a framework to support the IRS and maintain fundamental safety and health standards within the workplace. Safety and Health Officers monitor the effectiveness of each organization's IRS and provide assistance and advice. Enforcement of the legislation is a last resort.

Identifying, assessing and controlling hazards

- Definitions
- Principles of hazard identification, assessment and control
- Identifying and assessing health hazards
- Identifying and assessing safety hazards
- Controlling hazards

Introduction

Helping the employer to identify, assess and control hazards is one of the most important functions of your workplace safety and health committee. This chapter discusses how your committee can help the employer protect the safety and health of workers within the internal responsibility system. We will begin by defining a few important terms.

Definitions

What is a hazard?

A hazard is any activity, situation or substance that can cause harm. Occupational hazards are divided into two broad categories: (1) health hazards, and (2) safety hazards. Generally, health hazards cause occupational illnesses, such as noise induced hearing loss (NIHL). Safety hazards cause physical harm, such as cuts, broken bones, etc. Hazards exist in all workplaces.

What is an occupational illness?

Occupational illnesses are usually caused by health hazards. An occupational illness is a condition that results from exposure to a chemical or biological substance, a physical agent (an energy source such as noise) or other stressors capable of causing harm. The time that it takes an illness to develop after exposure to a health hazard is called the “latency period”.

What is probability?

Probability is the chance that a hazard will cause harm. In risk management systems, probability is often categorized as:

- frequent (workers are frequently at risk)
- probable (the hazard is likely to cause harm)
- occasional (workers are occasionally at risk)
- remote (the hazard could cause harm, but is very unlikely to do so)
- improbable (the hazard is unlikely to ever cause harm)

What is severity?

Severity is the seriousness of the harm that could result from contact with a hazard. It is described as:

- catastrophic (death and/or severe destruction)
- critical (serious injury and/or property damage)
- marginal (minor injury and/or property damage)
- negligible (no injury and/or property damage)

What is a risk?

Risk describes the odds that a hazard will cause harm. It refers to the probability and severity of potential incidents. Risk management is a technique used to identify and control risk caused by hazards.

What is risk analysis?

The combination of identifying hazards and assessing their risk is called risk analysis. Risk analysis can help committee members and the employer to set priorities. Risk is calculated by using the formula:

$$\text{Risk} = \text{Probability} \times \text{Severity.}$$

Several commercial systems assign mathematical values to probability and severity to help calculate risk ratios for hazards. Normally, hazards with the highest risk that affect the most workers should receive the greatest attention.

Principles of hazard identification, assessment and control

The safety and health of workers depends on the committee, employer and workers working together to identify, assess and control hazards. This does not mean that the committee must be involved in everything.

Ideally, the IRS should prevent a hazard from becoming a concern. The role of the committee should be to audit the IRS and help the employer keep it functioning properly. However, if a hazard is reported to the committee, the committee must act. Use the following steps to identify, assess and control hazards:

- collect information about hazards and potential hazards
- assess the risk
- set priorities
- communicate information about the hazards and risks
- develop, select and implement controls and monitor their effectiveness

Collect information

Collect information from sources such as:

- Workers, supervisors and managers – Workers often know, or suspect, what hazards exist and where they are located.
- Associations – Many provide training and can recommend appropriate publications from the Canadian Centre for Occupational Safety and Health, etc.
- Suppliers and manufacturers – Equipment manuals, users' guides, hazard warnings and so forth are a first line of defense.
- Workplace Safety and Health Officers – Officers can provide technical advice. The WS&H Division has a library of safety and health videos.
- Legislation – The regulations and related codes of practice are an excellent guide to identifying and controlling hazards .
- Unions – Many unions provide safety and health training and information about hazards to their members.

Assess the risk

Once a hazard is identified, your committee should help the employer to determine how dangerous it could be. Assessment may involve research and monitoring. For example, suppose a noise hazard is discovered. The next step would be to use monitoring equipment (noise meters) to find out how loud the noise is, where and when the noise is a problem, how long the noise is at an unacceptable level and so on.

Look for any factors that could contribute to the hazard. For example, consider work processes, work process design, existing hazard controls, related training, etc. In the case of a noise hazard, the problem may be made worse by such things as metal on metal contact, equipment vibration, inadequate work practices, etc.

Assess the risk posed by each hazard. Ask these questions:

- How likely is the hazard to cause harm?
- Under what conditions is harm likely to occur?
- How quickly could an unsafe condition arise?
- What type of harm is involved?
- How many workers could be hurt?
- Is there a history of problems or incidents resulting from this hazard?
- What monitoring is needed to evaluate the risk?

Set priorities

Priorities can be set by using the formula (Risk = Probability x Severity). Factors such as the limits of technology, fiscal resources and potential problems raised by hazard controls will have to be considered. The following table illustrates one way of assigning probability and severity values. Adapt it to suit your needs.

Hazard Priority Chart for Jack and Jill's Workplace

<p>Probability factors are ranked in order of importance below:</p> <ul style="list-style-type: none"> • Frequent (workers are frequently at risk) • Probable (hazard is likely to cause harm) • Occasional (workers are occasionally at risk) • Remote (the hazard could cause harm, but is very unlikely to do so) • Improbable (the hazard is unlikely to ever cause harm) 	<p>Severity factors are ranked in order of importance below:</p> <ul style="list-style-type: none"> • Catastrophic (death or severe destruction) • Critical (serious injury or property damage) • Marginal (minor injury or property damage) • Negligible (no injury or property damage) 	<p>Risk of harm = Probability x Severity. Set priorities by comparing probability and severity.</p>
---	---	---

Items	Hazard	Probability	Severity	Overall Priority	Consequences
1	Cutting up scrapped bulk gasoline tanks that may contain explosive vapours.	Frequent	Catastrophic	First (highest)	Work done frequently due to tank replacement drive undertaken by gas stations for environmental reasons. This presents a fire and explosion hazard that could cause serious injury or death to workers and destroy our workplace.
2	Guard on metal shearing press is malfunctioning on every shift.	Probable	Critical	Second	Press used during each shift. Fingers of operators can be placed in the danger zone when the guard malfunctions. Fingers could be amputated. Injuries probable due to hours of exposure to hazard.
3	Improper disposal container for used needles in medical room.	Occasional	Critical	Third	Container handled occasionally. Staff nurse and two emergency medical technicians could receive puncture wounds and serious infections if condition is allowed to persist.
4	Staff moving office furniture and filing cabinets.	Remote	Marginal	Fourth	Rarely happens. Safety officer sprained her wrist last month while moving a filing cabinet. Movers to be hired next time.
5	Water supply stored in large underground tank outside of workplace.	Improbable	Negligible	Fifth (lowest)	Tank serviced by a contractor. Our workers never work in or near the tank. Tank will drain into a sewer if ruptured.

Communicate information

Workers must know about the hazards in the workplace in order to protect themselves. Communicating hazard information to workers and the employer is one of the most important functions of a committee or worker representative. Committees can help the employer communicate hazard information. To do this, committee members should:

- Post information such as: minutes of committee meetings and meetings with the employer; the results of inspections; summaries of workplace monitoring; investigations; warning signs; and hazard labels.
- Help the employer to provide safety and health information to supervisors. Supervisors can then provide it to their workers.
- Discuss hazards with workers, supervisors and managers.
- Hold meetings to discuss concerns.
- Help the employer to arrange worker training and education.
- Help the employer to keep containers for chemical and biological substances properly labeled.
- Help the employer to keep material safety data sheets (MSDSs) current, centrally located and readily available to workers.
- Keep workers who raise concerns informed about the status of the investigation.

Develop, select and implement controls

Risk assessment is meaningless unless effective controls are developed and put in place. Control means removing the hazard or reducing its risk of harm to an acceptably safe level. An effective control must meet four standards:

1. It must adequately prevent the hazard from causing harm.
2. It must protect everyone who could be harmed by the hazard.
3. It must not create new hazards, or production and quality control problems. (If it does, employees may be tempted to subvert it).
4. It must not create a hazard to the environment or public outside of the workplace.

Identifying and assessing health hazards

A health hazard is any agent, situation or condition that can cause an occupational illness. There are five types:

1. Chemical hazards, such as battery acid and solvents.
2. Biological hazards, such as bacteria, viruses, dusts and molds. Biological hazards are often called “biohazards”.
3. Physical agents (energy sources) strong enough to harm the body, such as electric currents, heat, light, vibration, noise and radiation.
4. Work design (ergonomic) hazards.
5. Workplace stress.

A health hazard may produce serious and immediate (acute) effects or it may cause long-term (chronic) problems. All or part of the body may be affected. Someone with an occupational illness may not recognize the symptoms immediately. For example, noise-induced hearing loss is often difficult for victims to detect until it is advanced.

How can health hazards be identified?

- Prepare a list of known health hazards in the workplace.
- Review floor plans and work process diagrams to identify hazard sources and locations.
- Interview workers, supervisors and managers to identify known and suspected health hazards not already on the list.
- Use your five senses.

Prepare a list of known health hazards in the workplace

As a first step, the committee should help the employer prepare a current list of chemical and biological substances, physical agents, and work design hazards. The employer is expected to provide the committee with a copy of existing lists of chemical and biological substances. To prepare or update a list:

- Check current product labels and material safety data sheets (MSDSs). Each chemical and biological substance controlled under the Workplace Hazardous Materials Information System (WHMIS) in the workplace must have appropriate container labels. Current MSDSs must be readily available to the committee and workers. Look at container labels and MSDSs for hazard warnings and symbols (such as the skull and cross bones). Identify substances controlled under WHMIS and products exempted from WHMIS, but of concern to workers (such as pesticides).
- Conduct inspections to identify defects, such as substance containers and pipes that are not properly labeled.
- Read inspection and incident reports, complaint files, shop plans, first aid registers, product literature and other documents.
- Monitor the workplace (measuring noise, temperatures, concentrations of airborne chemicals, etc.). The employer must provide the committee with the results of any measurements of biological and chemical substances taken in the workplace.

Review floor plans and work process diagrams

Floor plans may show for example, that certain points in the production line release chemicals into the air. Put monitoring equipment at these locations to determine what hazardous substances are present and in what quantities. Check for work design problems that may cause back injury and other ergonomic hazards. Look for tasks associated with incidents, complaints and ill health.

Interview workers, supervisors and managers

Interview workers, supervisors and managers during inspections. Ask them what hazards they work with and what work-related health problems they know about. However, deal with the concerns of workers at any time, not just during inspections.

Talk to the vendor or supplier if you need more information about a specific product, tool, or piece of equipment. Contact the WS&H Division if you need more information about specific hazards.

Use your five senses

Some substances and physical agents can be detected with your five senses. For example, dusts and fumes sometimes form a haze. Vibration and temperature can be felt. An abnormal taste may be a sign of airborne chemicals. Some substances have a distinct colour, visual appearance or odour.

Odour is a common warning property. Be careful to check the substance's odour threshold in the *Physical Properties* section of its MSDS. Only use odour to detect a substance if it can be smelled at levels below hazardous concentrations.

Unfortunately, many hazardous agents and conditions cannot be detected with the senses. Others, such as hydrogen sulfide (H₂S) gas, are often dangerous when strong enough to be detected in this way. Using your senses is not always a safe way of detecting hazards.

Quick health hazard identification checklist

- What chemical substances are produced, used, handled, stored or shipped in the workplace?
- Are any vapours, gasses, dusts, mists or fumes present (including chemical by-products of work processes)?
- Are biological substances (such as bacteria, viruses, parasites, dusts, molds and fungi) present in the workplace, the ventilation systems and other components of the physical plant?
- Are physical agents (energy sources strong enough to harm the body, such as electric currents, heat, light, vibration, noise and radiation) present?
- Are temperature extremes present?
- Do ergonomic hazards exist—such as work requiring lifting, awkward posture, repetitive motions, excessive muscular force or computer use?
- Could any work processes, tools or equipment cause health hazards (such as back injuries, soft tissue injuries, whole body vibration, hearing loss, infections and so forth)?
- Could departures from safe work practices cause illnesses?
- Can any potential health hazards be detected with the senses (smell, taste, touch, hearing and sight)?
- Are there any complaints from workers about workplace related health problems?

How can health hazards be assessed?

Once a health hazard is identified, the risk it poses to workers must be assessed. Committees can help the employer do this by using monitoring equipment to assess exposure levels and by determining the probability and severity of any potential exposure.

There are many different monitors for detecting and assessing health hazards. Some, such as air monitors, sample the work environment at specific places for specific chemical hazards. Others measure the levels of noise, vibration and so on. Committees can get advice on how to use monitors from the supplier. Advice on how to interpret monitoring results can be obtained from consultants and agencies.

Chemical hazards

If possible, use monitoring equipment to determine exactly what the exposure levels for health hazards are in the workplace and at workstations. Different hazards require different monitoring techniques and equipment. The employer may decide to bring in experts to do the monitoring. If so, the committee or representative has a right to be involved and informed of the results.

Once an exposure level is determined, compare it with standards set by the organization, industry, legislation, etc. Review MSDSs as well as industry and product literature for advice.

Biological hazards

Some biological hazards can be detected by monitoring. However, the risk of catching an illness can usually be assessed by applying knowledge of the disease involved, including how it spreads and infects people. Biological safety data sheets provide useful information such as survival characteristics of the microorganism outside of the body, how it is transmitted and how likely workers are to contract the disease.

Physical health hazards

Physical health hazards are sources of energy strong enough to cause harm. They include noise, vibration, heat or cold and radiation.

Noise – Common noise sources include equipment, work processes, compressors, ventilation systems and power tools. Generally, if ordinary conversation cannot be understood at normal distances, noise levels are too loud. Hazard identification techniques, such as inspections, monitoring and conversations with workers will usually detect noise concerns.

Vibration – Vibration is a rapid back and forth or up and down motion that may affect all or part of the body. It can gradually damage nerves and circulation systems in limbs and affect internal organs. Standard hazard identification techniques can detect what jobs and workers are exposed to vibration. Monitoring and assessing vibration usually requires technical specialists.

Heat and cold – The health effects of too much heat include heat cramps, heat exhaustion and heat stroke. Cold can produce frostbite and hypothermia. As well as causing serious health problems, heat and cold stress disorders can reduce performance and increase the risk of injuries and illnesses.

If it is not reasonably practicable to adequately control indoor conditions, or where work is done outdoors, the employer must take effective measures to protect workers from heat and cold stress disorders.

Radiation – Radiation is made up of moving particles or waves of energy. It is divided into two groups: (1) *Ionizing radiation*; and (2) *Non-ionizing radiation*.

Ionizing radiation is given off by decaying radioactive elements, such as uranium. Specialized monitoring equipment is used to measure and assess radiation exposures. Radiation workers are also required to wear badges that measure the radiation dose they receive.

Non-ionizing radiation includes:

- **Ultraviolet radiation** given off by sun lamps and welding equipment. Ultraviolet radiation can burn the skin and cause eye damage.
- **Infrared radiation** (radiated heat) used in cooking and warming equipment in food processing and industrial packaging.
- **Lasers** producing concentrated beams of light used in a variety of commercial, medical and industrial purposes. Care must be taken to ensure lasers are set up properly, adequately shielded and cannot damage the eyes or skin of workers.
- **Microwave and high radio frequency radiation** used in cooking equipment, radar as well as in high-energy radio transmission and communications equipment. If not properly shielded, some equipment may injure the skin, eyes and other organs.
- **Long wave radiation** used in radio and other communications equipment. Some equipment can heat the entire body.

Physical demands (ergonomic hazards)

Hazards can exist in the design of the workplace, the workstation, tools and equipment and the workflow. Ergonomics is concerned with identifying and controlling these hazards by reducing the physical, environmental and mental stresses associated with a job. It does this by trying to balance the capabilities of the worker with the demands of the job. Ideally, the job should fit the person's mental, physical and psychological characteristics.

Common problems caused by work design hazards include repetitive strain injuries (RSIs), cumulative trauma disorders (CTDs) and musculoskeletal injuries (MSIs), including back injuries. Ergonomic related injuries are the fastest growing occupational health problem.

Examine these factors when assessing the risk of ergonomic hazards:

1. The posture a worker must use to do the job (stooping, bending and crouching).

For example, in a static posture, such as when sitting or standing without a break, the muscles are held in a fixed position without movement. Over time, work requiring a static posture can cause health problems. Complaints of back, shoulder and neck pain can indicate static posture problems.

2. The muscular force (exertion) required (lifting, pulling, pushing, and twisting).

Muscular force describes the amount of force required to do the work. Consider the weight of the loads or tools involved; the fit of handgrips to the worker; the force required; the muscles used; and the adequacy of work gloves provided.

3. The number of repetitive motions needed (frequency, speed, duration and position).

Doing the same job rapidly over and over again can cause injury. Jobs that must be repeated in less than 30 seconds, such as data entry, are classed as highly repetitive.

4. The physical condition of the person doing the job.

5. Vibration of all or part of the body such as when using jackhammers and chainsaws or when operating mobile equipment.

6. Work organization factors such as where, when and how the work is done and at what pace.

Poorly designed tasks can force workers to do too much too fast. This can increase stress and reduce work efficiency, increasing the risk of incidents.

7. Work environment problems including vibration, heat, cold and contaminants in the atmosphere.

Remember that these factors can interact, worsening the situation. A good rule of thumb is: the more awkward or static the posture required by a job; the more excessive the force needed to do the work; and the more repetitive the task, the greater the risk of injury.

Factors contributing to ergonomic problems can include:

1. Problems in the work environment (light, heat, cold, vibration, etc.) as well as the health of the worker can promote ergonomic health problems.
2. Lack of work variation during shifts can prevent workers from being able to rest their muscles adequately.
3. Poorly shaped, heavy or vibrating hand tools can encourage workers to grip the tool too hard, reducing blood flow to muscles and increasing fatigue. Bulky or clumsy gloves can do the same thing.

The employer and workers can work together to identify and control these hazards. Cooperation is essential.

Identifying and assessing safety hazards

A safety hazard is anything that could cause an injury. Unlike the harm caused by many occupational illnesses, an injury caused by a safety hazard (such as a cut or fracture) is usually obvious. Safety hazards cause harm when workplace controls are not adequate. Some examples of safety hazards include:

- slipping/tripping hazards (such as electrical cords across floors)
- fire and explosion hazards
- moving parts of machinery, tools and equipment (such as pinch and nip points)
- work at height (such as work done on scaffolds or ladders)
- ejection of material (such as from molding operations)
- pressure systems (such as steam boilers and pipes)
- vehicles (such as forklifts and trucks)
- lifting and other manual handling operations
- materials falling from height, rolling, shifting or caving-in
- unsafe use of explosives
- violence
- hazards posed by working alone or in isolated workplaces

Standard identification methods can be used on safety hazards. In addition, your committee can encourage the employer to have a job hazard analysis (JHA) performed on each dangerous job. A JHA involves breaking down each job into its steps and analyzing the hazards present at each step. Product literature, industry publications and legislation are useful starting points for developing JHAs. Many safety and health publications contain examples of various formats for JHA forms as well as detailed instructions on how to perform a JHA.

Controlling hazards

Ideally, hazards should be controlled by applying modern management principles. Use a comprehensive, proactive system to control hazards rather than a reactive, “piece meal” response to each concern as it arises.

To be proactive, an employer should:

- Establish a safety and health policy, in consultation with the committee, to communicate to employees that the employer is committed to safety and health. Build safety and health into all aspects of the organization such as tendering, purchasing, hiring, etc. Ensure everyone understands that safety and health is as important as any other area of the organization.
- Communicate the safety and health policy through the management structure. Ensure everyone understands his or her duties.
- Train managers, supervisors and workers to carry out their responsibilities under the policy.
- Equip managers and supervisors to apply modern management and supervisory practices in their safety and health responsibilities.
- Administer the policy in the same way that other policies are managed.

Example: managing the safety and health of controlled products under WHMIS

When managing the safety and health of a controlled product under the workplace hazardous materials information system (WHMIS), an employer should apply a comprehensive approach to control hazards.

1. Review chemical and biological substances in the workplace:
 - List all chemical and biological substances in the workplace
 - Identify things such as work areas and production processes where products are stored, handled or produced
2. Determine which substances are controlled products under WHMIS and exempt from WHMIS but of concern to workers.
3. Obtain current material safety data sheets (MSDSs) for controlled products and make sure:
 - each MSDS is less than three years old, and complete
 - a mechanism is in place to update MSDSs regularly and as new information becomes available
 - transport, handling, storage, disposal practices, etc. for each product meet standards set by product MSDSs
 - MSDSs are readily available to workers throughout the organization
4. Assess the risk associated with handling, use, storage and disposal of the product. For example, consider its flammability, toxicity, corrosiveness, reactivity and explosiveness. Include emergency response requirements in your assessment. For example, what happens if there is a spill, fire, explosion or other mishap? How will the emergency be handled? What must be done to care for injured persons and protect others at risk?
5. Determine what measures need to be taken to control those risks and apply the technical steps discussed in this chapter.
6. Establish a system to ensure containers are adequately labeled:
 - Ensure suppliers attach appropriate supplier labels to their controlled products. Labels should include the hazards of the product, precautionary and first aid measures
 - Replace damaged or missing labels
 - Provide appropriate workplace labels for containers holding a product taken from its original container
7. Develop written work procedures based on the control measures.
8. Arrange for the training of workers, in consultation with the committee:
 - Train all workers in the general requirements of WHMIS
 - Train workers and supervisors handling controlled products how to identify and control the hazards of the products they use
 - Update workers and supervisors when new information becomes available

Technical steps in hazard control

As a first step in hazard control, determine if the hazards can be controlled at their source (where the problem is created) through applied engineering. If this does not work, try to put controls between the source and the worker. The closer a control is to the source of the hazard, the better. If this is not possible, hazards must be controlled at the level of the worker. For example, workers can be required to use a specific work procedure to prevent harm.

One type of hazard control may not be completely effective. A combination of several different types of hazard controls often works well. Whatever method is used, the committee or representative should try to find the root cause of each hazard and not simply control the symptoms. For example, it might be better to redesign a work process than simply improve a work procedure. It is better to replace, redesign, isolate or quiet a noisy machine than to issue nearby workers with hearing protectors.

Control at the source

Elimination – First, try eliminating the hazard. Getting rid of a hazardous job, tool, process, machine or substance may be the best way of protecting workers. For example, a salvage firm might decide to stop buying and cutting up scrapped bulk fuel tanks (due to explosion hazards).

Substitution – If elimination is not practical, try replacing hazardous substances with something less dangerous. For example, a hazardous chemical can be replaced with a less hazardous one. A safer work practice can be used. Be sure to also identify, assess and control the hazards of substitutes.

Redesign – Sometimes engineering can be used to redesign the layout of the workplace, workstations, work processes and jobs to prevent ergonomic hazards. For example, containers can be redesigned to be easier to hold and lift. Engineering may be able to improve workplace lighting, ventilation, temperature, process controls and so forth.

Isolation – Isolating, containing or enclosing the hazard is often used to control chemical hazards and biohazards. For example, negative-pressure glove boxes are used in medical labs to isolate biohazards.

Automation – Dangerous processes can sometimes be automated or mechanized. For example, spot welding operations in car plants can be handled by computer-controlled robots. Care must be taken to protect workers from robotic hazards.

Control along the path from the hazard to the worker

Hazards that cannot be isolated, replaced, enclosed or automated can sometimes be removed, blocked, absorbed or diluted before they reach workers. Usually, the further a control keeps hazards away from workers, the more effective it is.

Barriers – A hazard can be blocked. For example, proper equipment guarding can protect workers from contacting moving parts. Screens and barriers can block welding flash from reaching workers. Machinery lockout systems can protect maintenance workers from physical agents such as electricity, heat, pressure and radiation.

Absorption – Baffles can block or absorb noise. Local exhaust ventilation can remove toxic gasses, dusts and fumes where they are produced.

Dilution – Some hazards can be diluted or dissipated. For example, general (dilution) ventilation might dilute the concentration of a hazardous gas with clean, tempered air from the outside. Dilution ventilation is often quite suitable for less toxic products. However, it is not effective for substances that are harmful in low concentrations. It may also spread dusts through the workplace rather than completely removing them.

Control at the level of the worker

Control at the level of the worker usually does not remove the risk posed by a hazard. It only reduces the risk of the hazard injuring the worker and lessens the potential seriousness of an injury. Therefore, most safety and health experts consider control at the level of the worker to be the least effective means of protecting workers.

Administrative controls – These include introducing new policies, improving work procedures and requiring workers to use specific personal protective equipment and hygiene practices. For example, job rotations and scheduling can reduce the time that workers are exposed to a hazard. Workers can be rotated through jobs requiring repetitive tendon and muscle movements to prevent cumulative trauma injuries. Noisy processes can be scheduled when few workers are in the workplace. Standardized written work procedures can ensure that work is done safely. Employees can be required to use shower and change facilities to prevent absorption of chemical contaminants. The employer is responsible for enforcing administrative controls.

Work procedures, training and supervision – Supervisors can be trained to apply modern safety management and supervisory practices. Workers can be trained to use standardized safe work practices.

The committee or representative should help the employer periodically review and update operating procedures and worker training. Refresher training should be offered periodically. The employer is expected to ensure that employees follow safe work practices.

Emergency planning – Written plans should be in place to handle fires, chemical spills and other emergencies. Workers should be trained to follow these procedures and use appropriate equipment. Refresher training should be provided regularly.

Housekeeping, repair and maintenance programs – Housekeeping includes cleaning, waste disposal and spill cleanup. Tools, equipment and machinery are less likely to cause injury if they are kept clean and well maintained.

Hygiene practices and facilities – Hygiene practices can reduce the risk of toxic materials being absorbed by workers or carried home to their families. Street clothing should be kept in separate lockers to avoid contamination from work clothing. Eating areas can be segregated from work areas. Eating, drinking and smoking should be forbidden in toxic work areas. Where applicable, workers may be required to shower and change clothes at the end of the shift.

Personal protective equipment (PPE) and clothing – PPE and clothing are used when:

- other controls aren't feasible, (for example, to protect workers from noise exposure when using chainsaws)
- where additional protection is needed
- where the task or process is temporary (such as periodic maintenance work)

Personal protective equipment is much less effective than engineering controls since it does not eliminate the hazard. It must be used properly and consistently to be effective. Awkward or bulky PPE may prevent a worker from working safely. In some cases, PPE can even create hazards, such as heat stress.

The employer must require workers to use PPE wherever its use is prescribed by the regulations or organizational work procedures. Workers must be trained to use, store and maintain their equipment properly. The employer, supervisor and workers must understand the limitations of their personal protective equipment.

Selecting controls

Selecting a control often involves:

- evaluating and selecting temporary and permanent controls
- implementing temporary measures until permanent (engineering) controls can be put in place
- implementing permanent controls when reasonably practicable

For example, suppose a noise hazard is identified. Temporary measures might require workers to use hearing protection. Long term, permanent controls might use engineering to remove or isolate the noise source.

Monitoring the effectiveness of controls

Sometimes hazard controls do not work as well as expected. Therefore, the committee or representative should monitor the effectiveness of the corrective action taken by the employer during inspections and other activities.

Ask these questions:

- Have the controls solved the problem?
- Is the risk posed by the original hazard contained?
- Have any new hazards been created?
- Are new hazards appropriately controlled?
- Are monitoring processes adequate?
- Have workers been adequately informed about the situation?
- Have orientation and training programs been modified to deal with the new situation?
- Are any other measures required?

Document the effectiveness of hazard controls in your committee minutes.

What else can be done?

Once hazards have been identified, assessed and controlled, the employer and the safety and health committee or worker representative should work together to develop:

- training programs for workers
- emergency response procedures
- safety and health requirements for contracted employers and self-employed persons

The committee or worker representative should monitor these activities to ensure they are effective.

Review

The employer is responsible for ensuring that workplace hazards are identified, assessed and appropriately controlled. Workers must be told about the hazards they face and taught how to control them.

The employer is expected to consult and involve the workplace safety and health committee in the hazard control process. Likewise, the committee is expected to help the employer maintain a safe and healthy workplace.

Helping the employer identify, assess and control hazards is one of the most important roles of the committee or worker representative in the internal responsibility system.

Hazards are broadly divided into two groups: hazards that cause illness (health hazards); and those that cause injury (safety hazards). Hazards can be identified by asking what harm could result if a dangerous tool, process, machine, piece of equipment and so forth, failed.

Safety and health hazards can be controlled at the source, along the path or at the level of the worker. Once controls are in place, they must be checked periodically to make sure they are still working properly.

The committee should audit the hazard controls in the internal responsibility system and help the employer keep them effective.

Notes

The committees' role in prevention of injuries and occupational diseases

- How committees are expected to function
- Where committees are required
- How committees are structured
- Duties of committees
- Protection for committee members

Introduction

The Workplace Safety and Health Act requires employers to do all that is reasonable and practicable to protect the safety and health of workers. This includes providing safe equipment, a safe working environment, adequate supervision, information and training. Managers, supervisors and workers have a responsibility to help the employer carry out these responsibilities.

To maintain an effective internal responsibility system (IRS) for safety and health, workers must be involved in decisions that affect them. Involving workers has been proven to reduce injuries and illnesses in the workplace.

This is why *the Act* requires the employer in workplaces with twenty or more workers to form a workplace safety and health committee. The committee is to be composed of worker and employer representatives. Its purpose is to help the employer maintain an effective IRS. However, the employer remains ultimately responsible for providing a safe, healthy workplace.

A safety-conscious employer will want to help the committee be effective. Therefore, the employer should provide adequate resources, time and training to help the committee function effectively. All employees are expected to cooperate with the committee.

This chapter reviews how committees are expected to help the employer maintain an effective IRS.

How committees are expected to function

The role of the committee is to help the employer and workers prevent injuries and illnesses by helping them make the IRS effective.

The employer may delegate responsibilities to the committee. But, 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 employer 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 employer, managers and supervisors. However, as an internal auditor of the IRS, the committee can tell the employer about general problems with worker compliance and recommend corrective action.

Where committees are required

Generally – The employer must set up a committee if the workplace has twenty or more workers [*Act*, section 40(1)].

Construction sites – The *prime contractor* must establish a committee at a construction project site if a total of 20 or more workers are involved, or expected to be involved, in work on a construction project **and** the project is expected to require more than 90 days to complete [*Act*, section 40(3)].

Organizations with variable numbers of workers – The employer must set up a committee once the organization has twenty or more workers. When the number drops below twenty, the employer has three options:

1. Voluntarily maintaining the committee. For example, the employer could keep a committee of one employer and one worker member.
2. Designating a worker safety and health representative if ten or more workers are regularly employed.
3. Consulting workers on safety and health issues directly where neither a committee nor a representative is required.

How committees are structured

- The employer must ensure that the committee is structured and maintained as required by law [*Act*, section 40(1)]. All employees have a duty to help the employer make the committee effective.
- Each committee must have at least four, but not more than 12 members [*Act*, section 40(8)]. At least half the members must be workers not involved in management.
- 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 such union exists, shall be elected by the workers they represent.
- The employer must select management members. Management members must not outnumber worker members.
- The employer may provide clerical support to the committee. Support personnel who are not committee members should not vote or participate unduly in committee deliberations.

Selecting members

The employer should ensure the committee fairly represents workers with significantly different concerns. For example, shift workers should be involved in committee meetings and have their concerns fairly represented.

Posting names

The employer must post the names of committee members in the workplace [*Act*, section 40(9)].

Selecting co-chairpersons [Act, section 40(8)]

Each committee must have two chairpersons. One must be designated by the employer and one selected by worker members of the committee at its first meeting.

Both co-chairpersons have the same rights and responsibilities, including the right to call and chair meetings. The employer co-chairperson is expected to keep the employer informed about the committee's activities. The worker co-chairperson is responsible for keeping workers informed. Both co-chairpersons are entitled to receive information sent to them by the Workplace Safety and Health Division and distribute it to workers.

Terms of office (MR106/88R section 4)

Each committee member serves for one year. Members may serve for more than one term. If a member doesn't want to serve on the committee anymore, that person should remain in office until someone is ready to take over.

Quorum at meetings (MR106/88R section 5)

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

The Workplace Safety and Health Division recommends that alternate (replacement) committee members be selected so a quorum can always be formed.

Frequency of meetings [MR106/88R section 6]

First meeting – A committee shall hold its first meeting within two months of the designation of that workplace as requiring a committee.

Regular meetings – Thereafter, the committee must meet at least quarterly.

Additional meetings

- The Director of the Workplace Safety and Health Division can require any committee to meet more than once every three months [MR106/88R section 6(1)].
- Either co-chairperson may call special and emergency meetings [MR106/88R section 6(2)].

Minutes of meetings

Committees must return minutes of their meetings to the Workplace Safety and Health Division. The Workplace Safety and Health Division provides a minutes form, but “home made” forms are acceptable if they use the same format. The Workplace Safety and Health Division strongly encourages the use of the Division's minute form to make the format consistent for all committees submitting minutes. How to fill out a minutes form is discussed in the appendix of this manual.

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

- sent to the Workplace Safety and Health Division
- posted in the workplace
- circulated to committee members
- filed for future reference

The employer must provide the committee with a bulletin board in the workplace for posting minutes and safety and health information.

Duties of committees

Committees help the employer by:

- advising and assisting the employer
- helping the employer to identify, assess and control hazards
- dealing with the concerns of workers
- communicating with workers
- helping orientate new and inexperienced workers
- helping the employer with policies, plans and programs
- helping the employer plan worker training
- handling refusals to work under section 43(1) of *the Act*

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

Dealing with the concerns of workers

Committees can be invaluable in encouraging workers to discuss their concerns and suggest solutions.

Methods include:

- conversations
- contacts during inspections and investigations
- meetings

Procedure for Handling of Concerns

1. Where a safety or health concern is identified, the appropriate supervisor must attempt to remedy or resolve the concern. Where practicable, a worker member of the Safety and 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.
2. Where a satisfactory resolution cannot be achieved at the supervisor level, the Committee member or the appropriate supervisor shall ensure that the concern is placed on the agenda of the next regular safety and health committee meeting for the purpose of resolving the concern. The matter will be placed on the agenda of each successive meeting until it is resolved.

If an employer receives written recommendations from the committee identifying anything that may pose a danger to safety or health, the employer must respond in writing to the committee no later than 30 days after receiving the recommendations unless the employer implements all of the recommendations within 30 days of receiving the recommendation.

3. If no agreement can be reached regarding the response of an employer the matter may be referred to a safety and health officer of the Workplace Safety and Health Division.

Protection for workers who raise concerns

Under *the Act*, workers who raise concerns are protected from discriminatory action. Protection against discriminatory action is explained in the text box on the next page.

Definition of discriminatory action

“discriminatory action” means any act or omission by an employer or any person acting under the authority of the employer or any union which adversely affects any term or condition of employment, or of membership in a union, and without restricting the generality of the foregoing includes lay-off, suspension, dismissal, loss of opportunity for promotion, demotion, transfer of duties, change of location of workplace, reduction in wages, or change in working hours but does not include the temporary relocation of a worker to other similar or equivalent work without loss of pay or benefits until a condition that threatens the safety or health of the worker is remedied.

Discriminatory action against worker prohibited

42(1) No employer, union or person acting on behalf of an employer or union shall take or threaten discriminatory action against a worker for

- (a) exercising a right under or carrying out a duty in accordance with this Act or the regulations;
- (b) testifying in a proceeding under this Act;
- (c) giving information about workplace conditions affecting the safety, health or welfare of any worker to
 - (i) an employer or a person acting on behalf of an employer,
 - (ii) a safety and health officer or another person concerned with the administration of this Act,
 - (iii) another worker or a union representing a worker, or
 - (iv) a committee or a representative,
- (d) performing duties or exercising rights as a member of a committee or as a representative;
- (e) refusing to do dangerous work under section (43),
- (f) taking reasonable action at the workplace to protect the safety or health of another person;
- (g) complying with this Act or the regulations or a code of practice under this Act, or an order or decision made under this Act; or
- (h) attempting to have this Act or the regulations enforced.

Failure to pay wages or benefits

42(2) An employer who fails to pay wages or benefits to a worker when required to do so by this Act is deemed to have taken discriminatory action against the worker under this section.

Referring a complaint to an officer

42.1(1) A worker who believes on reasonable grounds that the employer or union has taken discriminatory action against him or her for a reason described in Section 42 may refer the matter to a safety and health officer.

42.1(2) If a safety and health officer decides that an employer or union has taken discriminatory action against a worker for a reason described in section 42, the officer shall make an order requiring the employer or union to do one or more of the following:

- (a) stop the discriminatory action
- (b) reinstate the worker to his or her former employment on the same terms and conditions on which the worker was formerly employed;
- (c) pay the worker any wages the worker would have earned had he or she not been wrongfully discriminated against and compensate the worker for loss of any benefits;
- (d) remove any reprimand or other reference to the matter from any employment records the employer maintains about the worker.

42.1(3) If a safety and health officer decides that no discriminatory action was taken against a worker for a reason described in section 42, the officer shall inform the worker in writing of the reasons for that decision.

Onus on employer or union

42.1(4) If, in a prosecution or other proceeding under this Act, a worker establishes

- (a) that discriminatory action was taken against him or her; and
- (b) that the worker conducted himself or herself in a manner described in section 42;

it shall be presumed that the discriminatory action was taken because of the worker's conduct. The onus is then on the employer or union to prove that the decision to take the discriminatory action was not influenced by the conduct.

Handling refusals to work under section 43 of the Act

Refusals to work represent a failure of the internal responsibility system. An effective IRS should be able to detect and resolve concerns that could cause a refusal. Fortunately, refusals happen very rarely.

The intent of the legislation

- Under section 43(1) of *the Act* a worker may refuse to work or do particular work at a workplace if he or she believes, on reasonable grounds, that the work constitutes a danger to his or her safety or health or to the safety or health of another worker or another person.

Section 43.1 applies only to safety and health issues. It is an individual decision that has to be based on a personal belief that the work is dangerous. During a refusal, the refusing worker is protected from discriminatory action, as defined in the “definitions” section and described in section 42(1) of *the Act*.

The refusal may continue until either the worker is satisfied the dangerous condition no longer exists or a workplace safety and health officer has ruled against the refusal. During the refusal, the refusing worker should remain at the workplace.

How to investigate a refusal to work

The worker co-chair of the workplace safety and health committee, or, if that person is unavailable, a committee member who represents the workers must become involved in investigating a work refusal.

During the investigation, principles set out in section 43 of *the Act* must be followed. Anyone involved may contact the Workplace Safety and Health Division for help and advice. However, the employer and worker co-chair of the committee (or another worker member on the committee if the co-chair is unavailable) should try to resolve the matter internally before contacting the Workplace Safety and Health Division.

The principles used to deal with concerns can be applied to resolve refusals to work. Follow the steps below when investigating a refusal to work.

Steps in a refusal

1. The worker should inform the employer or supervisor.
2. If the refusing worker and supervisor cannot resolve the concern, involve the committee worker co-chairpersons for the purpose of inspecting the workplace.
3. If the refusing worker is not satisfied—contact a safety and health officer of the Workplace Safety and Health Division.
4. Inform employees about the investigation’s findings, or the officer’s ruling. Anyone involved may appeal the officer’s ruling to the Director of the Workplace Safety and Health Division.
5. Monitor the effectiveness of the corrective action.

1. Inform the supervisor

The worker should tell the employer or supervisor that the refusal is because of a safety and health concern. Most refusals are resolved at this point. The refusing worker should not leave the site without the employer’s permission.

Reassignment – The supervisor has the right to assign the refusing worker to other work (at no loss in pay or benefits) until the matter is resolved [*Act*, section 43.2].

Replacement workers – Under section 43(6) of *the Act*, an employer cannot assign another worker to the disputed job unless the replacement worker is advised by the first worker, or by a safety and health officer, of the first worker’s refusal and the reasons for it.

2. Involve the committee worker co-chairperson

If the supervisor and worker cannot resolve the refusal, the committee worker co-chairperson should be asked to help for the purpose of inspecting the workplace.

If there is no committee – If there is a representative designated under section 41 of *the Act*, that person, or if he or she is unavailable, another worker selected by the worker refusing to do the work, shall

inspect the workplace. The person(s) required to inspect the workplace shall take any action necessary to remedy any dangerous condition, or ensure that such action is taken.

3. Contact the Workplace Safety and Health Division

During a refusal to work, contact the Workplace Safety and Health Division if the matter has not been resolved or the refusing worker is not satisfied with the worker co-chairperson and employer's decision.

In such cases, a workplace safety and health officer must investigate and make a ruling. The worker may continue the refusal until the officer rules. The officer will provide a written decision to the refusing worker, each co-chairperson, or the representative, and the employer.

Section 37(1) of *the Act* allows anyone directly affected by an officer's decision to appeal it to the Director of the Workplace Safety and Health Division. The appeal does not suspend the operation of the officer's decision.

4. Communicate the results to employees

The results of the investigation, and the Officer's report, should be posted for the information of employees. Everyone involved should be kept informed during the investigation.

5. Monitor the effectiveness of corrective action

The effectiveness of corrective action should be checked by the committee during inspections, conversations with workers and other activities.

Protection from discriminatory action

Section 42(1) of *the Act* protects any worker who refuses or has refused to work pursuant to section 43(1) from discriminatory action. The legislation permits the employer to reassign a refusing worker to other work (at no loss in pay or benefits) until the matter is resolved. The refusing worker is protected until a workplace safety and health officer investigates the situation and rules against the refusal. If the officer rules against the refusal, the worker should return to work.

Where discriminatory action is taken

If a safety and health officer decides that an employer or union has taken discriminatory action against a worker for a reason described in section 42 of *the Act*, the officer shall make an order requiring the employer or union to do one or more of the following:

- a) stop the discriminatory action
- b) reinstate the worker to his or her former employment on the same terms and conditions on which the worker was formerly employed
- c) pay the worker any wages the worker would have earned had he or she not been wrongfully discriminated against and compensate the worker for loss of any benefits
- d) remove any reprimand or other reference to the matter from any employment records the employer maintains about the worker

Where the officer does not find discriminatory action

An officer who does not find evidence of discriminatory action will advise the parties in writing. Anyone directly affected by the officer's decision may appeal.

Advising and assisting the employer

The role of the committee is to help the employer make the internal responsibility system function effectively. The committee has no direct responsibility within the IRS. It functions as an internal auditor of the IRS.

As an internal auditor of the IRS, the committee should help the employer assess the effectiveness of each aspect of the system. Things that should be considered include:

- the safety and health systems, policies, plans and program
- the effectiveness of standards
- the resources allocated to safety and health
- accountability and authority for safety and health decision making
- the importance of safety and health in purchasing and tendering decisions
- the importance of safety and health in the design of the workplace, work stations and work processes
- the effectiveness of worker orientation and training
- the effectiveness of existing hazard controls and work procedures
- the effectiveness of housekeeping and maintenance programs
- the effectiveness of the committee's activities (such as inspections, investigations, dealing with concerns, etc.)

Worker involvement through the committee increases the likelihood that all hazards and concerns will be identified and solutions will be practical and cost-effective.

Helping the employer with policies, plans and programs

The committee can help the employer to develop policies, plans and programs. Some of these are required by the regulations, including:

Safety programs – Each workplace where 20 or more workers are regularly employed must develop a safety and health program in consultation with the committee [*Act*, section 7.4(1)].

Safety procedures – Where safety procedures are developed the employer should consult the committee or workers to ensure that each procedure is adequate and workable.

First aid – Committees are expected to help the employer prepare for incidents and organize a system to provide first aid (Regulation MR140/98).

Noise – In certain workplaces, the employer is expected to develop a system to evaluate exposures to noise and recommend corrective action in consultation with the committee (Regulation MR227/94).

Committees also have a duty to help the employer control specific problems, such as chemical hazards (Regulations MR52/88 and MR53/88).

Helping the employer orientate new and inexperienced workers

New and inexperienced workers are more likely to sustain injuries than experienced workers. Therefore, before starting work, new workers and workers assigned to new duties or work areas are to receive an orientation [*Act*, section 4(4)]. Ideally, orientation records should be kept for each worker.

The committee can help the employer develop the orientation program and monitor its effectiveness. New workers should be told who their committee member is. They should know what to do if they have a concern. The local committee member should look out for the safety and health of these workers.

Helping the employer plan worker training

The employer is expected to provide training for workers and supervisors. Training must include safe work practices and any procedures, plans, policies and programs required by the legislation. The committee can help the employer prepare and monitor worker training.

The employer must consult the committee during the development of any worker training program required by the regulations, including WHMIS instruction, the use and maintenance of respirators, etc. The committee can help the employer to determine what training is required, select who will deliver the training and evaluate its effectiveness.

Supervisory training

The employer has a responsibility to provide adequate supervision and ensure supervisors are competent. The employer can prepare workers for supervisory positions by helping them get training in:

- effective supervisory techniques
- the technology, work processes, etc. associated with the job
- identification and control of workplace hazards
- the role of supervisors within the IRS
- safety and health programs and policies at the workplace
- the role of the committee or worker safety and health representative
- responsibilities under standards set by the organization
- responsibilities under Workplace Safety and Health legislation

Worker training programs

The employer is responsible for ensuring workers are trained in all matters necessary to protect their safety and health. Committees can help the employer do this by:

1. Identifying dangerous jobs and jobs with a history of safety and health problems and reviewing:
 - the training provided for these positions
 - current standards for this training
 - required standards set by the industry, the legislation, etc.
2. Reviewing the orientation program provided to new and inexperienced workers. The orientation should include:
 - fire and other emergency procedures
 - the location of first aid facilities
 - prohibited or restricted areas, tools and equipment
 - precautions to be taken when dealing with physical, chemical and biological hazards
 - precautions to be taken to deal with other safety and health hazards
 - plans and procedures at the workplace
 - work rules and any other information required by the organization, industry and legislation
 - the role of the worker and committee within the IRS
 - worker rights (to know, to participate and to refuse)
 - how to report concerns and contact the committee

Review the need for and scheduling of refresher training. Many organizations provide a follow-up session three months after orientation.

3. Reviewing standards for on-the-job instruction, coaching and “safety tips” provided by supervisors. Most organizations require the supervisor to show each worker how to do the job safely. This training must reinforce standards set by the organization and legislation. Supervisors must be equipped to provide this instruction.
4. Reviewing standards for safety meetings and talks. Regular safety talks provide supervisors with a chance to reinforce safety and health practices. They also demonstrate the commitment of the organization.
5. Reviewing safety and health information in documents provided to workers. For example, these publications should contain information about the safety policy, the safety and health requirements of the employer, etc.
6. Reviewing safety rules and job descriptions, including requirements for the use of personal protective equipment (PPE). Ideally, all tasks should have written job descriptions. Descriptions about when, where and how to use PPE should be provided. Workers must be trained to correctly use, store and maintain their personal protective equipment.
7. Reviewing documents such as job descriptions, inspection reports, incident investigations, etc. Look for potential training needs.
8. Discussing training needs with managers, supervisors and workers.
9. Reviewing procedures for regularly auditing and updating worker training.
10. Reviewing concerns dealing with training provided to workers.

Quick Training Checklist

Do Workers:

- Know the safety and health requirements and standards for their jobs?
- Know material contained in the orientation program?
- Recognize the hazards of each task within the job and the risks associated with those hazards?
- Know how to safely use the tools, equipment, substances and materials required for their jobs?
- Know the workings and use of machinery guards and other safety devices?
- Know when and how to use personal protective equipment and clothing?
- Know what safe work procedures to use?
- Know how to avoid ergonomic injuries by using safe lifting practices, setting up computers safely, etc.?
- Know how to safely handle, use, store and dispose of biological and chemical substances at the workplace?
- Know how to report concerns?
- Know how to comply with work rules, legislation and other standards?

More information about worker training is in the appendix of this manual.

Communicating with workers

The committee is expected to help the employer communicate information to workers about workplace hazards, safety rules, work practices, worker rights, etc. In short, the committee helps the employer to put the right to know into practice.

Effective communication is crucial to the success of every committee. It raises morale, increases support for safety and health and prevents conflict. Good communication skills are especially useful during meetings.

More information about communication is included in the appendix of this manual.

Protection for committee members

The right to contact the Workplace Safety and Health Division- Anyone covered by the legislation has this right, including:

- workers
- employers and supervisors
- contracted employers and self-employed persons
- committee members and worker safety and health representatives

Protection from discriminatory action – Discriminatory action is defined in the “definitions” section of *the Act*. Sections 42(1) of *the Act* prohibits an employer from taking discriminatory action against anyone covered by this section, including committee members.

Immunity from legal action [Act, section 49(1)] – Committee members and worker safety and health representatives are protected from legal action if they carry out their duties in good faith.

No exemption in case of negligence [Act, section 49(2)] – Section 49(1) does not apply where the person exercising any of the powers given to him or her under *the Act* or the regulations is negligent in the performance thereof.

Right to appeal – Anyone directly affected by a workplace safety and health officer’s decision may appeal under section 37(1) of *the Act*.

Review

The ultimate purpose of a committee is to help the employer make the IRS effective. The committee audits the IRS, but is not the IRS. It helps the employer provide a safe and healthy workplace, but it is not a safety and health officer. The employer can share duties with the committee, but cannot share ultimate responsibility for safety and health.

Committees are required in any workplace with twenty or more workers. It is up to workers or their unions to select employee members, including one chairperson. The employer is responsible for selecting management representatives and one chairperson. Committees can have as few as four members or as many as 12. Whatever the size, employer representatives may not outnumber worker members. Members serve for one-year terms.

Employers and workers are encouraged to select and prepare alternate (replacement) members to ensure it will always be possible to form a quorum at committee meetings. Be sure to keep alternates informed of committee activities.

Committees must meet at least quarterly. Additional meetings can be held if necessary. Copies of minutes of meetings must be posted in the workplace and sent to the Workplace Safety and Health Division.

The function of the committee is to help the employer maintain an effective internal responsibility system for prevention of injuries and occupational diseases. This can be done by:

- advising and assisting the employer
- helping the employer to identify, assess and control hazards
- dealing with the concerns of workers
- communicating with workers
- helping plan and monitor orientation and training
- helping the employer with policies, plans and programs
- helping the employer plan worker training
- handling refusals to work under section 43 of *the Act*

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

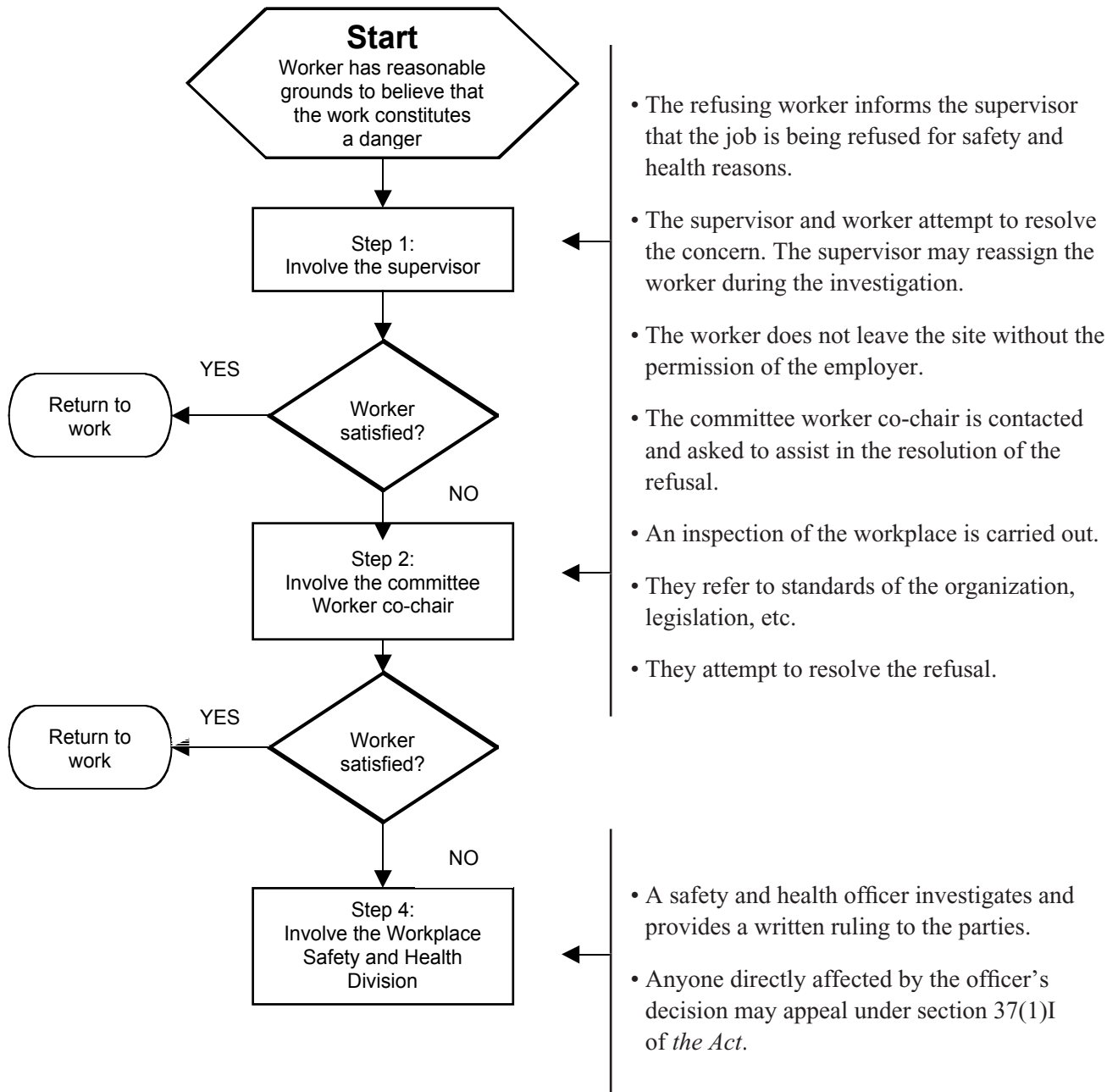
Committee members and workers who report concerns are protected from *discriminatory action* by the legislation.

An effective way of resolving concerns is one of the most important components of an effective internal responsibility system. Committees and representatives provide the workplace with a mechanism to identify concerns and resolve them with the employer. The Workplace Safety and Health Division recommends workers report concerns to their supervisor. If the supervisor and worker cannot resolve the concern, the worker co-chair of the committee, or representative should be involved. If the worker co-chair or representative cannot resolve the concern with the employer, the Workplace Safety and Health Division may be asked for help.

Section 43(1) of *the Act* gives each employee the right to refuse work if the worker has *reasonable grounds to believe that the work constitutes a danger to his or her safety or health or to the safety or health of another worker or another person*. While the refusal is being investigated, the worker is protected from discriminatory action, as described in *the Act*.

The refusing worker and his or her supervisor should attempt to resolve the concern. If the matter cannot be resolved to the satisfaction of the refusing worker, the supervisor (or a person designated by the supervisor), the refusing worker, and the worker co-chair of the safety and health committee (or a committee member who represents workers), must inspect the workplace. If the dangerous condition is not remedied after the inspection, any of the persons present during the inspection may notify a safety health officer of the refusal to work and the reasons for it. The investigating officer will provide a written ruling to the parties. The officer’s decision may be appealed under section 37(1) of *the Act*. The summary (flowchart) below outlines these procedures.

Procedural summary for investigating a refusal to work



Notes

Responsibilities of employers and employees towards the committee

- Responsibilities of employers
- Responsibilities of managers, supervisors and workers

Introduction

In order to be effective, a workplace safety and health committee must be supported by both the employer and employees. An effective committee can be invaluable in helping the employer and workers maintain a safe and healthy workplace. This chapter discusses how the employer, managers, supervisors and workers can help the committee to help them.

Responsibilities of employers

Diligent employers take the lead in helping the committee to function properly. They create a workplace environment that enhances the effectiveness of the committee, in addition to meeting requirements of the legislation. To do this, the employer should:

- Inform workers about the requirements for committees, including what they are expected to do in the workplace.
- Inform managers and supervisors about the committee and their responsibilities towards it.
- Arrange for workers on various shifts and in distinct work areas to be fairly represented on the committee.
- Provide time for workers to select their committee members.
- **Appoint influential employer members and/or personally serve as the employer co-chairperson.**
- Promptly hold an initial committee meeting to select co-chairpersons and plan activities of the committee.
- Post the names of committee members in the workplace and provide the committee with a bulletin board post minutes of meetings and safety and health information.
- Arrange for the committee to inspect the workplace and discuss concerns with workers to give the committee “momentum”.
- Promptly take corrective action when the committee reports a concern. This will help the committee gain credibility with managers, supervisors and workers.
- Provide the committee with information.
- Provide the committee with adequate time and resources to do its job.
- Ensure each member of the committee obtains training in their responsibilities.
- Ensure the committee meets at least quarterly and ensure minutes of meetings are sent to the Workplace Safety and Health Division.
- Help the committee inspect the workplace regularly and promptly investigate incidents.
- Involve the committee in the development of policies, plans and programs.
- Involve the committee in worker orientation and training, including WHMIS instruction.
- Ensure that new workers know who their committee member is and how to report concerns.
- Empower managers and supervisors to correct problems brought to their attention by committee members.
- Maintain contact with the committee to ensure it is functioning effectively.

Training members of the committee

Training is crucial to the success of the committee. It gives the members of the committee the necessary tools for the job. The employer is expected to help the committee members obtain training in their duties and functions. In turn, the committee members are expected to attend training programs and apply their learning at work.

When it is convenient for both the employer and committee members, the employer shall allow each member of the committee to take up to two regular working days per year to attend workplace safety and health training programs, seminars or courses of instruction. The members do not lose pay or benefits when attending courses offered by the Workplace Safety and Health Division or approved by the Workplace Safety and Health Committee, or provided in the current collective bargaining agreement respecting the workers at the workplace [*the Act* section 44(1)].

Training provided by the Workplace Safety and Health Division is meant to satisfy regulatory requirements for the basic training of committees and representatives. However, it is not intended to equip committees to deal with specific hazards at the workplace. Employers must arrange workplace specific training.

Employers and committee members are encouraged to get training in the following topics:

- how to identify and control industry-specific hazards, including ergonomic hazards
- how to conduct inspections
- how to investigate incidents
- Manitoba workplace safety and health legislation
- The Workplace Hazardous Materials Information System (WHMIS)

It is recommended that alternate committee members (those who take the place of committee members who cannot attend meetings) be trained in their duties. Keep alternate members informed about committee activities by providing them with the information, agendas, etc. that are sent to regular committee members.

The employer and senior managers are encouraged to attend committee training as well.

Providing information

The employer is expected to provide the committee with information listed under section 7.5 of *the Act*. This includes any information an employer, prime contractor, contracted employer or self-employed person, owner or supplier knows, or may reasonably be expected to know, that:

- a) may affect the safety and health of any person who works at a place of employment; or
- b) is necessary to identify and control any existing or potential hazards with respect to any plant or any process, procedure, biological substance or chemical substance used at a place of employment; and
- c) includes any prescribed information.

The employer should ensure that the co-chairpersons receive material sent from the Workplace Safety and Health Division. Committee members should share the material with workers.

Committee members should also be informed about:

1. Any general results of work environment monitoring or biological monitoring. However, confidential (personal) medical information may not be released.
2. Reports from consultants that impact on the occupational safety and health of workers.
3. Incident notifications and investigation reports.
4. Safety and health hazards associated with the place of employment.

Providing time

Committee members will need adequate work time to carry out their duties (at no loss in pay or benefits). This will include time for reviewing and providing recommendations on matters requiring the committee's input, such as:

- discussing and addressing worker's concerns
- identifying hazards (through inspections and investigations)
- providing information to employees and the employer
- meeting with the employer and others to obtain information, discuss issues and develop solutions
- reviewing lost time injuries
- investigating certain incidents and dangerous occurrences

Helping the committee to inspect the workplace regularly

The employer should help the committee or the co-chairpersons to regularly inspect the workplace and discuss concerns with workers [*the Act*, section 40(1)]. The Workplace Safety and Health Division suggests that inspections be made a day or so before each regularly scheduled committee meeting. Committees should summarize inspection reports in the minutes of meetings to keep workers informed.

- (a) **Accompanying a safety and health officer** – A safety and health officer who conducts an inspection or investigation at a workplace, will request that he or she be accompanied by the worker co-chairperson of the committee or his or her designate.

Providing progress reports

Where a safety and health officer finds a contravention (violation) of the legislation, the officer will issue an Improvement Order and Report Form. It specifies what legislation must be complied with and by what time. The officer must provide the employer and worker co-chair (or designate) with a copy of the Improvement Order and Report Form.

The employer must then file a written report on the measures taken to remedy the contravention, and on any measures yet to be taken, within seven days after the expiry of the period specified on each order. The report will document what has been done to correct the contravention. Copies of the report must be sent to the workplace safety and health officer who made the order, the committee or worker safety and health representative, and posted in a prominent place at or near the workplace for the information of workers where there is no committee or worker representative.

Any committee member has a right to contact the workplace safety and health officer about the corrective action taken by the employer.

Helping the committee conduct investigations

Finding the root causes of incidents can prevent recurrences. Investigations can also identify problems within the internal responsibility system (IRS) that need attention.

When a serious incident occurs at a workplace, the employer is required to notify the Workplace Safety and Health Division by the fastest means of communication available (regulation, MR108/88R, section 8). The Workplace Safety and Health Division considers an incident to be serious if it results in:

- a) Death, or serious injury (serious injuries are defined as: fracture of a major bone; amputation; loss of sight; internal hemorrhage; third degree burns; unconsciousness resulting from concussion, electrical contact, asphyxiation; poisoning; cuts requiring hospitalization or time off work; any injury resulting in paralysis; any other injury likely to endanger life or cause permanent disability).

- b) Collapse or structural failure of a building, tower, crane, hoist, temporary construction support system or excavation.
- c) Explosion, fire or flooding.

The employer is expected to help the committee investigate and report on incidents [*the Act*, section 40(1)]. The employer must file an incident report at the request of a safety and health officer and correct concerns raised in the report.

The employer can help the committee review problems in the workplace by providing it with a report listing all lost time injuries over the past year that required medical attention.

Resolving concerns reported by the committee

Committees are expected to bring safety and health concerns to the employer for corrective action, including unsafe conditions found during an inspection or investigation [*the Act*, section 40(10)].

If the committee reports an unsafe condition, the employer can show leadership and commitment by:

1. Immediately protecting the safety and health of workers at risk until the unsafe condition or hazard is corrected.
2. Correcting the basic cause of the problem.
3. Informing workers and the committee about the corrective action taken or planned.
4. Helping the committee to monitor the corrective action to ensure that it solved the problem.

The employer may not agree with the committee's recommendations. If so, the employer is expected to provide the committee with a written explanation no later than 30 days after receiving the recommendations. The employer's response must contain a timetable for implementing the recommendations that the employer accepts and give reasons why the employer disagrees with any recommendations that the employer does not accept. If no agreement can be reached regarding the response of an employer, any committee member has a right to contact the Workplace Safety and Health Division for assistance and advice [*the Act*, section 41.1(4)].

Where a matter is referred to a safety and health officer

- The officer may determine that there is no problem or concern and inform the person(s) involved.
- The officer may identify violations of the legislation and issue an Improvement Order.

Providing access to records

The employer can help the committee identify problems in the workplace by allowing it to review records, logs and books the employer may keep. Examples include first aid registers, crane operators' logs and lists of biological and chemical substances. However, personal medical information may not be released.

Responsibilities of managers, supervisors and workers

The responsibilities of managers and supervisors reflect the employer's duties.

Managers

To help the committee, managers should:

- Allocate sufficient resources to committee activities (such as money, time, facilities, tools and equipment).
- Encourage supervisors and workers to cooperate with the committee and get involved.
- Involve the committee in all safety and health activities.
- Help to schedule committee activities, such as inspections and investigations.
- Separate safety and health issues from unrelated concerns.
- Work and act safely and ensure that supervisors work and act safely.

Supervisors

To support their managers, supervisors can:

- Ensure workers know what the role of the committee is and who their committee member is.
- Promptly correct concerns reported by the committee and workers, and informing the appropriate manager of concerns that cannot be resolved on the shop floor.
- Introduce new workers to the local committee member.
- Involve the committee in shop safety and health meetings, safety talks, local area inspections, etc.
- Help the committee carry out inspections and investigations. For example, the supervisor might allow a technical specialist to help the committee inspect a piece of equipment in another area.
- Distribute information provided by the committee and ensure that workers are aware of the latest committee minutes.
- Encourage workers to serve on the committee.
- Work and act safely and ensure workers do the same.

Workers

To support the committee, workers can:

- Serve on it.
- Cooperate with the committee during its activities. For example, a specialist might help the committee inspect a piece of equipment or demonstrate a safe work practice.
- Promptly report concerns to the supervisor and inform the local committee member about concerns the supervisor cannot resolve.
- Work and act safely and help inexperienced workers work safely.
- Help the employer, managers and supervisors support the committee.

To help the committee and employer, the worker's union can:

- Select influential workers to serve on the committee.
- Encourage union members to support the committee.
- Share union safety and health information with committee members and the employer.
- Encourage committee members to attend workplace safety and health training sanctioned by the collective agreement.
- Separate safety and health issues from unrelated concerns.

Review

Everyone has a responsibility for safety and health within the internal responsibility system. The committee helps the employer and workers maintain the system's effectiveness. In order to do this, the committee must be supported.

The employer can support the committee by providing leadership. This begins by identifying each of the committee's responsibilities and helping members carry them out properly. Effective leadership within the committee will be required to do this. That is why it is so important for the employer to serve on the committee or appoint influential employer representatives.

The support of managers and supervisors is also critical to the success of the committee. Managers can help the committee by allocating adequate resources and obtaining the support of their subordinates. Supervisors can help the committee by involving committee members in supervisory safety activities and dealing with concerns. Finally, workers can support the committee by getting involved.

In the end, the committee will only be as effective as the employer and workers want it to be.

Notes

Holding effective committee meetings

- Meeting requirements
- Planning meetings
- Managing meetings and solving problems
- Developing recommendations
- After the meeting
- Role of the employer

Introduction

This chapter discusses how committees can get the most out of their meeting time. Meetings keep committees focused on their central role as internal auditors of the IRS. Meetings offer committee members a chance to discuss concerns and make suggestions for corrective action. By meeting regularly, discussing and resolving concerns, the committee and employer demonstrate that safety and health is taken seriously. Items that should be discussed at meetings include:

- the effectiveness of the IRS
- the effectiveness of safety and health programs and policies
- new concerns
- inspection and incident investigation reports
- the status and disposition of ongoing concerns
- consultations with safety and health officers, equipment vendors, safety consultants, etc.
- safety and health orientation and training
- the effectiveness of the WHMIS program and worker instruction
- refusals to work under section 43(1)
- information and directives from government agencies relating to safety and health

Organizing an effective meeting often involves planning, managing, solving problems and preparing recommendations. Minutes and meeting planning forms, communications and problem solving techniques are discussed in the appendix.

Meeting requirements

- Committees are required to meet quarterly.
- Committees in workplaces with hazardous conditions are encouraged to meet more frequently.
- A co-chairperson may call special or emergency meetings.
- Management representatives may not outnumber worker representatives at meetings.
- Copies of minutes must be returned to the Workplace Safety and Health Division after each meeting of the committee. Another copy must be posted at the workplace. File a third copy for future reference.

Planning meetings

You may wish to plan your committee meetings by following these steps:

- Provide members with a chance to contribute to the agenda.
- Put unresolved concerns from previous meetings on the agenda.
- Finalize the agenda, select the meeting location and decide when the meeting will start and stop.
- Distribute the meeting announcement, the agenda and copies of the last minutes a few days before the meeting so members can prepare.
- Arrange for necessary committee members to attend and for a quorum to be present.
- Prepare adequate and comfortable meeting room facilities.

Managing meetings and solving problems

Steps in running a productive meeting include:

1. Welcoming the members and opening the meeting.
2. Outlining the agenda and getting a consensus on the topics to be discussed.
3. Reviewing the minutes of the previous meeting.
4. Dealing with unfinished business from previous meetings.
5. Allowing a full, but business-like discussion of each agenda item.
6. Allowing everyone to present his or her views and have a voice in decision making, but discouraging anyone from dominating the meeting.
7. Keeping track of meeting time.
8. Summarizing progress of the meeting periodically.
9. Getting a consensus on recommendations.
10. Ending the meeting with a review of:
 - what has been accomplished
 - who is responsible for carrying out each task agreed to
 - what has yet to be resolved
 - upcoming events, such as the next inspection or meeting
11. Periodically evaluating the effectiveness of meetings.

One co-chairperson should run the meeting and maintain order (the worker and management co-chairs should alternate chairing the meetings). The chair should proceed down the agenda systematically; keeping the committee focused on each item under discussion. The chair should also allow everyone to state their opinion, avoid having people speak at once and keep discussions on safety and health. The committee secretary, or a member of the committee, summarizes comments and takes minutes.

If the committee agrees, the employer can provide secretarial, word processing and support services. People who are not committee members should not vote or participate in discussions.

Some items to concentrate on

- **Inspection reports and the concerns of workers** – These should help evaluate the organization’s IRS. For example, inspection reports may:
 - identify a need for better training of new workers
 - explain why incidents are happening in certain areas
 - suggest improvements in existing hazard controls
- **Underlying causes** – Discussions should focus on the underlying causes of problems. An underlying cause, such as inadequately designed work processes and equipment, allows a hazard to develop and persist.
- **Ongoing concerns** – Some concerns, such as ventilation problems, may take a long time to fix. Ongoing concerns should be monitored during inspections and discussed regularly to ensure they are not forgotten. Committee members should be aware of applicable technological advances.
- **Safety and health promotion** – The committee could discuss what areas of safety and health would be improved by a promotional program, for example back injury prevention, housekeeping, fire prevention, home safety, etc.
- **Orientation and training programs** – The committee should periodically review programs and help the employer keep them effective.

Problem solving ideas	
<p>Use team problem solving techniques</p> <ol style="list-style-type: none"> 1) Recognize the problem. 2) Label the problem. 3) Analyze the cause of the problem. 4) Explore possible solutions to the problem. 5) Make a recommendation to solve the problem. 6) Prepare an action plan to implement the recommendation. 	<p>Ask “Why” Five Times</p> <ol style="list-style-type: none"> 1) Why did the machine stop? <i>A fuse blew because of overload.</i> 2) Why was there an overload? <i>There wasn't enough lubrication in the bearings.</i> 3) Why wasn't there enough lubrication? <i>The pump wasn't pumping enough.</i> 4) Why wasn't the lubricant being pumped? <i>The pump shaft was vibrating because of abrasion.</i> 5) Why was abrasion caused? <i>The filter wasn't replaced correctly during maintenance due to a misunderstanding caused by a poorly written work procedure. The improperly replaced filter allowed metal chips to get into the pump shaft.</i>
<p style="text-align: center;">Use Checklists</p> <p>Ask: “Why,” “Where,” “When,” “Who,” “What” and “How” to help clarify issues.</p> <ol style="list-style-type: none"> 1) Why is it necessary? 2) Where should it be done? 3) When should it be done? 4) Who should do it? 5) What should be done? 6) How should it be done? <p>Sometimes, asking the question “what other uses” can be useful in solving problems. For example, how can an issue be:</p> <ul style="list-style-type: none"> • adapted? • modified? • substituted? • magnified or maximized? • minimized or eliminated? • rearranged? • reversed? • combined with something else? 	<p style="text-align: center;">Use Brainstorming</p> <ol style="list-style-type: none"> 1) Has everyone put ideas forward to resolve the problem. 2) Write ideas out on flipchart sheets and post them to the wall. 3) During idea generation, do not criticize or reject anyone's ideas. Do not discuss any idea until idea generation is complete. 4) When everyone has run out of ideas, begin to systematically discuss the pros and cons of each idea. List the attributes of the situation. 5) Below each attribute, place as many alternatives as you can think of. 6) When completed, make random runs through the alternatives, picking a different one from each column and assembling the combinations into entirely new forms of your original subject. 7) Continue the process until the best solution(s) is identified.

Look for the underlying causes of problems

Some problems are like icebergs, only 20 percent can be seen above the surface. This is why it is so important for committee members to look for the root causes of concerns. For example, are back injuries being caused by unsafe workplaces, or by deeper issues, such as poorly designed work areas, inadequate mechanization, etc.?

Once a problem is recognized, its components must be identified and categorized. Once this is done, the problem and its components must be analyzed and the root cause recognized. For example, a back injury problem may have components relating to work procedures, work process layout, equipment, etc.

Consider both facts and feelings

Once everyone's views are recorded, it may be useful to divide the evidence into facts (hard information) and feelings (such as values, beliefs, attitudes and emotions). Your committee can then consider how to address each issue. This is illustrated in the following table.

Problem analysis table			
Data	Fact	Feeling	Possible solution
1) Nurses injuring their backs while lifting patients out of bed, particularly during urgencies and emergencies on night shift.	✓		1) Review back injury reports and discuss with nurses and employer. Develop written program with the committee specifying procedures required to classify patients (weight, size, health status), label the risk posed by lifting each class of patient and steps to be taken to minimize risk to nurses. Include the lifting techniques and number of staff required for each class of patient. Specify the number of lifts that must be available in the ward. Until the program can be finalized, we recommend that, on the night shift, supervisors ensure two nurses are always used to lift patients. Explore arranging a back-injury prevention course. Ensure a patient lift is always in hall by rooms. Discuss implementation with employer.
2) Shift short staffed due to budget cuts.	✓		2) Find out what other staff can be summoned to help lifting patients on the night shift. Examine the costs of injury claims against the cost of hiring new staff. Recommend management request money from the health authority to hire more staff.
3) Only one patient lift available on floor during shift.	✓		3) Determine if lifts can be moved from other floors during the night shift. Find out if new lifts can be purchased. Can lifts be borrowed from other facilities?
4) Nurses reluctant to use lift because they do not like its design.		✓	4) Find out exactly why the nurses do not like the design. Have nurses been trained adequately to use the lift? Is the unit obsolete, unstable or broken? Do patients resist getting into it? Can the patient lift be modified or fixed?
5) Nursing supervisor feels she is unfairly blamed for the problem. Feels nurses aren't using safe lifting procedures.		✓	5) Discuss with nursing supervisor. Get her views on possible causes and solutions for the problem. Reassure her.
6) Nurses want more staff and newer patient lifts. Management says it has no money.		✓	6) Explore budgetary situation with employer. See recommendations #2 and 3. Propose purchasing new lifts if more lifts cannot otherwise be made available.

Involve stakeholders

Involving stakeholders will help committee members identify the root causes of problems. Consider the most effective way of gaining their support. Obtaining their views on cost-effective solutions will build support for your recommendations.

Consider what is known and not known about the problem

Sometimes it is useful to list what is presently known about a problem and what is unclear. This can identify areas for research and break up blind spots.

Review the sequence of events

Consider when the concern was recognized. Find out what happened immediately before it surfaced. For example, was a work process modified? Were new materials or substances introduced?

Developing recommendations

Once a problem has been recognized and its components outlined, the committee can conduct in-depth research and develop recommendations.

1. **Define the problem** – Identify the immediate problem, its components and the root cause from your initial research.
2. **Research the issues** – Involve all committee members. Do not jump to conclusions. Review relevant legislation, standards at other workplaces, equipment manuals, MSDSs, records, diagrams, etc. before making recommendations. Look for the underlying cause(s) of the problem. Ask stakeholders for their opinions and suggestions.
3. **Select practical choices** – Remember that corrective action is usually taken to protect workers and improve performance. Consider cost-effective ideas to help the employer meet both objectives.
 - Review the alternatives and select those with the most chance of success. Prepare several potential solutions (such as improved worker training and job procedures, better equipment and tools, better work environment controls, replacement of equipment or workplace redesign). Consider controls at the source, along the path to the worker and at the level of the worker.
 - Develop short-term measures to deal with the immediate causes and long term solutions to remove the root cause. Outline the advantages, disadvantages and costs of each option. Consider the consequences and costs of not implementing each solution (such as continuing injury claims, poor product quality and so forth).
 - Consider:
 - the nature of the hazards involved and their risk
 - the cost and inconvenience of corrective action
 - any new hazards that corrective action might create
 - the costs of corrective action versus the status quo
 - the cost advantages of corrective action
 - compliance issues
 - total costs and final cost comparisons of the solution versus the status quo

4. **Reach agreement** – Discussion and consensus should be used to gain agreement rather than votes, which can split the group into competing factions. Plan an implementation schedule (such as who does what, by when and so forth) for each recommendation. Both co-chairpersons should sign the final recommendations.
5. **Present the recommendations** – Only the employer has authority to take corrective action. The committee must be able to convince the employer that its recommendations should be implemented. This is why it is so important for the employer and workers to select influential members.
 - Recommendations must clearly state what must be done to resolve each concern. Proposals and implementation schedules must be put forward in a way that supports agreement and promotes action.
6. **Follow-up** – The employer and workers should be kept informed while corrective action is being taken. The effectiveness of the improvements should be checked during the next inspection.

Implementation Schedule Checklist

	YES	NO
1. Are the actions measurable?	<input type="checkbox"/>	<input type="checkbox"/>
2. Does each person have clear duties and performance standards?	<input type="checkbox"/>	<input type="checkbox"/>
3. Are the deadlines practicable (realistic)?	<input type="checkbox"/>	<input type="checkbox"/>
4. Are resources identified?	<input type="checkbox"/>	<input type="checkbox"/>
5. Are actions logically sequenced?	<input type="checkbox"/>	<input type="checkbox"/>
6. How will actions be monitored?	<input type="checkbox"/>	<input type="checkbox"/>
7. Is there a contingency plan if things go wrong?	<input type="checkbox"/>	<input type="checkbox"/>
8. Is there a way of evaluating the results of the plan?	<input type="checkbox"/>	<input type="checkbox"/>

After the meeting

Minutes of the meetings should be promptly drawn up and signed by both co-chairpersons. Copies should be:

- distributed to each committee member
- posted in the workplace for the information of workers
- returned to the Workplace Safety and Health Division
- reviewed by the committee's inspection team immediately before the next inspection
- distributed with the agenda of the next committee meeting

The co-chairpersons should follow-up with the employer on the status of corrective action. They should also check to see that agreed upon tasks have been carried out by the applicable committee members.

Role of the employer

The employer is expected to act on the committee's recommendations and inform it about what action is planned or being taken. If the employer does not agree with the committee's recommendation, the employer must provide a written explanation to the committee no later than 30 days after receiving the recommendations.

When the employer does not act, it is often for the following reasons:

- The employer believes that action cannot be taken immediately because resources are not available. For example, the employer may not act because of lack of money, production commitments, insufficiently trained staff, etc.
- The employer may be presented with an inadequate number of choices. For example, the committee may only propose the most expensive and time-consuming solution to the concern.
- The recommendations may be inadequately supported. For example, the committee may not have provided the employer with enough information about the nature and severity of the problem.
- The employer may not agree with the committee's recommendation or may believe that no hazard exists. In this case, the employer will often want to study the matter.

Try to anticipate these problems when conducting research and preparing recommendations.

Review

Committee meetings help representatives of the employer and workers to communicate with each other about safety and health. They allow the committee to discuss concerns and develop ways of resolving them.

Committees are required to meet at least quarterly. Quorums must be present at all committee meetings. Copies of minutes must be posted for the information of workers. Another copy must be returned to the Workplace Safety and Health Division. Keep a third copy on file for future reference.

Meetings should be carefully planned, managed and followed up on to ensure the committee benefits from its meetings. Use problems solving techniques to analyze concerns and resolve differences of opinion.

Ultimately, meetings are of little use if the recommendations they produce do not convince the employer to take corrective action. This is why workers and the employer should select influential representatives. Committees will be more likely to have their recommendations acted on if they work hard at carefully identifying the root causes of problems and developing cost-effective options for the employer.

The employer is expected to act on the committee's recommendations and report on the planned corrective action. If the employer does not agree with the committee's recommendations, he or she is expected to state why in writing.

The committee can help evaluate the effectiveness of the corrective action by checking to see that it has solved the problem. Keep everyone involved informed.

Notes

Maintaining committee effectiveness

- Teambuilding
- Training
- New members

Introduction

This chapter discusses how committee members can cooperate to improve their effectiveness. The more skilled committee members become in problem solving and interpersonal communication, the more successful the committee will be. We'll begin by describing how members can become a problem solving team. Next, we'll discuss training and finally, we'll look at what the committee can do to help new members become effective.

Teambuilding

A team is a group of individuals working together to achieve an agreed upon goal. Successful teams are much more effective than any individual member working alone. Workplace safety and health committees are intended to be teams of employer and employee representatives working cooperatively towards the goal of maintaining a safe and healthy workplace.

Committee members are expected not to bring their management or union "hats" into committee business. Management representatives must not simply represent the views of the employer, or worker members the views of employees. Both employer and worker representatives are expected to work together to protect the safety and health of everyone in the workplace. For this reason, do not deal with issues that are not safety and health matters.

Establish membership

Committee members must feel that they are able to express their views freely and without risk of retaliation. Members must feel accepted by the group. Leadership and authority within the committee should therefore be established and managed in a way that encourages information sharing, cooperation and compromise.

Clarify the expectations of committee members

Committee members should have a clear idea of what the committee is for, what it can do and what it cannot. Members should have a chance to express what they want to get out of participating in the committee.

Develop group procedures

Your committee should develop operating rules dealing with:

- how disagreements among members will be handled
- how information will be shared
- how members can support each other
- how decisions will be made
- how priorities will be set

The employer and union or workers should consider periodically rewarding or recognizing the contributions of committee members.

Agree upon goals

Effective committees have a clear idea of what they want to accomplish over the short and long term. The co-chairpersons should provide leadership and help set the tone for the committee. Each member should have a chance to participate and contribute towards setting goals. The goals of the committee should be clearly stated and understood by each member. Consider circulating a list of committee goals and objectives with the agenda of meetings or posting them with the minutes.

Set measurable objectives to achieve the goals

Once the committee knows where it wants to go, whenever possible, members should carefully plan how to go there. In other words, the committee should develop a “work plan” for each year. The plan should be measurable so the committee can evaluate how well it has met its objectives. For example, suppose one goal is to organize a staff safety meeting three times each year. The committee will then have to carefully plan how this is to be achieved. Operational planning will help set priorities and establish responsibilities. At the end of the year the committee can review the plan’s progress, determine if this objective was accomplished and what the results were.

Establish roles and responsibilities for each member

The committee should decide who is going to do what. The chairing of meetings should be rotated between the employer and worker co-chairpersons. Establish procedures for:

- assigning responsibilities (such as taking minutes, organizing inspections, investigations, etc.)
- making decisions
- communicating and coordinating efforts
- monitoring progress
- evaluating results

The roles and responsibilities of each member should be clear. This will avoid duplication of effort, close gaps in responsibilities and improve efficiency.

Use internal communications to get all committee members involved. Periodically “quiz” or survey committee members about their expectations, roles and responsibilities. Keep members in touch with each other. Make sure each person understands their role and the roles of the other committee members.

Tie individual responsibilities to the goals of the committee. Make sure everyone understands the link.

Agree on ways of handling disagreements

From time to time, committee members will disagree. For example, members may not be able to agree on how a hazard should be controlled. Likewise, the committee may not agree with corrective action proposed by the employer. The committee should decide how to resolve these problems. Methods might include:

- using consensus to make decisions
- asking a neutral third party to mediate
- negotiating mutually acceptable compromises
- using project teams to recommend options to solve difficult technical problems

Clarify how members will support each other

Co-chairpersons need each other’s support. Members have expectations of other members. For example, the inspection team may expect a machinist on the committee to help them inspect certain equipment. Encourage members to express their needs and concerns to clarify expectations.

Consider how to involve influential employees not on the committee

Who represents essential groups within the organization that the committee must influence? How can these individuals be convinced to support the committee? Can they be involved in committee activities such as inspections, investigations and resolving technical concerns? Can they advise the committee on practical methods to improve safety and health?

Consider expectations placed on the committee

Consult workers, union members, supervisors, managers and the employer about their expectations of the committee. Think about how these needs can be served most effectively. Make sure everyone knows what the committee can do and what it cannot. State how concerns should be brought to the committee and how it will deal with them. Consider how to handle complaints about the committee's performance.

Consider organizational factors affecting the work of the team

The structure of the organization can impact how the work is done. For example, some committee members may work on the night shift; others on the day shift or sections of the organization may not share information. The committee should identify and discuss these concerns with the employer. The employer can demonstrate commitment by resolving them and providing the committee with adequate resources (such as money, time and support).

Consider how to evaluate the performance of the committee

Each year the committee should compare its performance against its stated goals. Draw up a plan to deal with shortcomings. Tell workers about successes so that they will have confidence in the committee. Let the employer know about committee members who have performed well so that they can be recognized for their service.

The employer is ultimately responsible for evaluating the effectiveness of the committee. An effective reward system will help committee members develop a sense of accountability and pride in their contribution to safety and health.

Training

The committee should plan to improve its performance through training. Training should include the roles and responsibilities of committees. It should also equip members to deal with specific workplace issues such as hazard control, equipment inspection and so forth. Build training into the committee's work plan for each year.

New members

How will new members be educated about the committee and helped to become effective members? To help new members you can:

- Set up a "buddy" system to help new members learn about the committee's purpose and functions.
- Give each new member a specific assignment or responsibilities within the committee. This will help them get involved and "learn by doing".
- Spend some time at a committee meeting reviewing the goals and objectives of the committee.
- Prepare a small orientation package for new members.
- Arrange for new members to obtain training in their duties and responsibilities.

Review

Teamwork can help a committee accomplish far more than any individual member can alone.

To build a team spirit:

- Establish a sense of membership or belonging
- Encourage members to state what they want to get out of the committee
- Clarify what the committee is for, what it can do and what it cannot
- Get agreement on the committee's overall goals and its yearly work plan
- Link the duties of each committee member to the overall work plan of the committee
- Agree on how disagreements will be settled
- Encourage members to support each other
- Get the support of influential outsiders
- Make sure all employees understand what the committee is for and what it can and cannot do
- Assist the employer to remove organizational impediments to the committee's performance
- Periodically evaluate and improve the committee's performance

Teambuilding can be reinforced by ensuring that new members are trained in their responsibilities and smoothly integrated into committee operations

Notes

Notes

Inspections

- Types of committee inspections
- Training for inspections
- Planning inspections
- What to inspect
- Pre-inspection meeting
- What to do during inspections
- Handling the results
- When an unsafe condition is found

Introduction

Inspecting the workplace is one of the key duties of the committee. An inspection is a planned walk through or examination of a workplace, selected work areas or particular hazards, machinery, tools, equipment and work practices. Regular inspections have been shown to reduce injuries and occupational diseases and to improve the internal responsibility system. This is why the employer must arrange for the committee to regularly inspect the workplace [*the Act*, section 40(1)]. The committee should work out the inspection schedule with the employer. Managers, supervisors and workers have a duty to report hazards and cooperate.

Committees are involved in regular, planned inspections of the workplace, inspections with safety and health officers and intermittent inspections.

Committee inspections should complement those performed by managers, supervisors and workers. For example, the employer should encourage supervisors and workers to inspect tools, equipment, machinery and personal protective equipment at the start of each shift and report defects immediately. Likewise, supervisors should be encouraged to constantly monitor conditions in their work areas and take corrective action as required. Workers should be encouraged to constantly monitor personal protective equipment for defects.

Inspections help the committee to:

- compare existing conditions with standards, such as regulations and industry practices
- determine if gaps exist between workplace practices and standards set by the organization, industry or legislation
- identify the root causes for any gaps that are found
- develop recommendations for corrective action

The committee can support supervisors and workers by finding defects they have become ‘used to’. Examples include housekeeping hazards, unsafe work practices and hazards in ‘out of the way’ places, such as storage areas.

Inspections are an excellent way of communicating with workers and finding and correcting problems before they cause harm. During an inspection, committee members should ask workers about their concerns. Knowing about problems is the first step in resolving them.

The employer can help the committee to carry out inspections by:

- providing training
- providing resources and time
- helping the committee plan and schedule inspections
- helping the committee develop checklists of what to inspect
- encouraging the committee to look for the root causes of problems

Effective inspections concentrate on fact finding and not fault finding or blame fixing.

Types of committee inspections

There are three types of inspections that a committee will typically be involved in— regular inspections, inspections with a workplace safety and health officer and intermittent inspections.

Regular inspections

The employer should help the committee to organize and schedule them. Publicizing the schedule may encourage people to ‘hide’ hazards and unsafe work practices. Some committees meet shortly after each inspection. This provides a chance to discuss the root causes for what was found while memories are still fresh.

Access to records – The committee can review records, logs and books that the employer is expected to keep. Examples include first aid registers, crane logs and lists of chemical substances. However, the committee may not access personal medical information .

Inspections with a workplace safety and health officer

The worker co-chairperson of the committee or a designate should accompany a safety and health officer visiting the workplace. The employer must permit the co-chairperson to accompany the officer [*the Act*, section 41.3(2)]. This allows the employer to demonstrate commitment to safety and health. It helps the committee discuss concerns and allows the officer to provide advice.

Intermittent inspections

Incidents and dangerous occurrences, equipment installations, new workers beginning work and other special circumstances may trigger additional inspections by the committee.

Training for inspections

Both the employer and committee members should be familiar with:

- the training and information needed to work safely
- work processes and work areas
- workplace hazards and hazardous areas
- applicable personal protective equipment and its limitations
- engineering controls in the workplace
- applicable safety and health standards and legislation
- the recommendations of equipment and material suppliers
- how information is to be recorded
- how concerns are to be reported and dealt with

Planning inspections

The more thorough and professional the inspection program, the safer and healthier the workplace. The effectiveness of each inspection depends on being able to measure existing conditions against clearly defined standards. Standards can be gathered from equipment manuals, trade publications, legislation, suppliers and industry associations. Standards should be built into checklists and other inspection reporting systems. When planning inspections consider:

- What hazards are likely to be encountered and where?
- What needs to be inspected?
- What aspects of each item need to be looked at and how?
- What conditions and work practices need to be inspected?
- How often must these items, conditions and work practices be inspected?
- Who will conduct the inspections (such as the co-chairpersons, experienced workers or outside experts)?

Consider the impact of the inspection on work scheduling. For example, will a machine have to be shut down for inspection? Watch for unexpected hazards, such as welding outside of designated areas.

Inventories and checklists

An inventory (of equipment, materials, etc.) tells you what to inspect. A checklist tells you what to look for when you are inspecting each item in the inventory. The committee can help the employer to prepare an inventory of what should be inspected.

Checklists can be prepared from legislation, industry standards and equipment manuals and by interviewing experienced workers. They can also be purchased. Checklists should be updated regularly

Checklist for emergency procedures and first aid (partial list)		
Emergency procedures	Yes	No
Are there emergency procedures in place for your workplace?		
Have workers and the committee been involved in development?		
Is everyone familiar with the procedures and their responsibilities?		
Are there enough emergency exits available throughout the workplace?		
Are emergency exits clearly marked and free of obstructions?		
Are there enough properly serviced and approved fire extinguishers?		
First aid		
Is there a properly stocked first aid box?		
Do workers know where the first aid box is?		
Is someone trained in first aid always available?		
Do workers know whom to contact to get first aid?		
Is the first aid kit inspected and restocked regularly?		
Is an up to date first aid register kept to record injuries?		
Is the register inspected regularly to look for trends and sources of injury?		
Are all incidents reported and investigated?		
Are injuries reported to the Workers Compensation Board (WCB)?		

Inspectors must know exactly what to look for. Checklist questions should be as precise as possible. What to inspect in each item and part should be clearly identified and described.

Checklists for jobs that are rarely done will usually be more detailed than checklists for jobs that are frequently inspected. The employer and committee should look beyond their checklists and identify root causes of problems.

What to inspect

Four things should be inspected regularly: (1) people; (2) vehicles, tools and equipment; (3) chemicals and biological substances; and (4) the work environment. The committee and employer should develop inspection schedules for each of these components.

1. **People**, including:

- orientation and training
- work practices, work rules and safety procedures
- supervision
- experience

2. **Vehicles, tools and equipment**, including:

- machines and mobile equipment
- production, machine-tools and related equipment
- engines, electric motors and other power supplying equipment
- electrical equipment, switches, circuits, etc.
- hand tools and equipment, such as wrenches and power tools
- personal protective equipment and clothing
- first aid stations and emergency equipment, such as eye wash stations
- fire protection and emergency response devices, such as fire extinguishers and water supplies
- walkways, ramps, docks, parking lots, roadways, etc.
- elevators, hoists and lifts
- storage sheds and areas

3. **Chemicals and biological substances**, including:

- products controlled under the Workplace Hazardous Materials Information System (WHMIS)
- biological substances
- other materials of concern to workers

4. **Work environment**, including:

- illumination
- dust, fumes and vapours
- work area design
- light
- hot and cold conditions

Pre-inspection meetings

Before the inspection the committee should review documents that may help to identify, assess and control hazards. Examples include:

- Inspection reports and records of concerns - These files may show degenerative trends, recurring concerns and ongoing problems.
- Incident reports, WCB claims and first aid registers - These may show where and how people are being injured or made sick.
- Product documentation - Documents for chemicals, machinery, equipment and tools can help identify hazards and suggest controls. Material safety data sheets, (MSDSs), Workplace Safety and Health Division publications and industry literature can also provide assistance.
- Plans and diagrams - Reviewing work process and floor plans, etc. can identify hazards, such as work area design flaws.

What to do during inspections

- Follow-up – Ask workers about the effectiveness of corrective action taken since the last inspection. See if workers, supervisors and maintenance personnel are performing necessary inspections.
- Communicate with workers – Ask workers about their concerns.
- Use monitoring equipment – Noise monitors, chemical sensing equipment and other devices may be required to detect and evaluate specific hazards. If monitoring is required, the employer must provide equipment and training. If consultants are used, the committee is to be involved.
- Take careful notes – Carefully describe each hazard, its seriousness and where it was found. Note all hazards, even those corrected at once. Precisely explain how to fix each problem.
- Communicate with supervisors – Inspectors should discuss with the supervisor what they found. The employer should ensure supervisors have a clear idea of what is expected of them and what they should do when a problem is reported. Employers and managers can support supervisors by ensuring they have the authority and resources needed to take corrective action.

Handling the results

Reports should help the committee and employer to identify problems, assess their probability and severity and take action. Inspection results should be reported consistently. Each hazard or concern must be clearly explained and its location precisely identified.

Inspection Report

Area inspected: Building A

Inspector and title: John Doe; worker co-chairperson

Date report discussed: Monday June 11, 1999; 4 PM

Number of new items noted on this inspection: 3

Date and time of inspection: Mon. June 11, 1999; 11 AM

Date of report: Monday June 11, 1999; 2 PM

Number of items from previous report: 2

Total number of items on this report: 5

Definitions

Probability

- frequent (workers are frequently at risk)
- probable (the hazard is likely to cause harm)
- occasional (workers are occasionally at risk)
- remote (the hazard could cause harm, but is very unlikely to do so)
- improbable (the hazard is unlikely to ever cause harm)

Severity

- catastrophic (death and/or severe destruction)
- critical (serious injury and/or property damage)
- marginal (minor injury and/or property damage)
- negligible (no injury and/or property damage)

Item “*” are old items	Hazard classification		Hazard Description	Specific location	Supervisor	Recommendation	Corrective action taken	Type of action	
	Probability	Severity						Temporary	Permanent
*1	Probable	Critical	Guard missing on shear blade on cutting press #2. Guard ordered May 07. Press in temporary use today to meet emergency order. Guard still missing.	S.W. corner in Bay 2	Herb Hapless	Press not to be used until guard replaced. Check with purchasing and maintenance. Find out why guard has not been received and installed.	Purchasing says they will have guard by tomorrow noon. To be installed by 4 PM. Purchasing to discuss slow delivery with vendor	X	X
*2	Improbable	Negligible	Cracked windows. Work order issued May 07. Not fixed yet.	South wall on Bay 3	Herman Melville	Check with maintenance about status of work order.	Maintenance has windows. Will begin installation next week.		X
3	Probable	Critical	Flammable debris building up under main motor. Was to be cleaned June 03	Pump room	John Safetee	Clean area today. Supervisor will implement written housekeeping policy.	Supervisor will hold meeting tomorrow AM. Implement policy by next Monday.		X
4	Occasional	Marginal	Mirror in pedestrian walkway out of alignment. Some risk of pedestrian collisions.	Floor 2	Gregory Peck	Post temporary warning sign. Call maintenance for adjustment	Warning sign posted in PM. Maintenance adjusted mirror this evening.	X	X
5	Probable	Critical	Workers at cleaning tank not wearing respirators.	Floor 2	Gregory Peck	Supervisor to review policy with workers and give more training. Respirator policy to be vigorously enforced from now on.	Talked to supervisor. He will hold meeting tomorrow.		X

Put the results of the inspection and any unresolved concerns on the agenda. Classify and rank the hazards in order of importance.

The committee should discuss the agenda and develop proposals for corrective action. Some record should be kept of the concerns discussed. The co-chairpersons should discuss the recommendations with the employer.

Keep careful records of inspections. Inspection records can be useful in tracking the progress of corrective action, identifying degenerative trends and so forth.

File copies of each inspection report. Reports may be needed later for WCB claims and investigations, or use by safety and health officers. Post a copy in the workplace to let workers know what is being done about their concerns. Keep workers who have raised concerns informed.

When an unsafe condition is found

The committee is expected to bring safety and health concerns to the employer. These include hazards and concerns identified during an inspection or investigation.

When the committee reports an unsafe condition, the employer is expected to:

- protect the safety and health of workers at risk until the unsafe condition or hazard is corrected
- correct the basic cause of the problem
- inform workers and the committee about the corrective action taken or planned

When the committee submits a concern to the employer, the employer is expected to deal with it. The committee may ask the Workplace Safety and Health Division for advice about the corrective action taken [*the Act*, section 21]. If a concern is not dealt with, the employer is to provide the committee with a written explanation within 30 days [*the Act*, section 41.1(2)].

Review

Inspections compare conditions with standards. They allow the committee to identify hazards in the workplace, communicate with workers and help the employer correct problems. An effective inspection program can prevent injuries and occupational diseases and improve the internal responsibility system. This is why inspections are an essential responsibility of every workplace safety and health committee.

Committees are normally involved in regular, planned inspections of the workplace and those conducted by safety and health officers. Committees are also encouraged to conduct special inspections when necessary. Committee inspections should complement those performed by managers, supervisors and workers.

The employer can help the committee to carry out inspections by:

- providing training
- providing resources and time
- helping the committee plan and schedule inspections
- helping the committee develop checklists of what to inspect
- encouraging the committee to look for the root causes of problems

Plan to inspect people; vehicles, tools and equipment; chemical and biological substances; and the work environment. During each inspection:

- follow-up on corrective action
- carefully identify and describe concerns
- use appropriate monitoring equipment and inspection tools
- communicate with workers and supervisors

Classify and rank concerns in order of importance and place them on the agenda. Discuss the results of the inspection at a committee meeting and develop recommendations for corrective action. Have the co-chairpersons discuss the recommendations with the employer. The employer must:

- take corrective action to protect the safety and health of workers until the hazard is corrected
- correct the root cause of the problem
- advise the committee and workers about the corrective action

If the employer does not agree with the committee's recommendations, the employer must provide a written explanation to the committee within 30 days.

Notes

Notes

Investigating incidents

- Planning investigations
- Carrying out investigations
- Finding the causes
- Taking action

Introduction

An accident is any unplanned event that causes injury. A dangerous occurrence is any event that could have caused injury, but did not. Dangerous occurrences are often called “near misses”. The term “incident” will be used to describe both accidents and dangerous occurrences.

All incidents should be investigated, whether they have to be reported to the Workplace Safety and Health Division or not. A sample of an incident investigation form is included in the appendix.

Investigations should identify safety and health problems and help prevent future incidents. They should not be blame fixing exercises. Each incident usually has several contributing factors, not all of which are obvious. Investigators must look for the deeper causes and not simply record events.

The employer must ensure that the committee is involved in investigations of incidents. These include incidents that cause the death of a worker or require a worker to be hospitalized. The employer, prime contractor or owner may investigate incidents, depending on who has control over the situation.

If the incident involves a fatality, once the injured are cared for and the site is made safe, the scene must not be disturbed until an investigation can be made (regulation MR108/88, section 8).

Reportable incidents

The employer must report to the Workplace Safety and Health Division any of the following:

- a) Death, or serious injury (serious injuries include: fracture of a major bone; amputation; loss of sight, internal hemorrhage; third degree burns; unconsciousness resulting from concussion, electrical contact, asphyxiation; poisoning; cuts requiring hospitalization or time off work; any injury resulting in paralysis; any other injury likely to endanger life or cause permanent disability).
- b) Collapse or structural failure of a building, tower, crane, hoist, temporary construction support system or excavation.
- c) An uncontrolled spill or escape of a toxic, corrosive or explosive substance.
- d) Explosion, fire or flooding.

Planning investigations

The better the planning, the better the investigation. The better the investigation, the more easily a similar incident can be avoided. The employer should work with the committee to prepare an investigation plan setting out the following.

- **Investigations** – What incidents will be investigated? The employer and committee are encouraged to investigate all incidents that could have hurt someone.
- **Procedures** – How will incidents be investigated? Employers, committees, workers and supervisors should know exactly what to do if an incident happens.

- **Training** – The employer must ensure that committee members are trained in their responsibilities. Each member should attend workshops on how to investigate incidents. Employers are also encouraged to attend. Safety associations, consultants and the Workplace Safety and Health Division provide training. Audiovisual aids and publications are available.
- **Resources** – The employer should ensure that the necessary tools, personal protective equipment, etc., are available.

Standards

Incidents often happen because of departures from accepted standards. For example, sometimes safety devices are disabled to increase production, contrary to the rules.

Generally, investigations should: (1) compare what should have happened with what actually happened; (2) determine what gap exists between the two; (3) determine why the gap developed; and (4) recommend appropriate corrective action to prevent a recurrence. Government regulations, company standards and industry publications should be used to decide what standards should have been in place. This data can also help to decide what corrective action is required.

Carrying out investigations

Incidents where death or injury has occurred, or that have the potential for injury or loss must be investigated by the committee. The employer must prepare a report in consultation with the committee. A copy must be sent to the Workplace Safety and Health Division at the request of a safety and health officer.

The employer must notify the Workplace Safety and Health Division about fatalities and serious incidents (regulation MR08/88R, section 8). Where there is a fatality or foul play is suspected, call the RCMP or local police.

The site of a serious incident or fatality must not be disturbed, except to relieve suffering of an injured person, or to avoid creating additional hazards, until a safety and health officer has investigated.

The committee's investigation should find the root causes of the incident so that it will not happen again.

Investigations normally include these steps:

- secure the scene and report the incident
- study the scene
- interview witnesses
- investigate the physical evidence

Secure the scene and report the incident

Things that the supervisor or manager must do include:

- assessing and stabilizing the situation
- making the area safe for emergency crews and investigators
- dealing with the injured
- securing the scene and protecting evidence until an investigation starts
- getting the names of witnesses
- keeping witnesses from talking with each other until they can be interviewed (to keep viewpoints distinct)
- reporting any serious incidents to the Workplace Safety and Health Division

Notifications to the Workplace Safety and Health Division must contain:

- the date, time and location of the incident
- a description of what happened
- the name of each employer or prime contractor at the place of employment, including the employer of any injured worker(s)
- the name, telephone and fax number of the person to be contacted for more information

If the incident involves a serious injury, the notification should also include the name of each injured worker and the apparent injuries to each.

Study the scene

- Look at everything involved in the incident. Carefully go over the debris and note the damage.
- Record the exact location of the incident. Note the lighting, visibility, time of day and weather conditions. Look at the pattern of the debris and the location of each piece.
- Take photographs, measurements and drawings of the scene and everything involved. Be sure to make notes for each illustration.
- Label and catalogue each diagram, drawing and photo.
- Find out who was involved and who can provide expert advice on technical issues. Prepare a list of witnesses and experts to interview.
- Prepare a list of questions to ask.

Interview witnesses

Accurate interview records will be needed to reconstruct what happened and why. Therefore, the employer and committee should reach an agreement about how witnesses will be interviewed. For example, if the RCMP, police or safety and health officers have already interviewed witnesses, further statement taking may not be needed.

Everyone who can provide information should be contacted. Interview eyewitnesses in private when possible, while memories are still fresh. Consider their emotional state, particularly if someone has been killed or seriously injured. Use open-ended questions and let the witnesses explain events in their own words. Avoid interrupting during their statements. Ask clarifying questions later if necessary. Use photographs and drawings to help witnesses remember.

If possible, have each witness visit the scene and show you what he or she saw. Witnesses will have seen events from different perspectives and their statements will often disagree. After eyewitnesses have been interviewed, talk to technical specialists, suppliers and experts. At the end of every interview:

- ask each witness to review their statement
- clear up anything you do not understand
- get the phone number and address of each witness
- thank each witness

Investigate the physical evidence

Study the damage done to tools, equipment, products, etc. Try to find out what the physical evidence indicates happened and why. Look at the details of the work environment. Consider visibility, noise, temperature, humidity and exposure to hazardous substances. Make detailed photographs and drawings. Describe everything involved in detail, including work procedures and safety policies.

Collect product documentation, including the exact names of any substances involved. Gather material safety data sheets (MSDSs), blueprints and workflow diagrams that might help. Find out if any changes in design, products or work procedures were introduced before the incident.

Compare what happened with the requirements of applicable standards. If requirements were not met, find out why.

Finding the causes

The causes of an incident can often be found by asking Who + What + Where + When + How for every essential event in the incident until you know why the incident happened. Separate facts from theory and opinion as much as possible. Look for underlying causes and avoid jumping to conclusions. Analyze the factors surrounding the incident.

Analyze the incident factors

Go through the incident in stages. Ask “why” each event happened. Evaluate the role of every factor involved, including:

- people factors
- material factors
- system factors (such as policies, plans and procedures)
- environment factors (such as workplace conditions)
- work process factors (such as work flow design)

People factors – For example, what was the role of:

- the supervision provided
- the instructions given at the time of the incident
- the training and experience of everyone involved
- personal factors (such as inexperience, illness, etc.)

Material factors – For example, what was the role of:

- substances and materials
- tools, equipment and machinery
- personal protective equipment

System factors – For example, what was the role of workplace:

- safety and health policies, procedures and rules
- budgetary allocations toward safety and health
- training and orientation provided for workers and supervisors

Environment factors – For example, what was the role of:

- weather conditions
- workplace conditions (visibility, noise, heat, etc.)
- the time of the day, shift or week when the incident happened

Work process factors – For example, what was the role of the design of:

- the job itself
- the work area and work flow
- controls and safety features on equipment and machinery

Find the incident causes

Two types of causes need to be looked at; direct and indirect.

The direct cause(s) (what caused the incident)

The direct cause(s) usually occur(s) immediately before the incident. For example, a direct cause might be a collapsing jack that dropped a car onto a worker.

The indirect cause(s)

The indirect cause(s) set(s) the stage for an incident and can include:

- lack of training and supervision
- inadequate tools, equipment and materials
- departures from safe work procedures
- inexperience (employer/worker)
- weaknesses in the safety management program
- equipment design flaws

The committee and employer should try to find if there were any symptoms of a problem before the incident. If so, why were no concerns expressed? Why did the safety and health system fail?

Taking action

Review what happened at each step in the incident. Prepare a report describing events and recommending corrective action. Use photos and drawings to illustrate key points.

- Describe the work being done.
- Describe the immediate (direct) cause(s) of the incident.
- Describe the indirect cause(s).
- Explain why the incident happened (the root cause).
- Recommend corrective action, including both short and long-term controls, to prevent the same thing from happening again. Short-term controls should prevent a recurrence until longer-term controls can remove the fundamental causes.
- File a copy of the report and post summaries.

The employer should take appropriate corrective action based on the report and inform the committee. Inspect the effectiveness of the corrective action.

Review

Incidents can cause injury or death to people and damage property, or could have injured someone, but did not.

Investigations can identify fundamental weaknesses in hazard controls, suggest improvements and prevent a recurrence. The employer is expected to involve the committee in investigations.

The employer and committee should prepare a plan for investigating incidents before one occurs. The plan should include the necessary procedures, personnel and resources.

Begin an investigation by securing the scene and reporting the serious incident to the Workplace Safety and Health Division. Identify witnesses and keep them from talking to each other. Next, note everything involved in the incident. Take pictures of anything that could be of significance. Describe and photograph the scene. Interview each witness individually. Study and record the damage done to property and the scene in detail. Compare what happened with applicable standards.

Next, analyze the evidence. Find out what directly caused the event. Trace each direct cause back to the underlying causes. Write a report once you are sure that you have found the underlying cause. Agree on and implement corrective action.

Notes

Notes

Legislation

- The difference between an Act and regulations
- Key legislation for committees

Introduction

As committee members, you should become familiar with *The Workplace Safety and Health Act* and all safety and health related regulations that fall under *the Act*. Familiarity with the legislation is very useful in assisting the employer to resolve concerns and comply.

Codes of practice provide advice about how to comply with certain sections of the regulations. For example, the Workplace Safety and Health Division has published a code of practice to advise employers how to comply with safety and health requirements for workers working alone.

Tables identifying key legislation that workplace safety and health committee members should know are included in this chapter. These tables will help you acquire basic knowledge about your responsibilities within the internal responsibility system. (See Chapter 1 for more information about the internal responsibility system).

The difference between an Act and regulations

Acts must be passed by a legislature. Regulations only require cabinet approval. Each act usually gives government the authority to enact supporting regulations. Therefore, *The Workplace Safety and Health Act* sets out general duties and responsibilities. The regulations state what must be done to meet them. For example, *the Act* requires workplaces where at least 20 workers are regularly employed to establish a workplace safety and health committee [*the Act*, section 40(1)]. *Manitoba Regulation MR106/88R Respecting Workplace Safety and Health Committees* spells out details such as how the committee must be structured, how to elect members, how meetings should be conducted, etc.

Key legislation for committees

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles Within the Internal Responsibility System	
	Employer	Committee
1. Consult and cooperate: Act, Section 4(2)(e)	The employer is expected to consult and cooperate with the workplace safety and health committee at the place of employment for the purpose of resolving concerns on matters of safety, health and welfare at work.	The committee should consult workers and help the employer to resolve safety and health concerns.
2. Required information: Act, Section 7.5.	An employer shall provide all required information about hazards, risk assessment and risk control to the following at the place of employment: (a) the workplace safety and health committee (b) the workplace safety and health representative.	The committee should use the information to help the employer maintain a safe and healthy workplace.
3. Workplace Safety and Health Programs: Act, Section 7.4. Act, Part II; section 13(4).	The program must be developed in consultation with the workplace safety and health committee. The workplace safety and health program must be in writing and must be available on request to the workplace safety and health committee, the workplace safety and health representative, the workers or a workplace safety and health officer.	The committee should help the employer to develop the program and keep it current.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles Within the Internal Responsibility System	
	Employer	Committee
4. Establishment of committees: Act, Section 40(1) to (8).	<p>At every place of employment where 20 or more workers of one employer work, the employer shall:</p> <p>(a) Establish a workplace safety and health committee at the place of employment; and</p> <p>(b) designate persons as members of the workplace safety and health committee in accordance with this section.</p> <p>A workplace safety and health committee must consist of at least four and no more than 12 persons. At least half of the members of a workplace safety and health committee must represent workers other than workers connected with the management of the place of employment. No person may be designated as a member of a workplace safety and health committee who represents workers unless the person:</p> <p>(a) has been elected from the place of employment for that purpose by the workers whom the person would represent;</p> <p>(b) has been appointed from the place of employment in accordance with the constitution of the union of which the workers are members; or</p> <p>(c) where more than one union represents the workers that the person would represent on the committee, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those trade unions.</p>	<p>Workers are expected to support the employer and committee. Workers should agree to stand for selection as committee members and if selected, agree to serve.</p> <p>Workers can help the employer make the committee effective by selecting influential and dedicated committee members.</p>
5. Duty to post names: Act; Section 40(9).	<p>An employer who is required to establish a workplace safety and health committee pursuant to section 40(1) shall post the names of the members of the committee in a conspicuous location at every place of employment of workers represented by the committee.</p>	<p>Committee members should make themselves known to the workers they represent.</p>

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles Within the Internal Responsibility System	
	Employer	Committee
6. Duties of committees: Act, Section 40(10).	<p>The duties of a committee include;</p> <p>(a) the receipt, consideration and disposition of concerns and complaints respecting the safety and health of workers;</p> <p>(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;</p> <p>(c) 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;</p> <p>(d) co-operation with the occupational health service, if such a service has been established within the workplace;</p> <p>(e) co-operation with a safety and health officer exercising duties under this Act or regulations;</p> <p>(f) the development and promotion of programs for education and information concerning safety and health in the workplace;</p> <p>(g) the making of recommendations to the employer or prime contractor respecting the safety and health of workers;</p> <p>(h) the inspection of the workplace at regular intervals;</p> <p>(i) the participation in investigations of accidents and dangerous occurrences at the workplace;</p> <p>(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</p> <p>(k) such other duties as may be specified in this Act or prescribed by regulation.</p>	<p>Committee members shall carry out their duties (in section 40(1) of <i>the Act</i>) properly and help the employer make the committee effective.</p>
7. Reference to officer: Act, Section 41.1(4).	<p>Where an employer does not resolve a problem or address a concern raised by a workplace safety and health committee or representative with respect to the health, safety and welfare of the workers at a place of employment, the employer shall provide written reasons for not doing so to the committee or representative.</p>	<p>Where the parties cannot resolve a problem or address a concern, the employer, the committee, a committee member or the representative may refer the matter to a safety and health officer. Nothing prevents a worker from contacting the Workplace Safety and Health Division directly.</p>
8 Provision of reports by officer: Act, Section 36.3(1) – Communication of Orders; Section 43.1(3) – Right to Refuse Reports.	<p>The employer receives a copy of the report from the safety and health officer.</p>	<p>The committee receives a copy of the report from the safety and health officer.</p>
9. Refusal to work: Act, Section 43.	<p>The employer must work with the committee and refusing worker to resolve the issue. Refusals that cannot be resolved internally must be referred to a workplace safety and health officer for a ruling.</p>	<p>The worker co-chair of the committee shall participate in the investigation of the refusal and help the employer and refusing worker resolve it.</p>

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles Within the Internal Responsibility System	
	Employer	Committee
10. Discriminatory action prohibited: Act, Section 42(d) and (e).	The employer may not take discriminatory action against a committee member because that member carries out his or her duties under the legislation. The employer may not take discriminatory action against a refusing worker.	A committee member who believes he or she has been discriminated against has a right to contact a safety and health officer.
11. Copy of Improvement Orders and Stop Work Orders: Act, Section 36.3(1).	The employer receives a copy of the Improvement Order and/or Stop Work Order.	The committee receives a copy of the Improvement Order and/or Stop Work Order from the safety and health officer.
12. Report of Compliance with Improvement Orders: Act, Section 35.	The employer sends a progress report on corrective action to the officer and provides the committee with a copy within seven days of the deadline set on an Improvement Order.	The committee receives a copy of the report of compliance. It may contact the officer about the corrective action taken by the employer.
13. Appeals: Act, Section 37.	The employer has a right to appeal a decision of a safety and health officer. The employer may not take discriminatory action against a worker because of the matter.	Committee members have a right to appeal a decision of an officer. Committee members are protected from discriminatory action if they do so.
14. Reporting Serious Incidents to the WS&H Division: Regulation MR108/88R; Section 8.	The employer reports serious incidents to the Workplace Safety and Health Division.	The co-chairpersons participate in the investigation of serious incidents.
15. Duty of employer to provide information: Regulation MR106/88R Section 9.	The employer must provide a bulletin board for the committee's use.	The committee should review information provided by the employer. The committee should use the bulletin board to keep workers informed of its activities.
16. Workers' accompanying safety and health officers:	The employer shall provide paid work time for the worker co-chairperson, a committee representative or a worker to accompany a safety and health officer inspecting the workplace.	The committee member should consult the officer and workers about health and safety concerns in the workplace.
17. Workplace Safety and Health Program: Act; Section 7.4.	The employer of workplaces where 20 or more workers are regularly employed must develop a written workplace safety and health program in consultation with the committee.	The committee should help the employer develop the program and audit its effectiveness.
18. Inspection of place of employment: Act, Section 40(10)(h).	The employer is to enable the committee to regularly inspect the workplace. The schedule for the inspections is to be set by the committee and employer. Where the committee provides the employer with a written notice of an unsafe condition, the employer must take action. The safety and health of endangered workers must be protected at once. The unsafe condition must be corrected as soon as possible. The employer must provide the committee with a report on corrective action. If action is not taken, the employer must provide the committee with a written report stating why.	The committee schedules inspections with the employer regularly. It reports unsafe conditions to the employer and receives a report on corrective action. The committee receives a copy of a report from the employer. The committee has a right to contact a safety and health officer if it has any concerns.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles Within the Internal Responsibility System	
	Employer	Committee
19. Investigation of serious incidents; Act, Section 40(10)(I)	The committee participates in the investigation of incidents. The employer must send a report to the Workplace Safety and Health Division at the request of an officer and provide a copy to the committee.	The committee participates in the investigation of incidents at the workplace.
20. Prohibition, re: scene of accident: Regulation MR108/88R Section 8(b).	The employer ensures that the site of a serious incident is not disturbed (except to relieve human suffering) until a safety and health officer investigates.	The committee participates in the investigation process.
21. Working alone: Regulation MR105/88R.	The employer works with the committee to assess the conditions or circumstances under which the worker is required to work alone, and develop and document a plan respecting the methods to be taken to ensure the safety, health and welfare of the worker working alone, including a means of providing emergency assistance.	The committee should help the employer to identify risks associated with the work and identify methods to control those risks.
22. Designation of committee members: Act, Section 40(8) and Regulation MR106/88R Section 2(1).	The employer assists workers to select committee members as required by <i>the Act</i> and Regulation and ensures that groups of workers with distinct concerns are equitably represented.	Workers agree to stand for selection as committee members; and if selected, agree to serve.
23. Quorum: Regulation MR106/88R Section 6(5).	The employer ensures a quorum is present at every committee meeting (a quorum shall consist of one-half of the employer members and one-half the worker members).	Committee members ensure a quorum is present at every committee meeting.
24. Frequency of Meetings: Regulation MR106/88R, Section 6.	<ul style="list-style-type: none"> • Committees shall meet at least quarterly except that the director may call more frequent meetings of committees in specific workplaces or classes of workplaces. • Special meetings may be called by either co-chairperson for the purpose of considering causes of accidents or dangerous occurrences, or concerns believed to involve conditions dangerous to safety or health. • A committee to hold its first meeting within two months of the designation of that workplace as requiring a committee. • Except for the calling of special meetings, there will be at least three clear days prior notice of the calling of committee meetings. 	Committee members assist the employer to meet the requirements of the regulation.
25. Co-chairpersons: Act, Section 40(8)(b); Regulation MR106/88R, Section 5.	<p>The employer is to ensure that committees have two co-chairpersons, one chosen by the employer members, the other chosen by the worker members.</p> <p>The co-chairpersons will alternate the function of chairing the meetings of the committee and will participate fully in the deliberations and decisions of the committee.</p>	<p>The committee helps the employer to meet the requirements.</p> <p>Committee representatives can help by selecting influential and effective co-chairpersons.</p> <p>Co-chairpersons keep employees and the employer informed of the committee's activities.</p> <p>The co-chairpersons help the employer to keep the committee effective.</p>

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles Within the Internal Responsibility System	
	Employer	Committee
26. Special meetings: Regulation MR106/88R Section 6(2)	The employer is expected to assist the committee to hold special meetings. Either co-chairperson may call a special meeting of a committee to deal with causes of incidents or concerns believed to involve conditions dangerous to safety or health.	Co-chairpersons call special meetings as needed.
27. Educational leave for committee members: Act, Section 44(1).	The employer is to ensure that each member of the safety and health committee take educational leave each year for the number of hours the worker normally works during two normal working days, without loss of pay or other benefits, for the purposes of attending workplace safety and health training seminars, programs or courses of instruction offered by the Workplace Safety and Health Division or approved by the workplace safety and health committee, or provided in the current collective bargaining agreement respecting the workers at the workplace.	Committee members attend training respecting their functions and duties and use the training at work.
28. Information to committee or representative: Act, Section 41.2.	<p>If requested by the committee or a representative, the employer must disclose the following:</p> <ul style="list-style-type: none"> a) information concerning the testing of any equipment, device or chemical or biological substance used at a workplace; b) an inspection or investigation report respecting safety and health at the workplace; and c) a report respecting workplace safety and health monitoring or audits. <p>The employer shall provide paid work time to allow the committee to investigate concerns and carry out other duties. The employer shall allow the committee to hold meetings with workers to discuss health and safety issues and regulatory requirements.</p>	The committee reviews the records and investigates related concerns. Members bring the concerns of workers to the employer for resolution.
29. Provision of first aid: Regulation MR140/98, Section 8(2).	The employer shall maintain a list of the names and work locations of every first aider employed at the workplace and will provide a copy of the list to each workplace safety and health committee or worker safety and health representative at the workplace. Where a workplace has an occupational hazard in respect of which the first aid services required for an injury arising from the occupational hazard are not otherwise provided for in the First Aid Regulation (MR140/98), the employer will make provisions for the required first aid service in consultation with the safety and health committee or safety and health representative at the workplace.	The committee should advise the employer about the adequacy of first aid facilities, supplies, personnel and equipment.

Requirement (This is a partial list. Specific regulations set out additional duties.)	Roles Within the Internal Responsibility System	
	Employer	Committee
30. Noise control and hearing conservation: Regulations MR227/94 Section 3(3).	When an employer first has any reason to believe that any worker in the workplace is or is likely to be exposed to an equivalent sound exposure level of more than 80 dBA, the employer shall, without delay and after consultation, cause the workers to be assessed in accordance with Canadian Standards Association (CSA) Standard Z107.56-94 "Procedures for the Measurement of Occupational Noise Exposure". A written report of the assessment is to be prepared and a copy provided to the safety and health committee.	The committee should help the employer to evaluate noise levels in the workplace and protect workers.
31. Worker training (WHMIS): Regulation MR52/88 Section 5(2)(a).	The employer must provide training to workers about the hazards of controlled products at the workplace and how to control those hazards. The training must be developed in consultation with the committee. The employer shall review the WHMIS training program each year in consultation with the committee to ensure it is adequate.	The committee should review the program, consult workers and help the employer keep it current.
32. Availability of MSDSs: Regulation MR52/88, Section 14(1)(b).	The employer shall ensure copies of all materials safety data sheets required under WHMIS are readily available to the committee.	The committee should review the MSDSs where there are concerns and discuss those concerns with the employer.

Review

You will use the legislation as you carry out your responsibilities. Use it as a guide to help you:

- monitor the effectiveness of the internal responsibility system
- identify, assess and develop recommendations to control hazards
- communicate information about safety and health hazards and issues to workers
- help workers resolve concerns
- maintain the effectiveness of your committee

Remember that your primary job as a committee member is to help the employer maintain a safe and healthy workplace. You are not a safety officer for the employer. Compliance is the employer's responsibility.

Your job is to provide assistance and advice.

Notes

Notes

Appendices

Appendix 1: Notification requirements for new operations

Appendix 2: Forms

- Safety and Health Committee Minute Form
- Safety and Health Committee Recommendation Form
- Incident Investigation Safety and Health Committee Summary Report Form

Appendix 3: Communication, conflict resolution and problem solving techniques for committee members

Appendix 4: Helping the employer plan worker training

Appendix 1: Notification requirements for new operations

Manitoba Regulation MR189/85 requires:

Registration of excavation employers.

107(1) Prior to commencing excavation work, every employer shall notify the division and shall receive, upon notification, a registration number and thereafter that employer shall be considered a registered excavation contractor.

Employer not to commence work.

107(2) No employer shall commence excavation work until that employer has received a registration number from the Workplace Safety and Health Division.

Registration may be revoked.

107(3) When, in the opinion of a safety and health officer, an employer is not performing excavation work under safe conditions in accordance with the requirements of this regulation, that employer may have the registration revoked by a safety and health officer and the employer shall not perform any excavation work.

Employer may re-apply for registration.

107(4) An employer who has had his registration revoked, may re-apply for registration with the division pursuant to subsection (1) and must prove, to the satisfaction of a safety and health officer, that he will perform excavation work in accordance with the requirements of this regulation.

Notification to excavate.

108(1) Every employer, including a principal contractor, municipality, public utility, or agency of the government who proposes to

- (a) make a trench excavation exceeding a depth of 1.8 metres; or
- (b) make any other excavation exceeding 2.4 metres in depth in which a worker may enter, shall notify the division by telephone, messenger, or in person, not more than 48 hours, prior to the scheduled commencement of excavation work and provide the information described in subsection (3).

Division to assign serial number.

108(2) Upon notification as is required in subsection (1), the division shall assign a serial number to each excavation project and no employer shall begin work until the serial number has been assigned.

Notice to include specific information.

108(3) the notice as required under subsection (1), shall include the following information:

- (a) the name and address of the owner of the land where the proposed excavation is to be made;
- (b) the name and address of the employer, principal contractor, municipality, public utility, or agency of the government proposing to excavate;
- (c) the location of the proposed excavation and the date of the commencement of the work;
- (d) a description of the proposed depth, length and width of the excavation;
- (e) a description of the proposed method of shoring including the type of shoring materials to be used;
- (f) verification that the appropriate utilities have been notified and that the location of any pipes, conduits, or previous excavations in or adjacent to the proposed site has been determined; and
- (g) the name of the on-site worker supervising the excavation.

Notification to work with suspended work platforms.

199(1) Every employer, including a principal contractor, municipality, public utility, or agency of the government who proposes to use a suspended work platform at heights in excess of 3 metres shall notify the division by telephone, messenger or in person at least 8 hours prior to the suspension of the platform.

Division to assign serial number.

199(2) Upon notification as is required in subsection (1), the division shall assign a serial number to each project requiring the use of the suspended work platform and no employer shall begin work until the serial number has been assigned.

Notice to include specific information

199(3) the notice as required under subsection (1), shall include the following information:

- (a) the name and address of the owner of project where the suspended work platform is to be used;
- (b) the name and address of the employer, principal contractor, municipality, public utility, or agency of the government proposing to suspend the work platform;
- (c) the location of the project and the date of the commencement in the use of the suspended work platform;
- (d) a description of the type of suspended work platform to be used including particulars on lifelines, thrust-outs, counter-weights and tie-backs; and
- (e) the name of the on-site worker supervising the use of the suspended work platform.

Appendix 2: Forms

How to complete a minutes form

1. Submit the complete **name (include department and branch where applicable), mailing address with postal code, and the phone number** of the organization. This information is used to mail out information to your committee and to file your minutes correctly.
2. Include name of additional committee(s) if there is more than one committee at the same address.
3. Enter the **site address**, if it is different from the mailing address, to help us locate your committee.
4. Record the **total number of persons employed** at your workplace, including both full-time and part-time employees.
5. Fill in the **meeting date** (Day/Month, Year).
6. Ensure meetings are held regularly. The minimum requirement for meetings is quarterly. Indicate when the **next meeting** is to be held. If no date is set, scheduling of your meeting becomes more difficult.
7. Enter the **names of your co-chairpersons**. Co-chairpersons are key people and the names must be posted to ensure workers can contact them when necessary.
8. List the **names and occupations** of all your current committee members, identifying each as a worker or management member. Management members must not outnumber worker members.
9. Indicate whether each committee member was **present or absent**. This is necessary to determine whether or not a quorum was present at the meeting.
10. Ensure a **quorum** is present at all of your meetings. A quorum exists when both management and workers are represented, at least one half of the committee is present and at least one half of those present are workers.
11. Review all the **old concerns** from the previous meeting. Do not remove any item from the minutes until you have recorded it as completed.
12. List the details of items discussed. Describe all **new concerns**, problems and other business discussed at your meeting. An example of a workplace safety and health committee agenda is included in this manual.
13. Indicate the **action taken or the committee's recommendation as to what should be done to resolve the issue** for each item listed, along with the **name of the person responsible** for handling it. This is essential to track issues, ensure they are dealt with, and communicate the action to those not at the meeting.
14. Decide on and record a reasonable **target date** for each item. Target dates assist in the problem-solving process and give employers and workers objectives to strive for.
15. Review all **injuries and incidents** that have occurred in your workplace and ensure steps have been taken to prevent a recurrence.
16. Ensure both **co-chairpersons**, or their designates, **sign the minutes** after reviewing the contents to determine accuracy.
17. **Send** one copy of the minutes to the **Workplace Safety and Health Division within two weeks of the meeting**.
18. **Post** one copy of the minutes on your committee bulletin board for worker information. **Send** one copy to the employer. **Retain** one copy in your files.
19. **Use the same format as the Workplace Safety and Health Division shown in this appendix** if you wish to set up your own minute form on computer. Following this arrangement will help you identify, assess and solve the problems in your workplace.

COMMITTEE MINUTE FORM

PAGE ___ OF ___

See reverse for completion instructions
 Complete all sections - type or print clearly
 Phone (204) 945-3446
 FAX (204) 948-2209

**Manitoba
 Labour and
 Immigration**
 Workplace Safety
 and Health Division



Complete Name and Address of Workplace Phone: Fax: Which Committee (if more than one): Meeting date: Date of next meeting: Number of employees at the workplace:	Employer Members (list all)	Occupation	Present	Absent
	Worker Members (list all)			
	Guests (list any)			

Date of Origin	Concern or Problem (See reverse for completion instructions)	Recommendation or Action To Be Taken	Action By (who & when)

Other Business:

Co-Chairpersons' Signatures Please indicate by (X) in the brackets below who chaired this meeting.

BOTH management and worker co-chairs must sign each page of the minutes when they agree that the minutes are complete and accurate.

If one, or both co-chairs do not agree with the minute record, please attach concerns on a separate page.

In my opinion, the above is an accurate record of this meeting.

() Print name of Employer Co-Chair _____ () Print Name of Worker Co-Chair _____

Signature _____ Signature _____

Within 7 days, copy to: ❶ Committee members; ❷ Committee files; ❸ Workplace Safety and Health; ❹ Post on S&H Bulletin Board

SAFETY AND HEALTH COMMITTEE MINUTES

Manitoba
Labour and
Immigration
Workplace Safety
and Health Division



200-401 York Avenue
Winnipeg, Manitoba R3C 0P8
Home page: <http://www.gov.mb.ca/labour/safety> Click on Committee Minutes to enter your minutes interactively.
Phone: 1-800-282-8069 ext. 3446
FAX: (204) 948-2209
FAX for Committee Minutes: (204) 948-2209

Your Committee must meet at least quarterly (once every 3 months, a minimum of 4 times a year). Minutes of each meeting of the Safety and Health Committee at your workplace must be either faxed, mailed, or e-mailed to cominutes@gov.mb.ca. You can use our Workplace Safety and Health Committee Minute Form or set up your own format containing all the information in our form.

The Minute Form is intended for your use to record briefly and clearly the Safety and Health concerns at your workplace and steps taken by the Committee or others to resolve them. They are designed to provide everyone at your workplace and the Workplace Safety and Health Division with information on your Committee's activities and progress to date.

If you are unable to resolve an issue yourselves, phone or write your Safety and Health Officer for assistance in finding a solution. If you would like assistance with making your Committee more effective, call our Safety and Health Committee Specialist at 945-5718 or 1-800-282-8069 extension 5718.

Instructions For Completion Of Minute Forms

❶ **You must complete all information in top boxes:**

Full Name & Full Address of Workplace - must include Department & Branch, where applicable.

Which Committee - needs to be completed only if you have more than one Committee at the same address.

Number of Employees at the Workplace - the number at the workplace, not the number on the Committee.

- ❷ In the first column "**Origin**" indicate the date an issue is first raised at a Safety and Health Committee meeting. Continue to note this date in future minutes until the Committee agrees the issue is resolved.
- ❸ In the second column "**Concern or Problem**" list the details of items discussed. Draw a line across the page to separate each issue.
- ❹ In the third column "**Recommendation or Action Taken**" indicate what has been done or the steps being taken or the Committee's recommendation as to what should be done to resolve the issue.
- ❺ In the last column "**Action By**" fill in who will be responsible for carrying out each interim step or action and the date it will be completed or, if the issue is resolved, fill in the date it was resolved.
- ❻ In the bottom section "**Other Business**" record any points not covered such as upcoming elections or date of next meeting.
- ❼ **Both** management and worker co-chairs must sign each page of the Minutes when they are satisfied that the record is complete and accurate. Please indicate by an (X) in the brackets who chaired that particular meeting.
- ❽ Distribution of copies must be done within one week following the Committee meeting:
 - a) Distribute copies to Committee members, alternates, and relevant managers.
 - b) Keep one copy for permanent Committee files.
 - c) Send one copy to Workplace Safety and Health Division - by mail to the address above, fax minutes to (204) 948-2209, e-mail to the above address **or** electronically.
 - d) Post one copy on the Safety and Health Committee bulletin board(s).

SETTING AGENDAS: It is recommended that the Co-chairpersons get together to set the agenda for each meeting. This must be posted on the Safety and Health Committee bulletin board **prior** to each meeting and distributed to Committee members **at least 3** clear days ahead of the meeting. Following is a generic agenda outline that could be used in creating your own agendas.

- ❶ **Review minutes of last meeting.** You will need to determine if all issues have been resolved or if actions have been taken as indicated and next steps agreed to and noted.
- ❷ **Review issues resolved by individual Committee members or supervisors.**
- ❸ **Review illness, injuries and accidents since last meeting.** This could also include a brief review of working procedures, rules and policies related to the illness, injuries or accidents and recommendations for changes to same.
- ❹ **Consider new concerns or problems.** These may arise out of inspection tours, surveys, investigations by the Committee or concerns brought to the Committee's attention by employees or management.
- ❺ **Review of educational material and availability of Safety and Health training programs.**

Committee recommendation form

The government does not issue a “recommendation form” for committees. Many organizations develop their own form for major recommendations that will involve a great deal of money.

Forms help the organization to standardize recommendations and help committees identify exactly what the problem is and what should be done about it. Please adapt the form used in this appendix to your needs. When filling in a recommendation form:

- Describe precisely the item or problem and its location. Identify the workers affected by the problem.
- Provide any necessary background information and research the committee has done to quantify the problem. In the example provided, the committee has done noise monitoring to quantify the exact noise levels workers are exposed to while on the job.
- State what could happen if the problem is not resolved.
- Describe precisely what is being proposed. Include the estimated timelines and costs for each recommendation.
- Provide information to support each proposal in the “Reasons for recommendation” section. In the example provided, the committee has stated why each recommendation is being proposed, what services will be required, who can provide them and when.
- If warranted, propose both short term (immediate) and long term (engineering) solutions. In the example, the committee has suggested a number of actions that can be taken immediately. It has also proposed a longer term engineering solution (sound insulated control room).
- State who is going to follow up on the corrective action and when.

Workplace Safety and Health Committee Recommendation Form

(adapt to suit your needs)

Meeting date: December 01, 1999	Chairperson: Jack Mack	Recommendation Number: 1-5	Date submitted: December 01, 1999
---	----------------------------------	--------------------------------------	---

Description of item/concern:

Staff are worried about loud noise from boilers and burners in the mechanical room. Many report ringing in their ears and decreased hearing after their shifts. Noise monitoring taken last week showed sound levels of from 91-97 dBA during peak working hours. Our workplace safety and health committee believes workers could suffer permanent hearing loss if this condition persists.

We recommend:

- 1) All workers be issued with high quality hearing protectors to protect their hearing.
 - a) Timeline: within two weeks
 - b) Estimated cost per year: \$500
 - c) Follow-up: Peter Smith, the workers' manager, will follow-up on January 05, 2,000

- 2) Workers be trained about the hazards of noise and how to use the hearing protectors properly.
 - a) Timeline: within two weeks
 - b) Estimated cost per year: none—Joe's Safety Supplies will provide training free of charge if we buy hearing protectors from them.
 - c) Follow-up: Jack Mack will follow-up on this by February 01, 2,000

- 3) Measured noise levels be posted in the workplace to inform workers of the hazards present.
 - a) Timeline: within two weeks
 - b) Estimated cost per year: \$30
 - c) Follow-up: Local area supervisors will follow-up on January 05, 2,000

- 4) All exposed workers to have their hearing tested.
 - a) Timeline: Employer must arrange with a qualified audiologist to have all exposed workers tested. Appointments will have to be arranged by each worker.
 - b) Estimated cost per year: As arranged with testing company.
 - c) Follow-up: Joe Smoe, the human resources manager, will follow-up with workers every two weeks for the next two months to ensure they are aware of the need for hearing tests and are making appointments.

- 5) Relocate all controls to a central area and build a sound-proofed, separately ventilated room around them. Put several windows in the control room to allow workers to monitor operations.
 - a) Timeline: during the next fiscal year (suggest completion by May 01/2000)
 - b) Estimated cost: \$4,000
 - c) Follow-up: Harry Secum and Jack Mack will follow-up with the employer on May 05, 2,000.

Workplace Safety and Health Committee Recommendation Form			
Meeting date: December 01, 1999	Chairperson: Jack Mack	Recommendation Number: 1-5	Date submitted: December 01, 1999
Reasons for recommendation:			
Short term			
<p>1. All workers be issued with high quality hearing protectors to protect their hearing. Joe's Safety Supplies informs us they have disposable units that will reduce noise reaching the ear to no more than 80 dBA. These units will not interfere with the ability of staff to communicate. The estimated yearly cost of purchasing a yearly supply of these units for all employees is \$500. Joe's Safety Supplies is willing to train our workers about the hazards of noise and how to use the protectors for free.</p> <p>2. Noise levels be posted in the workplace to warn workers of the noise hazard present. Four signs will be required. Joe's will sell them to us for \$30 in total.</p> <p style="padding-left: 40px;">Workers be encouraged to have their hearing tested. The employer to arrange hearing tests during work time. Time at the tests will count as work time.</p> <p style="padding-left: 40px;">Tests will help our workers determine if their hearing is being damaged and make appropriate life choices. It will also bench mark their hearing for future reference.</p>			
Long term			
<p>3. We relocate all controls to a central place and build a sound insulated control room around it. The room will be separately ventilated and have several windows to allow operators to monitor conditions in the shop. Profit Corporation says they can do the work for us for about \$4,000. However, they are busy with other work and will not be able to service us for at least two months.</p>			
Signed			
<i>Jack Mack</i>		<i>Harry Secum</i>	
Employer Co-chairperson		Worker Co-chairperson	
Copy posted for the information of workers? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

Workplace Safety and Health Committee Recommendation Form (adapt to suit your needs)			
Meeting date:	Chairperson:	Recommendation Number:	Date submitted:
Description of item/concern:			
We recommend:			
Signed			
Employer Co-chairperson		Worker Co-chairperson	
Copy posted for the information of workers? Yes <input type="checkbox"/> No <input type="checkbox"/> Follow-up date:			

Committee incident investigation summary report form

The Workplace Safety and Health Division has an incident investigation summary report form available. A sample of this form has been included as part of “A Guide to Investigating Workplace Incidents” at the end of this Appendix.

Guidelines for a report

- The report format should fit the needs of the workplace.
- Information should be complete and easy to understand.
- It should only be as long as is necessary to communicate effectively.
- For best results, write the report as soon as possible after the investigation is finished.
- If the investigation will take a great deal of time, submit an interim report.
- File a copy of the report in case it is needed later.
- Post a summary in the workplace to keep workers informed.
- Attach a copy to the safety and health committee minutes form that is sent to the Workplace Safety and Health Division.

Report format

The format used in this manual includes the following main headings.

Particulars of incident

Include name of workplace, location of incident, date and time of the incident, injured worker(s) names and occupation etc.

Description of incident

Describe the incident in detail.

Incident Causation

Describe the direct and indirect causes of the incident.

Evidence

Include physical evidence documentation, photos, videos, witness statements, sketches of scene, etc.

Corrective action

Describe short term controls that should be implemented to prevent another incident until longer term (engineering) controls can be put in place. Identify engineering and other measures that will remove the fundamental flaws in the internal responsibility system that caused the incident.

Report Review

Include necessary signatures and report distribution.

WORKPLACE SAFETY AND HEALTH COMMITTEE

**A Guide to
INVESTIGATING
WORKPLACE INCIDENTS**

COMMITTEE PARTICIPATION



**SAFE
WORK**

SPOT THE HAZARD
ASSESS THE RISK
FIND A SAFER WAY
EVERYDAY

MAY 2003

Section 1 - DEFINITIONS

WHAT IS AN INCIDENT?

An incident is any unplanned event that causes injury. A dangerous occurrence is any event that could have caused injury, but did not. The term “incident” will be used to describe both incidents and dangerous occurrences.

WHAT IS AN INCIDENT INVESTIGATION?

An incident investigation is the account and analysis of an incident based on information gathered by a thorough examination of all contributing factors and causes involved.

REPORTING SERIOUS INCIDENTS

When a serious incident occurs at a workplace, the employer is required to notify Manitoba Labour and Immigration – Workplace Safety and Health Division. Under Manitoba Regulation 108/88R, Section 8, such notification must take place immediately after a serious incident, using the “fastest” means of communication available. A Safety and Health Officer is on duty 24 hours each day of the week to respond to emergency calls.

The question often asked of the Workplace Safety and Health Division is:

How do you define a serious incident?

Workplace Safety and Health Division considers an incident to be serious if it results in:

- death, or serious injury (as defined below),
- collapse or structural failure of a building, tower, crane, hoist, temporary construction support system or excavation,
- an uncontrolled spill or escape of a toxic, corrosive or explosive substance
- explosion, fire or flooding.

Serious injuries are defined as:

- ⇒ fracture of a major bone
- ⇒ amputation
- ⇒ loss of sight
- ⇒ internal hemorrhage
- ⇒ third degree burns
- ⇒ unconsciousness resulting from concussion, electrical contact, asphyxiation
- ⇒ poisoning
- ⇒ cuts requiring hospitalization or time off work
- ⇒ any injury resulting in paralysis
- ⇒ any other injury likely to endanger life or cause permanent disability.

The Regulation also stipulates that equipment or materials involved in a serious incident shall not be moved, unless it is necessary to release an injured person or to avoid creating additional hazards.

Section 2 – INVESTIGATION CONCEPTS

WHY DO WE INVESTIGATE INCIDENTS?

Prevention is the purpose of an investigation. An incident investigation should:

- determine what actually happened,
- determine the cause or causes of the incident,
- identify any unsafe conditions, acts or procedures,
- help management to identify practical corrective actions,
- determines whether **due diligence** was observed,
- show the commitment of management that an adequate investigation system is in place.

The purpose of these activities is not to find fault or lay blame, but rather to identify the basic causes of incidents so that controls can be put in place to prevent further occurrences. Information from the investigation should be put on the record, but not used to discipline anyone. This policy encourages witnesses to tell investigators everything they know.

What is Due Diligence?

As a result of the 1978 court case of **R. vs. Sault Ste. Marie**, due diligence can be defined as: "...whether the accused exercised all reasonable care by establishing a proper system to prevent commission of the offence and by taking reasonable steps to ensure the effective operation of the system." Simply put, due diligence means taking all reasonable care in the circumstances to protect the safety and health of all workers. It must be expressed in behaviour and attitudes in the workplace, it can not be made up "after the fact." The employer must be able to demonstrate their due diligence in an objective manner. A defense cannot succeed if the employer states that they intended to provide a safe and healthy workplace. The employer must give actual proof of real attempts to do so. The measures that will be necessary to prove due diligence in court will depend on the particular circumstances of each case.

UNDERLYING PRINCIPLES

- Incidents don't just happened. They are caused.
- Incidents can be prevented if causes are eliminated
- Causes can be eliminated if all incidents are investigated properly.
- Unless the causes are eliminated, the same situation will reoccur.

Develop a procedure to investigate incidents

Section 7.4(5)(l) of the Workplace Safety and Health Act requires...a procedure for the investigation of incidents, dangerous occurrences and refusals to work pursuant to Section 43 of the Act. Investigation of incidents provide valuable information needed to prevent similar incidents in the future.

There are many good reasons why supervisors and managers should investigate incidents and near misses. One of the most important reasons is that supervisors and managers are responsible for making sure any problems are corrected. In addition, Section 40(10)(l) of the Act requires the workplace safety and health committee to participate in investigations of incidents.

What should be included in incident investigation procedures?

Investigation procedures for incidents must fit your needs. Ideally, they should state:

- ◆ the objective of your investigations (find and correct root causes)
- ◆ who investigates what incidents
- ◆ what training investigators and incident responders will receive
- ◆ who receives the written investigation reports
- ◆ who must fix defects found during an investigation
- ◆ who follows-up on corrective action
- ◆ what investigation reports and follow-up records will be kept
- ◆ who keeps what documents and records
- ◆ what summary and statistics reports are to be developed and how often these reports will be prepared.

THE SUPERVISOR'S ROLE

The supervisor of the area where the incident takes place should be extensively involved in conducting the investigation. Since supervisors are responsible for worker training and activities on-the-job, they know the work assignments and have issued the work instructions. The supervisor will be responsible for ensuring that appropriate preventative measures are taken and that those actions are effective in reducing or eliminating the possibility of recurrence.

SAFETY AND HEALTH COMMITTEE/REPRESENTATIVE

Manitoba's Workplace Safety and Health Act describes the duties of the safety and health committee under Section 40(10). One of the primary duties of a committee is noted under 40(10)(i) to participate in investigation of incidents and dangerous occurrences.

An effective committee/representative should have a good working knowledge of the work site, the equipment, hazards present and the people involved. Members will know the questions to ask and the information to consider as well as who to contact for technical advice.

Both committee co-chairpersons, or other members of the committee, or the worker representative should be on the investigation team. Involving the committee/representative improves the credibility of the investigation in the eyes of many workers. It also keeps lines of communication open. The recommendations contained in the report are likely to be accepted by workers if their representatives on the safety and health committee participate.

EXPERTS

Depending on the circumstances, persons with expertise may be called upon to be involved or actually conduct the investigation. The determining factor for involving an expert relates to the severity and complexity of the incident. For example, in the case of a fire, outside experts in fire investigation will be utilized. If the investigator is not familiar with machinery involved in an incident, he or she should consult someone who has experience and skill in a particular situation.

WHAT INCIDENTS SHOULD BE INVESTIGATED?

Incidents where injuries have occurred or have the potential for injury or loss should be investigated. The degree to which an incident is investigated is dependent on its severity and the potential for it to reoccur.

Incidents to investigate:

All time-loss injuries should be reviewed by the employer and all information provided to the Safety and Health Committee. In addition, the employer must ensure that the committee is involved in investigations of incidents involving:

- a) Death or serious injury (serious incidents include: fracture of a major bone; amputation; loss of sight; internal hemorrhage; third degree burns; unconsciousness resulting from concussion, electrical contact, asphyxiation; poisoning; cuts requiring hospitalization or time off work; any injury resulting in paralysis; any other injury likely to endanger life or cause permanent disability).
- b) Collapse or structural failure of building, tower, crane, hoist, temporary construction support system or excavation.
- c) An uncontrolled spill or escape of a toxic, corrosive or explosive substance
- d) Explosion, fire or flooding.

INTERNAL RESPONSIBILITY

The employer and the workers share an equal concern in preventing incidents and ill-health arising out of conditions in the workplace. The intent of the safety and health committee/representative is to enhance the ability of workers and employers to resolve safety and health concerns reasonably and co-operatively. They should do so on their own, with a minimum of government involvement. The Safety and Health Officer may conduct an incident investigation to determine if due diligence was practiced. The Safety and Health Officer may require the employer to conduct their own investigation, depending if there is a safety and health committee or representative with the firm.

INCIDENT CAUSATION

Incidents usually result from unsafe acts and conditions. These unsafe acts and conditions often arise because of defects in the safety and health program. A safety and health program by way of policies and procedures for organizing and performing work defines the safe standards. Without a safety and health program or with a non-functional program, workers and supervisors must devise their own safety and health standards. Much is then dependent on an individual's experience, training, knowledge and will to apply safety and health standards on the job.

Incident causes are usually broken down into:

The direct cause

What was the direct cause of the incident? (What caused the injury?)

The indirect cause

What were the root or hidden causes that led to the incident? (What caused the incident?)

FIVE FACTORS TO DETERMINE INDIRECT CAUSES

To identify the indirect causes of an incident, the investigator will need to examine the obvious and underlying factors in the chain of events which took place prior to and during the incident. The model suggested here, outlines a process where the investigator examines the indirect causes within each of the following five categories:

**TASK,
MATERIAL/EQUIPMENT,
WORKER(S),
MANAGEMENT and
ENVIRONMENT.**

The Task

The actual work procedure being used at the time of the incident. Review the steps of the job; method of performing the task; any change to the normal method of performing the task; limitations; and how and why it is performed that way.

The Material/Equipment

Review the design of machinery, tools and equipment and how they are used by the workers in terms of machine guarding, emergency stop devices, lock-out, pinch points, design of equipment for use by workers, body positions to work and demands such as repetitive work. Also consider the condition of materials used in the work process.

The Worker(s)

Consider the factors that affect the worker(s) when performing the task such as: job requirements, experience and training, physical capabilities, emotional status at the time of the incident (tired, stressed, pressures to produce, rushing, interactions with other workers, labour management issues, hours of work).

The Management

Management is legally responsible for the safety and health of workers and therefore the role of management must always be considered in an incident investigation. Review such factors as: the safety and health rules (standards) in effect, how were they enforced, type of supervision provided, maintenance procedures for equipment/tools, safety and health inspections carried out, work processes and procedures in place, hazard recognition and control methods, incident reporting policies and first aid policies.

The Environment

The physical workplace environment as well as sudden change to that environment are factors that need to be identified. Keep in mind to assess the environmental factors **at the time of the incident**. Factors to consider include: weather conditions, housekeeping, the layout of machinery and storage areas, lighting, visibility, ventilation, temperature, noise, vibration, gases, dusts and fumes.

Section 3 – INVESTIGATION STEPS

The process of investigating an incident involves gathering evidence, analyzing it then making recommendations in a written report.

Steps include:

Preparation

Visiting the Scene

Conducting Interviews

Examination of Physical Evidence

Analyzing the Evidence

Preparing the Report

We will examine each of the above steps in detail.

◆ PREPARATION

As little time as possible should be lost between the incident event and the beginning of the investigation. The ideal situation would be to have all the necessary resources available before the incident so that the investigator(s) can attend immediately to their tasks. Some interim factors to consider include:

DETERMINE THE SCOPE OF THE INVESTIGATION

As discussed previously, under who should conduct an incident investigation, it is recommended that a plan be developed which identifies who will conduct investigations and under which circumstances investigations are performed. A plan of this nature will aid greatly in determining the scope.

Every incident is unique and requires an investigation tailored to the particular situation. Take the time up front to determine the techniques that will be employed, sequence of events, data to be analyzed, individuals involved and expected outcomes. Factors to consider include:

- ◆ What resources are needed to perform the investigation? (staff, equipment, budget and time)
- ◆ Investigation Kit:
investigation checklist, investigation form,
high visibility tape, pencils, pens,
measuring tape, clipboard,
camera/video camera with film/tape, graph paper,
plastic bags & envelopes, notepaper,
flashlight, ruler
- ◆ Safety Equipment:
hard hat, eye protection,
hearing protection, protective clothing,
safety footwear

- ◆ What will be the deliverable (output)?
internal report to WSH/WCB,
communication to the media, workers, union, associations, legal obligations
- ◆ What is your attitude regarding the investigation?
The investigator(s) must be seen as sincere, impartial and knowledgeable (in terms of the techniques of conducting an incident investigation). It is important that the investigator exhibit a behaviour of non-judgement and diplomacy. Much of the success of the investigation depends on the investigator's attitude, approach and communication style.

Some tips to consider:

- Biases (Individual, Team, Others?)
- Your experience and skills (how it affects your perception)
- Avoid jumping to conclusions
- Use appropriate voice tone
- Minimize stress wherever possible
- Be aware of your non-verbal communication (e.g. facial expressions, gestures)
- Behave professionally (representative of your company's safety and health culture, courteous, open, honest, candid, non-threatening)

◆ VISITING THE SCENE

Speed and thoroughness are both necessary in incident investigations. Memories fade and evidence disappears. Balancing the numerous activities to be undertaken when visiting the scene is a great challenge for the investigator.

TAKE CONTROL of the situation and make the area safe for yourself and any others entering the scene. Consider any imminent risk situations (e.g. moving equipment in order to secure the scene). It is imperative that management be notified immediately of the incident, injured parties, damaged material and equipment and any requests to shut down operations to secure the area. Chaos may result from an incident and people may be in a panic. The situation must be brought under control at once in order for rescue work to proceed. Secondary incidents (such as fires, equipment or structural failures) may result from the initial incident. These hazards should be controlled as soon as possible.

CARE FOR THE INJURED. First aid or medical attendants **should be called to care for the injured immediately**. If chemicals are involved, ensure that copies of the material safety data sheets (MSDS's) are provided to the hospital with the injured.

SECURE THE AREA. To protect evidence and to avoid further injuries or damage, people should be kept out of the incident scene until the investigators arrive (except to relieve suffering). One method is to rope off the area and notify management that the incident scene is non-accessible.

CONTACT APPROPRIATE PEOPLE. The employer should establish a procedure for notifying individuals concerned (e.g. investigation team, management staff, family) If the incident is serious (see Reporting Serious Incidents under the Definitions section), WSH must be notified immediately. Also, the family of the injured worker should be contacted with care.

GATHER NAMES AND ADDRESSES OF EYE WITNESSES. Inquire with those at the incident scene and management staff as to who witnessed the incident. Obtain the witnesses name, address, and phone numbers and make a point of contacting them for an interview as soon as possible.

SKETCH THE SCENE AND TAKE MEASUREMENTS. To improve the usefulness of field notes, sketch the scene and measure the area. Note and map the positions and condition of the injured workers, tools, equipment and materials involved, safety devices and personal protective equipment, machinery and equipment controls and anything else of value.

Tips on Sketching

Place the important information in the center of the drawing and draw the rest around it. Include all measurements, angles, and direction indicators taken at the site. Include the final positions of casualties and debris. Do not worry about making drawings to scale or creating artistically perfect drawings. Attempt to draw each item correctly related to the other items present. Label items correctly. Cross reference your sketches and photographs to applicable files and occupational safety and health committee minute forms.

PHOTOGRAPHING. Photographs and video recording aid in preparing and delivering your report as well as in analyzing conditions at the site of the incident. Photos/Video are also useful when briefing the stakeholders such as the management team and Safety and Health Committee. Photographs and video recordings should always be taken as soon as possible. Below are some techniques useful in taking photographs at incident scenes:

- Start by photographing the general area then move to the specific scene of the incident.
- Take photos from all sides and several angles, as well as close up and isolation shots.
- Ask witnesses to direct where shots should be taken and note their comments.
- Create a photo log which includes when the shot was taken (date and time of day), by whom, location, under what lighting conditions, what the shot contains, identifying number on a sketch of the area, brief description of what the photograph is trying to identify.
- Store the pictures in plastic photographic file pages in a binder beside relevant notes and sketches. Cross reference photos with the location of physical evidence and relevant notes.
- When video recording, narrate the pertinent points identified above.

COLLECTING EVIDENCE/SAMPLES. Depending on the incident, you may want to take one or more samples of evidence found at the incident scene, which may require examination by qualified personnel. (The decision to utilize experts to collect evidence should be exercised – e.g. handling controlled products or analysis of engineered systems). An investigator must ensure that s/he exercises caution when handling evidence for two distinct reasons:

- to protect themselves against harm from handling evidence such as damaged equipment or chemical substances, one should assess the need to wear personal protective equipment.
- to preserve the evidence, care should be taken to maintain the original state of the evidence.

Since liquids can evaporate quickly and other materials may be cleaned up before you can get a sample, it is very important to take your samples as soon as possible. Examples of things you might want to sample include:

- ◆ Any tools, materials, machinery part or subassembly which is suspected of failure, malfunction, misfit or faulty design.
- ◆ Air samples or other samples if the presence of impurities or toxic substances may have contributed to the incident.
- ◆ Liquids or solids which are not normally present at the site of the incident.
- ◆ Carefully wrap and label everything in clean, dry and leak proof containers. Note where each specimen came from and what the initial appearance was like. Avoid destroying or altering exhibits during examination. Note the environment (e.g. noise, heat, cold, ventilation and chemical contaminants). Find out what the weather conditions were at the time of the incident, if applicable.

Note: If a serious incident occurs at the workplace, a Safety and Health Officer may conduct an incident investigation. The Officer will require that items involved in the incident (e.g. equipment, materials) not be moved unless it is necessary to release an injured person or to avoid creating additional hazards.

RETURN THE INCIDENT SCENE TO NORMAL USE. Once you have gathered all the evidence and information needed, ensure that the incident scene is returned to normal use. This may involve disinfecting the area if blood was spilled, checking equipment and materials to assess functionality, and ensuring that the incident will not be repeated. If a process or piece of equipment needs to be stopped until further examination proves its effectiveness, notify the management immediately to cease operation. If in doubt about the functionality of equipment, materials or process, have it checked by those who are technically qualified – preferably those external to the organization.

◆ CONDUCTING INTERVIEWS

One of the main methods of gathering information in an incident investigation is by interviewing people who were at the incident scene. Interviews should also be conducted with anyone who can give relevant information, even if they were not present. Examples include: a supervisor who gave instructions at the start of the shift, a trainer who instructed the worker, (even months earlier) or a worker who performs the same job as the injured worker. Information presented here will aid the interviewer in establishing a framework for the overall process. The amount of openness that develops during an interview depends a great deal on the rapport and atmosphere established during the initial contact.

CATEGORIZE WITNESSES There are several categories of witnesses who could have information helpful to determining the causes of an incident.

- ◆ Eyewitnesses – those who actually saw the incident happen or were involved in the incident.
- ◆ Those who came on the scene immediately after the incident.
- ◆ Those who saw events leading to the incident.
- ◆ Those who have information about the work tasks, processes, safety devices in use, materials, equipment and other conditions involved in the incident.

Consider the expertise, background and credibility of each witness.
Consider where they were when the incident occurred.

INTERVIEW WITNESSES AS SOON AS POSSIBLE To obtain as untainted version of the story as possible, witnesses should be interviewed as soon as practicable after the incident. If interviews are not done quickly, memories of witnesses may fade and information become distorted. If witnesses have an opportunity to discuss the event among themselves, individual perceptions may be lost in the normal process of accepting a consensus view where doubt exists about the facts. For this reason, witnesses should be separated as soon as possible. Witnesses should be interviewed individually rather than in a group, preferably at the scene of the incident where it is easier to establish the positions of each person involved and description of the events. If necessary, conduct more detail interviews later as evidence, such as photographs, become available.

AN OPTION – WITNESSES OWN ACCOUNT OF WHAT HAPPENED. If witnesses are under stress or you cannot speak to each one immediately, ask each to go into a separate room and write out what they saw happen during the incident in their own words. Interview each witness afterwards. Read each person's statement back and clear up uncertainties. When you are satisfied that you have all the necessary information, ask each witness to review and sign their statement. Compare your interviews against those of other investigators (such as the police or reporters from the media) if this information is available. This method can serve as an effective means for information gathering since individuals will jot down their own ideas in their own words, without influence of an interviewer or other witnesses. It does depend on how thorough one is when writing out their story, which will vary from person to person.

CONSIDER THE EMOTIONAL STATE OF WITNESSES Witnesses may be feeling any number of emotions (e.g. anger, sadness, stress, fear) which can hinder the investigation and may adversely affect other persons involved. Be aware of each person's physical and emotional state and proceed with empathy and understanding to put each witness at ease. Common causes for discomfort include:

- Fear (e.g. of being blamed, punished, evaluated)
- Past wrong doings – or perceptions thereof
- Concern about releasing information
- Interviewer not at ease
- Incomplete knowledge of the topic
- The interview location (e.g. privacy or lack thereof)

INTERVIEW QUESTIONING - THE W 5 METHOD The W5 method uses the questions what, who, where, when, and why/how to find out what happened and determine the causes of the incident. Examples include: Can you tell me

WHAT happened?

WHO was involved in the incident? (Victim, Witnesses, Supervisor)

WHERE did the incident occur?

WHEN did the incident happen?

What + Who + Where + When = WHY/HOW

WHY and **HOW** did the incident happened?

Use the W5 method to plan interviews as well as to collect and analyze evidence.

THE OPENING OF THE INTERVIEW It is said that people make judgements within the first few seconds of meeting someone. Take the time at the beginning of the interview to put the witness at ease, to begin slowly and to listen closely and carefully. This gives the individual a chance to formulate the story in their own mind and gives you a preview of what they know.

USE OPEN ENDED QUESTIONS While you may want to use “yes” and “no” questions to break the ice at the start of the interview, proceed with open-ended questions to obtain each person’s version of the incident. A series of structured questions may also work, such as:

- ◆ Tell me about...
- ◆ What did you see, hear?
- ◆ Where were you at the time?
- ◆ Explain how this task is done?

Ask questions to get more information as required. Use visual aids (photographs, sketches and illustrations) to help witnesses recall information and clarify important points. Consider asking witnesses to draw a sketch.

SOME PITFALLS TO AVOID:

Don’t:

- ◆ Ask leading questions (e.g. “Didn’t you think that..”)
- ◆ Intimidate the witness (e.g. Alarming or discouraging remarks such as “Well that was a stupid thing to do..”)
- ◆ Interrupt the witness
- ◆ Convey your judgements

TAKING NOTES It is important that you document pertinent information from the witnesses for your own reference. You can go over your notes with the witness to ensure they agree with your interpretation. While it is important to take notes, it is equally as important that the note taking process not interfere with the interview process. Bear in mind that some people feel nervous whenever investigators take notes and they may be reluctant to share information. If note taking distracts the witness, attend to it after the interview. Use judgement if you are considering the use of a **tape recorder** as it tends to impede rather than contribute to information gathering. People are inclined to withhold information for fear of saying the wrong thing, particularly if they know it’s being captured word for word on a recording device. If you must use a tape recorder, clarify why you need to use it and how the information will be used.

DEALING WITH CONFLICTING STATEMENTS It is normal for statements to conflict. People see things differently and may remember events differently. Each witness likely saw the incident from a slightly different angle. Opinions and perceptions differ. Avoid accepting opinions as fact until you have all the evidence.

ENDING THE INTERVIEW End the interview on a positive note by expressing appreciation to witnesses and others who aided you in gathering information. Encourage the witness to contact you at a later date should they think of something else. Give credit if an individual's ideas are used later. Reiterate the goal of the investigation (prevention) and what will be done with the information you gather.

◆ EXAMINATION OF PHYSICAL EVIDENCE

As noted under the section "Visiting the Scene" collecting evidence/samples will be one of the first steps in an incident investigation. Once you have collected evidence, you will need to examine it closely in order to draw conclusions about what happened. This may involve sending the evidence to an expert for analysis (e.g. engineer, health professional, manufacturer) Physical evidence found at the scene is usually more reliable than evidence obtained from your witnesses. Ensure to:

- Examine all physical evidence thoroughly (e.g. condition of the equipment)
- Have equipment tested for malfunction by qualified personnel
- Obtain the relevant specs for the equipment
- Review written documentation (e.g. MSDS, Manufacturer's specs). Broken equipment, debris, and samples of materials involved may be removed for further analysis by appropriate experts. Make notes which will identify exactly where these items came from.

WRITTEN DOCUMENTATION

An often overlooked source of information can be found in documents such as past incident reports, W.C.B. claim records, maintenance reports, safety and health committee minutes, formalized safe work procedures and training records. Any pertinent information should be studied to consider how the information relates to the incident and ultimately, to prevent recurrence.

◆ ANALYZING THE EVIDENCE

Once the evidence (witness accounts, documentary or physical) has been gathered, you are ready to begin analysis. By this stage, you should know how the incident happened and what the immediate causes were. Use this information to determine why the incident occurred. Usually the fundamental causes can be found by simply asking "why." To prevent recurrences of similar incidents you must find all possible answers to this question.

All causes of an incident must be considered for analysis. Be sure to keep an open mind to all possibilities and seek out all pertinent facts. If there are gaps in your tracing or sequence of events, you will need to fill these gaps by the necessary means (e.g. re-interviewing witnesses). If this is not possible, you may need to develop a "best guess" scenario that can be supported by the majority of facts you gathered during your investigation.

TO FIND THE ROOT CAUSE

Write out the events of the incident, step by step. Recall the five factors identified under "Incident Causation." Consider the sample questions within each of the following factors:

These are questions intended for the investigator to assess root causes. They should not necessarily be used for witness interviews since they could intimidate the witness.

Task – The work procedure used at the time of the incident.

1. Was a safe work procedure used?
2. Had conditions changed to make the normal procedure unsafe?
3. Were the appropriate tools, materials available?
4. Were they used?
5. Was all of the required personal protective equipment available?
6. Were inherent safety devices, alarms or other systems in place?
7. Were all backup safety devices or systems in place?
8. Was the task structured to encourage/discourage safe work practices or procedures?

Material/Equipment – Causes brought about by the equipment or materials used.

1. Was there an equipment malfunction or failure?
2. What caused it to fail?
3. Was the material or equipment substandard in some way?
4. Was personal protective equipment used? Should it have been?
5. Were hazardous substances involved?
6. Were tools, machinery and equipment being used correctly? (Check manufacturers specifications for operating tools, machinery and equipment as well as any other applicable standards)
7. Were tools or machinery modified in any way?

Worker(s) – The factors related to workers include individual experience, skills and abilities as well as one's physical capabilities, and emotional state at the time of the incident.

Your inquiry of a worker is not to place blame, but to uncover the factors they experienced at the time of the incident. Consider the following questions:

1. Were workers aware of the standards, practices, procedures or legislation governing the activity?
2. Were workers adequately trained to do the task in question according to standards, practices and procedures prescribed?
3. What training had the worker received?
4. What experience did the worker have to do the task?
5. Was the worker physically capable?
6. Was judgement, health and/or ability impaired for any reason? (e.g. Were they Tired? Rushed? Stressed? Using Medication?)

Management – The employer is responsible for ensuring the safety and health of workers at the workplace and is therefore responsible for the policies, procedures and rules on the job. This also includes enforcing the policies, procedures and rules. Management staff (managers, supervisors, lead hands, etc.) must always be considered in an incident investigation since they are responsible for providing direction and supervision.

1. Were the hazards which led to this incident known to supervisors?
2. Were standards, practices and procedures developed and implemented to overcome these hazards?
3. Were supervisors aware of the standards, practices, procedures or legislation governing the activity?
4. Were safety and health rules in effect?
5. Were they being enforced?
6. Was adequate supervision given?
7. Was regular maintenance of equipment carried out?
8. Were unsafe conditions corrected?

Environment – The physical environment, and particularly sudden changes to that environment, are factors which need to be identified. It is important to note the situation at the time of the incident.

1. What were the weather conditions?
2. Was it too hot or too cold?
3. Was noise a problem?
4. Was there adequate light?
5. Were toxic gases, dusts, fumes, present?

List all possible causes within each category. It is important to remember that no one element in an incident: Task, Materials/Equipment, Workers, Management or Environment stand alone. Each of these elements must be analyzed in its relationship to the others.

Use the W5 method as described under “Conducting Interviews” to analyze the influence of everything involved in the incident. Usually the fundamental causes can be found by simply asking “why?” Use photographs and drawings to illustrate important points.

◆ PREPARING THE REPORT

The intent of the report is to effect change. If after an investigation, there are no recommendations or actions taken to improve the safety and health at the workplace, it is likely incidents will continue to happen and workers will feel a sense of irresponsibility on the part of the employer and safety and health committee. A succinct report detailing specific recommendations is critical to the effectiveness of prevention at the workplace. The report should be written with consideration as to who is the target group that will be reading the report. If your company has developed a form for reporting incidents, you will want to complete such a form for each incident. Attached is a report format recommended by WSH. It covers the following aspects:

REPORT FORMAT

Part I – Particulars

- Injured party Information
- Where and when the incident occurred
- Damaged property/material information
- First Aid response

Part II – Description of the Incident

- Description of what happened in detail

Part III – Evidence

- Sketch of the incident scene
- Photographs, diagrams and physical evidence
- Persons with information and statements

Part IV – Incident Causation

- Direct and indirect causes of the incident
- Five factor analysis

Part V – Corrective Action

- Immediate and long term corrective actions
- Target completion dates

Part VI – Report Review

- Who prepared the report and when it was prepared
- Report distribution list
- Signatures of the Safety and Health Committee Co-Chairs

DISCUSS THE REPORT

Once the report is complete, it should be discussed at the safety and health committee meeting. The causes of the incident should be reviewed and each recommendation debated. Each conclusion and recommendation must be supported with evidence. Where the investigator has used the “best guess” scenario to fill in the gaps, be prepared to offer reasons why those conclusions were drawn. Consider things the committee can do. The incident may point to weaknesses in the activities of the committee (such as it’s inspection program). These activities should be reviewed in light of the evidence.

FINALIZE THE REPORT

If necessary, the report should be reworked to deal with the concerns of committee members. When the committee is satisfied with the final version of the report, both co-chairpersons should sign it. It should then be sent to the employer for corrective action. The committee should assign members to follow up.

WHAT ACTION SHOULD THE EMPLOYER TAKE?

The employer has a duty to promptly respond to the report and advise the committee in writing of the remedial actions taken. The committee should list these corrective measures and follow up on them. A summary of the incident report should be posted in the workplace for the information of workers. A copy of the report should also be kept in the committee’s files and available if requested by the Workplace Safety and Health Division. Note: Names of individuals involved in the incident should be omitted from this version.

WORKPLACE SAFETY AND HEALTH COMMITTEE
INCIDENT INVESTIGATION SUMMARY REPORT

INDUSTRIAL

CONSTRUCTION

SERVICE SECTOR

FIRE

EXPLOSION

SPILL

OTHER

EMPLOYER NAME: _____

DEPARTMENT: _____

ADDRESS: _____

INJURY: YES NO

DATE and TIME of INCIDENT: _____

INVESTIGATING
COMMITTEE MEMBERS:

PART I – PARTICULARS

Did the incident involve injury? Yes _____ No _____

If yes,

Name of injured: _____
First Name Middle Last Name

Injured Worker's Home Address: _____ Tel#: _____

Injured Worker's Occupation / Job Title: _____

Location of Incident: _____

Supervisor's Name: _____
First Name Middle Last Name

Did the incident involve property damage? Yes _____ No _____

If yes, describe:

Was first aid rendered? Yes _____ No _____

If yes, by whom? (if outside emergency assistance was required, provide details)

PART III – EVIDENCE

Sketch of incident scene:

Describe physical evidence collected: _____

Photo/Video Evidence: (List and describe the photos and videos)

PART IV – INCIDENT CAUSATION

What was the DIRECT CAUSE of the incident? (What caused injury or damage?)

What were the INDIRECT CAUSES? (What caused the incident?)

TASK:

WORKER(S):

MATERIAL/EQUIPMENT:

MANAGEMENT:

ENVIRONMENT:

PART V – CORRECTIVE ACTION

Immediate corrective actions to prevent recurrence:

Target Date for corrective action:

_____ **dd/mm/yy**

Long term solutions:

Target Date for corrective action:

_____ **dd/mm/yy**

PART VI – REPORT REVIEW

Signature of Investigator(s):

Date report completed:

_____ **dd/mm/yy**

Distribute Report to:

Signatures of Co-Chairpersons – Safety and Health Committee:

Employer Co-Chair / Date

Worker Co-Chair / Date

Appendix 3: Communication, conflict resolution and problem solving techniques for committee members

Introduction

Communication is anything that we do to inform, get information from, or influence others. It includes:

- what we say or write
- our gestures, tone of voice and expression (body language)
- our actions or lack of action (actions speak louder than words)

One-on-one discussions, meetings, committee minutes, bulletins, posters, short publications and safety videos are the most common methods for promoting health and safety. Methods should always provide an opportunity for discussion, questions and feedback.

Four principles of safety and health communication

Effective communication increases motivation

People are more likely to support an idea if they understand the reasoning behind it. For example, workers are more likely to follow a safe work procedure if they understand how the procedure controls the hazards involved in the work. Likewise, people who are kept informed feel involved and believe their opinions are important. Close communication between committee members, the employer, supervisors, managers and workers is critical to the success of the internal responsibility system.

The more people a communication message goes through, the more distorted it becomes

The more people there are in a line of communication, the more distorted the message becomes. Each person who passes on the information is likely to change it slightly. To avoid this, try to communicate information directly and provide “back-up copies” in writing. For example, a committee member might inform a worker about the status of a concern. The same information might be included in minutes posted in the workplace.

Effective communication reaches the heart as well as the mind

Communication that is aimed at feelings and attitudes is usually more effective than communication directed only at the mind. People will listen more intently if you mold a message to their personal interests and situations. For example, workers may be more willing to use change and shower facilities if they understand how this can prevent contaminants from reaching their families.

Use it or lose it

The sooner information and skills can be put to work, the more effectively they will be learned and remembered. Help people apply what they are learning as soon as possible. For example, arrangements can be made to immediately apply the safe lifting procedures shown in a safety video. Refresher training and practice can be arranged to keep first aid skills sharp.

Verbal communication techniques

- Use positive body language, including gestures, stance, expression, movement, eye contact and a warm tone of voice. Make the other person feel involved and important.
- Keep the message short and simple. Avoid jargon and unfamiliar terms, particularly with inexperienced workers.
- Show respect for the ideas of others and try to understand their points of view. Consider differences in culture and language. • Check mutual understanding at the end of the conversation.

Active listening

Active listening is just as important as effective speaking. Six principles are involved in active listening:

Encourage

Encourage the others to fully express their opinions. Use neutral statements or open-ended questions (questions that cannot be answered with a simple “yes” or “no”) such as “I see” or “Please tell me more”. This will keep the others talking and show them you are interested in their views.

Clarify

Use open-ended questions to clarify statements and check your perceptions of what has been said. For example, use questions such as “When did this happen?” or “I’m not quite clear about that point, could you explain it a bit more”?

Restate

Summarize and restate essential points, ideas and comments to check understanding. Put a positive “spin” on what has been said, but do not distort its meaning. Ask the speakers if you are correct in your interpretation of their views. For example: “So your view of the problem is...” “Am I correct in saying that you would like to solve the issue in this way”?

Reflect feelings and opinions

Show you understand the speakers’ opinions and feelings. This will help them evaluate their attitude. For example: “You sound very angry and frustrated”.

Summarize feelings and content

Periodically summarizing ideas, feelings and content allows you to check progress and move on to other topics. For example: “Is this an accurate summary of the cause of your anger”? Encourage the speakers to tell you anything else that is bothering them about the issues. For example, ask: “Is something bothering you”?

Acknowledge and validate

Show the others that you understand, accept and respect them. For example: “I can understand why you might feel this way...” or “I sympathize with you”.

Pay close attention to the ideas, emotions and opinions being expressed, not to individual words or phrases. Listen to the whole message before passing judgement or interrupting. To avoid bias, try to separate the message from the person sending it.

Use open-ended questions to encourage people to tell you what they know and suggest solutions. State your questions in a positive way to get cooperation. Make sure your body language does not contradict what you are saying.

Written communication

Committee members need to be able to write clear and effective inspection and incident investigation reports, recommendations for the employer and so forth. Information that is unclear or confusing may cause workers and managers to draw the wrong conclusions and fail to take effective action. When preparing a report, consider using the following format outline:

Executive summary – Some formats use this section to summarize the report and its recommendations.

Introduction and purpose – This explains what the report is about and outlines the content.

Methods – This explains how the information was gathered and what methods were used. For example, if the report deals with noise levels in the workplace, this section will describe what type of noise monitors were used, how readings were taken, for how long, where in the workplace and so forth.

Findings – This section describes what was found (the raw evidence). For example, in a noise control report, this section would state what noise levels were found, where, if noise levels at certain work stations changed over the shift and so forth. Some formats summarize the findings here and put detailed information, such as measurements, in the appendix.

Interpretation – This section discusses what the findings mean and builds a case for subsequent recommendations. For example, in a noise control report this section might explain what areas had unacceptably high noise levels, what areas had annoying noise that is of concern to workers and what areas had acceptable noise levels. It would describe the direct causes of the noise (such as machinery, tools and equipment) and contributing factors (such as work scheduling, maintenance practices, etc.).

Conclusions – This section sums up your interpretation and states the root cause of the problems outlined in the report. For example, your noise report might conclude that the root cause of a noise problem is that the organization does not consider noise in its equipment purchasing decisions. Therefore, an extremely noisy machine was purchased instead of a quieter unit with the same capabilities.

Each conclusion should be explained and supported separately. Reference any documents used to reach your conclusions—use footnotes or endnotes. Where possible, include the reference documents with your report.

Recommendations – Recommendations flow from your findings and conclusions. They must be clearly stated and supported by the evidence. Outline the advantages of your recommended course of action. Summarize the possible cost and consequences of not taking it. Where possible, provide options and alternatives. Explain the advantages and disadvantages of each option, including the relative costs.

Supporting documentation – Include material that you have cited in your report or used to support it. For example, include copies of pertinent regulations, safety publications and so forth.

Bibliography – If supporting documentation will not be included, provide a bibliography. This will give the employer or a safety and health officer a chance to check your sources.

Raising controversial issues

Committee members must sometimes raise controversial issues. For example, you might have to talk to a worker who is using an unsafe work practice. A “soft sell” approach is usually much more effective than trying to give orders. Here are some guidelines for raising issues and concerns.

Introduce the topic – Start by briefly describing your role as a committee member, then state why you want to discuss the issue.

State the facts as you see them – Use “I” or “me” language. For example: “I am curious about why you are using this lifting practice” or “It seems to me that you are using an unsafe lifting procedure, could you explain why”? Focus on behaviour and not the person. Avoid blaming or attacking the other person. Make your points clearly and quickly. The longer you speak, the more likely you are to lose the other person’s attention. Give the other person a chance to respond. If you do not receive a response, ask for one. Listen carefully to the other person’s concerns.

Discuss your interests in keeping the workplace safe – Explain your views clearly, but don’t take rigid positions. Focus on the changes needed to address the issue. Avoid jargon inexperienced workers may not understand. Point out the benefits of doing things the safe way. For example, a worker may not use protective gloves because the chemical he handles does not bother his skin. He may not understand it can be absorbed through the skin. Once understood the worker will likely comply.

Reach an understanding – Listen to the response. Get a commitment to resolve the concern. Check to see that the corrective action has been taken.

Other communications tools

Bulletin boards – These can be used to display committee minutes, inspection reports, summaries of incident investigations, posters and so forth. If safety posters are used, they should be changed every couple of weeks to keep the message fresh.

Circulars and newsletters – Short safety memos and messages can be distributed to employees through the normal channels. For example, a safety brochure can be included in each pay cheque. Newsletters can be distributed or made available in the cafeteria or another centralized location.

Meetings – Committee members should attend supervisors’ group meetings to report on the activities of the committee and the status of concerns. Likewise, the committee and employer can organize employee meetings to discuss safety and health issues.

Safety talks – Safety talks are regular short demonstrations or lectures by supervisors or experienced workers. Each talk deals with a specific topic such as safe lifting procedures, controlling a chemical hazard and so forth. The committee can help the employer plan these safety talks and acquire resources. Materials are available from several safety associations and commercial sources.

Videos – The committee can organize short video screenings to review issues in the workplace. For example, they can be used to reinforce back injury prevention programs. The Workplace Safety and Health Division’s Video Lending Library has a large selection of safety and health videos.

Handling differences of opinion

Differences of opinion and conflict aren't necessarily bad. Used properly they can help to improve the quality and quantity of solutions.

The causes of conflict include:

- lack of communication
- different perceptions
- different values
- different expectations about outcomes

People tend to come into conflict when:

- important issues or a preferred outcome are at stake
- at least one side believes it has a greater knowledge or understanding of an issue
- at least one side feels it is "right"

Most disagreements can be resolved through clear communication, trust and mutual respect.

Managing disagreements

Consider these guidelines when dealing with disagreement.

Clarify objectives – People sometimes get into conflict because they have different perceptions about the objectives of the meeting or conversation. There may also be a misunderstanding about the other side's "real" intentions. Getting agreement on goals can help resolve these problems.

Strive for understanding – Sometimes a disagreement is so strong that people lose track of what the other side's position really is. The meeting chairperson can deal with this by suspending discussion and asking each side to summarize the other's position.

Diffuse emotion – Good decisions cannot be reached if people are in an emotional confrontation. Try to keep participants focused on the facts of the issue, the supporting evidence and the consequences of not taking an appropriate course of action.

Generate alternatives – Try to identify solutions that deal with the concerns of all parties. Try to get support for potential solutions from influential participants who are not committed to fixed positions.

Table the issue – When reaching a solution seems unlikely or participants need time to think about the arguments presented, agree to discuss the concern again later. This provides time to "cool off". However, if the issue is serious, contact the Workplace Safety and Health Division for advice.

Break the issue into components – Consider breaking a controversial issue into its parts. Send each part to a problem solving team for discussion. This may make finding solutions easier.

Appendix 4: Helping the employer plan worker training

When your review identifies a training need, your committee should work with the employer to:

- Set measurable objectives for the training.
- Determine how the training will be evaluated.
- Obtain or develop the training program.
- Implement the training.
- Evaluate the training.
- Maintain records.

Training procedures

Method 1 – Individualized on-the-job instruction for individuals using the tell, show, try and check (TSTC) method:

- Tell the worker how to do the job safely.
- Show the worker how the job should be performed at each step.
- Let the worker try the job.
- Check to ensure the worker can do the job safely.

Method 2 – Classroom training for groups of workers. Consider the following guidelines when using classroom instruction:

- Know the subject.
- Prepare to instruct.
- Develop a lesson plan containing the objectives, content, materials and time required for each section of the instruction.
- Organize and publicize each session.
- Prepare the room and materials.
- Communicate clearly.
- Encourage participation and information sharing.
- Evaluate the training.
- Follow-up to check understanding.

Monitoring orientation and training

Training should be checked during normal committee activities (inspections, conversations with workers, job observations, etc.).

The committee should review orientation and training at least once each year, or more frequently if necessary. Recommendations for improvements should be sent to the employer for action.

Notes

