



Occupational Health and Safety Policy and Program



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Note:

OHS can be reached by telephone at 368-5491, 368-5820 or 368-4189;
or by fax at 368-4382.

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Introduction

On October 24, 1990, a joint agreement of support for this Occupational Health and Safety Program was signed by the Government of Prince Edward Island and by the Union of Public Sector Employees and was reaffirmed in February 1999.

The philosophy of the employer and the union is that accidents, injuries and occupational illness can be prevented.

The success of this program depends on the active participation of everyone, i.e. the employer, employing authority, the employees and the union.

This handbook is designed to assist employers and employees implement a safety program specific to their needs by defining various responsibilities and to provide assistance to Workplace Occupational Health and Safety (OHS) committees and OHS representatives.

Policy/Program Responsibilities

The responsibilities defined in this section are in accordance with the *Province of Prince Edward Island (PEI) Occupational Health and Safety Act and Regulations*. (hereinafter referred to as the Act)

No procedure, rule, regulation, standard or any other provision contained in this document limits an individual's rights and responsibilities under the Act or other applicable legislation. As well, such provisions do not change, vary or invalidate the terms of the collective agreement between the Union of Public Sector Employees and the Government of the Province of Prince Edward Island.

1. The Employer

(Minister responsible for the PEI Public Service)

It is the responsibility of the employer, as defined in the Act, to take every precaution that is reasonable to ensure a healthy and safe workplace.

The Minister responsible for the Public Service is responsible for the Occupational Health and Safety Program. The program is administered by the PEI Public Service Commission which has responsibility to:

- a) Ensure that the program is in keeping with the Act and reflects the program's mission statement.
- b) Establish a central resource office to coordinate the service-wide program.
- c) Facilitate a Joint Employer/Union Advisory Committee.

Mission Statement

The Occupational Health and Safety Program (the program) exists to protect employees' health and safety while they work and to keep it paramount in all activities associated with that work.

2. The Employing Authority

Employing authorities, i.e., departments, are responsible for occupational health and safety within their jurisdiction. It is their responsibility to:

- a) Develop, organize and maintain a formal occupational health and safety program appropriate to the operation of the department and consistent with the principles of this document, government policy and OHS legislation.
- b) Organize joint occupational health and safety committees or provide access to an occupational health and safety representative established according to the Act.
- c) Develop, implement and enforce safety rules, regulations, standards and procedures appropriate to the operations of the department.
- d) Remedy safety concerns identified at the workplace.
- e) Conduct accident investigations, where possible in conjunction with the OHS committees or representatives.
- f) Establish health and safety objectives appropriate to the requirements and experience of the department.
- g) Provide healthy and safe workplaces including such things as safe tools, equipment, materials, procedures, etc.
- h) Develop, by educational programs and example, an attitude conducive to safety awareness.

- i) Ensure that employees are familiar with the proper use of all devices, equipment and clothing required for their protection.
- j) Conduct the employer's undertaking so that employees are not exposed to health or safety hazards as a result of the undertaking.
- k) Provide appropriate training to:
 - identify accident causes;
 - conduct workplace safety inspections;
 - serve on joint occupational health and safety committees or as representatives;
 - educate employees to their duties and responsibilities under the Act, and
 - ensure that employees and particularly the supervisors are aware of the hazards associated with their work and are able to carry out their duties safely.
- l) Record and evaluate costs of occupational accidents, injuries and illnesses.
- m) Advise an OHS committee or representative on the actions the employer will take to comply, within 30 days of receipt of a recommendation from the committee or representative.
- n) Ensure that all employees who work with a controlled product or are in proximity to a controlled product are informed about the proper use and handling of those products according to the Workplace Hazardous Materials Information System (WHMIS).
- o) Comply with other duties as may be detailed in the Act and Regulations.

3. The Employee

- (1) Every employee, while at work, shall
 - (a) take every reasonable precaution in the circumstances to protect the employee's own health and safety and that of other persons at or near the workplace;
 - (b) cooperate with the employer and with the other employees to protect the employee's own health and safety and that of other persons at or near the workplace;
 - (c) wear or use the protective equipment that is required by the *Occupational Health and Safety Act* and the regulations;
 - (d) consult and cooperate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace;
 - (e) cooperate with any person performing a duty or exercising a power conferred by the *Occupational Health and Safety Act* or the regulations; and
 - (f) comply with this Act and the regulations.

- (2) Where an employee believes that any condition, device, equipment, machine, material or item or any aspect of the workplace is or may be dangerous to the employee's health or safety or that of any other person at the workplace, the employee
 - (a) shall immediately report it to the supervisor;
 - (b) shall, where the matter is not remedied to the employee's satisfaction, report it to the committee or the representative, who may consult with the Civil Service OHS Program; and
 - (c) may, where the matter is not remedied to the employee's satisfaction after the employee reports it in accordance with clauses (a) and (b), report it to the Director of Occupational Health and Safety Division of the Workers' Compensation Board..

4. The OHS Program Manager

The Program Manager is responsible for receiving incident

reports on all on-the-job accidents, monitoring trends, reporting back to employing authorities on safety problems and implementing an educational program to address the problem.

The Manager is to:

- a) Manage the program by receiving, reviewing and monitoring all injury on duty reports and trends, and implementing measures to keep them to a minimum.
- b) Provide specialized advice, inspection and assistance to the employing authority and the Occupational Health and Safety committees and representatives on health, safety and accident trends.
- c) Provide assistance to employing authorities and OHS committees and representatives in facilitating first aid, WHMIS and other health and safety training.
- d) Report to the Chief Executive Officer (CEO) of the PEI Public Service Commission, to the various employing authorities and to concerned OHS committees and representatives on the progress of the program, occupational accidents, investigations and any other relevant information.
- e) Liaise with the Workers' Compensation Board for the purpose of OHS activities, accident follow-up and claims review.
- f) Assist employing authorities in the development of safety rules, regulations, standards and procedures.
- g) Monitor Occupational Health and Safety work orders (issued by WCB-OHS staff) and assist in correcting the issues identified.

5. The Joint Employer/Union Advisory Committee

This committee is comprised of representatives from the PEI Public Service Commission and the union. The purpose of the

Joint Employer/Union Advisory Committee is to monitor the overall effectiveness of the OHS Program and to make appropriate program changes where necessary.

6. Workplace Occupational Health and Safety Committee

The purpose of an Occupational Health and Safety Committee or representative is to consider health and safety matters, identify problem areas, make recommendations to management and follow-up on the actions recommended. This advisory function does not relieve Employing authorities of their responsibilities. See page 12 through 15 for detailed roles and responsibilities of the OHS Committees and representatives.

Components of the Program

1. Workplace Occupational Health and Safety Committees

A Workplace OHS Committee is a group of employee and employer representatives working together to identify health and safety problems, consider their impact on the workplace and formulate recommendations to management on corrective measures. The committee is an important communication link between employees and management as it deals with health and safety matters. The committee does not deal with other labour/management issues.

Workplace OHS committees are important for two reasons. First, members bring to the committee a variety of backgrounds, skills and experiences. For example, employee members have the technical in-depth knowledge about jobs; supervisors have the knowledge of how various jobs or activities affect one another or interrelate with each other; managers are knowledgeable about departmental policies, procedures and resources. Collectively, this expertise can make a significant contribution to workplace health and safety.

A second reason why committees are important is that they create the opportunity for employees and management to work together to resolve common health and safety concerns. Working together in this fashion tends to develop greater understanding by managers and employees of each others' viewpoints. It also builds trust and mutual respect which have their own additional benefits.

The **Occupational Health and Safety Act**, R.S.P.E.I. 1988, Cap. O-1, Section 19.7 discusses the Committee and section 19.8 discusses the Representative. They are as follows:

Committee

19.7(1) At every workplace where 20 or more persons are regularly employed, the employer shall establish and maintain one joint occupational health and safety committee or, at the discretion of the employer, more than one such committee.

(2) Where 20 or more persons are regularly employed by one or more constructors at a project that is expected to last three months or more, a constructor shall establish and maintain a joint occupational health and safety committee for the project.

(3) At a workplace where fewer than 20 but more than five persons are regularly employed, the Director may consult with the employees and employers at the workplace with respect to whether a committee should be formed at the workplace and may order that a committee be established.

(4) Where an order respecting the establishment of a committee is made under subsection (3), every employer shall ensure that the committee is functioning in accordance with this Act within 30 days of receipt of the order

(5) A committee shall consist of the number of persons agreed to by the employees, or their union, and the employer.

(6) Subject to subsection (7), the employees on the committee shall be selected by the employees they represent, or shall be designated by the union that represents the employees.

(7) At least one-half of the members of a committee shall be employees at the workplace who do not exercise managerial functions and the employer may choose up to one-half of the members of the committee.

(8) The committee shall

- (a) cooperate to identify hazards to health and safety in the workplace and effective systems to respond to the hazards;
- (b) receive, investigate and promptly dispose of matters and complaints with respect to workplace health and safety;
- (c) participate in inspections, inquiries and investigations with respect to the occupational health and safety of the employees in the workplace;
- (d) advise the employer on individual protective devices, equipment and clothing that, in accordance with this Act and the regulations, are best adapted to the needs of the employees;
- (e) advise the employer regarding a policy or program required pursuant to this Act;
- (f) make recommendations to the employer, the employees and any other person for the improvement of the health and safety of persons at the workplace;
- (g) maintain records and minutes of committee meetings in a form and manner approved by the Director and provide an officer with a copy of these records or minutes on request.

(9) A committee shall meet at least once each month unless the committee alters the required frequency of meetings in its rules of procedure.

(10) Where a committee alters the required frequency of meetings by its rules of procedure and the Director is not satisfied that the frequency of meetings is sufficient to enable the committee to effectively perform its function, the frequency of meetings shall be determined by the Director.

(11) Every employee who is a member of a committee shall be entitled to take time off from work that is necessary to attend meetings of the committee, to take any training prescribed by the regulations and to carry out the employee's functions as a member of the committee.

(12) The time off work referred to in subsection (11) shall be deemed to be work time for which the employee is entitled to the employee's usual salary and benefits, without change.

(13) A committee shall establish its own rules of procedure. 2000,c.15,s.6.

Representative

19.8(1) At a workplace where no committee is required under section 19.7 and where the number of persons employed is five or more, the employer shall require the employees to select at least one health and safety representative from among the employees at the workplace who do not exercise managerial functions.

(2) At a project where no committee is required under section 19.7 and where the number of persons employed is five or more, a constructor shall require the employees to select at least one health and safety representative for the project from among the employees at the project who do not exercise managerial functions.

(3) At a workplace where fewer than five persons are employed, the Director may

(a) consult with the employees and the employer at the workplace regarding whether a representative should be selected at the workplace; and

(b) where the Director is of the opinion that it is necessary in order to ensure health and safety in the workplace, order that a representative be selected by the employees from among the employees at the workplace who do not exercise managerial functions.

(4) An employee who is a representative is entitled to such reasonable time off from work as is necessary to carry out the employee's functions as a representative.

(5) The time off work referred to in subsection (4) shall be deemed to be work time for which the employee is entitled to the employee's usual salary and benefits, without change.

(6) Every representative shall be involved on behalf of the employees, together with the employer, in occupational health and safety in the workplace and shall

(a) cooperate by identifying hazards to health and safety and effective systems to respond to the hazards;

(b) cooperate by monitoring compliance with health and safety requirements in the workplace;

(c) cooperate with the employer in the investigation and prompt disposition of matters and complaints with respect to workplace health and safety;

(d) participate in inspections, inquiries and investigation with respect to the occupational health and safety of the employees in the workplace;

(e) advise the employer on individual protective devices, equipment and clothing which, in accordance with this Act and the regulations, are best adapted to the needs of the employees;

- (f) advise the employer with respect to a policy or program required by this Act; and
 - (g) make recommendations to the employer, the employees and any other person for the improvement of the health and safety of persons at the workplace.
- 2000,c.15,s.6.

2. Training

The most effective components of a health and safety program are training and supervision. Training generates improved work performance and reduces human misery and expenditures that result from accidents and occupational illnesses. Employing authorities will provide training programs appropriate for the safety hazards particular to the work conducted in their workplaces. The Program Coordinator may assist by providing OHS training in such areas as:

- OHS Act and Regulations
- Office Ergonomics
- Workplace Inspections
- Safety for Young Workers
- Workplace Hazardous Materials Information System (WHMIS)
- Accident Investigation and Follow-up
- Establishing Effective OHS Committees and Representatives
- Living With Shiftwork
- Other areas of health and safety that are specific to particular workplaces.

3. Accident Reporting Procedures

- (a) When first aid is required, the injured employee should:
- obtain first aid treatment;
 - ensure that injury details and treatment are recorded in the incident book; and
 - report the accident to the supervisor.

- (b) When medical aid is required:
- the injured employee should, where possible, obtain first aid treatment and report the incident to the supervisor before going to a physician;
 - the supervisor shall investigate, determine the cause and initiate steps to correct it, and complete the accident report;
 - the supervisor shall complete and submit the WCB Employer's Report of Accident form (Form 7) to WCB with a copy to the Program Manager;
 - the injured employee shall complete the WCB Worker's Report of Accident form (Form 6) and send it directly to the WCB office; and
 - the attending physician shall complete the Physician's Report of the Accident (Form 5) and forward it to the WCB Office.
 - In January 2001, WCB made the decision that a Form 7 and Form 6 must be completed and submitted to WCB for every "reoccurrence of an old injury" claim. A copy of Form 7 is to be forwarded to the OHS Program Manager.
- (c) When critical workplace injuries occur:
- immediately report to Workers' Compensation Board, Occupational Health and Safety Division (inspectors), all serious workplace accidents that result in a critical workplace injury.
 - **To report critical workplace injuries, call toll free 1-800-237-5049 or call the OHS emergency line (902) 628-7513. An officer is on call 24 hours a day.**

How serious must an accident be before an employer is required to report it to WCB-OHS Division?

Report to OHS at WCB when the accident is serious enough to:

- place life in jeopardy;
- produce unconsciousness;
- result in substantial loss of blood;
- involve the fracture of a leg, arm, hand or foot;
- involve the amputation of a leg, arm, hand or foot;
- cause burns to a major portion of the body; or
- cause the loss of sight in an eye.

Note: In the case of a critical workplace injury that is reported by phone, employers must still file the usual Employer's Report of Accident form with WCB.

The accident site is not to be disturbed until the investigation is completed.

4. Accident/Incident Investigations

All accidents and incidents must be investigated by designated personnel of the employing authority as soon as possible, preferably within 48 hours. The investigator should view the scene of the accident or incident with the employee involved and the OHS committee or representative where available. The investigator shall make recommendations to the employing authority in order that similar accidents can be prevented.

Occupational Health and Safety Program Office

The program is administered by the PEI Public Service Commission. The program office can be contacted at 368-5491, 368-5820 or 368-4189. Fax number is 368-4382.

The mailing address is:

Occupational Health and Safety Program
PEI Public Service Commission
PO Box 2000
Charlottetown, PEI
CIA 7N8

APPENDIX A

Conduct of Meetings

The following information provides a guideline for conducting a successful OHS Committee meeting.

Agenda

See Appendix B for sample agenda.

Minutes

Copies of the minutes are to be distributed to the main file, committee members, manager responsible for the workplace, workplace noticeboard, UPSE and the Manager of the Public Service OHS Program. See Appendix C for sample format for minutes.

New Business

Prior to addressing each new concern, the committee should ensure that it is a valid health or safety matter. It is also important to ensure that each concern is properly identified. This will assist in formulating a specific recommendation to deal with the concern as well as determining a realistic target date for completion.

Accident Review

For this standing agenda item, the co-chairpersons should select those Supervisor's Accident Investigation reports which are to be reviewed. The review process should include timeliness of reporting and overall quality of the investigation report. The committee should also assess the identified causes of the accident and the preventative measures recommended. If appropriate, the committee may make additional recommendations for prevention.

Training

Reviewing the occupational health and safety training needs of the workplace is another standing agenda item. As a result of an accident review or in response to other valid concerns, the committee may make recommendations on health or safety training, e.g., safety orientation, first aid, defensive driving, job-specific training, etc.

Other Business

These matters are usually tabled by individual committee members and likely arose after the agenda was published.

Next Inspection

The date for the next workplace inspection and the names of the inspection team should be identified and the particulars recorded in the meeting minutes.

Next Meeting

Prior to meeting adjournment, the date of the next meeting should be determined and recorded in the minutes.

Procedure for Validation and Handling of OHS Concerns

From time to time, employees identify concerns in the workplace which they believe may affect their health and safety or the health and safety of a co-worker. Where possible, these concerns should be satisfactorily resolved within the worksite.

See Appendix D for a chart that specifies the steps which are to be followed in working an identified concern through to satisfactory resolution. Employees are to bring the concern to management, and if necessary the OHS Committee, before contacting OHS inspectors at the Workers' Compensation Board. The OHS inspectors will refer an employee to the management, and if necessary the OHS Committee, before they intervene. However, by legislation, every employee has the right to contact OHS inspectors at Workers' Compensation Board.

The above procedure does not change, vary or invalidate the terms of the collective agreement between the Government of Prince Edward Island and the Union of Public Sector Employees.

Occupational Health and Safety Meeting

Date: _____ **Time:** _____

Place: _____

Chair: _____

AGENDA

- 1. Minutes
- 2. Matters arising from the minutes
- 3. New Business
- 4. Accident Review
- 5. Training
- 6. Other Business
- 7. Next Inspection
- 8. Next Meeting

Adjourn

Workplace OHS Health and Safety Committee

Minutes of Meeting _____, 20__

Department _____ Site Location _____

Mailing Address:

Members in Attendance:

- 1. Review of Previous Minutes
 - 2. Matters Arising From Minutes
 - 3. New Business
 - 4. Accident Review
 - 5. Training
 - 6. New Concerns (from workplace inspection)
- | No. | Concern | Recommendation | Target Date | Action Taken |
|-------|---------|----------------|-------------|--------------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
- 7. Other Business
 - 8. Date of Next Meeting
_____, 20__
 - 9. Signature of Co-chairpersons

Note: Copies of the minutes are to be distributed to the main file, committee members, manager responsible for the workplace, workplace noticeboard, UPSE and the Manager of the Public Service OHS Program.

Procedures for Validation and Handling of OHS Concerns (including Refusal to Work)

