

Introduction

Essential
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Health and Safety

Occupational health and safety is a vital issue for staff at Canadian universities and colleges. Too often, it has not received the attention it merits in collective bargaining. Yet, without a safe and healthy workplace, all other issues become a moot point if stress, bad ergonomics, or exposure to hazardous materials prevent members from doing their work well.



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I Introduction

Worker's Right to a Safe Workplace

All Canadian federal and provincial occupational health and safety legislation require the employer to provide a safe working environment for their employees. Some acts are more specific than others, but the expectation of working safely is the right of every Canadian worker. The law requires that “the employer will take every reasonable precaution for the protection of a worker”.

The Right to Know, the Right to Participate and the Right to Refuse are enshrined in every Occupational Health and Safety Act:

Right to Know

Every worker has the right to know about any substances or materials with which they work. This involves the Workplace Hazardous Materials Information System (WHMIS). Every worker is required to take this training upon entering the workplace, with an annual review.

Right to Participate

JHSC (Joint Health and Safety Committee) or Worker Representative:

Workers have the right to choose their representatives on joint health and safety committees that are mandatory in all workplaces.

Right to Refuse

All workers can refuse unsafe work which they have “reasonable cause to believe” could harm them. Workers can refuse potentially unsafe work without reprisal.¹

Bill C-45

Federal legislation, Bill C-45², places new onerous responsibility not only on employers, but also on trade unions, associations, joint health and safety committees and workers. It is part of the Criminal Code, and its penalties are quite severe. Trade unions and associations are required to play an active role in ensuring that their members receive the required information for safety in the workplace. It is the employer's responsibility to provide the information and training, but it is now the responsibility of the organizations which represent workers in the workplace to educate their members about their rights in the workplace so that they will in turn know if the employer is providing them with the means to work safely.

How to Keep Our Members Safe

Precautionary Principle

The first and foremost way to keep our members safe is to follow the Precautionary Principle, which states that if an action or policy might cause severe or irreversible harm, in the absence of a scientific consensus that harm would not ensue, the burden of proof falls on those who would advocate taking action.

The International Labour Organization (ILO)³ and the World Health Organization (WHO)⁴

both recognize and endorse the use of the precautionary principle in the workplace. Justice Archie Campbell, Commissioner of the SARS Commission, said in his report⁵ *“That the precautionary principle, which states that action to reduce risk need not await scientific certainty, be expressly adopted as a guiding principle throughout Ontario’s health, public health and worker safety systems....and by way of inclusion, through preamble, statement of principle or otherwise, in the Occupational Health and Safety Act, the Health Protection and Promotion Act and all relevant health statutes and regulations.”*

Labour organizations have consistently held the precautionary principle to be the first line of defense for safety and well-being in the workplace, the home and community. Some have produced collective agreement language.⁶

Collective Agreement Language

Key to prevention and enforcement of health and safety in our workplaces is effective, comprehensive collective agreement language. Although provincial and federal legislation can be, and should be, invoked when the need arises, nothing replaces the provisions the employer has agreed to in the collective agreement.

Bargaining for health and safety rights should be a priority during negotiations. The health and safety of the workplace, has a direct impact on CAUT members as they carry out their daily work routines. Ergonomically incorrect equipment can cause aches and pains, as well as serious musculoskeletal disorders. Improperly stored chemicals expose members to potential burns, cancers or systemic illnesses. Work overload and inadequate resources lead to stress. Bad or nonexistent health and safety policies leave our members vulnerable to inadequate and inappropriate means for resolving ongoing health and safety issues in the workplace.

Why Collective Agreement Language?

Until recent years, Canadian labour legislation and regulations increasingly provided for better protections for employees. The current trends are to roll-back or water-down laws which labour and health and safety activists already believe do not go far enough to protect worker’s rights.

While some legislation is better than others, none is immune to the political winds of change. Therefore, it is imperative that academic staff associations ensure that rights guaranteed to us under current legislation and regulations are written into their collective agreements.

Employer policies are just that — policies, subject to the whim of the employer. They do not have the legal strength of collective agreement language, and so should not be depended on as a collective agreement substitute.

Remember – the legislation is the *minimum* requirement. Always bargain for more!

What to Include:

- Reference to provincial or federal Occupational Health and Safety Act;
- Posting of this Act in a “conspicuous place”, as required by law;
- Acknowledgement that the employer will adhere to the Act;

- The 3 Rights – Right to Know, Right to Participate, Right to Refuse;
- Joint Health and Safety Committee/Worker Representative – there should be adequate representation from each labour group at the workplace;
- Joint Health and Safety Committee (JHSC) – ensure that the size meets the minimum of the Act – have subcommittees if there are many areas or specialties;
- Ensure that joint committee receives training – some Acts explicitly provide that the employer pays for it. For those that do not, invoke the Employer Responsibility Clause (General Duty Clause), which states that the employer must provide the ability for the JHSC to carry out its duties. It cannot if it is not trained;
- WHMIS (Workplace Hazardous Materials Information System) – it is the law, but ensure that it is reflected in the collective agreement. Every worker should receive WHMIS “upon entering the workplace” – not months or years later. There is also a compulsory annual review;
- For the JHSC Committee: monthly meetings; meeting minutes, co-signed and posted (in a conspicuous place); paid time while attending to their duties; monthly workplace inspections; the right to be present during any testing, Ministry of Labour inspections, Work Refusals and injury or mortality investigations; right to information and reports; and to be consulted, informed and have input on any changes such as renovations, new equipment, technology, etc. before implementation;
- The Right to Refuse, as is laid out in the standard protocols.⁷

II Essential Components

A. Education and Training

Workers have the right to be informed of workplace hazards, that requires workplace education programs. Ideally, these will be delivered cooperatively through joint programs with the employer, but in any event, the final responsibility lies with the employer and their supervisors. No one should be allowed to commence work in the workplace until they have been properly oriented to their workplace hazards and trained in how to deal with those hazards safely.

Below is sample collective agreement language from existing collective agreements:

Memorandum of Understanding Health and Safety

II. Training

(f) New employees

Health and Safety training for new employees will include, but not be limited to, the employee's rights and duties under provincial legislation and the role of the local Joint Health and Safety Committee. Recognizing that each plant may utilize independent means to achieve appropriate safety orientation, the Local Health and Safety Committee may make recommendations regarding its content. When classroom training is presented, a CAW instructor shall participate.⁸

Article 8 Union Representation, Health and Safety Committee

8:05*The University shall acquaint its employees with such components of legislation, regulations, standards, practices and procedures as pertain to the elimination, control and management of hazards in their work and work environment. Employees shall work safely and comply with the requirements of legislation, internal regulations, standards and programmes and shall report hazards to their immediate supervisor or designate, in the interests of health and safety of all members of the community.*

*(Right to Know) The University recognizes the right of workers to be informed about hazards in the workplace, to be provided with appropriate training, to be consulted and have input,*⁹

The following clause is a suggestion adapted from the Saskatchewan Occupational Health and Safety Regulations:

Training of Workers¹⁰

The employer shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of the worker when the worker:

- (a) upon entering the workplace*
- (b) is moved from one work activity or work site to another that differs with respect to hazards, facilities or procedures.*

The training must include:

- (a) procedures to be taken in the event of fire or other emergency*
- (b) the location of first aid facilities*
- (c) identification of prohibited or restricted areas*
- (d) precautions to be taken for the protection of a worker from physical, chemical or biological hazards*
- (e) any procedures, plans, policies and programs that the employer is required to develop pursuant to the Occupational Health and Safety Act and its Regulations*
- (f) any other matters that are necessary to ensure the health and safety of the worker while the worker is at work*

This shall be deemed paid time worked. No worker shall be permitted to work until this training has taken place.

B. Joint Health and Safety Committee

A properly trained Joint Health and Safety Committee (JHSC) is essential to ensuring the employer provides safe working conditions in the workplace. JHSC's are the legal recognized entity regarding health and safety in the workplace. Each federal and provincial Occupational Health and Safety Act requires that the workplace have either a Joint Health and Safety Committee, or a Worker Representative.¹¹ They are the guardians of safety in the workplace. Their role and function is to identify hazards, obtain information, investigate & participate

in accident investigations, inspect the workplace and make recommendations (which are legally binding on the employer) for improving safety and prevention.

Their recommendations, flowing from adequate training, experience and research, are binding on the employer. They are monitors, not enforcers. When required, a government inspector¹² will act as the enforcer of the legislations and regulations.

It is imperative that each academic staff association ensure that it has representation on the JHSC, and that they are able to carry out their duties as prescribed by law, which includes training. It is paramount that the role and function of these worker committee members are enshrined and protected in the collective agreement, should legislative requirements weaken. It is also critical that the association JHSC member(s) have an established mechanism for apprising your executive and membership about workplace health and safety issues.

Each Act requires that “*worker representatives shall be chosen by the workers*”.¹³ In order to meet that requirement, JHSC members should be elected or appointed at a properly constituted meeting. The employer should be informed, in writing, of the association’s choice of JHSC representation.

Large worksites, like universities, often require sub-committees to the main JHSC. One committee with a handful of members will be inadequate to meet the needs of many buildings, many departments and substantially different curriculum. These sub-committees could be struck by building, by hazard or by department. The main committee, through consultation with unions and associations on campus and through workplace hazard surveys and assessments, should make recommendations on the structure and implementation of feeder committees. A communication and operation structure will also need to be developed. Here is some sample language:

Health and Safety Committee

8:05 ...*The University will continue to respect the functions and guidelines established for the Joint Health and Safety Committee for the duration of the Collective Agreement. It is understood that should there be changes in the applicable legislation, the parties will meet to discuss the implications....*¹⁴

Safety and Health Committees

20.3 *Additional Committees*

20.3.1 *Where a department controls more than one work place referred to in this standard or the size or nature of the operations of the department or the workplace precludes the effective functioning of a single safety and health a committee for those work places, the department shall, in consultation with the bargaining agents and subject to the approval of or in accordance with the direction of a safety officer, establish a safety and health committee for such of those workplaces as are specified in the approval or direction.*

20.6 *Posting Names*

- 20.6.1 ...post and keep posted the names and work locations of all the members of the safety and health committee....in a conspicuous place or places where they are likely to come to the attention of the...employees.
- 20.7 Committee powers
- 20.7.1 A safety and health committee:
1. shall receive, consider and expeditiously dispose of complaints....
 2. shall maintain records...
 3. shall cooperate with any occupational health service established to serve the workplace.....¹⁵

Sample language:

There shall be a Joint Health and Safety Committee in the workplace. The committee's functions shall extend to wherever the workplace is defined as such. Associations shall have at least two members on the main committee. There shall be at least one Association member on any sub or specialty committees.

The JHSC shall assess the committee's scope of duties on an annual basis, and make recommendations for expansion of the committee as needed.

JHSC Training

JHSC members must be properly trained in health and safety in order to fully and knowledgeably participate in all committee activities.

In some jurisdictions, safety training or certification is required by law. Manitoba, New Brunswick and Saskatchewan allow joint committee members to take a leave of absence to obtain training.

In Ontario, Certified Member training is paid for by the employer. Collective agreements should require training for JHSC members and should require the employer to pay for the committee's training. In the absence of such a provision, the JHSC members can and should exercise their demand for training under the section in the legislation that indicates that the committee has a right to information in order to perform their duties as required under the Act. The right to information can be exercised to include the right and necessity of training.

Training should include:

- Committee responsibility/authority
- Occupational Health and Safety Law
- Hazard recognition and control methods
- Job safety analysis
- Occupational hygiene
- Workplace inspections
- Accident investigation methods and raising safety awareness
- Effective oral communication

Association/Union Provided Health and Safety Education

Why do associations/unions provide health and safety education? For two reasons: 1) the employer has not, or 2) the employer training was inadequate. Staff know the hazards in their workplaces better than anyone else, and have produced the most comprehensive and effective educational materials to meet those needs.¹⁶

CAUT member associations should consider asking for association/union-based education when requesting health and safety training. The Ontario model has allowed for that for the past two decades.

Many unions stipulate that the Workers Health and Safety Centre (WHSC) Instructors, be the delivery organization of choice for training. The WHSC, although Ontario-based, has the capacity to provide the best labour-based approach for any health and safety training need across the country. In fact, many management health and safety reps attend their sessions, particularly on certification, as their materials are the best researched and best written. It is one of the eleven Health and Safety Delivery Organizations (HSDO's) in Ontario, under the auspices of the Workers Safety and Insurance Board (WSIB). The other HSDO's are employer-based with a differing philosophical approach to worker safety education.

Unions send their instructors to the WHSC for training, and can then do in-local or in-workplace training at will. If a union or one of its locals does not have a trained instructor, the WHSC can provide one for them. Whether your association elects to use the WHSC Instructors or materials, you should ensure that your worksite JHSC worker representatives have a choice in who is doing any in-house training, and that such training is effective in the JHSC members in fulfilling their obligations under the legislative requirements. Paid JHSC training should be included in the collective agreement language. An example is:

The employer shall provide training for the JHSC worker members upon their appointment to the Committee. The training module shall be provided through a labour- approved body. The worker members shall receive adequate and necessary training to perform their Health and Safety functions effectively. Needs-specific training shall be provided when requested. The JHSC will review training programs annually, and make any necessary recommendations.

Certification Training is advanced training for some or all of the members of the JHSC. This allows for a bilateral work stoppage (unilateral work stoppage in construction), which enables the worker and management trained Certified Worker the authority to stop work prior to the presence of a Ministry of Labour Inspector. Although this training is currently specific only to Ontario, despite the absence of this provision in other jurisdictions, its principles (and the WHSC course material) can be applied in any province.

The Ontario Public Service Employees Union (OPSEU) uses the following language to ensure training, the right to labour-friendly instructors and materials, and employer responsibility for financial costs:

- *The employer shall ensure that members of the joint committee that have been selected as the worker certified members are trained in accord with certification training requirements set out by the Workplace Safety and Insurance Board.*
- *The employer shall ensure that all worker certified members are trained through certification training programs established by the Workers Health and Safety Centre.*
- *The employer shall pay all costs of training including cost of materials, registration fees, time off from work, travel and lodging.*

The CAW and General Motors Master Agreement has incorporated substantial language regarding Certification Training:

*II Training (e) Certification training (Core and Hazard specific):
The parties agree to utilize the Workplace Health and Safety Agency Core Certification Training Program for members of the Joint Health and Safety Committees at all locations who have not received such training. This training will be conducted by CAW/GM instructors who have been certified by the Workers Health and Safety Centre with training sessions taking place in....*

During the current negotiations, the Company and the Union agreed that Hazard Specific Training will be given to the JHSC members at all locations. Each JHSC member will attend ten (10) WHSC Hazard Specific Modules to be taken in one (1) week (40.0 hours).

To accomplish this, the MJHSC will:

- *Confirm that the JHSC have completed their workplace hazard assessment.*
- *Have the JHSC identify and prioritize their required training based on the hazard assessment and the knowledge and prior training of the JHSC members.*
- *Identify the ten (10) modules to be given.*
- *Arrange for a CAW/GM Instructor to conduct the training.*

JHSC Meetings and Minutes

A JHSC cannot function without meetings and meeting minutes. Each Act provides for minimum meetings per year, with most meetings once a month or four times a year. Ideally, the committee should be meeting once a month, especially in large workplaces like universities and colleges. Paid prep time before the meetings is allowed for in some of the Acts. This is important, as it allows each worker organization, either individually or collectively, work time to prepare for the meeting, especially around contentious items.

20.10 Meetings

20.10.1 *A safety and health committee shall meet during regular working hours at least once each month and, where meetings are required on an urgent basis as a result of an emergency or other special circumstance, the committee shall meet as required whether or not during regular working hours.*

20.10.2 *Members of a safety and health committee are entitled to such time from their work as is necessary to attend meetings or to carry out any other functions as members of the committee, including reasonable meeting preparation time, and any time spent by the member while carrying out any of his or her functions as a member of the committee shall, for the purposes of calculating wages owing to him or her, be deemed to have been spent at work.¹⁷*

Sample language:

The JHSC shall meet monthly, on a prescheduled basis, subject to change by mutual agreement. An agenda shall be provided 5 days prior to the meeting. The worker members of the committee shall be allowed at least one hour's paid prep time prior to the meeting, or such additional time as is necessary. There shall be at least quarterly meetings at which any sub or specialty committees shall be in attendance. They shall also be allowed one hour's prep time, or such additional time as is necessary, prior to this meeting.

These meetings shall be minuted, and the minutes shall be signed-off by the committee co-chairs. The minutes shall be posted in a conspicuous place in the workplace and remain posted until the succeeding of meeting minutes are posted.

C. Right to Refuse Unsafe Work

The right to refuse unsafe work must be protected at all costs — it is too often all that stands between maiming and death in the workplace.

Employers must ensure that all employees are informed that they have a right to refuse hazardous work which may harm them or any other person. Everyone should be instructed in the proper work refusal protocol.

When an employee, with reasonable cause to believe, exercises their Right to Refuse, they notify their designated supervisor who promptly notifies the union co-chair or designate who participates in all stages of the investigation. The worker stays in a safe place and participates fully in the investigation of the hazard.¹⁸

Every provincial and federal OSH Act contains provisions for refusing unsafe work¹⁹, including the protocol and language to prevent reprisals.

Refusal to Work

28. (1) A worker may refuse to do an act at the worker's workplace where the worker has reasonable grounds for believing that the act is likely to endanger the worker's occupational health or safety or the occupational health and safety of another worker.²⁰

Chapter III, Rights and Obligations

12. A worker has a right to refuse to perform particular work if he has reasonable

*grounds to believe that the performance of that work would expose him to danger to his health, safety or physical well-being, or would expose another person to a similar danger.*²¹

The employer must ensure that no other worker is asked or permitted to perform the work of the worker who refused unless the second or successive workers are advised of the reason(s) for the work refusal in the presence of the worker co-chair of the JHSC or their designate, and the refusing worker.

If the worker co-chair or their designate, and the supervisor cannot agree on a remedy, then a government inspector must be requested to attend the workplace.

No employee can be discharged, penalized, coerced, intimidated or disciplined for refusing hazardous work or for acting in compliance with the Act or the regulations. It is usually referred to as “no reprisals” or “no discriminatory action”.

45(1) *In this Section and in Section 46, “discriminatory action” means an action that adversely affects an employee with respect to terms or conditions of employment or any opportunity for employment or promotion and includes dismissal, layoff, suspension, demotion, transfer of job or location, change in hours of work, coercion, intimidation, imposition of any discipline, reprimand or other penalty including reductions in wages, salary or other benefits, or the discontinuation or elimination of the job of the employee.*

(2) *No employer or union shall take, or threaten to take, discriminatory action against an employee because the employee has acted in compliance with this Act or the regulations or an order or direction made thereunder or has sought the enforcement of this Act or the regulations or, without limiting the generality of the foregoing, because... (c) the employee has refused to work pursuant to subsection (43(1));...*²²

Language that clearly lays out the worker’s right to refuse on reasonable grounds should always be a priority piece in the Health and Safety article of your Collective Agreement. Here is some sample language:

Health and Safety Committees

*8:05and the right to refuse unsafe work where there is an immediate danger to their health and safety or the health and safety of others.*²³

This clause is weak, and in fact, contradicts the Act, which says one only needs “reasonable cause to believe”. This is an example where the association/union must take care that the CA language is not less than the requirements of the law. The following is a better example of the components of a standard work refusal:

Work Refusal Notification of Health and Safety Representatives:

In the event that a work refusal pursuant to the provisions of a Provincial Health and Safety Act occurs on the shift where the regular Health and Safety Representative is assigned, it will be the Company procedure to call the Health and Safety Representative. In the event that such a work refusal occurs on a shift other than the regular shift of the Health and Safety Representative, the Company will endeavour to contact the Health and Safety Representative by telephone...

Complaint Procedure:

The Local Committee will within a reasonable period of time and without undue delay visit the area where the complaint arose and observe the conditions complained of...

Provincial Legislation

Nothing herein shall be construed to restrict any employee's rights under provincial legislation...Furthermore, nothing herein shall be construed to restrict any employee's right to refuse to work or to do particular work where the employee has reason to believe that the employee's health and safety is in danger under sections 43-50 inclusive of Parts 5 and 6 of the Ontario Occupational Health and Safety Act in effect on the date of the Master Agreement....²⁴

Workers who work in essential or emergency services often have what is commonly referred to as a "limited right to refuse". Nurses, paramedics, police, firefighters, and other designated groups have the scope of their refusals limited in some fashion as the work they do is considered "inherently dangerous". This does not mean they do not have a right to refuse unsafe work, but it does mean the parameters are restricted in some way, ie. a firefighter could not refuse to go into a burning building unless they could show it was under imminent collapse, or a nurse could not refuse to care for a contagious or violent patient unless they could show that Personal Protective Equipment or safety protocols were not available. The Ontario Nurse's Association Collective Agreement incorporates language directly from the Ontario Occupational Health and Safety Act when addressing their rights to refuse unsafe work:

- xi)A) "This section does not apply to a [nurse]
 - 1) when a circumstance described below is inherent in the worker's work or is a normal condition of the worker's employment; or
 - 2) when the worker's refusal to work would directly endanger the life, health or safety of another person". Re: Occupational Health and Safety Act, Sec. 43(1)
- B) "A worker may refuse to work or do particular work where he or she has reason to believe that,
 - 1) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
 - 2) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;
 or

- 3) *any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker". Re: Occupational Health and Safety Act, Sec. 43(3).*

Sample language:

A worker who has reasonable cause to believe that their working conditions pose a health and safety hazard to themselves or others, has the right to refuse such potentially unsafe work. There shall be no reprisals by the employer regarding this action. The worker shall remain at work in a safe place, unless otherwise released by the employer, and may be assigned reasonable, alternative work during the work refusal. All work time that is part of the continuing process of the work refusal shall be considered paid work time. The work refusal shall be promptly investigated by the JHSC members. If a resolution is not mutually agreed upon, a Ministry of Labour Inspector shall be called for further investigation.

D. Workplace Inspections

Each occupational health and safety act provides that every workplace covered by the Act will have its premises inspected by the JHSC on a regular basis. The rule of thumb is a monthly inspection, unless the workplace is very large, in which case, "a part thereof until the whole of the workplace is inspected within a year's time". The purpose of this is to regularly assess identified or potential hazards for remediation and prevention purposes.

6.05 Occupational Health and Safety

(e) Joint Health and Safety Committee

v) "A member of a committee is entitled to,....

C) such time as is necessary to carry out [inspections and investigations under subsection 9(26), 9(27), and 9(31) of the Act.]" ref: Occupational Health and Safety Act, Sec .9(34)²⁵

Sample language:

The workplace shall be inspected once per month by the workplace JHSC members. The results of these inspections shall be for remediation and prevention purposes. The results of these inspections shall be considered part of the JHSC Minutes.

The employer shall ensure that monthly inspections are completed by providing JHSC and JHSC sub-committee members the training and paid time to do so. All worker members shall be trained in effective inspection techniques. The JHSC worker members shall have the right to training by certified trainers of their choosing.

The JHSC will develop an appropriate format for doing the physical inspection, and the accompanying written monthly report. This report shall be presented at the following JHSC meeting or any meeting where workplace health and safety issues arise. Each worker member

of the JHSC and their union or association shall be entitled to a copy of this report, and any other report flowing from the inspection process.

Accident and Incident Inspections

Every injury, illness or near-miss which involved or would have involved, a worker needing medical attention, must be investigated. The co-chairs or designates should investigate the accident, illness or incident. The following is an example of appropriate contract language:

The Joint Health and Safety Committee:

5. shall take part in all inquiries and investigations....including such consultations as may be necessary with persons who are professionally or technically qualified to advise the committee...

8. shall ensure that adequate records are kept on work accidents, injuries and health hazards and shall monitor data relating to such accidents, injuries and hazards on a regular basis.²⁶

...Receive prompt notification of any employee fatalities or serious injuries resulting from work-related accidents. When such events occur during the 2nd or 3rd shift, the Management Member of the Local Committee will endeavour to notify and inform the Union member of the Local Committee of the facts, and arrange upon request, for the Union member to enter the plant and investigate such events.²⁷

Sample language:

The JHSC worker member(s) shall be promptly notified of any fatality, serious injury or near-miss, and shall have the right to be present and fully participate in any investigation. Should a JHSC member be off-site, they shall be called, and allowed to enter the workplace to participate in the investigation.

Right to Accompany Inspectors

Occupational Health and Safety Legislation entitles JHSC members to have access to or to accompany a ministry inspector who attends the workplace. It is extremely important that the right of JHSC members' and all other employees to communicate with the inspector while on and off site are protected. Without this ability to interact freely with the inspector, the mutual sharing of critical information which leads to appropriate investigation and possible orders, are compromised. The worker co-chair or designate should always have the right to accompany a government inspector on any inspection tour, and to speak privately with the inspector, if requested.

Accompany Provincial Governmental Health and Safety inspectors and Union Health and Safety Professionals on plant inspection tours. Also, accompany Corporate Health and Safety professionals on regular surveys requested by the Union and upon request receive results of such surveys. Advance arrangements should be made to permit participation in such surveys.²⁸

Sample language:

The worker JHSC members shall have the right to accompany a Government or other Inspectors or Health and Safety Professionals in their duties at the workplace.

E. Disclosure of Information

In order for the JHSC to be effective, members must have access to pertinent information regarding workplace hazards. The employer needs to provide the association and the committee with written information which identifies all biological, chemical and physical hazards associated with the workplace. This information should include, but not be limited to, the chemical breakdown of trade name products, relevant information on potential hazards, results of testing to determine levels of contamination, maximum allowable levels, precautions to be taken, symptoms, medical treatment and antidotes.

This information includes reference to the federal regulations known as WHMIS²⁹ – Workplace Hazardous Materials Information System. WHMIS is part of every Act, and is usually referred to under the Hazardous or Toxic Substances section.

20.7 Committee Powers

10. may request from a department such information as either party of the committee considers necessary to identify existing or potential hazards with respect to materials, processes or equipment in the work place

11. shall have full access to all correspondence and reports.....shall not have access to the medical records of any employee, except with the consent of the employee³⁰

6.05 Occupational Health and Safety

(e) Joint Health and Safety Committee

iii) The Hospital agrees to cooperate in providing necessary information and management support to enable the Committee to fulfill its functions. In addition, the Hospital will provide the Committee with access to all accident reports, health and safety records and any other pertinent information in its possession. The Committee shall respect the confidentiality of the information.³¹

Sample language:

Hazardous Materials³²

The employer shall ensure that all hazardous materials present in the workplace are identified in the prescribed manner, and shall obtain or prepare, as may be prescribed, an unexpired material safety data sheet (MSDS) for all hazardous materials present in the workplace.

These MSDS' shall be available to the JHSC and workers in an easily accessible manner. MSDS' shall be reviewed for update on an annual basis.

Access to the Workplace

It is the practice among most trade unions to include language which allows for union staff (paid union representatives: national, provincial or local) to have access to the worksite on behalf of the workplace members. Outside expertise is often necessary to address complex health and safety issues. Academic staff associations or their representatives on the JHSC may wish to have the presence of either a local association non-JHSC member expert, or the CAUT Occupational Health and Safety officer in attendance for specific issues. This clause below ensures this, otherwise, the employer can invoke their management rights on who has access to the workplace.

Memorandum of Understanding Health and Safety

IV CAW National Health and Safety Coordinator

(b) Access for National Health and Safety Coordinator

The Company agrees to provide access, upon reasonable notice, to all Company plants and locations to National Union CAW Health and Safety Representatives.³³

You might consider adding provision for and the right to attend meetings of the committee or association committee meetings, or for inspecting, investigating or monitoring the workplace.

F. Personal Protective Equipment (PPE)

Personal Protective Equipment (PPE) is usually a mandatory regulatory requirement for working with biological, chemical, physical or other hazardous substances. Asbestos is a familiar hazard in Canadian universities and colleges. Anyone working in or around an area of disturbed or deteriorated asbestos must wear specified protective equipment, which can include respirators and jumpsuits. People working in the laboratories, whether teacher or student, should be wearing protective glasses and clothing, and have a suitable air exchange system. Fine arts departments should have dust masks/respirators, proper hand protection and a Hepa HVAC system.

It is a worker's right to have PPE when required, and it is the employer's obligation to provide and pay for it.

The following example from the National Joint Directive is an excellent example of clear and concise collective agreement language.

Part X11 Personal and Protective Equipment and Clothing

12.3.1 Protective clothing shall be provided to employees when there is a protection requirement for:

- a. occupational safety;*
- b. occupational health; or*
- c. occupational cleanliness.*

12.3.2 Paragraph 12.3.1 includes special consideration such as:

- *protecting the employee from the risk of disease;*

- preventing the spread of contamination or diseases;
 - preventing significant or permanent damage to the employee's skin, hair or personal clothing; and
 - preventing significant soiling of the employee's personal clothing, e.g. by providing coveralls to mechanics, lab coats for laboratory use.
- 12.3.3 Protective clothing shall be:
- provided free of charge to employees;
 - replaced free of charge when no longer serviceable;
 - normally worn over the employee's personal clothing; and
 - suitable for the gender of the user.
- 12.3.4 Protective clothing is maintained and laundered by the employer. In exceptional cases, however, where this protective clothing is provided on an individual basis and the employer permits the employee to wear it away from the workplace at the employee's request, the wearer is responsible for maintenance and laundering.³⁴

Sample language:

The company shall provide all employees whose work requires them to wear protective devices, with the necessary tools, equipment and protective clothing chosen by the committee or recommended by regulation or supplier. It shall include, but not be limited to, safety footwear (replaced at least once a year) and safety glasses (prescription, if required). These shall be maintained and replaced at the employer's expense. It is recognized that such protective equipment and clothing are temporary measures. The conditions necessitating their use shall be subjected to ongoing corrective measures through engineering changes, substitution or elimination of the hazard.³⁵

G. Health and Safety Program/Policy

Each Act requires the employer to develop and implement a health and safety program or policy in the workplace. This requirement is too often underutilized by the JHSC and the workers. These programs and policies are intended to provide the prevention initiatives needed to reduce and eliminate workplace injury and illness. Ensure that your employer has such a program or policy, and refer to your particular Act for reference of its requirements.³⁶

Sample language:

The employer shall provide a Health and Safety Program (Policy) as required by the Occupational Health and Safety Act, which shall be in writing and shall be posted in the workplace. The JHSC members shall participate in the formation and function of such a program, and the employer shall provide the resources, including personnel, for the program to function effectively.

H. Safety Specific

1. Ergonomics

Workplace musculoskeletal disorders and repetitive strain injuries are becoming more common among academic and general staff due to increased use of computers, long periods of standing on hard surfaces while lecturing and sitting for prolonged periods during research, marking papers or working in a static position at a lab bench. Now, more than ever, ergonomic protection needs to be an essential element of health and safety protection.

Only British Columbia³⁷ and Saskatchewan have ergonomic regulations,³⁸ with Ontario still in the process of producing its own legislation. Sweden has produced, to date, the best ergonomic regulations globally. This regulation could be used as model language for association collective agreements and workplace health and safety programs.³⁹

This language, from CUPE 951 at the University of Victoria, is an excellent example of comprehensive attention to detail in identifying a protocol for RSI prevention:

Section C – Ergonomics

- 29.08 *The term musculoskeletal injuries (MSI) includes cumulative trauma disorders, repetitive strain injuries and other similar injuries.*
- 29.09 *To prevent or limit the occurrence of MSI, the University will, in consultation with the joint Occupational Health and Safety Committee, develop and maintain an effective Ergonomics Program which includes early recognition and intervention strategies. The program will include the following elements:*
- (a) identification of ergonomics hazards in the workplace that expose employees to risk of MSI;*
 - (b) assessment of the risk of MSI including the following risk factors where applicable:*
 - (i) the physical demands of work activities, including force required, repetition, duration, work postures, and local contact stresses*
 - (ii) appropriate aspects of the layout and condition of the workplace or workstation, including working reaches, working heights and seating*
 - (iii) characteristics of objects handled*
 - (iv) environmental conditions*
 - (v) characteristics of the organization of work, including work-recovery cycles, task variability, and work rate.*
 - (c) training and education of supervisors, and employees who are exposed to a risk of MSI, including the identification for new employees of all such risks in their job, training in how to reduce those risks, and further training if needed when there are changes in risk factors as outlined in Article 29.09(b).*

- (d) *a system of annual review to monitor the effectiveness of the Ergonomics Program, including identification of deficiencies and a plan for correction without delay.*
- 29.10 *Where risk factors have been identified, the University must eliminate or, if that is not possible, minimize the risk of MSI. Where a permanent control measure is delayed the University agrees to implement an interim control measure without delay for the employee who is at risk.*
- 29.11 *The University will ensure that the work schedule of employees are arranged with sufficient task variation, which may include alternate work assignments or breaks as appropriate to the task, to minimize the risk of MSI.⁴⁰*

2. Injured Workers and Access to Records Provisions

In most provinces, employees who are injured during the course of their work, and who need to leave for treatment or sent home because of the injury are compensated for the entirety of that working day. If that is not the case, then language should be included to reflect that. The employee should also be provided with transportation to their Doctor's office, hospital or home.

Sample language:

Any worker who is injured during the course of their work, shall be entitled to time for medical treatment, transportation to a healthcare facility for that treatment and/or to their home, if needed. There shall be no loss of pay for the working day of the injury.

Records of injuries (stay-at-work and lost-time), occupational illnesses, incidents or near-misses should be made available to JHSC members. These records will help the Committee to develop suitable prevention programs.

3. Employment of Disabled Workers

Workers injured or developing disease through exposure to workplace hazards should have their employment rights protected. In some provinces, university teachers and professors are excluded from WCB coverage. The following clause is a crucial element in assuring the right of the worker to return to work.

Safe Return to Work:

1. *No worker shall be discriminated against or harassed because he or she has become disabled or ill.*
2. *All injured/ill workers shall be treated in compliance with the Ontario Human Rights Code, the Occupational Health and Safety Act, Workplace Safety and Insurance Act, and the Collective Agreement.*
3. *A worker's disability or illness shall be accommodated with meaningful work that has been modified to allow the worker to perform the work without risk of injury, illness or distress to the worker or the worker's co-workers. The work shall be modified without introducing new hazards into the workplace.*

4. *The work shall be modified in accord with sound ergonomic principles in an effort to adapt the workplace to promote the highest degree of emotional and physical well-being of the injured worker.*
5. *In accommodating the disabled worker, every effort shall be made to provide a supportive work environment for the disabled worker by:*
 - (a) *providing paid time off work for activities such as, but not limited to, physiotherapy sessions, rehabilitative exercise programs, and medical appointments;*
 - (b) *making available the employee assistance program to aid in counseling, financial and/or legal assistance.*
6. *A modified work program shall be maintained to assist in accommodating all workers with occupationally and non-occupationally related disabilities.*
7. *Every worker in a modified work program has the right to the following:*
 - (a) *workers' compensation, short term income protection, weekly disability income and/or long term disability income benefits;*
 - (b) *maximum medical recovery;*
 - (c) *assurance that the work does not hamper the rehabilitation process;*
 - (d) *voluntary participation in the modified work program subject to the approval of the worker's treating physician;*
 - (e) *to leave the modified work program if the worker has reason to believe that participation in the program is detrimental to his or her health and safety or the rehabilitation process;*
 - (f) *confidentiality of medical information such that the employer is only entitled to know the nature of the worker's limitations for the purpose of modifying the work;*
 - (g) *accumulation of seniority;*
 - (h) *pursuit of career advancement that shall not be impeded by the worker's disability and any modifications necessary to accommodate the worker's disability.*
8. *Prior to the employee's entry into a modified work program, the employer shall conduct the following assessments in consultation with the worker, his or her treating physician and the union:*
 - (a) *determination of the essential job duties;*
 - (b) *physical and psychosocial demands analysis;*
 - (c) *job hazard analysis;*
 - (d) *ergonomic assessment of the job modifications;*
 - (e) *determination of the modifications necessary to safely accommodate the worker's medical restriction.*
9. *The employer shall pay all costs incurred for any medical or professional assessment and evaluation related to the worker's placement in a modified work program.*
10. *The employer shall ensure that all individuals involved in the accommodation of disabled workers are appropriately trained.⁴¹*

4. First Aid

First Aid provisions are usually required in each Act,⁴² under the WHMIS or Toxic Substances section. Inquire as to whether your JHSC has reviewed this provision and applied it as required, or needed, to your work site.

Sample language:

There shall be paid time First Aid training for employees working in all hazardous programs, which shall be identified by the JHSC.

5. Working Alone

Fieldwork and off-site work has become increasingly common. It is important to note the potential dangers of the consequences of this type of work. Injury from any number of sources, without prompt access to help, could have potentially fatal consequences. Isolation also carries its own workplace hazards. Please review your particular legislation and use it as the basis for collective agreement language. Two examples are given here, the first from BC, and the second from Saskatchewan.

Sample language:

4.21 Procedures

- (1) *The employer must develop and implement a written procedure for checking the well-being of a worker assigned to work alone or in isolation under conditions which present a risk of disabling injury, if the worker might not be able to secure assistance in the event of injury or other misfortune.*
- (2) *....time interval between checks....procedure...in case worker cannot be contacted...emergency rescue.*
- (3) *A person must be designated...contact with worker at predetermined intervals...*
- (4) *...check at end of shift...*
- (5) *...procedure...developed in consultation with joint committee...*
- (6) *Time intervals...developed in consultation with worker assigned to work alone...*

Note: High risk activities ...shorter time intervals between checks...

4.22 Training....

4.23 Annual Review....⁴³

The steps to eliminate or reduce the risks

- (a) *must include the establishment of an effective communication system that consists of radio communication, phone or cellular communication or another effective means.*
- (b) *regular contact by the employer*
- (c) *limitations on or prohibitions of specified activities*
- (d) *establishment of minimum training or experience or other standard of competency*
- (e) *provision of personal protective equipment*
- (f) *establishment of safe work practices or procedures*
- (g) *provision of emergency supplies for use in travelling under conditions of extreme cold or other inclement weather conditions⁴⁴*

6. Infectious Diseases

Contracting infectious disease is a common hazard for academic staff as they interact with large amounts of people. It is vital that safe practices are initiated and adhered to, not only for the safety of the members, but also for students and patients/clients/public who may have the potential for exposure through direct or indirect means. The risk is especially great in health care and in laboratory work, as well as in veterinarian, agricultural and fisheries programs. One example of appropriate language is:

6.05 Occupational Health and Safety

(e) viii) Where the Hospital identifies high risk areas where nurses are exposed to infectious or communicable diseases for which there are available protective medications, such medications shall be provided at no cost to the nurses.⁴⁵

Sample language:

Where workers are required to handle, use or produce an infectious material or organism or are likely to be exposed to an infectious material or organism, an employer, in consultation with the JHSC shall develop a written plan that

- (a) identifies workers who may be exposed*
- (b) describes the ways in which the exposure may occur*
- (c) describes the signs and symptoms of any disease which may arise from such exposure*
- (d) describes infection control measures*
- (e) sets out procedures to be followed where there has been a spill or leak of infectious material or organism; when a worker has been or believes to have been exposed*
- (f) sets out methods of cleaning and disinfecting, and disposal of contaminated clothing, protective equipment or other equipment*
- (g) describes training for workers who may be exposed*
- (h) requires the investigation and documentation of any work-related exposure incident*
- (i) requires the investigation of any occurrence of an occupationally transmitted infection or infectious disease⁴⁶*

7. Stress

Stress is a modern day occupational illness, and rapidly becoming more widely recognized by workers compensation boards as a bona fide compensable workplace injury,⁴⁷ although frequently, it is confined to a “traumatic or post-traumatic event”. However, two recent Court of Appeal rulings - one in Nova Scotia⁴⁸ and one in Newfoundland and Labrador⁴⁹ - are setting the tone for the recognition of “gradual onset stress”, which can be precipitated by harassment, work overload, and other work factors. Although workers often have little control over the reasons for most of their workplace stress – lack of funding, job insecurity, excessively high workloads, performance levels – the employer does, and has the responsibility to mitigate the causes. Stress can also be caused by workplace bullying or harassment, which is often difficult to prove, but leaves mental and emotional damage. Ensuring that the employer has effective policies, as required by law⁵⁰, and that these policies are made known and enforced, will provide a mechanism to reduce and eliminate this insidious workplace hazard. An example

of language you might consider for your collective agreement is:

Workplace Stressors

1. *The employer recognizes that exposure to work-related stressors can have an adverse effect on the health and well being of employees. Such stressors include but are not limited to: heavy workloads, unreasonable deadlines and quotas, exposure to various forms of violence, physical conditions of the work place such as excessive noise, heat or cold, poor ergonomic design and indoor air quality, and harassment.*
2. *The employer agrees to take all reasonable measures to eliminate or reduce exposure to these stressors...*
3. *The employer agrees to compensate any employee for lost time resulting from a stress-related or physiological disorder which requires time off from work; or requires accommodation which cannot be provided by the employer or where the WSIB disallows such a claim or discontinues benefits in such a claim.*
4. *Benefits payable under section 3 shall be payable by the employer at the prevailing WSIA rates.⁵¹*

8. Violence

Violence in its many forms – verbal, physical, sexual, and mental, emotional and personal harassment – has become common place. By law, the employer is obliged to provide a harassment and violence free workplace.

Workplace policies that meet or exceed occupational health and safety acts and provincial or federal human rights acts must be developed and presented to each worker in the workplace. The employer must have a written protocol and investigation procedure in place to deal with any instances of harassment or violence.

The academic staff association should ensure that such policies exist in the workplace, and be prepared to represent their member(s) should a complaint come forward.

Some Occupational Health and Safety Acts address violence and harassment specifically, but as always, the General Duty Clause will apply.

Each collective agreement should affirm members' right to a violence and harassment free workplace and the employer's responsibility to provide it, names any applicable provincial or federal legislation, and include the protocol for administering and investigating the workplace policy.

The Ontario Nurses' Association⁵² has a "Position Paper on Personal Conflict in the Workplace", and a comprehensive document called "Violence in the Workplace – A Guide for ONA Members". Both of these documents provide a clear, analytical approach to dealing with violence and harassment in the workplace. The Guide lays out step by step every option the association/union can and should take, from collective agreement language to exercising

the Right to Refuse, and is an excellent reference model.

The Canadian Centre for Occupational Health and Safety has a handbook guide titled “Violence in the Workplace”,⁵³ which is another excellent guide to setting up effective workplace policies and protocols.■

III Appendices

*Workers Health and Safety Centre — Appendix A

*MOL List — Appendix B

*Right to Refuse Legislation — Appendix C

*NSCAD Health and Safety Policy — Appendix D

*Swedish Ergonomic Regulations — Appendix E

IV References

Association of Workers’ Compensation Boards of Canada www.awcbc.org

Canadian Association of University Teachers www.caut.ca

Canadian Auto Workers www.caw.ca

Canadian Centre for Occupational Health and Safety www.ccohs.ca

Canadian Red Cross Society www.redcross.ca

Canadian Union of Public Employees www.cupe.ca

Government of Ontario www.gov.on.ca

Government of Saskatchewan www.gov.sk.ca

Health Canada www.hc-sc.gc.ca

Newfoundland and Labrador Court of Appeal www.justice.gov.nl.ca

Nova Scotia Court of Appeal www.courts.ns.ca

Federal and Provincial Human Rights Commissions www.chrc-ccdp.ca

Nova Scotia College of Art and Design www.nscad.ns.ca

Ontario Nurses’ Association www.ona.on.org

Ontario Public Service Employees Union www.opseu.org

Public Service Alliance of Canada www.psac.com

Swedish Work Environment Authority www.av.se/english/default/shtm

Workers Compensation Act, British Columbia www.worksafebc.com

Workers Health and Safety Centre www.whsc.on.ca

International Labour Organization www.ilo.org

Ontario Federation of Labour www.ofl.ca

World Health Organization www.who.int

Endnotes

1. www.hrsdc.gc.ca, Canadian Legislation Relating to the Right to Refuse Dangerous Work
2. CAUT Legal Advisory Bill C-45, February 2005; Bill C-45 B A Plain Language Guide, Government of Canada
3. Fundamental Principles of Occupational Health and Safety, Benjamin O. Alli, International Labour Organization 2001
4. The precautionary principle: Public Health, protection of children and sustainability Background document, WHO Fourth Ministerial Conference on Environment and Health, Budapest, Hungary, 23-25 June 2004
5. The SARS Commission, The Honourable Mr. Justice Archie Campbell, December 2006
6. Occupational Health and Safety and the Precautionary Principle, Collective Bargaining Language, Ontario Federation of Labour, Revision July 2007
7. Appendix A, Adapted from the Worker's Health and Safety Centre
8. General Motors and CAW Master Collective Agreement 2002-2005
9. University of Toronto, CUPE 3261
10. Adapted from Section 19 Training of Workers, The Occupational Health and Safety Regulations, 1996, Saskatchewan
11. www.hrsdc.gc.ca, Canadian Legislation Relating to Joint Occupational Health and Safety Committees
12. Appendix B, MOL Inspectors
13. www.hrsdc.gc.ca, Canadian Legislation Relating to Joint Occupational Health and Safety Committees
14. University of Toronto, CUPE 3261
15. National Joint Council Directive, Chapter 2-20 Committees and representatives directive; PSAC
16. CAUT Joint Health and Safety Committee Module; Workers Health and Safety Centre (Ontario) Training Modules
17. National Joint Council Directive, Chapter 2-20 Committees and representatives; PSAC
18. Right to Refuse Protocol, WHSC Health and Safety Training Module; CAUT Health and Safety Training Module
19. Appendix C, Right to Refuse Legislation
20. Occupational Health and Safety Act of PEI, Refusal to Work, Sections 28, 29

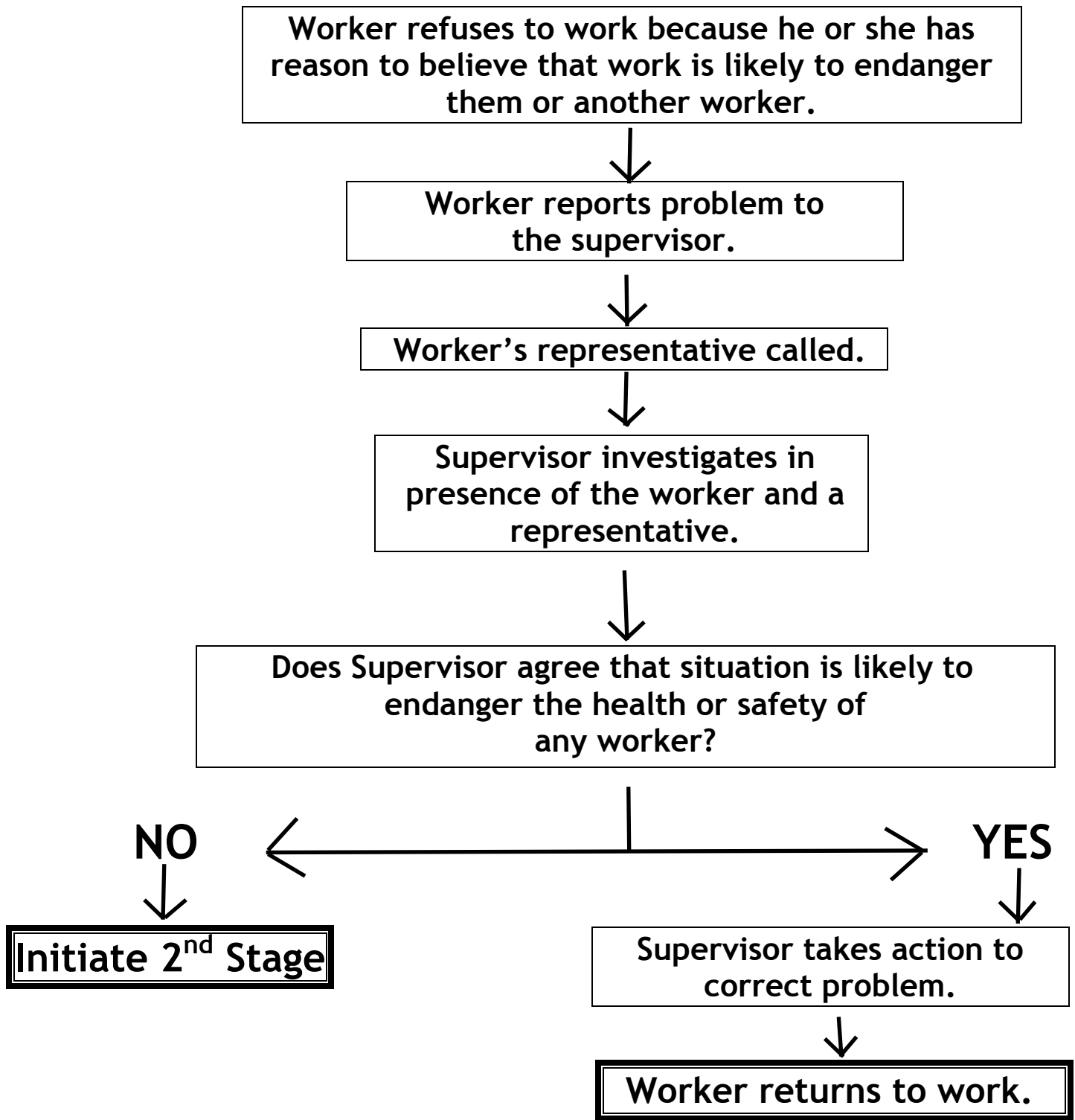
21. Quebec - An Act Respecting Health and Safety, Chapter III, Division I, Right of Refusal
22. Occupational Health and Safety Act of Nova Scotia, Section 45, Prohibition of “discriminatory action”
23. University of Toronto, CUPE 3261
24. General Motors and CAW Master Agreement 2002-2005
25. Collective Agreement, Ontario Nurses’ Association, March 31, 2006
26. National Joint Council Directive, Chapter 2-20 Committees and representatives directive; PSAC
27. General Motors and CAW Master Agreement 2002-2005
28. General Motors and CAW Master Agreement 2002-2005
29. WHMIS, Health Canada www.hc-sc.gc.ca/whmis
30. National Joint Council Directive, Chapter 2-20 Committees and representatives directive; PSAC
31. Collective Agreement, Ontario Nurses’ Association, March 31, 2006
32. Adapted from the Occupational Health and Safety Act of Ontario, Hazardous material identification and data sheets, Section 37(1)
33. CAW and General Motors Master Agreement 2002-2005
34. National Joint Council Directive, Part XII Personal and Protective Equipment and Clothing, PSAC
35. Adapted from CAW Model Language
36. Appendix D, NSCAD Health and Safety Policy
37. Workers Compensation Act, BC, Ergonomics (MSI) Requirements, Part 4, Sections 4.46 B 4.53
38. The Occupational Health and Safety Regulations, 1996, Saskatchewan, Section 81
39. Appendix E, Provisions of the Swedish National Board of Occupational Health and Safety on Ergonomics for the Prevention of Musculoskeletal Disorders, Adopted 29th January 1998, pursuant to Section 18 of the Work Environment Ordinance (SFS 1977:1166)
40. University of Victoria, CUPE 951
41. OPSEU, OPS Bargaining 2004

42. Federal and Provincial Legislation (First Aid), Canadian Red Cross
43. WorkSafe BC, Regulation Part 4 General Conditions B Working Alone or in Isolation
44. Adapted, Occupational Health and Safety Regulations, 1996, Saskatchewan, Section 35 Working alone or at isolated place of employment
45. Collective Agreement, Ontario Nurses' Association, March 31, 2006
46. Adapted, Occupational Health and Safety Regulations, 1996, Saskatchewan, Section 85, Exposure to infectious materials, organisms
47. Association of Workers' Compensation Boards of Canada
48. Nova Scotia Court of Appeal, *Canada Post Corp. v. Nova Scotia (Workers' Compensation Appeals Tribunal)* [2004] N.S.J. No. 242 (QL)
49. Newfoundland and Labrador Court of Appeal, *Rees v. Canada (Royal Canadian Mounted Police)* [2005] N.J. No. 103 (QL)
50. Provincial and Federal Human Rights Commissions
51. OPSEU, OPS Bargaining 2004
52. Ontario Nurses' Association (ONA) www.ona.on.org
53. Violence in the Workplace, CCOHS www.ccohs.ca

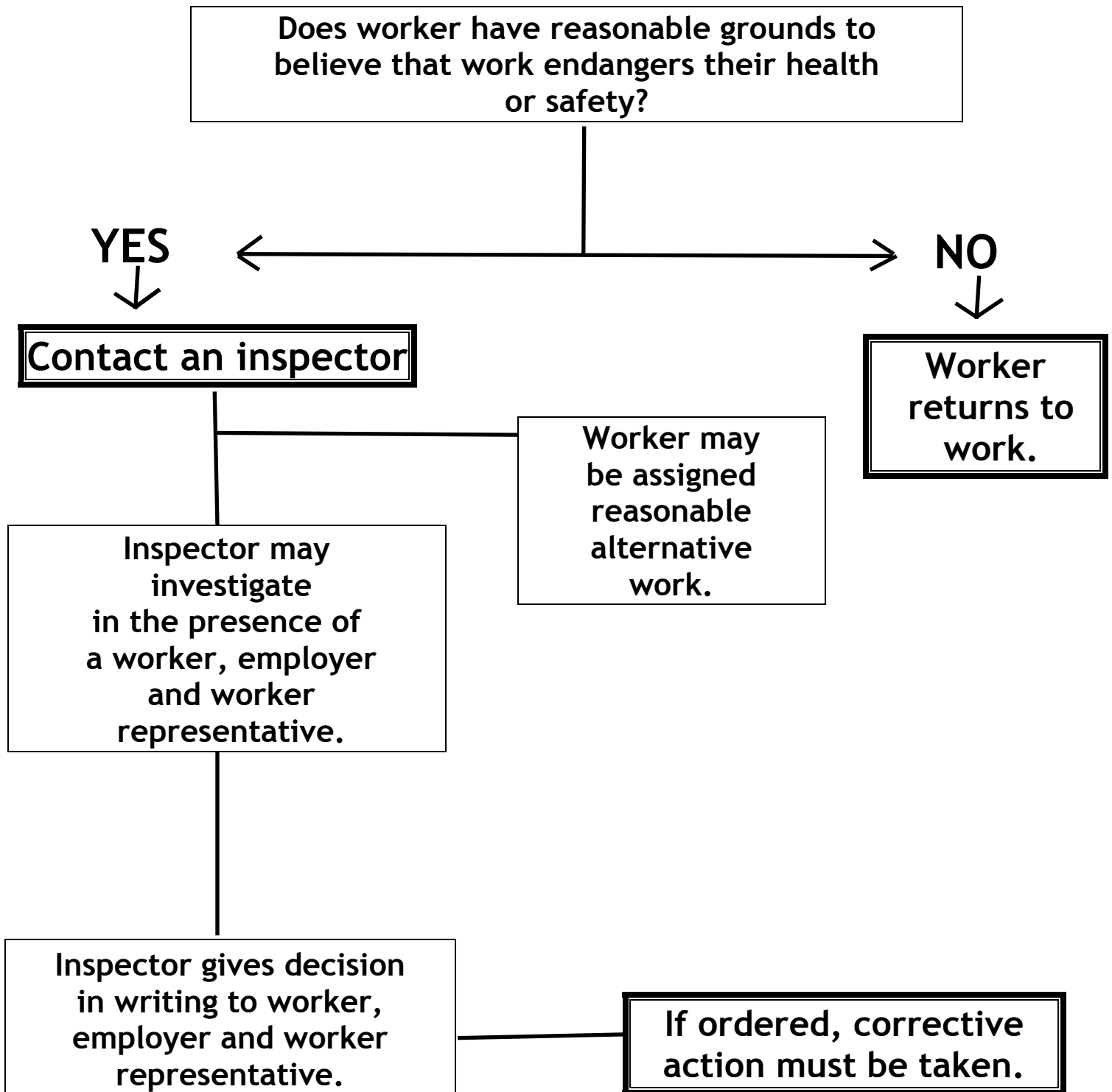
Appendix / Annexe A

PROPER PROCEDURE FOR REFUSING UNSAFE WORK

1ST STAGE:



2nd Stage:



Appendix / Annexe B

MINISTRIES OF LABOUR / MINISTÈRES PROVINCIAUX DU TRAVAIL

<p>Alberta Workplace Health and Safety Alberta Human Resources and Employment 10th Floor, South Tower Seventh Street Plaza 10030-107 Street Edmonton, AB T5K 3E4 Call Centre: 1-866-415-8690 Fax: (780) 422-3730 E-mail: whs@gov.ab.ca Web Site: www.gov.ab.ca/hre/whs/</p>	<p>British Columbia Workers' Compensation Board of British Columbia PO Box 5350 Stn Terminal Vancouver, BC V6B 1J1 General Inquiries: (604) 273-2266 Toll-free: 1-800-661-2112 Fax: (604) 276-3247 Prevention Information Line Phone: (604) 276-3100 Toll-Free in B.C.: 1-888-621-7233 (SAFE) Health and Safety Emergency Accident Reporting Toll-free in B.C.: 1-888-621-7233 (SAFE) After Hours Phone: 1-866-922-4357 Web Site: www.worksafebc.com</p>
<p>Manitoba Workplace Safety and Health Division Manitoba Labour 200-401 York Avenue Winnipeg, MB R3C 0P8 General Inquiries: (204) 945-3446 Toll-free in Manitoba: 1-800-282-8069 After hours: (204) 945-0581 Fax: (204) 945-4556 Web Site: www.gov.mb.ca/labour/safety/</p>	<p>New Brunswick Workplace Health, Safety and Compensation Commission of New Brunswick 500 Beaverbrook Court, 4th Floor Fredericton, NB E3B 5X4 General Inquiries: (506) 453-2467 Toll-free in NB: 1-800-442-9776 Fax: (506) 453-7982 Web Site: www.whscc.nb.ca/</p>
<p>Newfoundland and Labrador Department of Human Resources, Labour & Employment Confederation Building, 4th Floor, West Block PO Box 8700 St. John's, NF A1B 4J6 Serious Workplace Accident Reports: (709) 729-4444 Toll-free: 1-800-563-5471 Fax: (709) 729-3445 Web Site: www.gov.nf.ca</p>	<p>Nova Scotia Nova Scotia Department of Environment and Labour Occupational Health and Safety Division 5151 Terminal Rd., 6th Floor PO Box 697 Halifax, NS B3J 2T8 General Inquiries: (902) 424-5300 Toll-free in NS: 1-800-952-2687 Fax: (902) 424-0503 E-mail: labrohs@gov.ns.ca Web Site: http://www.gov.ns.ca/enla/ohs/</p>
<p>Ontario Ministry of Labour Occupational Health and Safety Branch 655 Bay St., 14th Floor Toronto, ON M7A 1T7 General Inquiries: (416) 326-7770 Toll-free I Ontario: 1-800-268-8013 Fax: (416) 326-7731 E-mail: webohs@mol.gov.on.ca Web Site: www.gov.on.ca/LAB/main.htm</p>	<p>Prince Edward Island Workers' Compensation Board of PEI Occupational Health and Safety Division PO Box 757, 14 Weymouth Street Charlottetown, PE C1A 7L7 General Inquiries: (902) 368-5680 Toll-free in PEI: 1-800-237-5049 Fax: (902) 368-5705 Web Site: www.wcb.pe.ca</p>
<p>Québec Commission de la santé et de la sécurité du travail du Québec (CSST) (Occupational Health & Safety Commission) CP 6056, Succursale Centre-ville Montréal, PQ H3C 4E1 Phone: (514) 906-3060 Toll-free in PQ: 1-800-667-7585 Fax: (514) 906-3062 Web Site: www.csst.qc.ca</p>	<p>Saskatchewan Saskatchewan Labour Occupational Health & Safety Division 400-1870 Albert Street Regina, SK S4P 4W1 General Inquiries: (306) 787-4496 Toll-free in SK: 1-800-567-7233 Fax: (306) 787-2208 Web Site: www.labour.gov.sk.ca/ Saskatoon Office: Phone: (306) 933-5052 Toll-free: 1-800-667-5023 Fax: (306) 933-7339</p>

Appendix / Annexe C

RIGHT TO REFUSE UNSAFE WORK LEGISLATION Occupational Health & Safety Acts

Alberta: Section 35, Existence of Imminent Danger:
www.employment.alberta.ca

British Columbia: Sections 3.12 & 3.13, Refusal of Unsafe Work:
www.worksafebc.ca

Manitoba: Section 36, Stop Work Orders:
www.gov.mb.ca

Ontario: Part V, Sections 43 & 44, Right to Refuse Unsafe Work:
www.labour.gov.on.gc.ca

Prince Edward Island: Section 28, Refusal to Work:
www.gov.pe.ca

New Brunswick: Sections 19 – 23, Right to Refuse/Droit de Refus:
www.gov.nb.ca

Newfoundland: Sections 45 – 48, Right To Refuse to Work:
www.gov.nl.ca

Nova Scotia: Sections 43 & 44, Right to Refuse Work:
www.gov.ns.ca

Saskatchewan: Part IV, Sections 23 – 29, Right to Refuse Unsafe Work;
Discriminatory Action: www.labour.gov.sk.ca

Québec: Chapitre/Chapter III, Section/Division I, 9 – 20, Refus d'exécuter un travail/Refusal to Perform Work: www.csst.qc.ca

Federal: Sections 128 & 129, Refusal to Work if Danger/Refus de travailler en cas de danger: www.hrsdc.gc.ca

Appendix / Annexe D

NSCAD University

Occupational Health and Safety Policy

Scope

This Policy will apply to the NSCAD University and all of its locations.

Policy

NSCAD is committed to providing a healthy and safe environment for every member of the NSCAD University Community. NSCAD is responsible for protecting and promoting the health and safety of the university community, and to take every precaution, reasonable in the circumstances, to ensure that the university environment is safe and healthy for faculty, staff, students, and the general public.

Health and Safety is a shared responsibility. Every member of the NSCAD University community is responsible and accountable to work safely at all times, to identify and report hazards, to take whatever measures, necessary and reasonable in the circumstances, to protect and promote health and safety.

Each department is responsible for implementing and complying with this policy in all areas of departmental operations. Each level of departmental management is responsible for the provision of a safe and healthy work environment for the faculty, staff, and students in the department and the achievement of the objectives of this policy. Without limiting the responsibility levels of departmental management, it is the responsibility of Chairs, Directors and Heads of Departments to implement and comply with the NSCAD University Health and Safety Policy. This responsibility would include an obligation to take immediate action upon any report or suspicion of unsafe or hazardous conditions or situations.

All faculty, staff, and students are responsible for safe working practices and procedures so as to safeguard their own individual health and well-being as well as that of other members of the NSCAD University community. Active participation, involvement and full co-operation with those exercising responsibilities in health and safety are key ingredients in effective health and safety programs. This includes a duty to identify hazards, and to offer suggestions or ideas to further the goal of providing a safe and healthy environment.

The Occupational Health and Safety Committee is a key mechanism for the collaborative, cooperative initiation, maintenance, and support of health and safety programs.

Original signed

David B. Smith
President, NSCAD University

Date

NSCAD University
Occupational Health and Safety Committee
(Amended November 2, 2006 and December 7, 2006)

Membership

The members of the committee are to be determined by the group they represent, or designated by the union that they represent. The membership is as follows:

1. FUNSCAD Unit I – one member
2. FUNSCAD Unit II – two members
3. Non-Unionized Staff – one member
4. NSGEU – one member
5. SUNSCAD – one member
6. Office of Finance and Administration – Vice-President, Finance and Administration
7. Office of Academic Affairs and Research - one member
8. Director of Facilities Management
9. Director, Human Resources

Terms of Reference

The Occupational Health and Safety Committee, as a President's Committee, shall:

1. Recommend policies, procedures, for all aspects of health and safety within the University.
2. Recommend such alterations to physical facilities or work practices as it deems necessary or advisable.
3. Respond to health and safety concerns, complaints or work refusals raised by members of the University.
4. Participate in and/or receive incident and accident reports.
5. Conduct investigations as outlined in the Serious Accident Investigation Policy.
6. Participate in and/or receive reports of audits, inspections and workplace testing and orders issued by Labour Department officers.
7. Evaluate and make recommendations on the training that faculty, staff and students require relating to Health and Safety.
8. Annually review Occupational Health and Safety Policy and Program providing recommendations for changes when appropriate.
9. With the support of the Administrative Assistant to the Vice President Finance and Administration, maintain minutes of meetings and records of correspondence and activities.
10. Develop procedures necessary to carry out the Committee's functions, taking into account the requirements of the Occupational Health and Safety Act and Regulations.

Membership Term

All members will normally be appointed for a one-year term. Members may be reappointed to serve subsequent terms. Should they choose to do so, employee groups and the University may name alternates who, in the absence of the appointed member, may fully participate in Committee activities.

Committee Chairs

The Committee will be co-chaired by an employee representative and an employer representative. These co-chairs will serve a one year term beginning in September of each year.

Meetings

The Committee will meet four times during the academic year and other times as the chairs may consider necessary. The schedule for the year will be established each September and as much notice as is practical will be provided in the event that other meetings are required.

September - Policy and Program Review
October - Fire Safety Month
January - Crisis and Risk Management
March - First Aid and WHMIS

Agenda

Any member may place items on the agenda for discussion at a Committee meeting. When possible, members should advise the Chairs in advance of the meeting to allow relevant papers to be circulated and to allow members adequate time for preparation.

Administrative Support

Arrangements for the meetings, recording of notes, preparation of agenda and other administrative support will be provided by the Administrative Assistant to the Vice President Finance and Administration.

Conduct of Meetings

Meetings will be conducted by one of the chairs on a schedule agreed to between the chairs.

Quorum

At regular meetings, a quorum will be one half of the appointed members provided that this number includes at least two members appointed by both the employee groups and the University. In the absence of a quorum, a Committee meeting will continue except that no formal votes may be conducted.

Voting

The Committee will normally seek to operate by consensus without the need for formal votes. When a member requests a formal vote and when a sufficient number of members are present to establish a quorum, a motion will be carried when supported by one half plus one of the members present.

Sub-Committees

As required, the Committee will form sub-committees to carry out tasks on behalf of the Committee.

Upon learning of a serious incident or accident, the Occupational Health and Safety Committee shall immediately form a sub-committee comprised of the Co-Chair (Employer), Co-Chair (Employee), the Director of Facilities Management and one other member. The sub-committee will convene in person if possible (or by telephone or email if it is not possible to meet in person), and is empowered to make decisions on behalf of the Occupational Health and Safety Committee, in order to address urgent matters. Such decisions may include, but are not limited to requesting the employer to close a facility or work area, contact technical services in order to conduct repairs, and/or contact the Crisis Management Committee.

Responding to Work Refusals

As described in Section 43 the Occupational Health and Safety Act, the Committee may be asked to consider a work refusal raised by an employee of the University who believes that the concerns which prompted the refusal have not been adequately addressed by the employee's supervisor.

Procedure:

- i) Upon learning of a work refusal requiring a Committee response, a member of the Committee will immediately notify the Chairs and the Director of Facilities Management.
- ii) The Chairs, in cooperation with the Director of Facilities Management, will schedule a special meeting providing as much notice to members as is possible in the circumstances.
- iii) Those members able to attend the special meeting will constitute the Committee as described by Sections 17 (2), 43 (1) of the Occupational Health and Safety Act.
- iv) Having considered the information provided by the person exercising the right to refuse, and such other information as the Committee considers appropriate, the Committee may either:
 1. unanimously advise the employee to return to work, or

2. make such other recommendations to the employee or the University as the Committee feels appropriate.

Responding to Serious Accidents

Should a serious accident occur, the Director of Facilities Management will immediately inform the chair persons and will initiate an accident investigation as set out in the Serious Accident Investigation Policy of the NSCAD University. The following are serious accidents:

- (1) all injury which results in hospitalization or medically required absences for two or more days;
- (2) all fires or explosions;
- (3) all major spills or releases of chemicals;
- (4) any accident or series of accidents that the Occupational Health and Safety Committee wishes investigated.

A written report of any serious accident must be provided to the Director of Occupational Health and Safety within 24 hours of its occurrence.

NSCAD University Occupational Health and Safety Committee 2006-2007

Susan McEachern	FUNSCAD Unit I	8312
Michelle Alarie	FUNSCAD Unit II	8166
Anne Pickard	FUNSCAD Unit II	8310
Tori Brine	Non-Unionized Staff	8251
Joann Reynolds-Farmer	NSGEU (Local 82)	8147
Stefan Hancherow	SUNSCAD Rep.	8132
Peter Flemming	Vice-President, Finance & Administration	8112
Barbara Lounder	Dean	8123
Alexander Doyle	Director of Facilities Management	8215
Valery Hill	Director, Human Resources	8131

NSCAD University Occupational Health and Safety Program

Program

The Board of Governors, through the President, is responsible for the health and safety of its faculty, staff and students as well as that of all colleagues and members of the NSCAD community. NSCAD will make every effort to provide a healthy and safe working environment. Our objective is to eliminate the possibility of injury and illness.

Chairs, Directors and Administrative Heads of Departments have the responsibility for implementing the Occupational Health and Safety Policy and Program in accordance with the Nova Scotia Occupational Health and Safety Act and Regulations.

All faculty, staff and students are responsible for safe working practices and procedures so as to safeguard their own individual health and well being as well as that of all colleagues and members of the NSCAD University community.

In all cases of any hazardous conditions discovered, injury, accident or illness related to the workplace, the following procedures are to be follows:

1. Faculty, Staff and students are to report the situation to the responsible manager as soon as possible.
2. The responsible manager is to ensure that an incident report form is completed and that all pertinent details are listed.
3. Should the supervisor or responsible manager be able to eliminate the hazard or treat the injury without medical assistance, no further physical action is required. However all incident reports are to be delivered to the Director of Facilities Management as soon as possible.
4. The Director of Facilities Management will review all incident reports and inspect the area(s) of the campus where the injury, accident or illness related to the workplace was reported as soon as possible.
5. The Director of Facilities Management will take any immediate actions required to eliminate any and all hazardous conditions and will follow up any and all cases of injury, accident, or illness related to the workplace.
6. All incident reports will be kept on file in the Director of Facilities Management office and all incident reports not previously presented to the Occupational Health and Safety Committee will be presented at the next Occupational Health and Safety Committee meeting.
7. The Occupational Health and Safety Committee will decide if further action is required concerning all situations of hazardous conditions, injury, accident or illness related to the workplace.
8. The Nova Scotia Occupational Health and Safety Act requires that the Occupational Health and Safety Division of the Nova Scotia Department of Labour be notified of: (a) an accident in the workplace that occasions bodily injury to an employee, (b) an accidental explosion in the workplace whether any person is injured or not and (c) an accident in the workplace in which a person is killed from any cause or is injured in such a manner likely to prove fatal.

In the event of any such accident, the Director of Facilities Management must be notified immediately and in turn will be responsible for notifying the Nova Scotia Department of Labour.

Workplace Accidents

Responding to a Workplace Accident

Every member of the University community has the following obligations in responding to a workplace accident:

- 1) Administer First Aid

If required as a result of a workplace accident, administering first aid should be the first priority. This will be done by a first aid attendant if present, or by any of the persons present at the scene of an accident if not. Depending on the severity of the injury, this may require a 911 call to obtain an ambulance or for arranging the worker to be transported to the closest outpatient facility.

2) Preserve the Accident Scene

Subject to concern for the injured person, the second priority will be to take steps to properly preserve the scene of an accident. The Manager, Buildings and Grounds must be contacted immediately, and the accident scene should not be disturbed in any way.

Serious Accident Investigation

Procedures

Should a serious accident occur, the Director of Facilities Management will immediately inform the chair persons and will initiate an accident investigation as set out below. The following are serious accidents:

- (1) all injury which results in hospitalization or medically required absences for two or more days;
- (2) all fires or explosions;
- (3) all major spills or releases of chemicals;
- (4) any accident or series of accidents that the Occupational Health and Safety Committee wishes investigated.

Upon receiving notification of an accident, the Director of Facilities Management will ask two members, at least one of whom represents an employee group, to investigate the accident and, where appropriate, to make recommendations to prevent re-occurrences. Normally, the Manager will not ask a member to investigate an accident that has occurred in the member's department. On occasion, it may be necessary to enlist another member of the University whose particular expertise would assist in the investigation.

It is expected that the responsible manager, the person involved in the accident and all other members of the University will co-operate with the investigation.

The report on the investigation will be forwarded to the Chair, Director or Administrative Head of the Department, and the Occupational Health and Safety Committee.

A written report of any serious accident must be provided to the Provincial Director of Occupational Health and Safety within 24 hours of its occurrence.

NSCAD University
St. John's Ambulance Emergency First Aid Policy

NSCAD will provide and maintain first aid supplies, services and first aid attendants required by the Occupational Health and Safety First Aid Regulations pursuant to the Occupational Health and Safety Act.

NSCAD will pay for all courses, upgrading, and re-certification in first aid training. St. John's Ambulance First Aid Training will be provided to:

- i) every employee who regularly works alone
- ii) employees in Facilities Management
- iii) employees in technical support roles, and
- iv) any other employees recommended by the Occupational Health and Safety Committee

The Director, Human Resources will be responsible for:

- i) maintaining records of employees trained in First Aid
- ii) scheduling training and upgrading for employees in First Aid
- iii) ensuring that employees trained in First Aid are re-certified prior to the expiration of their certification

NSCAD University

Workplace Hazardous Materials Information System (WHMIS) Policy

NSCAD will handle controlled products in accordance with Workplace Hazardous Materials Information System Regulations pursuant to the Occupational Health and Safety Act.

NSCAD will pay for all courses and upgrading related to WHMIS. Training in WHMIS will be provided to:

- i) every employee who works with a controlled product or in proximity to a controlled product
- ii) employees in Facilities Management
- iii) employees in technical support roles, and
- iv) any other employee recommended by the Occupational Health and Safety Committee

In consultation with the Occupational Health and Safety Committee, NSCAD will review at least annually, or more frequently if required by a change in work conditions or available hazard information, the instruction and training provided to employees concerning controlled products. The Occupational Health and Safety Committee will establish and implement procedures and schedules for regular inspections of the hazardous materials identification system.

The Director, Human Resources will be responsible for:

- i) maintaining records of employees trained in WHMIS
- ii) scheduling training and upgrading for employees in WHMIS

NSCAD University Incident Report Form

Submit this form to the Director of Facilities Management

Date of Incident: _____ Reported by: _____
Dept.: _____ Dept. Head: _____

Nature of Incident: _____

Area of Incident: _____ Room No. _____

Time of Incident: _____ Condition of Area: _____

Medical Attention Required: Yes _____ No _____ Work days Lost? Yes _____ No _____

Nature of Medical Attention: _____

Was Person Taken to Hospital? Yes _____ No _____ How

Which Hospital? _____ Accompanied?

Hazardous Conditions Present? _____

Recommendations for Prevention: _____

Date: _____ Time _____ Signed:

Actions Taken by Facilities Management:

Date: _____ Time _____ By Whom

Date Presented to Occupational Health and Safety:

Further Action Required? Yes _____ No _____

Nature of Further Action Required:

Completion Date: _____ By Whom

No references to the identity of the individual shall be included on this form.

All forms are to remain on file in the Office of the Director of Facilities Management.

Appendix / Annexe E

Swedish Ergonomics Link

<http://www.av.se/dokument/inenglish/legislations/eng9801.pdf>

*Please see Health and Safety Advisory at CAUT website at www.caut.ca
for full document

 CAUT