

WORKPLACE SAFETY AND HEALTH COMMITTEE RULES OF PROCEDURE / TERMS OF REFERENCE

DEFINITION OF SAFETY & HEALTH ISSUES

As defined under the Workplace Safety & Health Act W210 [*the Act*], "health" means the condition of being sound in body, mind, and spirit, and shall be interpreted in accordance with the objects and purposes of this Act; "safety" means the prevention of physical injury to workers and the prevention of physical injury to other persons arising out of or in connection with activities in the workplace.

Brandon University is responsible for providing a safe and healthy workplace. *The Act* requires that the employer in workplaces with twenty or more regularly employed workers to form a Workplace Safety & Health (WSH) Committee. The WSH Committee is composed of worker and employer representatives, with the purpose of assisting Brandon University maintain a safe, productive, and healthy work environment where risks to workers' safety, health, and welfare is mitigated or eliminated. The WSH Committee's cooperative approach is an integral part of the Internal Responsibility System (IRS).

WSH Committee Function

- The role of the WSH Committee is to advise Brandon University management in matters related to worker injury and illnesses prevention.
- Brandon University may delegate responsibilities to the WSH Committee. The WSH Committee is an advisory committee and does not act in the role of a safety and health officer. The WSH Committee is not expected to make decisions about what is adequate to protect the safety and health of workers.
- The WSH Committee's role is to advise and assist, not assume managerial functions. The WSH Committee's legal obligations are defined in Section 40 of the Act.
- The WSH Committee will not be involved in disciplinary matters. Maintaining compliance and adequate levels of safety and health at work is the responsibility of Brandon University, managers, and supervisors. In an advisory capacity, as an internal auditor of the IRS, the WSH Committee can inform Brandon University about general concerns with WSH compliance and recommend corrective actions.
- Brandon University is responsible to ensure that all WSH Committee members are trained to fulfill their duties. WSH Committee members are required to provide the Brandon University WSH Advisor with a copy of all certificates and/or documents confirming their participation at WSH Committee related training courses and workshops.

Committee Structure

- Brandon University must ensure that the WSH Committee is structured and maintained as required by the Act.
- The WSH Committee shall have at least four, but not more than 12 members.
- At least half the WSH Committee members must represent workers not involved in management.

- All members of the WSH Committee will be provided with a copy of these *Rules of Procedure / Terms of Reference* and a copy will also be posted on the WSH bulletin board for review by all workers.
- Worker members of the committee shall be appointed in accordance with the constitution of the union which is the certified bargaining agent or has acquired bargaining rights on behalf of those workers, or where no union exists, persons elected by the workers they represent.
- Brandon University must select the employer members. Employer members must not outnumber worker members on the WSH committee at any meeting. In the event that management representation exceeds worker representation, a management member may be excused to achieve quorum.
- Brandon University may provide clerical support to the WSH Committee. Support personnel who are not committee members do not vote or participate unduly in committee deliberations.
- Anyone, other than employer or worker members, and the WSH Advisor, who attend a meeting is considered a guest and therefore can only attend the meeting upon the invitation of the entire committee.

Committee Duties

The BU WSH Committee duties include:

- (a) the receipt, consideration, and disposition of concerns and complaints respecting the safety and health of workers;
- (b) participation in the identification of risks to the safety or health of workers or other persons, arising out of or in connection with activities in the workplace;
- (c) the development and promotion of measures to protect the safety and health and welfare of persons in the workplace, and checking the effectiveness of such measures;
- (d) co-operation with the WSH Advisor of Brandon University.
- (e) co-operation with a Provincial WSH safety and health officer exercising duties under this Act or the Regulations;
- (f) the development and promotion of programs for education and information concerning safety and health in the workplace;
- (g) the making of recommendations respecting the safety and health of workers;
- (h) the inspection of the workplace at regular intervals;
- (i) the participation in investigations of accidents/incidents and dangerous occurrences at the workplace;
- (j) the maintenance of records in connection with the receipt and disposition of concerns and complaints and the attendance to other matters relating to the duties of the committee; and
- (k) such other duties as may be specified in this Act or prescribed by regulation.
 - Committee recommendations will be by committee consensus and include a "risk assessment" where applicable.
 - Participating in the Right to Refuse process as per section 43(1) of the Act.
 - Attending WSH committee required training to competently fulfill their duties as committee members as per section 40(13) of the Act.

Co-chairperson Selection and Responsibilities

- The WSH committee must have two chairpersons. The employer co-chair must be designated by Brandon University and the worker co-chair selected by worker members.
- Both co-chairpersons have the same rights and responsibilities, including the right to call and chair meetings. Co-chairs will alternate chairing the meetings.

- Both co-chairpersons will work jointly, along with all committee members, to keep all workers informed of the WSH Committee's activities.
- Both co-chairs, or their designates, are responsible to carry out investigations as outlined in Part 2.9(1) of the Workplace Safety and Health Regulation 217/2006.
- Both co-chairs can call a "Special Meeting" to deal with matters of urgent concern.
- Both co-chairpersons are entitled to receive information sent to them by Manitoba Workplace Safety and Health and distribute it to workers.

Terms of Office

- Each WSH committee member serves for a minimum of two years or by union constitution. Members may serve for more than one term.
- If a member does not want to serve on the WSH committee anymore, that person should remain in office until someone is ready to take over.
- If a WSH committee member is unable to meet the expectations of a member role (training, inspections, meeting attendance, etc.), the member will need to evaluate if they should continue in the role.

Quorum at Meetings

The quorum for the WSH Committee meetings shall consist of a minimum of half of the total number of committee members. Employer membership cannot exceed worker membership at meetings.

Scheduling of Regular Meetings

The WSH Committee shall meet at a minimum of every 90 days.

Additional meetings

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

Meeting Minutes

- The co-chairpersons must sign the minutes after each meeting. Within one week of each meeting, the Brandon University should ensure that a copy is:
 - posted in the workplace on the WSH Bulletin Board(s)
 - circulated to committee members via email by the WSH administrative support person.
 - kept on file for 10 years for future reference by the WSH administrative support person.
- Brandon University shall provide the WSH committee with a bulletin board(s) in the workplace for posting minutes and safety and health information.
- Beyond this, the committee shall work with Brandon University to continually maintain the effectiveness of the IRS.

Dealing with the Concerns of Workers

- The WSH committee shall encourage workers to complete the WSH Hazard and Incident Form and discuss their WSH concerns with their immediate supervisor prior to reaching out to a committee member. If the WSH concern cannot be resolved at the supervisory level, the WSH shall jointly review and recommend reasonable and practicable solutions.
- If workers choose, they can request that the WSH committee member speak to the supervisor

- regarding the concern on their behalf after consultation with the WSH Advisor.
- Concerns that cannot be resolved at the supervisory level are then brought to the WSH committee meeting for discussion. Methods for resolution of safety concerns include:
 - conversations
 - review of inspections and investigations
 - meetings

WSH Committee Responsibilities

- Regularly attend meetings
- Conduct WSH inspections
- Be familiar with the WSH Act and Regulations and BU specific safety and health related documents
- assist with WSH related investigations and refusals
- WSH Committee members are to be paid for duties related to the WSH Committee

WSH Committee Member Training

Workplace Safety & Health Committee members must be trained to competently fulfill their duties as a Workplace Safety & Health Committee member and as such are entitled to 2 days of WSH related training per year.

Members shall make all efforts to participate in the below training sessions, or an equivalent course as accepted by the Workplace Safety & Health Committee

- Safe Work Manitoba – Safe Committee Basics – Required within the first 6 months of member term
- Safe Work Manitoba – Hazard Identification & Risk Control - Recommended within the first year of member term
- Safe Work Manitoba – Supervisor & Safe Work - Recommended within the first year of member term
- Equivalent courses may be provided internally by the WSH Advisor or equivalent

Employer Response to Recommendations

- Within 30 days after receiving a recommendation from the WSH Committee or co-chairperson that poses anything that may pose a danger to the safety and health of any person, BU must respond in writing to the WSH Committee or co-chairperson who made the recommendation.

This document is to be review at a minimum every three years or sooner if required.

References: https://www.gov.mb.ca/labour/safety/pdf/whs_workplace_safety_act_and_regs.pdf