



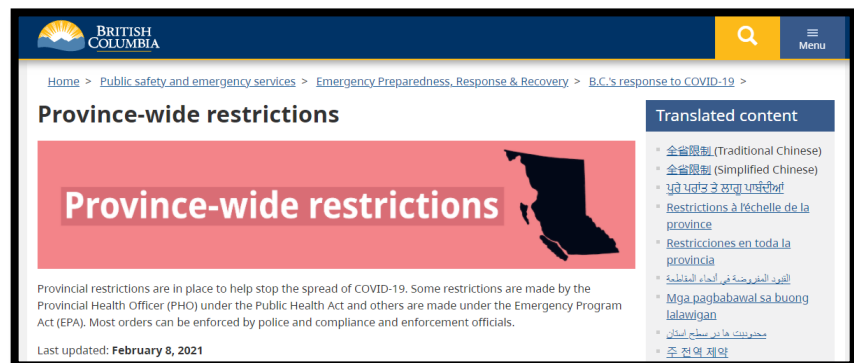
**Introduction to
Health and Safety Principles
for COVID-19
and
The Role of Joint Health and Safety
Committees (JHSCs)
March 2021 - Part I - Presentation**

Tom McKenna, National Health and Safety Representative

The information is not legal advice. The materials only address Workers Compensation and Occupational Health and Safety. Nothing in this presentation supersedes the *Workers Compensation Act*, OHS Regulations, Guidelines and Policy. There may also be Collective Agreement rights and obligations. The current law and policy should be reviewed as they change frequently. Legislative, regulation and policy changes may occur.

I. Overview of Presentation

- There are **three** documents: the **Resources** document, the short **Power Point Presentation** (this document) and a two-page **Summary Sheet** of key points. These were distributed prior to the presentation.
- This is an introductory overview of key concepts related to the pandemic that Joint Health and Safety Committees need to be aware of, including issues that may arise.
- Information changes daily. Rely upon the most current information by the BC Provincial Health Officer, the BC CDC, the health authorities and WorkSafeBC, etc.

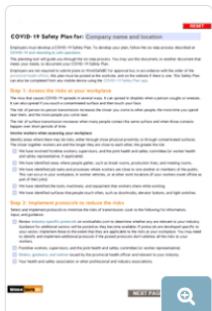


I. Overview cont'd.

Core Contents of COVID-19 Specific Health and Safety Programs (Key words in red)

- Safety Plans based on Due Diligence, the Precautionary Principle, the Hierarchy of Controls and the 4 Rights (including the Right to Refuse).
- Hazard and Risk Assessments, including site inspections.
- Exposure Control Plans, including applying the Hierarchy of Controls.
- Worker Orientation.
- Worker Training.
- Incident Investigations.
- Fully functioning, trained Joint Health and Safety Committees.

COVID-19 Safety Plan



Employers are required to develop a COVID-19 Safety Plan that outlines the policies, guidelines, and procedures they have put in place to reduce the risk of COVID-19 transmission. This tool will guide you through a six-step process to help you create your plan. The tool is provided as a fillable PDF you can download and save with the details of the plan for your workplace.

The COVID-19 Safety Plan can also be completed on any mobile device using the COVID-19 Safety Plan app.

Additional resources and information about COVID-19 are also available, including a guide to reviewing and updating your safety plan in response to changing conditions or Provincial Health Officer orders.

[Download PDF](#)

Also available in: Tiếng Việt, ਪੰਜਾਬੀ, 한국어, 中文 (繁體), 中文(简体), Español, Français

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I. Overview cont'd.

Effective Health and Safety Programs – What Does It Mean?

- Identify and control hazards in the workplace.
- Prevent fatalities, injuries and disease.
- Promote a positive health and safety culture.
- Proper supervision of workers by training supervisors.

Effective Health and Safety Committees

The committee consists of worker and management representatives who meet regularly to:

- discuss and propose resolutions to concerns
- participate in the development, implementation, and evaluation of programs
- conduct and monitor workplace inspections
- participate in the investigation of incidents as appropriate
- make recommendations to employers
- follow-up on progress made and monitor program effectiveness

A health and safety committee brings the **internal responsibility system** into practice. The employer and workers have a shared responsibility for workplace health and safety, although the employer has the **final authority and responsibility**.

Tips for employers

- Establish a Terms of Reference document for the committee.
- Demonstrate commitment by establishing a health and safety policy.
- Ensure that training is provided so members can contribute fully to the committee's activities.
- Provide adequate time and resources for the committee to do its work.
- Ensure that the committee's recommendations are promptly considered.
- Regularly review the committee's effectiveness for continuous improvement.

Tips for effective committees

- Define roles and responsibilities.
- Establish and adhere to a reporting structure and meeting guidelines.
- Meet at a set frequency - this number may be specified by law.
- Set a meeting time that is convenient for everyone.
- Aim for full attendance at each meeting.
- Postpone meetings for emergency reasons only.
- Meet at a location that is free from interruptions.
- Run a well-organized meeting that stays on schedule.
- Reach decisions by coming to a consensus instead of formal voting.

Recognizing workplace hazards

The committee's responsibilities are to:

- Be aware of the hazards
- Respond to health and safety concerns and suggestions from employees
- Help inform employees about potential and actual hazards
- Recommend control measures to management
- Evaluate the effectiveness of control measures

What does the law say?

In most Canadian jurisdictions, a committee is required by law, and it must be co-chaired by both a worker and a management member. In smaller companies with less than a specified number of employees, a health and safety representative is generally required.

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I. Overview cont'd.

- **Due diligence** - taking all reasonable steps to protect workers from harm based on the level of judgment and care that a person would reasonably be expected to do under the circumstances. Due diligence requires that you:
 - ❖ **Identify all workplace hazards.**
 - ❖ **Implement all necessary preventive measures.**
 - ❖ **Communicate appropriately to all necessary personnel.**
- **Precautionary principle** - when an activity raises threats of harm to human health, the environment, etc., precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically.

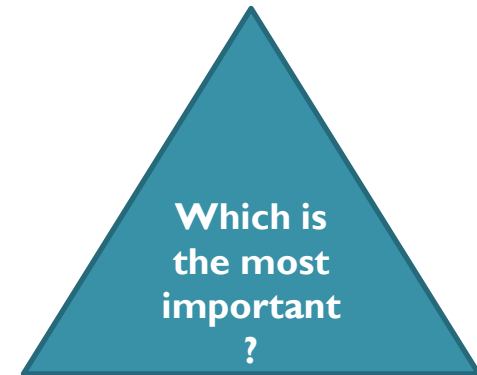
I. Overview cont'd.

- **Internal Responsibility System** - everyone in the workplace - both employees and employers – is responsible for their own safety and for the safety of others.

The screenshot shows the WorkSafe BC website with the 'Due Diligence Checklist' prominently displayed. The page includes a navigation bar with 'Forms & Resources', 'Law & Policy', and 'About Us'. Below the navigation bar, there are tabs for 'Health & Safety', 'Insurance', 'Claims', and 'I Am a...'. The main heading is 'Due Diligence Checklist'. To the right of the checklist, a text box states: 'This checklist is intended to help employers determine if they have sufficient documentation of an effective occupational health and safety program.' The checklist itself is a detailed form with multiple sections, including 'Part 1: Does the employer keep the following types of records or documentation?' and 'Part 2: Do the employer's records or documents show an effective OHS program?'. A search icon is visible in the bottom right corner of the checklist area.

II. The 4 Rights

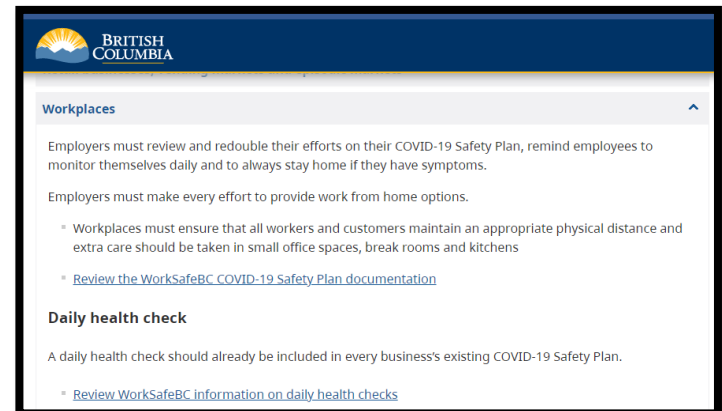
- Everything starts with the 4 rights, 3 of which have been referred to in the *Workers Compensation Act* and OHS Regulations. These are the:
 - Right to Know.
 - Right to Refuse.
 - Right to Participate.
 - Right to no retaliation/discrimination/reprisal/discipline.
(Labour argues there is also the right to education – a 5th right.)



III. The Workers Compensation Act, the OHS Regulations, Policy and Guidelines

General Health and Safety Information:

- ❖ There are overlapping legislation, regulations, policies and guidelines that affect occupational health and safety.
- ❖ The BC Provincial Health Orders, *Workers Compensation Act*, the OHS Regulations and the Prevention Policies are mandatory.
- ❖ The BC Provincial Health Orders are the primary source of direction.



III. The Workers Compensation Act, the OHS Regulations, Policy and Guidelines cont'd.

- ❖ Key sections of the revised **Act** related to COVID-19 include:
 - 21 General duties of Employers.
 - 22 General duties of Workers.
 - 23 General duties of Supervisors.
 - 31 to 46 Joint Health and Safety Committees.
 - 133 Employer must respond to Committee recommendations.
 - 135 Educational leave.
 - 151 Discrimination against workers prohibited e.g. retaliation, discipline, etc.

III. The Workers Compensation Act, the OHS Regulations, Policy and Guidelines cont'd.

❖ Key sections of the **OHS Regulations** include:

Workplace Inspections

- 3.5 General requirement.
- 3.7 Special inspections.
- 3.8 Participation of the Committee or Representative.

Correction of Unsafe Conditions

- 3.9 Remedy without delay.
- 3.10 Reporting unsafe conditions.
- 3.11 Emergency circumstances.



III. The Workers Compensation Act, the OHS Regulations, Policy and Guidelines cont'd.

Refusal of Unsafe Work

- 3.12 Procedure for refusal.
- 3.13 No discriminatory action.

Young or New Workers

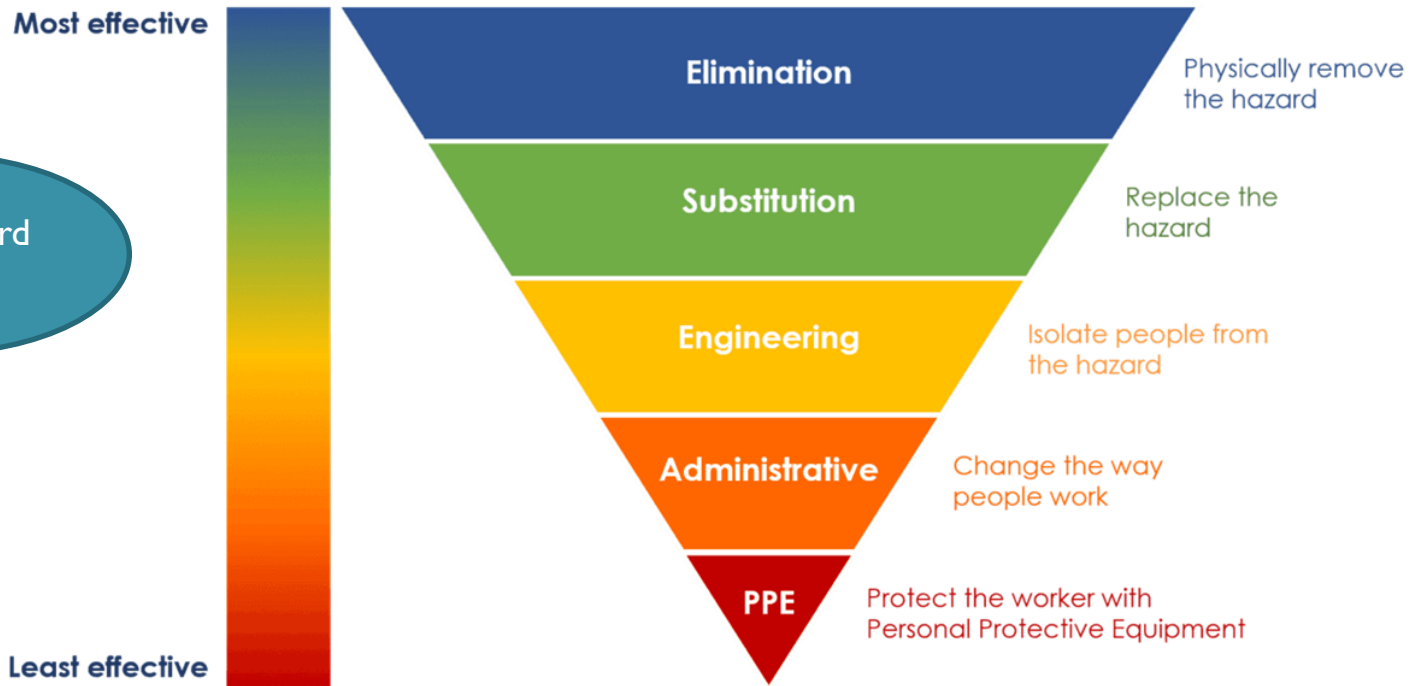
- 3.23 Young or new worker orientation and training.
- 3.24 Additional orientation and training.



The screenshot shows the WorkSafeBC website. The top navigation bar includes 'WORK SAFE BC' and links for 'Forms & Resources', 'Law & Policy', and 'About Us'. Below this is a secondary navigation bar with 'Health & Safety', 'Insurance', 'Claims', and 'I Am a...'. The main content area is titled 'Searchable OHS Regulation & related materials'. A note states: 'Note: The numbering of the *Workers Compensation Act* has changed, effective April 6, 2020. The revisions to the Act also resulted in related changes to the Occupational Health and Safety Regulation, the OHS policies, and the OHS guidelines. Learn more about the revisions to the *Workers Compensation Act*.' At the bottom, a paragraph explains: 'The Occupational Health and Safety (OHS) Regulation and the OHS provisions of the *Workers Compensation Act* contain legal requirements for workplace health and safety that must be met by all workplaces under the inspection jurisdiction of WorkSafeBC. Some sections of the *Workers Compensation Act* and OHS Regulation have associated policies and guidelines.'

IV. Functions of a JHSC (Inspections, Investigations, Recommendations, etc.)

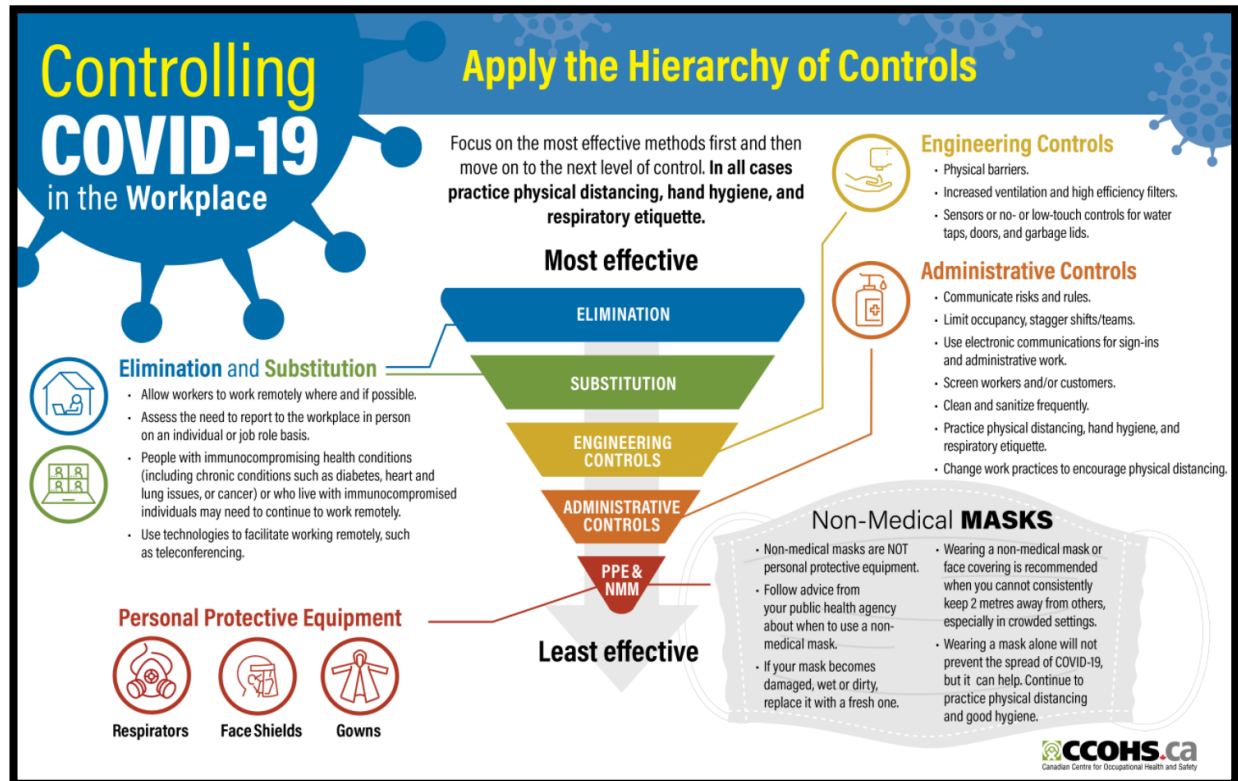
- The fundamental role of the JHSC can be summarized as enforcing the Hierarchy of Controls.



The standard model

IV. Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

Canadian Centre
for Occupational
Health and Safety
model



IV. Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Identify situations that may be unhealthy or unsafe for workers, and advise on effective systems for responding to those situations.
- Promptly deal with concerns relating to the health and safety of workers.
- Consult with workers and the employer(s) on issues related to occupational health and safety, and the occupational environment.

IV. Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Make recommendations to the Employer and the workers for the improvement of safety of workers.
- Recommendations are the “grievances” for JHSCs while Terms of Reference/Rules of Procedure are the Collective Agreement.



IV. Functions of a JHSC (Inspections, Investigations, Recommendations, etc.) cont'd.

- Understand Hazard Identification, Assessment and Control Principles (e.g. Inspections, Job Safety Analysis, Work Procedures and Hazard Reporting Methods).
- Participate in investigation of safety complaints, including accident and incident investigations.
- Ensure that regular inspections (and other inspections if required) are carried out as required.
- Ensure compliance with the Annual JHSC Evaluation Tool from the WCB.

V. Addressing Problems

- Reasons for **dysfunctional JHSCs** include:
 - Employer selection of Worker Representatives.
 - Lack of initial training and annual education.
 - High turnover of the Joint Health and Safety Committees members.
 - Lack of mentoring of new Joint Health and Safety Committees members.
 - Retaliation against worker Joint Health and Safety Committees members.
 - Poor labour relations generally.

V. Addressing Problems cont'd.

➤ **JHSC structural issues** such as:

- Poorly worded Terms of Reference.
- No clear direction by the Co-chairpersons.
- No action plan that assigns people, resources and time lines to each action or recommendation.

V. Addressing Problems cont'd.

- No follow-up to action items and recommendations.
- No follow-up from inspections and investigations.
- Lack of role and function clarity between Local/Site Committees and Joint Health and Safety Committees.



V. Addressing Problems cont'd.

➤ **Actions that can be taken** include:

- Section 38 of the *Workers Compensation Act*:

If a Joint Health and Safety Committee is unable to reach agreement on a matter relating to the health or safety of workers in the workplace, **a co-chair of the committee may report this to the WCB, which may investigate the matter and attempt to resolve the matter.**

- **Requesting a Prevention Officer as per Section 38 of the Act (see the WCB P.A.C.E. program).**
- **Conducting a Joint Health and Safety Committee Annual Evaluation – this is the easiest and most effective tool to ensure compliance.**

VI. Questions



Questions?

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