Requirements & Suggestions for the Development of Rules of Operation for LASHC (local area safety & health committees)

Background

This document, with its included Appendix A and Appendix B, is offered to assist LASHC members in preparing their rules of operation so as to ensure that legislatively required elements are included.

The Province requires that a LASHC must establish written rules of procedure (Workplace Safety and Health Regulations section 3.6(1 – 3). This section, with its cogent sub-sections, is attached in Appendix A and it has some very specific requirements but also some very general ones. A standardized rules template for LASHC use has not been created by the Province but the Province does offer examples of acceptable LASHC rules in the “Committee Toolbox” section of its website http://safemanitoba.com/Committee_toolbox.aspx.

Duties of LASHC appear in the Workplace Safety and Health Act section 40(10) and they are detailed in Appendix A of this document. The general expectation of a LASHC is that it consider any unresolved (by the employer/supervisor) worker health and safety concerns and that it assists the employer in identifying workplace safety and health issues through provision of recommendations to address such issues and problems. In the past, safety committees have tried to take on responsibility for safety. There is no expectation that safety committees be responsible for safety. This is a legislated employer/supervisor responsibility and this responsibility is clearly laid out in the University’s Health and Safety Policy and Procedures. It is important to know that provision of a safe and healthy workplace is the responsibility of the employer.

There are other procedural considerations for ongoing LASHC operation that are not prescribed by the Province. Appendix B provides a list of some issues that a safety committee may want to consider addressing in their written rules. These issues come from the experience of existing committees at the University and in other workplaces. Each LASHC can determine what other considerations might be addressed in their rules.

Appendix A: Applicable sections of the Workplace Safety and Health Regulations and Workplace Safety and Health Act

The complete Act and regulations can be viewed at:

The Province has also prepared a safety committee toolbox with guides and forms for LASHC to use at:
Rules: Workplace Safety and Health Regulations section 3.6 (1 – 3)

3.6(1) A committee must establish written rules of procedure for discharging its duties under the Act.

3.6(2) The committee must in its rules provide for:
   (a) regular meetings of the committee, and the day, time and place of the meetings;
   (b) the procedure to be followed and the type and amount of notice to be given to change the day, time or place of a regular meeting of the committee; and
   (c) rules respecting the conduct of committee meetings.

3.6(3) The committee may in its rules provide for such other matters as the committee considers necessary or desirable.

Committee duties: Workplace Safety and Health Act section 40(10)

40(10) The duties of a committee include:
   (a) 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 occupational health service, if such a service has been established within the workplace;
   (e) co-operation with a 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 to the employer or prime contractor respecting the safety and health of workers;
   (h) the inspection of the workplace at regular intervals;
   (i) the participation in investigations of accidents 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.

Appendix B: Other considerations for LASHC Rules
(Note that LASHC can consider the following items and determine whether they need to be incorporated into their specific set of LASHC rules. A LASHC may also add items not included in this list.)
LASHC composition:

- How many members are there and what groups do they represent, i.e. bargaining unit or employer?
- How are co-chairs selected? (Province wants to see the worker co-chair elected by worker members and the employer co-chair elected by employer members.)
- Member terms? (Province says 2 years.)
- Students ...
  - The employer will identify how student will participate in a LASHC, i.e. as a member or a visitor/liaison. LASHC rules should formalize the student role on the LASHC.
  - The Act and regulations do not discuss others who may be in a workplace (like students) in terms of safety committees – they only address worker and employer members. In many University settings students can be an important way to identify and propose solutions to a health and safety issue.
- EHSO role ...
  - EHSO staff cannot be a member of a LASHC, i.e. they cannot act on behalf of the employer or the worker. EHSO staff can offer technical advice to a LASHC trying to look at an issue.
  - EHSO cannot attend all LASHC meetings on campus. The LASHC should request EHSO to attend where there is need to be informed on an issue requiring resolution.
- Other guests ... The LASHC may want to invite individuals to meetings to help address issues. How does a LASHC determine who can be invited to a meeting?

Meetings:

- How are meeting agendas determined? Often co-chairs collaborate to prepare an agenda.
- Will a standardized meeting agenda be used? For example, adoption of agenda, acceptance of previous minutes, consideration of business arising, address and processing of new business, calling a members roundtable.
- Issues for LASHC consideration ... 
  - A LASHC should not consider a worker issue unless the direct supervisor has been given the opportunity to address the issue. This is consistent with Provincial expectations and the University’s adopted procedures.
- Rules of order ...
  - How will a LASHC ensure that all members have an equal or reasonable opportunity to participate?
  - Who determines that a LASHC discussion or meeting is over?
- Special meetings ... How will the LASHC determine whether special meetings are required?
Elements of a LASHC meeting:

- Minutes ...
  - What type of minutes are to be taken?
  - Who will take minutes and distribute them for review?
- Quorum ...
  - What is a quorum? The Province only considers a LASHC meeting official if ½ of the worker members are present and ½ of the employer members are present.
  - What happens if there is no quorum?
- Alternates...
  - It is critical to have a quorum present at meeting. Allowing for alternates to attend on behalf of a missing member can help ensure quorum is met. The LASHC needs to decide how alternates can be selected, for example, can each member select an alternate to attend on their behalf? Some bargaining units have designated alternates.
  - Can alternates attend with the member who represents “their constituency”? If so what is the alternate’s role at a meeting?

LASHC decisions:
(Note this refers to LASHC decisions to consider an issue or what recommendation to put forward.
Decisions about workplace safety and health issues are the responsibility of the employer/supervisor.)

- Are LASHC decisions based on consensus or majority? ...
  - No consensus … Where consensus on an issue cannot be reached. How will the LASHC proceed?
  - Majority … if the LASHC needs to vote on an issue what are the rules?
  - Weight of votes … Usually each serving member of the committee has 1 (one) vote. Alternates who may be present with a serving member of the committee representing “their constituency”, as well as others who may be present, do not vote.

Workplace inspection:

- By the Workplace Safety and Health Act: Committee Duties section 40(10)(h, there is a requirement for LASHC to inspect the workplace at least four times per year.
  - Depending on the workplace, the LASHC may simply not be able to meet this requirement. It is acceptable to establish priorities for inspection based on a risk assessment. If so it should probably be noted in the rules.
  - The LASHC may divide into pairs of inspectors so as to cover more areas during the term of the inspection period.
Rules review and change:

- How often will rules be reviewed?
- If rule(s) change is needed, how is that be achieved?

Issues that extend beyond a particular workplace:

- What happens where an issue extends beyond the workplace that the LASHC serves? Broader organizational issues should be directed to the Organizational Safety and Health Committee OHSC.