



UMTSHEZI

Municipality

Health and Safety

Committee

Policy

HEALTH AND SAFETY COMMITTEE POLICY

The uMtshezi Municipality recognizes the valuable contribution made by Occupational Health and Safety committees and Workplace Health and Safety representatives toward maintaining safe and healthy workplaces. Committees and representatives play an integral part in the department's inspection program, hazard identification and control program, development of safe work practices and procedures, as well as identifying training and education needs and promoting safety awareness programs. As committee and representatives direct involvement with the day-to-day operations of their workplace, they are in a good position to recognize essential problems and make practical recommendations. The department actively seeks their advice on the best ways to prevent workplace accidents. As a demonstration of its commitment to working with Occupational Health and Safety committees and Workplace Health and Safety representatives toward the common aim of Improving workplace health and safety, the department will provide support in the following ways:

- Physical support will include:
 - Clerical support and supplies
 - Meeting room
 - Documentation and information resources
- Provide committee/representative training to meet or exceed the standards prescribed by Workplace Health, Safety and Compensation Commission.
- A copy of the minutes and written recommendations from committee meetings will be reviewed by all relevant senior managers.
- Senior managers will respond in writing to all committee recommendations within 30 days.
- Committees and representatives will have provided by the department, all the equipment, materials, and supplies necessary to conduct periodic safety inspections.

Copies of all relevant documents pertaining to health and safety will be provided to the committee and representative. These may include documents such as accident investigation reports, health and safety audit reports, reports of hygiene testing, and the reports of special health and safety related consultants. The only health and safety reports which may be withheld from the committee or representative are those which are prescribed as confidential in the *Occupational Health and Safety Act* or Regulations, such as personal medical records of individual workers.

The committee will hold special meetings as required to formulate recommendations pertaining to work refusals where the matter was not settled to the worker's satisfaction at a previous stage.

Two committee members, representing labour and management will accompany a Department of Government Services inspector during routine inspections.

2.2 LEGAL REQUIREMENTS TO ESTABLISH OCCUPATIONAL HEALTH AND SAFETY COMMITTEES AND WORKPLACE HEALTH AND SAFETY REPRESENTATIVES

The *Occupational Health and Safety Act* and Regulations requires employers to establish Occupational Health and Safety committees at workplaces with 10 or more workers and Workplace Health and Safety representatives at workplaces with between 2 and 9 workers. The size of the committee must be agreed upon by the employer and the workers. However, it must consist of at least two persons and not more than 12. There may be an equal number of management and labour committee members but the number of management members cannot exceed the number of labour members.

Management members of a committee may be appointed by management of the workplace. Worker members of the committee must be elected by their co-workers or appointed in accordance with the Constitution of the union. At the first committee meeting, the committee must elect two co-chairpersons, one to serve as the management co-chairperson and the other to serve as the worker co-chairperson.

The names of Occupational Health and Safety committee members or the Workplace Health and Safety representative must be posted in a prominent place at the workplace. Committees must meet a minimum of once every three months, however, for most of the department's workplaces, it is recommended committees meet monthly, and one of either July or August. Minutes of each meeting must be recorded and a copy of the minutes must be distributed as follows:

- One copy posted at the workplace
- One copy kept on the committees files
- One copy sent to the Workplace Health, Safety and Compensation Commission

Workplace Health and Safety representatives must meet with their supervisors on a regular basis but the number of meetings per year and the keeping of minutes is not required by legislation. It is recommended, however, that the representative keep records of each meeting.

2.3 TRAINING

Effective committees are those whose members have the knowledge and skills needed to carry out their duties and activities. Similarly, Workplace Health and Safety representatives must receive training in order to be effective. The Workplace Health, Safety and Compensation Commission developed the standards for the core training. The training course content, delivered over three days, is outlined below:

1. Introduction to Occupation Health and Safety definition of key terms
 - building a safety culture safety policies and programs
 - fundamentals and benefits of accident prevention
2. Occupational Health and Safety Legislation
 - the *Occupational Health and Safety Act* and Regulations the concepts of "internal responsibility" and "due diligence" the different legislated duties for different positions early and safe return to work for injured workers
3. Occupational Health and Safety Committees
 - the purpose and duties of committee members
 - procedural rules for effective meetings
 - the process of making, communicating and following up on recommendations
 - records and minute keeping

4. Hazard, Recognition, Evaluation and Control
 - types of, and contributing factors to hazards
 - methods of recognizing, evaluating and controlling hazards
 - accidents/incident investigation outcomes
5. Workplace Inspections
 - the need for inspections
 - planning, conducting and reporting of inspections
 - monitoring corrective actions

2.4 DUTIES OF OCCUPATIONAL HEALTH AND SAFETY COMMITTEES AND WORKPLACE HEALTH AND SAFETY REPRESENTATIVES

The duties of Occupational Health and Safety committees and Workplace Health and Safety representatives are prescribed in the *Occupational Health and Safety Act* as follows:

- a. shall seek to identify aspects of the workplace that may be unhealthy or unsafe;
- b. shall participate in a workplace inspection that an employer is required by the regulations to conduct;
- c. may make recommendations to principal contractors, employers, workers, self-employed persons and the assistant deputy minister or an officer for the enforcement of standards to protect the health, safety and welfare of workers at the workplace;
- d. shall receive complaints from workers as to their concerns about the health and safety of the workplace and their welfare;
- e. shall establish and promote health and safety educational programs for workers;
- f. shall maintain records as to the receipt and disposition of complaints received from workers under paragraph (d);
- g. shall co-operate with the assistant deputy minister or an officer who is exercising his or her duties under the Act; and
- h. shall perform those other duties and follow those procedures that may be prescribed by the regulations.

2.5 TERMS OF REFERENCE

Occupational Health and Safety committee shall develop its own rules of procedure, called "Terms of Reference". The Terms of Reference provide the framework within which the committee functions and thus, contribute to the committees efficiency, consistency and effectiveness.

The Reference Guide was the training manual provided to all committee members. The manual shows two "Sample Terms of Reference" contained in Appendix B-1 and Appendix B-2. Appendix C contains a "Guide for Developing Terms of Reference" for those committees which choose to develop their own Terms of Reference. Workplace Health and Safety representatives are not required to develop Terms of Reference.

2.6 COMPLAINT RESOLUTION

One of the duties of Occupational Health and Safety committees and Workplace Health and Safety representatives is to receive health and safety related complaints or concerns from workers. However, workers are required by legislation to initially report their concerns to their supervisors. Where the "internal responsibility system" is functioning, the concern or complaint will usually be resolved between the worker and supervisor. It is only where the matter cannot be resolved between the worker and supervisor that a worker, and perhaps the supervisor as well as, will report the matter to the committee or representative. The "Hazard Concern/Unsafe Work Refusal Reporting Form" is available for workers if they wish to document their concerns and for supervisors, if they wish to document their response

to a reported concern. Many, and probably the large majority of concerns reported to supervisors by workers will be made verbally and the matter should be resolved without documentation. Documenting concerns is a recommended procedure where the worker and supervisor cannot agree that the matter is satisfactorily resolved. Documenting concerns is particularly recommended where a work refusal process is underway.

It is indicated on the "Hazard Concern/Unsafe Work Refusal Reporting Form", that workers, supervisors, committee members or representatives may consult with the Occupational Health and Safety Services to discuss any matter related to hazard reporting and concern resolution. That service will act in an advisory capacity, providing advice on the requirements of the *Occupational Health and Safety Act* and regulations and any applicable standards, hazard control measures, and the proper procedure to follow in resolving the matter.

Where a hazard concern has not been resolved between a worker and a supervisor, the worker should report the matter to the Occupational Health and Safety committee or Workplace Health and Safety representative. The co-chairpersons of the committee must decide if the matter is urgent, and if so, call an emergency meeting of the committee and initiate an investigation to find out what corrective action should be recommended. If the co chairpersons decide the matter is not urgent, it should be discussed at the next regular meeting with a view to resolving the issue.

All workers, at all times have a right to report unresolved safety hazards to the Department of Government Services. However, each worker has a duty to act in accordance with the internal responsibility system. This implies that a worker will make every effort reasonable under the circumstances to resolve the matter utilizing the resources within the workplace and department before reporting it to the Department of Government Services.

2.7 UNSAFE WORK REFUSAL INVESTIGATIONS

Where a second stage work refusal is initiated under Section 45(1) (b) of the *Occupational Health and Safety Act*, (because it was not successfully resolved at the first stage between the worker and the supervisor), the Occupational Health and Safety committee, or Workplace Health and Safety representative should be notified immediately by the worker exercising his or her right to refuse unsafe work. It is strongly recommended that the actions of each party involved be recorded on the "Hazard Concern/Unsafe Work Refusal Reporting Form". The committee or representative should investigate the work refusal as soon as possible. (The committee may designate a sub-committee to undertake the investigation. The recommendation of the sub-committee will be the recommendation of the committee for purposes of the Act.)

The committee and representative have the right to investigate all aspects of the work refusal, including interviewing the worker invoking the work refusal as well as other workers involved in the work, examine relevant documents, contact suppliers or make any other additional inquiry it sees fit prior to making a recommendation with regard to the work refusal.

If the committee or representative decided not to uphold the worker's refusal, it must notify both the worker and the employer of its decision in writing. If the committee or representative decides to uphold the work refusal, the recommendation for corrective action must be given to the workplace management and the worker informed of its recommendation. If the workplace management does not take the necessary corrective action within a reasonable period of time, the committee or representative must report the matter to the Department of Government Services for final resolution.

2.8 DEPARTMENTAL NOTIFICATIONS

Pursuant to section 54(2) of the *Occupational Health and Safety Act*, the department must notify the Occupational Health and Safety committee immediately of the occurrence of:

- an accident at the workplace that results in a serious injury to a person or results in the death of a person; or
- an accident that had, or continuous to have, the potential of causing serious injury to or the death of a person.

Copies of all health and safety inspections reports made by an officer of the Occupational Health and Safety Division, which in the opinion of the division warrant circulation, should be circulated to the employer and the Occupational Health and Safety committee or Worker Health and Safety representative.

2.9 WRITTEN RECOMMENDATION AND DEPARTMENT RESPONSE

Section 5(f) of the Act requires that an employer shall respond in writing within 30 days to written recommendations from the Occupational Health and Safety committee.

The following is intended to clarify the requirements of the *Occupational Health and Safety Act* and the proper procedure for making and responding to an Occupational Health and Safety committee's and Workplace Health and Safety representative's recommendation. The procedure below is to be utilized by both committees and management to provide a response in a timely manner.

a. Procedure for Making Occupational Health and Safety Recommendations:

The formal recommendation(s) referred to under section 5(f) of the *Occupational Health and Safety Act* should be reserved for the more serious issues. Routine matters should be dealt with by recording them in the minutes for action by the workplace manager or supervisor.

To use section 5(f) of the *Occupational Health and Safety Act*, the recommendation(s) must be in writing and must ask for a written response. Simply recording in the committee minutes that a matter has been discussed does not meet this requirement. Communication regarding recommendations must be phrased as a recommendation. Although asking questions, making observations and suggesting that the committee is not happy with something, etc. are quite legitimate courses of action, these do not qualify as a formal recommendation. In order for section 5(f) to take effect and the 30 day response period to be activated, the committee must consider the matter, come to a consensus as to what it wishes to recommend, and communicate the recommendation(s) to management.

The recommendation(s) should be communicated with a separate memo addressed to the management person who is responsible for the work, location, or issue about which the recommendation(s) refer. Normally this will be the Director of the relevant group.

When a committee wishes to make use of section 5(f) of the *Occupational Health and Safety Act*, it is advisable to send a copy of the formal recommendation(s) to the Manager, Occupational Health and Safety Services. This will ensure that a second copy of the communication is entered into the system.

Management must also take action to ensure that the recommendation(s) are dealt

with expeditiously and that a formal response is provided in a timely manner.

b. Procedure for Management:

Communication regarding recommendations should be acknowledged to the Occupational Health and Safety committee or Workplace Health and Safety representative, with a copy to the Manager of Occupational Health and Safety Services.

A response to the recommendation(s) should be made as soon as possible; accepting the recommendation(s) or giving reasons for not accepting them. Note that most Occupational Health and Safety committees meet monthly, and the committee will want to review the response at the next meeting.

In no case should the response be delayed for more than 30 days. If the matter requires more investigation or time to reach a decision or develop a plan of action, an interim response must be made to the Occupational Health and Safety committee or Workplace Health and Safety representative advising it of the status, the reason for the delay, and the time when they might expect the full response. The matter must be followed up and the Occupational Health and Safety committee or Workplace Health and Safety representative must be advised of the outcome.

c. Information Request:

It should be noted that, if the Occupational Health and Safety committee or Workplace Health and Safety representative is just looking for information and not actually making a recommendation, then a simple request can be made to the party with the information.

Section 5(f) requires an employer to consult with the committee, or representative about any occupational health and safety reports, inspections, workplace monitoring or tests and, upon request, the employer must make these reports available to the committee or representative.

Appendix 2B outlines the process to follow when making a recommendation. A formal recommendation form can be found in Appendix 2C.

2.10 INFORMATION AND EDUCATION

An important role of the Occupational Health and Safety committee and Workplace Health and Safety representative is to ensure workers of the department are provided with information in respect to workplace hazards and are educated as to how to address health or safety concerns.

The Occupational Health and Safety committee must post a copy of the Occupational Health and Safety committee minutes from each meeting.

The Occupational Health and Safety committee or Workplace Health and Safety representative must periodically review employee education and training on occupational health and safety matters and must make such recommendations as it sees fit. It is the responsibility of management to ensure that the appropriate education and training is provided.

The Occupational Health and Safety committee must review training once each year and advise management on any need for further training. For budget planning reasons, management should be informed of training needs before the end of May each year.

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2.11 COMMITTEE EFFECTIVENESS

The main task of an Occupational Health and Safety committee is to monitor the internal responsibility system. By meeting regularly, and discussing and resolving concerns, the

committee and the department can demonstrate that health and safety is taken seriously. The following are a list of suggestions which may be helpful to ensure the committee is effective in performing its duties.

(a) Work together as a team.

- A group of individuals working together as a team to achieve agreed upon goals are more effective than any individual member working alone.
- Do not bring management or union "hats" into committee business. Both employers and worker members are expected to work together to protect everyone in the workplace.
- Do not deal with issues that are not health and safety matters.
- Each member must feel free to express their views without risk of retaliation.

(b) Establish roles and responsibilities for each member.

- Each member must be clear about knowing their roles and what to do.
- Establish procedures for assigning responsibilities, making decisions, communicating and coordinating efforts, monitoring progress and evaluating results.

(c) Agree on ways of handling disagreements.

- From time to time members may disagree, for example, on how a hazard should be handled. Methods to resolve disagreements include:

- using consensus to make decisions asking a neutral third party to mediate negotiating mutually acceptable compromises

- using project teams to recommend options to solve difficult technical problems

(d) Agree upon goals.

- Effective committees have a clear idea of what they want to accomplish over the short and long term.
- The co-chairpersons should provide leadership and help set the tone for the committee.
- Each member should have a chance to participate and contribute toward goal setting.
- The goals of the committee should be clearly stated and understood by each member
- Consider circulating a list of committee goals and objectives with the agenda of meetings or posting them with the minutes.

(e) Consider expectations placed on the committee

- Consult workers, supervisors and managers about their expectations for the committee and consider how these needs can be served most effectively.
- Make sure everyone knows what the committee can do and what it cannot do.
- State how concerns should be brought to the committee and how to deal with them.

(f) Consider how to handle complaints about the committee's performance.

(g) Consider how to evaluate the performance of the committee.

- Each year the committee should compare its performance against its stated goals.
- Draw up a plan to deal with short comings.
- Tell workers about successes so they will have confidence in the committee.

• Let the department's management know about committee members who have performed well so they can be recognized for their service.

(h) Plan meetings and use an agenda.

• Provide members with a chance to contribute to the agenda. Put unresolved concerns from previous meetings on the agenda.

• Distribute meeting announcement and agenda before the meeting so members can prepare.

• Arrange for necessary committee members to attend and for a quorum to be present.

(i) Keep meetings focused on the agenda.

• Allow full, but business like discussion on each agenda item.

Discourage any one person from dominating the meeting. Impose reasonable time limits for each agenda item. Follow rules of order.

(j) Adopt a problem-solving approach.

• Clearly define the problem - the immediate problem, its components and the root cause.

• Research issues where necessary. Do not jump to conclusions. Review relevant legislation, standards, manuals, etc.

• Select practical choices, those with the greatest chance of success.

Corrective action is taken to protect workers and improve performance.

Consider cost-effective ideas to help the department meet both objectives.

• Reach agreement through discussion and consensus rather than voting which can split the group into competing factions.

• Present recommendations. Ensure recommendations are practical and all relevant background information is included. Forward recommendations in a way that supports agreement and promotes action.

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• Follow-up the corrective action taken.

(k) Prepare minutes promptly after meeting. These minutes should be accepted by the committee and signed by both co-chairpersons. Once the minutes are accepted and approved by the Committee, they will be distributed as follows: to all committee members, post on bulletin board, send copies to Workplace Health, Safety and Compensation Commission, Occupational Health and Safety Services, and the Municipal Manager.

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