

APPENDIX D

Joint Union Letter on Unions Working Together on Health and Safety



September 20, 2013

TO: Worker Members of Joint Health and Safety Committees (JHSCs)

Dear Joint Health and Safety Committee member:

We are sending this letter to advise you that the health and safety representatives of our unions continue to meet jointly on a regular basis to identify and address health and safety issues in the health-care sector that are common to members of all four unions.

By identifying common trends and issues, our hope is to collectively respond to health and safety issues in order to help our members achieve the safest possible work environment. For example, all four unions have collaborated on such issues as: needle/sharp safety legislation; the Minister of Labour's Health Care Health and Safety Section 21 Committee (a committee set up by the Minister of Labour under Section 21 of the *Occupational Health and Safety Act [OHSA]* to advise the Minister on health and safety issues/trends); violence legislation; and the pressing need for ergonomic regulations, among other issues.

We believe that if all worker members on the JHSC work together and follow the advice below, employers will have no choice but to address unresolved health and safety issues in a timely fashion, rather than deferring or not properly addressing them.

The following is a list of actions we have learned will assist you to make your JHSC more effective. We recognize that some committees have already incorporated some of these strategies.

- Ensure worker members of the JHSC participate in all JHSC meetings. If you cannot attend a meeting, ensure your alternate attends in your place and is fully informed.
- The employer must allow worker members to attend all JHSC meetings and perform any JHSC-related duties under the *OHSA*. The employer should also facilitate committee member attendance. (The employer must cooperate and assist the committee and must not hinder or interfere with the JHSC in exercising a power or performance of a duty (s. 25 (2) (e) and s. 62 (5)) under the *OHSA*.)
- Always ensure worker members have at least equal representation on the JHSC. If employer representatives outnumber the worker members at a meeting, request the employer remove enough representatives to create equal representation. If this does not occur, call the Ministry of Labour (MOL).
- Ensure all worker members meet together (caucus) before each JHSC meeting, utilizing as a minimum the one-hour paid preparation time (s. 9 (34)).
- During the caucus, review the following reports: inspection, incident/accident/illness/exposure, near misses, MOL orders and worker complaints.
- Ensure the JHSC is notified within four days in writing of any workplace accident or illness containing all information prescribed in s. 5 of the Regulation for Health Care and Residential Facilities (for hospitals and long-term care homes) or s. 5 of the Regulation for Industrial Establishments (for community care workers). Critical injuries or fatalities must be reported to the MOL, JHSC and Union immediately.

- Under Section 25 (2) (l), the employer must provide to the JHSC a copy of any report in its possession concerning health and safety.
- During caucus, draft written recommendations to the employer to address unresolved hazards/issues.
- Present draft recommendations for approval to the entire JHSC. A recommendation from the JHSC to the employer (s. 9 (18) (c)) should be signed and dated by the co-chairs and forwarded to the employer (usually the CEO or designate). The employer must respond in 21 days. (s. 9 (20)).
- Since April 1, 2012, a single JHSC co-chair has had the right to submit written recommendations to the employer when the JHSC cannot agree. (s. 9 (19.1)). As with any JHSC recommendation the employer must respond within 21 days. (s. 9 (20)).
- All health and safety concerns should be escalated as quickly and as high as necessary.
- If JHSC meetings are regularly too short to effectively address agenda items, encourage the employer to lengthen meeting times and/or increase meeting frequency.
- Some employers are creating "JHSC dispute resolution subcommittees" to deal with unresolved issues. Object to this process, which often only further delays a resolution. If a JHSC is deadlocked on an issue, either make a complaint about the issue to the MOL, or the worker co-chair can make a recommendation to the employer.
- If your employer's health and safety staff member(s) appears to be running your committee (setting agenda, chairing meetings, making decisions for employer), object. If these staff members are not committee members, they should attend meetings only as a resource. The JHSC co-chairs should set the agenda and chair meetings.
- Ensure that monthly workplace inspections are occurring as required under Section 9(26) of the *OHS*A. A worker member designated by worker members of the JHSC must conduct the inspections. Employer reps may attend but should not take over.
- Ensure the JHSC sets the inspection schedule, not the employer (s. 9 (28)).
- Ensure monthly inspection reports and hazards detected during inspections are discussed at every JHSC meeting. If any of the hazards have not been resolved, write a recommendation to the employer.
- In addition to your usual inspection it is a good practice to choose and focus on a different and specific safety theme for every inspection. (For example, you could focus on themes such as slips, trips and falls, musculoskeletal disorders [MSDs], infection control, workplace violence, etc.)
- If an MOL inspector enters your workplace as a result of a complaint, ensure a worker member of the JHSC, preferably one selected by the worker members of the committee, accompanies the inspector while he/she investigates (s. 54 (3) (4) (5)). Document all discussion items. When the issue is specific to one particular union, if possible a health and safety representative from that union should accompany the co-chair and the inspector.
- When the MOL writes orders, call a JHSC meeting to review them and ensure workers are consulted about the implementation of the orders before the compliance date.
- Only an MOL inspector can determine compliance with an order (s. 59(4)). There is nothing in the *OHS*A that requires any JHSC member or health and safety rep to agree on compliance (s. 59(2)). Never feel pressured to indicate/sign off that an employer has complied with an order. Many orders in health-care workplaces have complexities that

some members may not fully understand. Overworked inspectors are less likely to take steps to confirm compliance when a worker member has signed that they agree the employer has complied.

- Ensure health and safety language in your collective agreements is followed.
- If you encounter problems working with each other, please call your union's provincial health and safety representative to assist you.

Always support each other in your issues. Multi-union committees that support each other achieve the greatest success in worker health and safety. We urge you to discuss this letter with each other at your next JHSC caucus and develop strategies to address any unresolved health and safety hazards/issues. If you have any questions regarding health and safety, please direct your enquiries to your respective union.

We thank you for everything you do to protect worker health and safety in your workplace.

Sincerely,



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