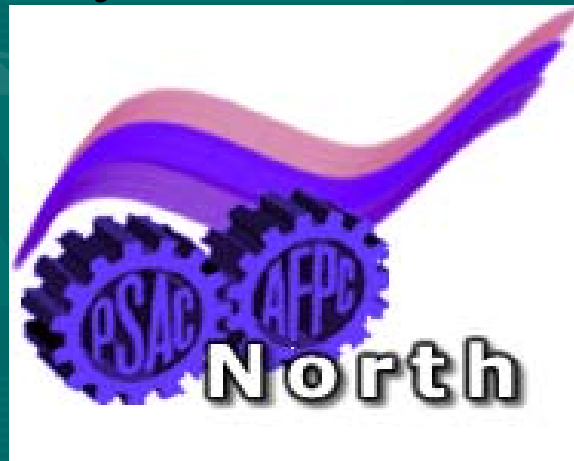


# Workplace Health and Safety

May 28 - 31, 2009



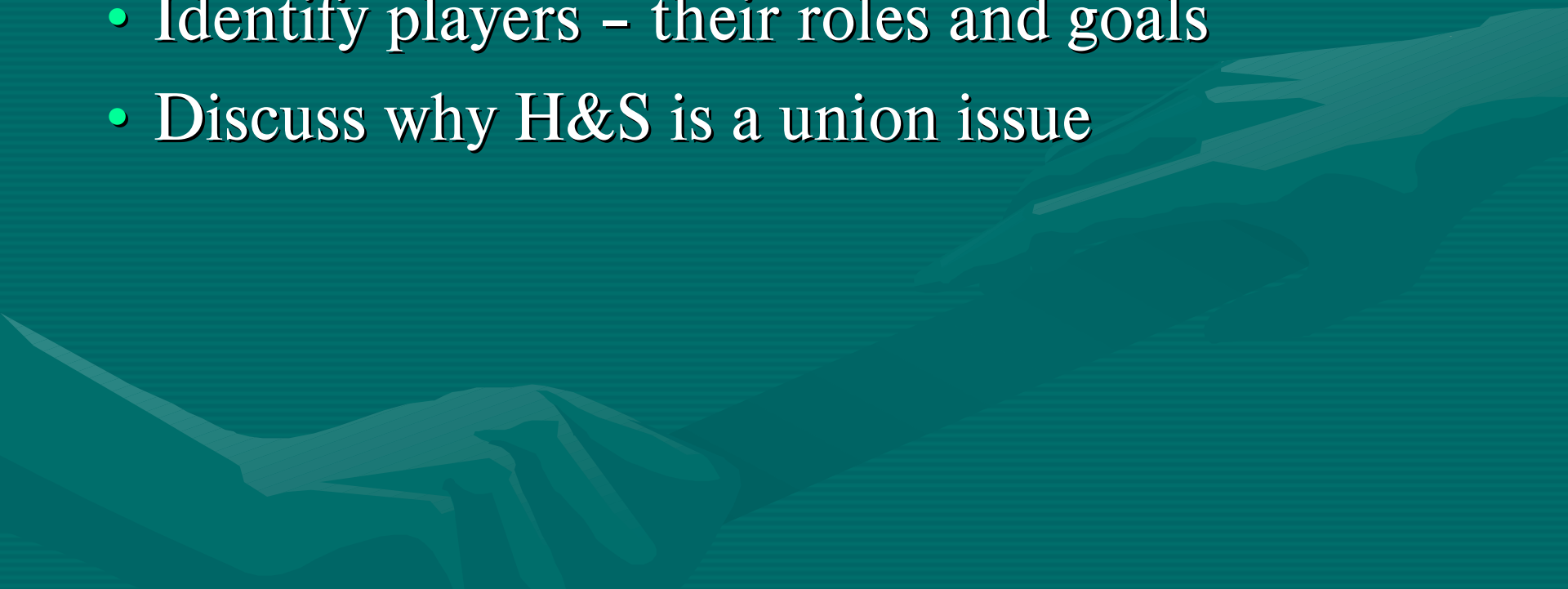
# Session Plan

1. Why is Workplace Health and Safety a Union Issue?
2. Gains we've made
3. IRS
4. Who is getting Hurt?
5. Rights, Responsibilities and Duties
6. Workplace Health and Safety Committees
7. Hazard Prevention Program
8. Violence in the Workplace
9. Demystifying Workers Compensation
10. Mobilizing the Members

# Why is Health and Safety a Union Issue?

## Objectives

- Identify players – their roles and goals
- Discuss why H&S is a union issue



# Why is Health and Safety a Union Issue?



# Gains we've made

## Objectives

- List important events in the struggle of H&S
- Recognize the importance of our own experiences

# Gains we've made

## Workshop

- In small groups
- 5 minutes
- Discuss why YOU got involved in H&S
  - Write it down on a small piece of paper
- Discuss the laws, struggles and activities CARDS
  - Discuss importance
  - Figure out when it occurred
- Post: YOU and CARDS

# Gains we've made

- Are there other major gains or events in your locals or regions that we should add to the timeline?

# Gains we've made

- General Struggles and Activism ALWAYS precede Royal Commissions, Laws and Regulations
  - 1907 - 400 female phone operators walk out of the Bell Canada Toronto Office
  - 1974 - Elliot lake miners go on strikes about health and safety issues
  - 2000 - Canada Labour Code, part II
  - 2003 - Westray Bill - Criminal Code

# Gains we've made

Our gains have come from:

- Taking action
- Hard work
- Patience
- Fighting back - they did not fall from the sky

# Gains we've made

- Many Struggles remain
  - Ergonomics
  - RSI's
  - Stress
    - End of module

# Internal Responsibility System

## Objectives:

- Discuss the Pros and Cons of the IRS
- Use CLC IRS Process
- Recommend ways that we can use the IRS in our jurisdiction to our advantage
- Deal with barriers it presents

# Internal Responsibility System

## Employer

- Provide a healthy workplace
- Set up programmes and procedures
- Provide all workers with:
  - Information
  - Instruction
  - Training
  - Supervision
- Fix problems
- Work with workplace committee

## Government

- Regulator: Enforce Law
- Prepare and implement new laws, in consultation with workplace parties
- Take those disobeying the law to court

# Internal Responsibility System

## Worker

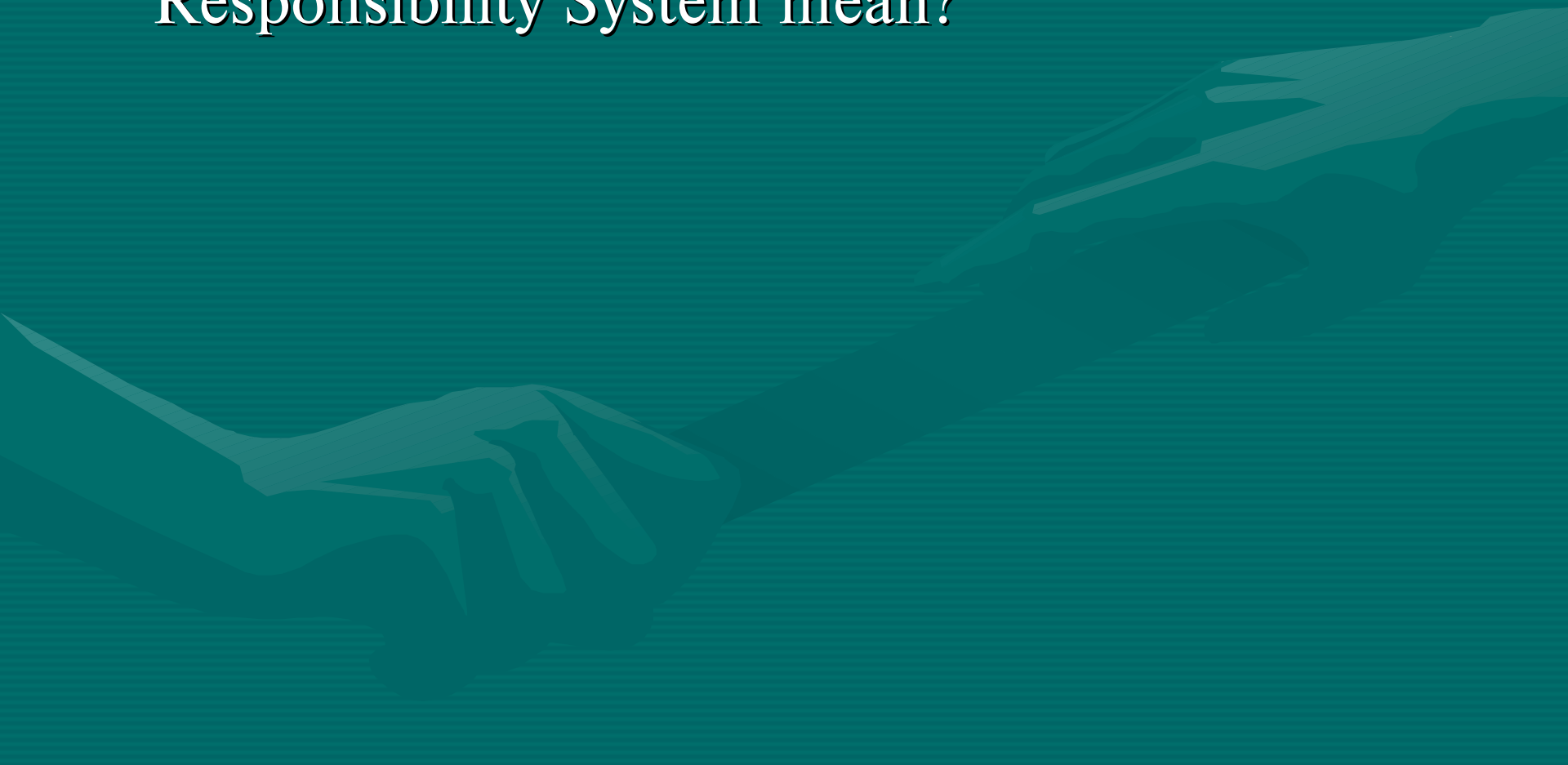
- Look after our H&S
- Look after coworkers H&S
- Follow established procedures
- Report
  - Hazards
  - Symptoms
- Use our rights
- Take action to get problems fixed

## Union

- Defend workers' rights
- Uphold collective agreement and law
- Push for improvements to the law
- Push for enforcement of the law and regulations

# Internal Responsibility System

- In your experience, what does the Internal Responsibility System mean?



# Internal Responsibility System

- The eternal responsibility system of endless delays
- A way for H&S Officers to avoid enforcing the law
- The way we get our right to participate
- Tea parties - nothing gets solved
- AVCs
- H&S Officer will not come out to workplace
  - Emphasis on procedures
- Find your own solutions

# Internal Responsibility System

## IRS – some background

- Handout 1: The IRS – A Union point of View
- Handout 2: The IRS According to HRSDC
  - Task: work in small groups
  - 10 minutes to review both documents
    - Discuss the difference in each
    - What issues come to mind when you read these two documents?
  - Brief report back

# Internal Responsibility System

## Workshop Results

- The ideas behind the system ignore the realities in many of our workplaces
  - H&S is always a negotiating topic because it gets to the heart of the employer's right to manage
- We do not share the same goals about what need to be done to deal with H&S issues
- We fought for the right to participate and got the IRS, which limits it
- Meaning of words
  - Self reliance
  - Collaborative approach
  - goals

# Internal Responsibility System

How is the IRS supposed to work?

- The workplace parties are more knowledgeable and have a greater vested interest regarding hazards that may exist in the workplace
- The employer can address and correct the employee concern without involving the workplace H&S Committee
- H&S issues can be resolved in a timely and efficient means and in a concept that reinforces the IRS
- ...

# Internal Responsibility System

How is the IRS supposed to work?

- The law forces the parties to the ICRP rules to try to settle their H&S disputes.
- If an issue is not sorted out within the workplace, only then will the Government H&S Officer step in

# Internal Responsibility System

## Handout 3 - The ICRP

- Role Play - Moulds in the workplace
  - Worker
  - Supervisor
  - Worker Co-chairperson
  - Employer Co-chairperson
  - Senior Employer Representative
  - Regulator: H&S Officer

# Internal Responsibility System

- What are the positive elements about the Process?



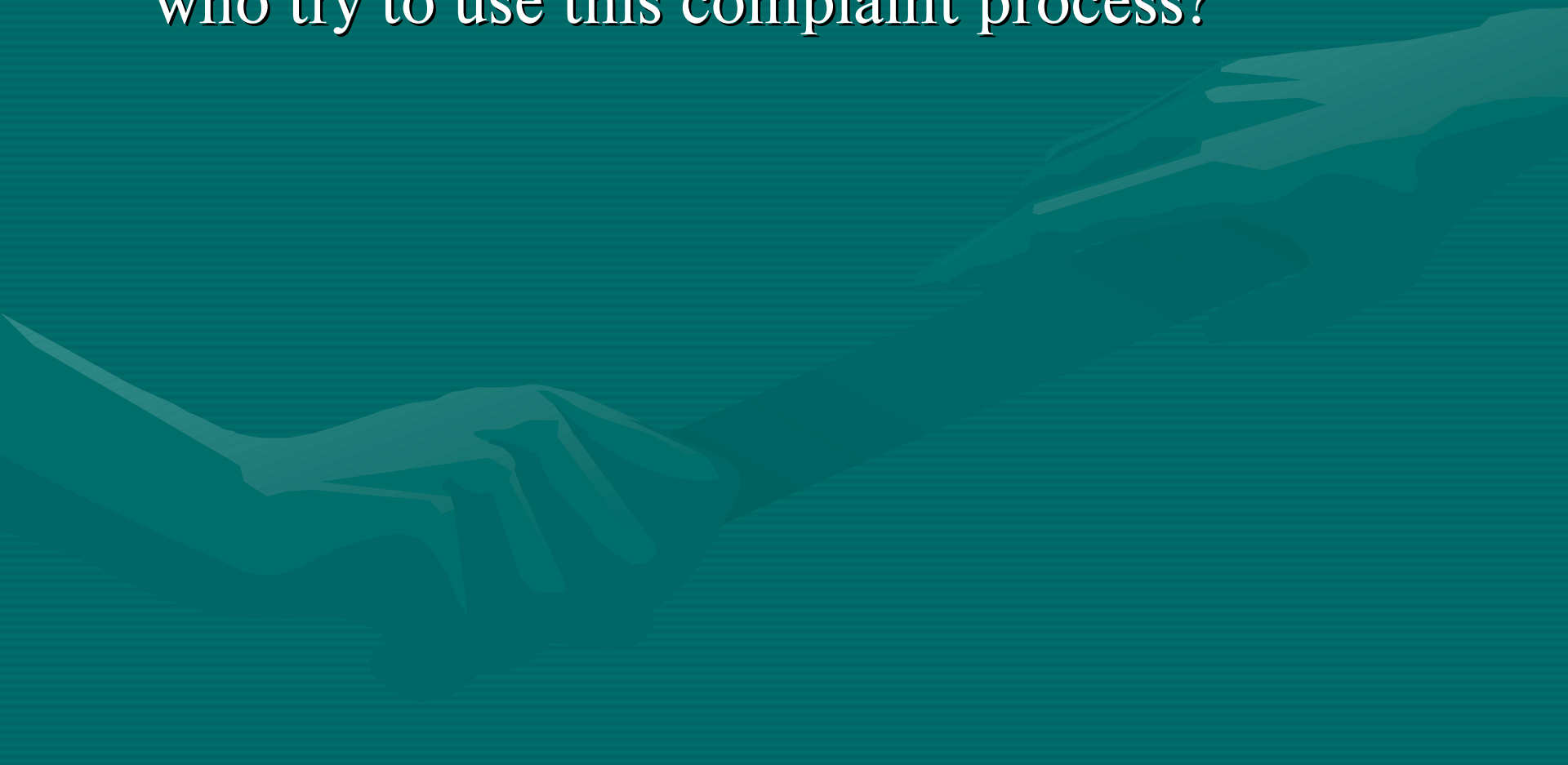
# Internal Responsibility System

## Answers:

- Can use your experience, and not treat this as a technical issue
- Do not have to use the right to refuse dangerous work to get action
- Workers get more power to force change and take care of their H&S
- Another worker or the union can make a complaint
- There does not have to be a clear violation of the law to get some response to a problem
- When the employer is not fixing things, a government H&S Officer can be called as a third party to apply pressure
- Workers can not be discipline for making complaints

# Internal Responsibility System

- What are some possible barriers for workers who try to use this complaint process?



# Internal Responsibility System

## Answers:

- If they do not follow the exact steps, the H&S Officer does not have to investigate
- Having arguments about – reasonable grounds – prepared, feeling you have to be right
- The workplace investigators may know little about the hazard and or how to find out about it
- Personal feelings about who investigate the complaint
- Fear of what others may say, especially if it means the job will be stopped
- Knowing how to present a case to the H&S Officer so that they are likely to support the worker's complaint

# Internal Responsibility System

How can we get around the barriers?

- Co-operate when possible
- Take a bargaining approach in general
- Educate members about their rights and the process
- Discuss tactics committee representatives can use when responding to ICRP
- Evaluate how the tactics work
- Set up a union only H&S committee
- Cultivate H&S Officers
  - End of module

# Workers' Rights and Responsibilities

## Objectives:

- Identify main H&S rights and duties of:
  - Workers
  - Unions
  - Employers
- Analyze which ones are important to us
- Convert legal requirements in plain language
- Understand right to refuse
- List ways to encourage others to use these rights

# Workers' Rights and Responsibilities

- Canada Labour Code, Part II
- Canada Occupational Safety and Health Regulations
- Criminal Code, Due Diligence
- Treasury Board
- National Joint Council
- Collective Agreements
- Corporate Policies, Codes of Practice, Guidelines, Workplace Procedures
- Occupational Health and Safety Act
- Occupational Health and Safety Regulations
- Criminal Code, Due Diligence
- Collective Agreement
- Corporate Policies, codes of practice, guidelines, procedures

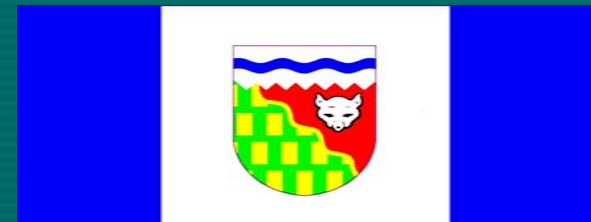


# Workers' Rights and Responsibilities

- 122.1 (...) to prevent accidents and injury to health arising out of, linked with or occurring in the course of employment to which this Part applies.

## Preventive measures:

- 122.2 Preventive measures should consist first of the elimination of hazards, then the reduction of hazards and finally, the provision of personal protective equipment, clothing, devices or materials, all with the goal of ensuring the health and safety of employees.



# Workers' Rights and Responsibilities

## Employer

- 24. General Duty: Every employer shall ensure that the Health and Safety at work of every person employed by the employer is protected.
- Specific Duties:
  - 125.(1) & 125.1 Work Place
  - 125.2 Work Activity



## Employer

- 4. (1) Every Employer shall
  - Maintain his or her establishment in such a manner that the health and safety of persons in the establishment are not likely to be endangered;
  - Take all reasonable precautions and adopt and carry out all reasonable techniques and procedures to ensure the health and safety of every person in his or her



# Workers' Rights and Responsibilities

## Employers must:

- CONCEPT OF HAZARDS
- information – hazards
- Training
- Instruction
- Supervision
- Safety Materials – P.P.E. – Maintenance
- Investigating – Recording – Reporting
- Comply with Directions
- Consult and co-operate with H&S Committee

## Employers must:

- CONCEPT OF RISK
- information – hazards
- Training
- Supervision
- Safety Materials – P.P.E. – Maintenance
- Investigating – Recording – Reporting
- Comply with Directions
- Consult and co-operate with H&S Committee



# Workers' Rights and Responsibilities

- What is a Right?
- What is a Responsibility?



# Workers' Rights and Responsibilities

## What is a Right?

- Rights are things which we are entitled or allowed to do under the law
- We have rights because employers have duties
- Responsibilities are what is expected of us – can be held accountable
- Having the duty to make decisions, it requires conscientiousness and trustworthiness

## What is a Responsibility?

- The legal word is duty

# Workers' Rights and Responsibilities

## Workshop

- In small groups
- 10 minutes
- What are 3 Rights and 3 Responsibilities in H&S
  - Workers
  - Union
  - Employer
  - For all 3 parties:
    - Write it down on a stick on paper
    - One for Rights
    - One for Responsibilities
- Post on flip chart and be ready to report back to the group

# Workers' Rights and Responsibilities

## Workshop reports:

- **Workers Rights:**
  - Refuse tasks that may hurt you or others
  - Participate in H&S issues (individually - collectively)
  - Know about hazards and their effects
  - No disciplinary action for H&S
  - Protection if you are a pregnant or nursing worker

# Workers' Rights and Responsibilities

## Workshop reports:

- Union Rights:
  - Filing a complaint about employer discrimination
  - Appointing members of H&S Committees
  - Participating on those committees
  - Being present at all workplace investigation

# Workers' Rights and Responsibilities

## Workshop

- In small groups
- 30 minutes
- Refer to:
  - Canada Labour Code, part II
  - Handout 2: Duties of employers
  - Handout 3: Responsibilities of workers
- Complete the section of HO 2 or 3 assign to your group:
  - The law says
  - In plain language it means...:
  - It is worth understanding because...:
- Be ready to report back to the group
  - Read the law says....then explain what it means....worth understanding...
  - 5 minutes max.

# Workers' Rights and Responsibilities

- Employers have Duties
- Workers have Responsibilities
  - One of the responsibility that we have discussed earlier is:
    - To report hazards and hazardous situations to the employer
  - Does it mean that we must report a co-worker?

# Workers' Rights and Responsibilities

## If we do:

- Being the company cop
- Doing management's supervision
- Laying the ground for mistrust among workers
- Showing that H&S system does not work
- Avoiding an injury

## If we do not:

- Letting someone slide that might lead to an injury or illness
- Letting management supervise
- Letting management hang themselves
- Saying that we condone what's happening
- Breaking the law?

# Workers' Rights and Responsibilities

- It can be difficult in the moment, but there are other ways to handle a situation
- What else could you do?

# Workers' Rights and Responsibilities

You could:

- Talk to the worker informally, without judging
- Try to find out what is really going on
- Tell a steward who is responsible for the area
  - Must be trained on how to handle these situations
- Bring it up at a union meeting in a non-blaming way
  - Focusing on how to proceed with the real problem
- Have a policy in the local about how to proceed

# Workers' Rights and Responsibilities

## Summary on Employers Duties and Workers Responsibilities:

- Employers must fix the hazards and respond to our demands and reports
- Workers have to report hazards and take care of ourselves
- We need to persuade management that changes at the worker are the least effective way to fix a hazard

# Workers' Rights and Responsibilities

## Right to Refuse Dangerous Work

### Danger

- Means any existing or potential hazard or condition or a current or future activity that could reasonably be expected to cause injury or illness to a person exposed to it before the hazard or condition can be corrected, or the activity altered, whether or not the injury or illness occurs immediately after exposure to the hazard, condition or activity, and includes any exposure to a hazardous substance that is likely to result in a chronic illness (+ reproductive system).



### Imminent danger

- A worker shall not
  - Carry out work where there exists an imminent danger to his or her or another worker's health or safety or the health and safety of another person; or
  - Operate a tool, appliance or equipment that will create an imminent danger to his or her or another worker's health or safety or the health or safety of another person



# Workers' Rights and Responsibilities

## Right to Refuse Dangerous Work

### RIGHT TO REFUSE DANGEROUS WORK - STEPS

- Inform Employer
- Employer agrees, takes action
- Employer informs Work Place Committee of danger + actions

### If parties disagree:

- Inform Employer + Union Representative
- Joint investigation - outcome
- If no agreement between parties, notify Labour Health & Safety Officer
- Alternate Work - Safe Place
- Labour investigates - all parties
- Labour Decision - writing
- Appeal Process

# Workers' Rights and Responsibilities

## Right to Refuse Dangerous Work

### Workshop

- In small groups
- 15 minutes
- You are preparing suggestions to your local union about how members should use their health and safety rights
  - Especially the right to refuse
- What advice would you give them about:
  - Using the right to refuse?
  - About other H&S rights?
- How would you get the advice to the members?
- Post on flip chart and be ready to report back to the group

# Workers' Rights and Responsibilities

## Right to Refuse Dangerous Work

What advice would you give them about:

Using the right to refuse?

- Explain how to do it and why it is ok to use it
- Explain difference between when to use the ICRS and the RTRDW
- Remind workers they can not be disciplined
- Be sure to tell supervisor you are using the right to refuse, you are not refusing to do the job
- Consult with a union person before using the RTRDW
- Prepare your cause to be able to explain
- Follow the rules / insist employers does too
- Prepare your co-workers
- Know who to call on union side of workplace H&S committee
- If you are affected by a refusal, insist on being re-assigned

# Workers' Rights and Responsibilities

## Right to Refuse Dangerous Work

What advice would you give them about:

Using other H&S Rights?

- Emphasise what the law says about it being illegal for the employer to discipline for obeying the law and using your rights
- Explain how to use the ICRS
- Insist that employer follow the rules
- Document
- Always have a union person involved asap
- If the situation is a problem for others, try to work together through the union - blameless approach

# Workers' Rights and Responsibilities

How would you get the advice to members?

- Have brown bags sessions
- Do surveys
- Write up the rules and advice, in plain language for the local's communication letter
- Put the information on the union web site
- Prepare RTRDW cards with union contact
- Make a presentation to local officers and stewards

# Workers' Rights and Responsibilities

## SUMMARY:

- Law and Regulations = minimum requirements, but it does give us rights
- We must use our rights
- We have to think about how to encourage other workers to use their rights
- We must protect ourselves, preferable collectively rather than individually
  - End of module

# Getting the most out of Workplace H&S Committees

## Objectives:

- List stated and hidden goals of WOHS committees
  - Several perspectives
- Interpret legal requirements
- Discuss what you can do to make WOHS committees useful to workers and their unions

# Getting the most out of Workplace H&S Committees

## Workshop

- In small groups
- 5 minutes
- For WOHS Committees, what are the STATED and HIDDEN Goals of:
  - Employer
  - Union
  - Government
- Be ready to report back to the group
  - Put post-its in the appropriate spot
  - 2 minutes max.

# Getting the most out of Workplace H&S Committees

For WOHS Committees, what are the STATED and HIDDEN Goals of:

## Employer

- Stated:
  - Co-operate and consult with the committee
  - Deal with health and safety issues efficiently
  - Support committee and its activities
- Hidden
  - Stall
  - Keep control of workplace
  - Avoid spending money
  - Use the forum to blame workers
  - Push for seeing H&S as a neutral topic requiring scientific solutions
  - Protect management bonuses, production and minimizing costs
  - Due diligence - as a defence mechanism

# Getting the most out of Workplace H&S Committees

For WOHS Committees, what are the STATED and HIDDEN Goals of:

## Union

- Stated:
  - Deal with H&S issues quickly, effectively and fairly
  - Represent its members
  - Make sure the committee and its activities get the support they need from management and the union
  - For the employer to obey the law
- Hidden
  - Fight back whenever possible, against employer control and management rights
  - Get Government Officers to enforce law and do it fairly
  - Promote solutions depending on experience, not technical responses

# Getting the most out of Workplace H&S Committees

For WOHS Committees, what are the STATED and  
HIDDEN Goals of:

## Government

- Stated:
  - Get H&S problems recognised and solved
  - Get the IRS accepted as a process
  - Make sure the committee and its activities get the support they need from management and the union
- Hidden
  - Avoid enforcing the law unless absolutely forced to do so

# Getting the most out of Workplace H&S Committees

- What do the differences between our goals and those of other players mean for union members on WOHS committees?

# Getting the most out of Workplace H&S Committees

- What do the differences between our goals and those of other players mean for union members on WOHS committees?

## Answer:

- We need to set goals and strategies
- It helps to treat this work as continuous bargaining
- The work takes time and effort
- Committee representatives need to be integrated into other union structures
- Sometimes we may have goals similar with other players
- We can not treat this work as a purely technical topic
- We are the only player who care about the negative impact of the failure of the IRS = injury, illness, death

# Getting the most out of Workplace H&S Committees

## Workshop

- In small groups
- 10 minutes
- Hand Out 3
  
- Complete HO 3
  
- Be ready to report back to the group
  - 2 minutes max.

# Getting the most out of Workplace H&S Committees

## Workshop

- Whole group
- 10 minutes
- Hand Out 4 – Five Steps to Reach Our H&S Goals
  - Review (next slide)

# Getting the most out of Workplace H&S Committees

## Five Steps to Reach Our Safety Goals

- How do we get the solutions we need?
  - What fixes the Hazards
    - How do we find the hazards
      - What makes it hurt
        - Where does it hurt

# Getting the most out of Workplace H&S Committees

- Who considers themselves a H&S Activist?
  - Why?



# Getting the most out of Workplace H&S Committees

- So... a H&S Activist...:
- Represents members
- Pushes for problems to be solved
- Looks for problems (hazards or symptoms)
- Take complaints and questions and gets answers
- Organise workers when there is a common problem
- Caucus with other union members
- Liaise with other H&S Activists
- Connect the causes of injuries and illnesses to workplace conditions that need fixing
- Encourage members to file complaints, use their rights
- Learn about H&S issues important to the local
- Know the demography of the workplace
- Report to membership regularly
- Make recommendations about H&S bargaining issues
- Keep records
- Organise information and training sessions or do other awareness-building activities

# Getting the most out of Workplace H&S Committees

- Tips for being a great H&S Steward
- Know your rights
- Learn about H&S
- Show up for all meetings
- Act! Do not just react
- Talk to members
- Talk to the union
- Talk to our allies in the labour movement
- Educate and mobilize
- Delegate
- Do not back down

# Workplace Inspection

- Every part of the workplace inspected at least once a year
- Inspect on a monthly basis
- Develop a checklist specific to work location
- Focus on hazards
- Divide workplace into distinct Sectors
- Record and Identify Corrective Actions

# Workplace Inspection

- 1) Walking and working surfaces
- 2) Stairs and ladders
- 3) Exits
- 4) Fire prevention and evacuation procedures
- 5) Safety Devices
- 6) Design
- 7) Ergonomics

# Workplace Inspection

- 8) Machine functioning
- 9) Electrical equipment
- 10) Lighting
- 11) Temperature
- 12) Physical layout
- 13) Housekeeping
- 14) Work clothes

# Workplace Inspection

- 15) Sanitation and wellness
- 16) Bulletin board
- 17) Job training and job description
- 18) Confined spaces
- 19) Ventilation
- 20) P.P.E.
- 21) Storage of materials (incl. Hazardous)
- 22) Specific rules
- 23) First Aid

# CULTURE

## Culture Changing Behaviour

- Hear an idea: 10%
- Consciously decide: 25%
- Decide when you will do it: 40%
- Plan how you will do it: 50%
- Commit to someone else: 65%
- Have a specific appointment and report whether you have done it: 95%

*Franklin Covey Company - Dr. Nancy Moore*

# Sources of Conflict

- Facts: differentiate between perception, knowledge, interpretation
- Methods: how to achieve objectives
- Goals: what is it each side trying to achieve
- Values: principles and motivation

# Handling a Conflict

- **Competing:** power oriented excellent means to become enemies
- **Accommodating:** individual neglects his concerns to satisfy the concerns of another group. Useful when other point of view is superior

# Handling a Conflict

- **Compromising:** mutually acceptable solution; often a middle ground position; practical but all parties give up something
- **Avoiding:** usually a useless tactic; can be use as a temporary measure (emotions)

# Handling a Conflict

- **Collaborating:** collaboration and commitment to resolve differences. It means digging into an issue to identify all concerns and to find alternatives which meets both side's needs. Trying to find a creative solution to deep-seated differences of opinion on goals, values, procedures or roles. It settles the issue.

# Legislated Problem Solving Approach

## CONSENSUS

- Collect Facts
- Determine Problems
- Determine Causes
- Determine Solutions
- Retain One Solution
- Develop Action Plan
- Follow-up

# Decision Making

- **Individual Decision:** The supervisor makes the decision and others who are involved in the issue are expected to abide by the decision
- **Minority Decision:** A few of those involved meet to consider the issue and they make a decision which is binding for all concerned

# Decision Making

- **Majority Decision:** More than half of those involved in an issue make a decision that is binding for all concerned
- **Consensus Decision:** Each member of a group expresses a view and a decision is made to which all can commit themselves at least partly
- **Unanimous Decision:** each member fully agrees on the decision

# Meeting Review

- Did we achieve what matters most
- What could have been done better
- How did we establish and maintain focus
- Did we use effective meeting methods
- How could we improve
- Were the right people at the meeting
- Are there clear actions items or next steps to take

*Accountability: what reputation do you want your committee meetings to have.*

# Getting the most out of Workplace H&S Committees

## Workshop

- Role play:
  - Employer representatives
    - Co-chair
    - Members
  - Workers representatives
    - Co-chair
    - Members
  - Advisor and Secretary
  - Observers
- Task:
  - Mock H&S committee meeting
  - Determine chairperson among co-chairs
    - Agree on proposed agenda (next slide – facilitator will role play a committee member providing a workplace inspection report to the committee)
  - Run meeting - 30 minutes
  - Observer debrief: 3 minutes
  - Participants debrief: 3 minutes
  - Facilitator debrief

- Agenda:
  - Date
  - Time
  - Location
  - Name of Co-Chairs, Members, Secretary
  - Previous Minutes
  - Inspection Reports
  - Hazardous Occurrence Reports
  - Policies, Procedures, Guidelines – new or revised
  - Training
  - New Business
  - Next Meeting

# Getting the most out of Workplace H&S Committees

- Key functions of WOHS committees
- Meet regularly
- Inspect workplace
- Investigate accidents
- Develop guidelines and procedures
- Seek information from workers
- Analyse information
- Ask for further information
- Make H&S recommendations to employer
- Intervene
  - ICRP
  - RRDW
- Follow-up
  - End of module





