

Health and Safety Legislation  
Canada Labour Code  
Part II & Provincial Codes

# Committees- Federal

**135.1** (1) Subject to this section, a policy committee or a work place committee shall consist of at least two persons and at least half of the members shall be employees who

(a) do not exercise managerial functions; and

(b) subject to any regulations made under subsection 135.2(1), have been selected by

(i) the employees, if the employees are not represented by a trade union, or

(ii) the trade union representing employees, in consultation with any employees who are not so represented.

# 40(8) A committee (MB Provincial)

(a) shall consist of not fewer than four or more than 12 persons, of whom at least 1/2 shall be persons

(i) representing workers who are not associated with the management of the workplace, and

(ii) appointed in accordance with the constitution of the union that is the certified bargaining agent or that has acquired bargaining rights on behalf of those workers, or where no such union exists, persons elected by the workers they represent; and

(b) shall have two co-chairpersons — one chosen by the employer members on the committee, and the other chosen by the worker members on the committee — who shall alternate in serving as chairperson at meetings of the committee and shall participate in all decisions of the committee.

# Designation of committee members (SK Legislation)

**39(1)** An employer or contractor who is required to establish a committee shall:

(a) in designating the members:

(i) select persons to represent the employer or contractor on the committee; and

(ii) ensure that there is a sufficient number of members representing workers on the committee to equitably represent groups of workers who have substantially different occupational health and safety concerns;

# Section 135(7)

## Duties of committee

(7) A work place committee, in respect of the work place for which it is established,

“Expedientiously dispose of  
complaints”

(a) shall consider and **expeditiously dispose of complaints**  
relating to the health and safety of employees;

“Participate in implementation and monitoring of the program”

(b) shall **participate in the implementation and monitoring of the program** referred to in paragraph 134.1(4)(c);

“Participate in all inquiries,  
investigations, studies and  
inspections”

**(e) shall participate in all of the inquiries, investigations, studies and inspections pertaining to the health and safety of employees,** including any consultations that may be necessary with persons who are professionally or technically qualified to advise the committee on those matters;

“Participate in implementation of changes...including work processes and procedures”

**(i) shall participate in the implementation of changes that might affect occupational health and safety, including work processes and procedures** and, where there is no policy committee, shall participate in the planning of the implementation of those changes;

“Inspect each month all or part of the work place”

(k) shall **inspect each month** all or part of the work place, so that every part of the work place is inspected at least once each year;

# Section 135 .1

Time required for duties

(10) The members of a committee are entitled to take the time required, during their regular hours,

(a) to attend meetings or to perform **any of their other functions**; and

(b) for the purposes of **preparation** and travel, as authorized by both chairpersons of the committee.

(11) A committee member shall be compensated by the employer for the functions described in paragraphs(10)(a) and (b), whether performed during or outside the member's regular working hours, at the member's regular rate of pay or premium rate of pay, as specified in the collective agreement or, if there is no collective agreement, in accordance with the employer's policy.

Section 135 (8 & 9)

Committee's right to know

(8) A work place committee, in respect of the work place for which it is established, may request from an employer any information that the committee considers necessary to identify existing or potential hazards with respect to materials, processes, equipment or activities.

(9) A work place committee, in respect of the work place for which it is established, shall have full access to all of the government and employer reports, studies and tests relating to the health and safety of the employees, or to the parts of those reports, studies and tests that relate to the health and safety of employees, but shall not have access to the medical records of any person except with the person's consent.

Section 135 (10)

Meetings of committee

(10) A work place committee shall meet during regular working hours at least nine times a year at regular intervals and, if other meetings are required as a result of an emergency or other special circumstances, the committee shall meet as required during regular working hours or outside those hours.

Sections 124 & 125

General duty of employer

124. Every employer shall ensure that the health and safety at work of every person employed by the employer is protected.

125 (1) Without restricting the generality of section 124, every employer shall, in respect of every work place controlled by the employer and, in respect of every work activity carried out by an employee in a work place that is not controlled by them employer, to the extent that the employer controls the activity...

125.1 Without restricting the generality of section 124 or limiting the duties of an employer under section 125 but subject to any exceptions that may be prescribed, every employer shall, in respect of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer controls the activity...

# Committee Training

# Federal Language

## Re: Duties of Employers

125.(1)(z.01) ensure that members of policy and workplace committees and health and safety representatives receive the prescribed training in health and safety and are informed of their responsibilities under this Part;

# Training of representatives, committee members (SK provincial legislation)

**46(1)** At a place of employment where a representative is designated, an employer shall ensure that the representative receives training respecting the duties and functions of a representative.

(2) At a place of employment where a committee is established, an employer or contractor shall ensure that the co-chairpersons of the committee receive training respecting the duties and functions of a committee.

(3) Where a member of a committee or a representative gives reasonable notice, an employer or contractor shall permit the member or representative to take leave for a period or periods of not more than five working days per year to attend occupational health and safety training programs, seminars or courses of instruction.

(4) Where a member of a committee or a representative attends a training program, seminar or course of instruction on health and safety matters conducted or provided by the division or by an approved training agency, an employer or contractor shall credit the member's or representative's attendance as time at work and ensure that the member or representative loses no pay or other benefits.

# Educational leave (MB Legislation)

**44(1)** Subject to subsection (2), every employer, ... at a workplace where there is a workplace safety and health committee or where there is a workplace safety and health representative shall allow each member of the committee, the ... representative, or their respective designates, to take educational leave each year for ... two normal working days, without loss of pay or other benefits, for the purposes of attending workplace safety and health training seminars, programs or courses of instruction offered by the Workplace Safety and Health Division or approved by the Workplace Safety and Health Committee, or provided in the current collective bargaining agreement respecting the workers at the workplace.

# Failure to pay wages or benefits

## (MB Provincial)

**42(2)** An employer who fails to pay wages or benefits to a worker when required to do so by this Act is deemed to have taken discriminatory action against the worker under this section.

S.M. 2002, c. 33, s. 34.

# Courses Available in the Region

# H&S Committee Training

Specific training designed for H&S committee members, and representatives. There are a total of 14 learning activities of different lengths that can be utilized for whatever the needs are for the participants. Some of the most popular modules include; The Internal Responsibility System - A Union Perspective, Getting the Most out of Joint Health and Safety Committees, Workers' Rights And Responsibilities - A Union Perspective, and Why is health and safety a union issue?

# Violence Prevention in Federally Regulated Workplaces (2 days)

## Objectives

- To highlight the legal requirements on violence prevention within Part II of the Canada Labour Code and Part XX of the Regulations.
- To understand the existing recourses available in preventing and dealing with violence occurrences in the workplace.
- To assist members in better understanding rights and obligations for workers, workplace committees and for the union.
- To better understand how a complaint is handled and what other protections are available for PSAC members.

# Fighting for our Lives; Bill C-4 and Health and Safety ( 1 day)

## Objectives

- Highlight the changes to Part II of the Canada Labour Code resulting from enactment of Bill C-4.
- To understand the political context from which Bill C-4 emerged.
- To try and determine the implication of the changes to the health and safety act (CLC Part II), on workers, workplace committees and on unions.
- To better understand what's next for Local's and for Health and Safety Committees; post Bill C-4.

# Health and Safety at PSAC Workplaces (1 day)

This one-day course is for any member who would like to know more about safe and healthy workplaces. Participants will learn about the roles and responsibilities of workers, employers and unions, and discover the important events in the union's struggle for health and safety in our workplaces. We will explore ways that PSAC members can exercise their health and safety rights, and make plans to bring ideas and information back to the Local Union at the workplace.

# Representing Members with Mental Health Issues

This is a one day course. The course is designed to expand our understanding of the concepts of mental health, how mental health issues impact our workplaces, and the challenges stewards face when representing members experiencing mental health issues. We **will** also review the union's duty to represent members, and the employer's duty to accommodate responsibilities.