



Role of Regional H&S Committee



2018 PSAC Prairie Region Health and Safety
Conference



Questions #1 Roles

- ▶ Do the Terms of Reference's Mandate and Objectives match your thoughts on the committee's role?
- ▶ Is there any objectives that should be included that are not?
- ▶ Are there any objectives that are included that the committee should not be performing?
- ▶ Please provide specific examples of activities you envision the committee performing



Questions #2 Legislation

Given the committee will be representative of Federally and Provincially (MB and SK) regulated workplaces;

- What are some of the challenges the committee will face?
- What are your suggestions on how the committee may overcome some of these challenges?



Questions #3 Component Structure

It is clearly outlined within the PSAC Structure that locals and components have the ability to determine how they operate.

- ▶ What may be some areas that the regional committee will not be involved in?
- ▶ How can the committee work with locals and components without determining how they operate?
- ▶ How would the fact committee members are made up of component/DCL representatives benefit this relationship? How can this be used to enhance the work being done by the committee?



Questions #4 Composition

- Does the current composition provide adequate and equal representation? If not, what steps can be taken to ensure there is?
- Given that not all components and DCL representatives have appointed a representative, how does the committee ensure that components/DCL select a representative?
- The ToR notes that a call out will be made to components. Is there further direction that can be offered? Do, or can, selections occur at caucuses at regional convention?



Questions #5 Multiple Committees


We now have a Regional H&S committee and a H&S Committee comprised of elected members on the Prairie Region Council (PRC).

- How should these two committees work together?
- Should they have the same objectives or different objectives? If different, how should the objectives be divided?
- Should these two committees interact, and if so how?




Changes in Violence Prevention

A Review of Bill C-65



Proposed recommendations for consideration and discussion:

1. Establish a new, fourth pillar, Remedy
2. Create an appeals mechanism
3. Allow for survivors and victims of harassment to seek redress under the Canadian Human Rights Act and/or through filing a grievance
4. Ensure the regulations include explicit mention of psycho-social factors




5. Address repeat perpetrators and manage confidentiality

6. Forbid costs to delay investigations and institute a fixed fee schedule

7. Ensure an alternative mechanism for when the supervisor is the perpetrator in small businesses

8. Ensure an effective role for both workplace committees and unions in primary, secondary and tertiary prevention of workplace violence and harassment




9. Hire and retain a sufficient number of Health and Safety Officers and establish a substantive training system for special inspectors that includes training on privacy, human rights, sexual harassment and domestic violence

10. Make Better Use of Data to Prevent Harassment

11. Substantively Address Third-Party Violence and Harassment


12. Establish administrative penalties for failure to allow worker participation or failure of the ICRP



13. Establish an Emergency Protocol and Commit to Realistic Timelines

14. Ensure that once the employer has been made aware of the alleged violence and/or harassment; that workers shall be permitted to seek the advice and support of health and safety committee members, should they choose, without the threat of reprisal

15. Ensure the regulations include explicit requirements for training for all supervisors with joint employee-employer training with oversight to the health and safety committee(s)



16. Mandate that employers implement corrective measures identified in the competent persons' investigation report, as deemed appropriate by the workplace committee with reporting requirements for when the committee doesn't agree

17. Ensure culturally appropriate and culturally competent enforcement for Indigenous communities and businesses on reserve



New Legislation in Canada Labour Code Part II

(3) Paragraph 125(1)(z.16) (*Employer responsibilities*) of the Act is replaced by the following:

(z.16) take the prescribed measures to prevent and protect against harassment and violence in the work place, respond to occurrences of harassment and violence in the work place and offer support to employees affected by harassment and violence in the work place;

(z.161) ensure that employees, including those who have supervisory or managerial responsibilities, receive training in the prevention of harassment and violence in the work place and are informed of their rights and obligations under this Part in relation to harassment and violence;

(z.162) undergo training in the prevention of harassment and violence in the work place;



Complaint to supervisor

127.1 (1) An employee who believes on reasonable grounds that there has been a contravention of this Part or that there is likely to be an accident, injury or illness arising out of, linked with or occurring in the course of employment shall, before exercising any other recourse available under this Part, except the rights conferred by sections 128,129 and 132, make a complaint to the employee's supervisor.

Supervisor or designated person (new)

(1.1) However, in the case of a complaint relating to an occurrence of harassment and violence, the employee may make the complaint to the employee's supervisor or to the person designated in the employer's work place harassment and violence prevention policy

Oral or written complaint (new)

127.1(1.2) The complaint may be made orally or in writing.



Investigation — harassment and violence (new)

127.1(4.1) Despite paragraph (4)(d), a policy committee shall not participate in an investigation, other than an investigation under section 128 or 129, relating to an occurrence of harassment and violence in the work place.

Investigation — harassment and violence (new)

135(7.1) Despite paragraph (7)(e), a work place committee shall not participate in an investigation, other than an investigation under section 128 or 129, relating to an occurrence of harassment and violence in the work place.

Investigation — harassment and violence (new)

(5.1) Despite paragraph (5)(g), a health and safety representative shall not participate in an investigation, other than an investigation under section 128 or 129, relating to an occurrence of harassment and violence in the work place.



(5) Section 127.1 of the Act is amended by adding the following after subsection (11):

Former employees

(12) A former employee may, within the prescribed time, make a complaint under subsection (1) relating to an occurrence of harassment and violence in the work place, in which case this Part applies to the former employee and to the employer as if the former employee were an employee, to the extent necessary to finally dispose of the complaint.



<https://www.parl.ca/DocumentViewer/en/42-1/bill/C-65/third-reading>