

Pocket guide to  
occupational  
safety  
and health  
(OSH)



THE PROFESSIONAL INSTITUTE OF  
THE PUBLIC SERVICE OF CANADA

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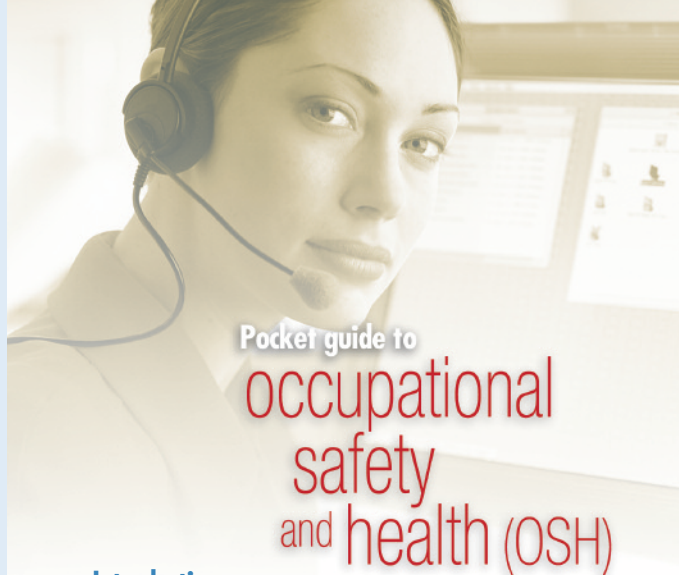
## OTHER USEFUL DOCUMENTS

[Guide for Members](#)  
[Membership Benefits pamphlet](#)  
[Professional Institute By-Laws and Regulations](#)  
[Professional Institute Policy Manual](#)  
[Steward Manual](#)  
[Manual for Elected Officials](#)  
[Pocket Guide for Elected Officials](#)  
[ServicePlus Brochure](#)  
[Pocket Guide for Stewards](#)  
[Mentorship Guide for Stewards](#)  
[Pocket Guide on Consultation](#)



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## Introduction

Each year, approximately 1,000 Canadians die as a result of work place accidents or occupational diseases. Work place safety and health is a serious matter.

Part II of the *Canada Labour Code* (CLC) deals with preventing work place related accidents and injury including occupational diseases. The CLC applies to the federal public service and to about 40 Crown corporations and agencies. Similar provisions exist in the various provincial jurisdictions. Please consult your Professional Institute regional office to obtain more information.

When considering the control of work place hazards, preventive measures should consist first of the elimination of the hazards, then the reduction of the hazards and finally the provision of personal protective equipment.



## Legislation

### According to the *Canada Labour Code*:

- a Safety and Health Representative must be appointed in all work sites where there are 19 employees or less;
- a Work Place Safety and Health Committee must be established in work places where there are 20 or more employees;
- a Policy Safety and Health Committee must also be established where there are 300 or more employees.

## Employee rights

### Under Part II of the *Canada Labour Code*, employees are provided with three basic rights:

1. **The Right to Know** – be informed of known or foreseeable hazards in the work place and be provided with the information, instruction, training and supervision necessary to protect their safety and health.
2. **The Right to Participate** – employees who act as safety and health representatives or members of safety and health committees have the right and the responsibility to participate in identifying and correcting job-related safety and health concerns. Employees also participate through the use of an internal complaint resolution process.

3. **The Right to Refuse Dangerous Work** – when a condition exists at work that presents a danger to the employee, when the use or operation of a machine or thing presents a danger to the employee or a co-worker; and when the performance of an activity constitutes a danger to the employee or to another employee.

## Duties of the employer

Employers have an obligation to ensure that the safety and health of every employee is protected while they are working. Employers also have specific duties in regards to each work place they control and every work activity under their authority.

### The CLC requires employers to ensure that the design, installation, operation, use or maintenance of the following meet the prescribed standards set out in the *Canada Occupational Health and Safety Regulations*:

- buildings and structures (permanent or temporary), guards, guard rails, barricades and fences;
- protective devices, machinery, equipment, tools, vehicles, and mobile equipment;
- boilers, pressure vessels, escalators, elevators, electrical generation equipment, electrical distribution systems;
- heat generating equipment and heating, ventilation and air conditioning systems.



Federal jurisdiction employers have a further obligation to ensure that levels of temperature, humidity, ventilation, lighting, sound and vibration meet with prescribed standards, and that employees are not exposed to levels exceeding prescribed exposure limits of hazardous substances.

**In accordance with the CLC, employers are required to provide:**

- safe entry to, exit from and occupancy of the work place;
- first-aid facilities and health services, sanitary and personal facilities, and safe drinking water;
- information, instruction, training and supervision necessary to ensure safety and health at work;
- access to a copy of the Canada Occupational Health and Safety Regulations, and where necessary, the training on how to access them.

Employers must provide training on occupational safety and health to supervisors and managers outlining their responsibilities under the CLC as well as to members of the policy and work place committees and safety and health representatives.

These are some of the basic duties. Other duties are explained in greater detail to members on occupational safety and health committees who attend the Institute OSH training sessions.

## Duties of the employees

**Employees have a responsibility to take all reasonable and necessary precautions to ensure their safety and health and that of anyone else who may be affected by their work or activities.**

**Specifically, the CLC requires employees to:**

- use all safety materials, equipment, devices and clothing that are provided by the employer and are intended to protect the employees;
- follow procedures and instructions pertaining to the safety and health of employees;
- cooperate with any person carrying out a duty or function required by the CLC and with representatives of policy and work place committees and safety and health representatives;
- report to the employer any thing or circumstance that is likely to be hazardous to the employees or persons in the work place, all work related accidents, occupational diseases or other hazardous occurrences that have caused injury to employees or persons, and any situation the employee believes to be a contravention of the CLC;
- comply with every oral or written direction given by a Safety and Health Officer or an Appeals Officer;
- respond in writing to a Safety and Health Officer's direction or report when requested to do so by the Safety and Health Officer.



Nobody knows a work place better than the people who work in it. Part II of the *Canada Labour Code* gives the work place parties a strong role in the identification and resolution of safety and health concerns.

## Training

Employees in supervisory or managerial positions must, without exception, be adequately trained by the employer in safety and health and informed of the responsibilities they have under Part II of the CLC where they act on behalf of their employer.

The training should cover the duties of the employer, the duties of the employees, the three basic rights of employees, and procedures required by the CLC, such as the steps to follow in cases of refusal to work, when complaints are filed, and when hazardous occurrences need to be investigated.

As already stated above, employees must receive the information, instruction, training and supervision necessary to ensure their safety and health at work.

Members of safety and health committees also receive training and are informed of their responsibilities under Part II.

Although training has been delegated to the employer, the Institute has developed a series of modules on occupational safety and health which are available through your regional training program. These courses are open to all Institute members who sit on occupational safety and

health committees. Consult your regional training calendar available from your regional office or the PIPSC Web site.

## Safety and health representatives

The CLC specifies that every work site with fewer than 20 employees must have a Safety and Health Representative.

Safety and health representatives are selected by the union among employees who do not exercise managerial functions, after also consulting other employees who are not in the union.

### Here are some of the duties of a Safety and Health Representative:

- consider and expeditiously dispose of safety and health complaints;
- ensure that adequate records of work accidents, health hazards and the disposition of safety and health complaints are kept;
- meet with the employer to address safety and health issues;
- participate in all inquiries, investigations, studies, and inspections pertaining to the safety and health of employees;
- 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;
- participate in the development of safety and health policies and programs.



The CLC requires the employer to ensure that safety and health representatives receive the prescribed training in safety and health and are informed of their responsibilities under Part II. Such training is also available from the Institute.

Usually, the work will be conducted during regular working hours. Consequently, the representatives must be remunerated at their regular rate of pay as specified in the collective agreement.

Remember that no safety and health representative may be held personally liable for anything done, or not done, in good faith under the authority of Part II of the *Canada Labour Code*.

## Safety and health committees

Work place safety and health committees are required for each work place with 20 or more employees.

A Safety and Health Committee is composed of at least two members, one from each side: employee and employer. Employee members are selected by the union, and represent all employees, not only those belonging to the union which has selected them. They must not exercise managerial functions. Management appoints its own representatives.

### Duties of a Safety and Health Committee:

- consider and expeditiously dispose of safety and health complaints;
- participate in the implementation and monitoring of programs for the prevention of work place hazards;
- participate in the development, implementation and monitoring of programs to prevent work place hazards;
- participate in all of the inquiries, investigations, studies, and inspections pertaining to employee safety and health;
- participate in the implementation and monitoring of a program for the provision of personal protective equipment, clothing, devices, or materials;
- ensure that adequate records are kept on work accidents, injuries and health hazards;
- co-operate with safety and health officers;
- participate in the implementation of changes that may affect occupational safety and health, including work processes and procedures, and, if there is no policy committee, participate in the planning of the implementation of those changes;
- assist the employer in investigating and assessing the exposure of employees to hazardous substances;
- inspect each month all or part of the work place, so that every part of the work place is inspected at least once a year;
- participate in the development of safety and health policies and programs, if there is no policy committee.



Work place safety and health committees will meet during regular working hours at least once a month. Members will be remunerated at their regular rate of pay for time spent attending meetings as well as preparation time, performing duties and travelling time.

The committee must keep accurate records of all matters that come before it, as well as minutes of all meetings. They are to be made available to a Safety and Health Officer if they are requested.

Remember that no committee member is personally liable for anything done, or not done, in good faith under the authority of the committee.

### Policy safety and health committees

The Policy Committee must be established in workplaces of 300 employees or more. It addresses issues which, because of their nature, cannot be dealt with by the local safety and health committees. A policy committee can also ensure consistency across work sites.

The intent of this committee is to take a more strategic approach to safety and health in an organization by dealing with global issues.

As in the case of the Work Place Safety and Health Committee, the Policy Safety and Health Committee consists of at least two members. Half of the members of the committee are to be employees who do not exercise managerial functions; they are selected by the union. Management appoints its own representatives. The Policy Committee will be led by two co-chairpersons,

one selected by the employer members and the other by the employee members.

The employer is required to ensure that the members of a policy committee are adequately trained in safety and health. In addition, the employer must ensure that the policy committee members are informed of their responsibilities under the CLC.

#### The policy committee will:

- assist in the development of safety and health policies and programs;
- deal with matters raised by members and those referred to it by a work place committee or safety and health representative;
- participate in the development and monitoring of a program for the prevention of work place hazards, according to regulations, that also provides for the safety and health education of employees;
- participate in inquiries, studies, investigations and inspections as it considers necessary; monitor data on work accidents, injuries and health hazards;
- participate in the development and monitoring of a program, if any, for the provision of personal protective equipment, clothing, devices or materials;
- participate in the planning of the implementation, and in the actual implementation, of changes that may affect safety and health, including work processes and procedures.





The employer must pay committee members at their applicable rates of pay. Payment must be made whether the members carry out their duties during or outside their regular working hours.

The legislation requires that a policy committee meet at least quarterly during regular working hours. If additional meetings are necessary, the committee can meet during or outside regular working hours.

The committee must keep accurate records of all matters that come before it, as well as minutes of all meetings. They are to be made available to a Safety and Health Officer if they are requested.

No committee member may be held personally liable for anything done, or not done, in good faith under the authority of the committee.

### Internal complaint resolution process

Part II of the CLC establishes the internal complaint resolution process which is intended to establish a collaborative approach to investigating potential work place hazards while maintaining an employee's right to refuse dangerous work.

The internal complaint resolution process allows for a graduated series of investigations to resolve work place issues while maintaining employment safety. It is meant to resolve work place safety and health issues in a more timely and efficient manner and to reinforce the concept of the internal responsibility system.

This process should provide the employer/supervisor with the opportunity to address and correct employee concerns without the need to involve the Work Place Safety and Health Committee, the Safety and Health Representative or a Safety and Health Officer.

Employees have a duty to report any situation they believe to be a contravention of the CLC to the employer.

The first step in the internal complaint resolution process is to make the complaint known to the employee's supervisor. Together, the employee and the supervisor will try to resolve the matter as soon as possible.

Unresolved complaints should be referred to the chairperson of the Work Place Safety and Health Committee or the Safety and Health Representative.

The complaint is then jointly investigated by an employee member and an employer member of the Work Place Safety and Health Committee, or by the Safety and Health Representative and an employer representative.

The investigating team will inform the employee and employer in writing of the results of their investigation and may make recommendations to the employer, whether or not they conclude the complaint is justified. If the investigating team concludes that a danger exists, the employer must ensure that no employee is subjected to the danger and must rectify the situation.



Under Part II of the *Canada Labour Code*, complaints can be made to a Safety and Health Officer at the Labour Program (Human Resources and Social Development Canada) only if:

- the internal resolution process has been followed and has not been successful in resolving the matter;
- the employer does not agree with the findings of the investigating team;
- the employer has failed to inform the investigating team of how and when the matter will be resolved; or the employer fails to take the necessary action; or
- the investigating team cannot agree whether or not the complaint is justified.

**The Safety and Health Officer will then investigate the matter and, on completion of the investigation, the Officer:**

- may issue directions to the employer or employee if a contravention is identified;
- may ask the employer and employee to resolve the matter between themselves;
- will issue directions if the officer concludes that a danger exists.

As long as they have acted in accordance with the CLC, employees cannot be disciplined for exercising their rights or fulfilling a duty under that legislation.

## The right to refuse dangerous work

An employee has the right to refuse to do a job if that employee has reasonable cause to believe that:

- there is a condition at work that is a danger to himself or herself; or
- the use or operation of a machine or thing at work presents a danger to himself/herself or a co-worker; or
- the performance of an activity constitutes a danger to himself/herself or to another employee.

**Any employee, subject to Part II of the *Canada Labour Code* has the right to refuse dangerous work as long as:**

- the refusal does not put the life, health or safety of another person directly in danger; or
- the danger in question is not a normal condition of employment.

Part II of the CLC provides financial protection to employees who are affected by a stoppage of work when an employee exercises the right to refuse dangerous work.

**Part II sets out the steps an employee must follow:**

1. Report the circumstances of the matter to the employer and specify whether the employee intends to pursue the matter under the CLC or under a collective agreement (where a collective agreement contains provisions for refusal to work).



2. If the employer agrees that a danger exists, he/she must take immediate action to protect employees from the danger.
3. The employer must then inform the Work Place Committee or Safety and Health Representative of the matter and the action taken to resolve it. In this case, the procedure would end here.
4. **If the employer feels that there is no danger, or if the situation is not corrected to the employee's satisfaction, then the employee has the right to continue to refuse to work and must now report the circumstances to both the employer and the Work Place Committee or the Safety and Health Representative. Before the Safety and Health Officer investigates and decides, the employer has the right to:**
  - ask the employee to remain at a safe location nearby; or
  - ask the employee to do other work, and
  - assign alternate work to employees affected by the refusal to work.

**The employer cannot assign someone else to do the job that the employee has refused to do unless:**

- the other employee is qualified to do the job;
- the other person is informed about the refusal and the reason(s) the employee refused the job; and
- the employer is satisfied that the other employee will not be put in danger.

5. The employer must now investigate the matter in the presence of the employee who reported it and one other person who is either an employee member of the Work Place Committee, the Safety and Health Representative or, where those persons are not available, one person from the work place selected by the employee.
6. Following the investigation, should the employer disagree with the employee on the existence of danger or take steps to protect the employees, and the employee still believes the danger exists, the employee must inform his or her employer of the continued refusal. The employer will then inform the Work Place Committee or Safety and Health Representative and notify a Safety and Health Officer.

If a Safety and Health Officer decides there is no danger, the employee must return to work. The employee can, however, appeal the Safety and Health Officer's decision of no danger to an Appeals Officer, in writing within 10 days. While the appeal is in progress, the employee must return to work. An employee who chooses not to go back to work is no longer protected by the CLC.

The Appeals Officer will review the situation and either vary, rescind or confirm the decision that no danger exists; or issue appropriate direction(s). The decision of an Appeals Officer is final. However, a decision of an Appeals Officer can be appealed in accordance with the *Federal Court Act*.



It is very important to follow the procedure when the employee refuses to do dangerous work. In order to exercise the right to refuse, you must have reasonable cause to believe that a condition at work is a danger to you or that the use of a machine or thing at work presents a danger to you or to another employee. The right to refuse dangerous work should not be abused. It is there to protect the employee.

### Pregnant and nursing employees

In September 2000, a new protective measure was added to the CLC – the right of pregnant and nursing employees to remove themselves from possible danger until a medical certificate has been obtained. This provision applies in the case of a risk to the health of the employee, the foetus or the nursing child. An employee may, at any time during her entire pregnancy and nursing period, cease to perform her job if, by reason of the pregnancy or nursing, she believes that some or all of her duties constitute a risk.

The employee must simply inform her employer and consult with a medical practitioner of her choice to establish that there is a risk. With the employee's consent, the employer will notify the Work Place Safety and Health Committee or the Safety and Health Representative. In consultation with the employee, the employer may assign her to another job that does not pose a risk to her or to the foetus or child.

An employee must not suffer any financial or other loss as a result of exercising this right regarding the protection of her health and that of the foetus or child. The employee's duties and work schedule may change, but the wages and benefits do not.

If the medical practitioner confirms that there is no risk, the pregnant or nursing employee must resume her duties. If the medical practitioner confirms that there is a risk, the employee must refer to the current collective agreement or to Part III of the *Canada Labour Code*. If the employer cannot assign her to another job, she is entitled to leave without pay. The employee could receive some compensation under the current collective agreement, the *Employment Insurance Act* or the employer's private insurance plan.

It should be noted that, notwithstanding the provisions of the CLC, most PIPSC collective agreements contain clauses providing for the maternity-related reassignment or leave of an employee if, by reason of the pregnancy or nursing, continuing any of her current functions may pose a risk to her health or that of the foetus or child.



### What can I do to help?

We encourage all PIPSC members and stewards to report any safety and health violations to their Safety and Health Representative.

If you already sit on a OSH committee, be it at the local, regional or national level, please advise the PIPSC steward coordinator so that our files can be kept up to date.

If there is no OSH committee in your building, you may wish to consider setting one up. Contact your PIPSC Regional Office for assistance in that regard.

### Other Pertinent Documents

Human Resources and  
Social Development Canada (HRSDC)

<http://www.hrsdc.gc.ca/asp/gateway.asp?hr=en/lp/lo/ohs/publications/index.shtml&hs=oxs>

Treasury Board of Canada –  
Occupational Safety and Health Policies and Publications

[http://www.tbs-sct.gc.ca/hr-rh/osh-sst/index\\_e.asp](http://www.tbs-sct.gc.ca/hr-rh/osh-sst/index_e.asp)

PIPSC Steward Manual