

Administrative Application	
Personnel and Employee Relations 7300 Occupational Health and Safety Responsibilities and Committees	Last Reviewed /Approved on: October 21, 2024
	References: Saskatchewan Employment Act Occupational Health and Safety Regulations 2020 Part 4 Committees and Representatives WorkSafe Saskatchewan - Committee Manual Canada Occupational Health and Safety Regulations Canada Labour Code Part II, Duties of Employers and Duties of Employees Canada Criminal Code (also known as the " <u>Westray Bill</u> " or "Bill C-45") Policy 12 - Role of the Director
	Status: Operational

Preamble

The Regina Catholic School Division (RCSD) recognizes that the internal responsibility system is the underlying philosophy of the occupational health and safety legislation in all Canadian jurisdictions. Its foundation is that everyone in the workplace - both workers and employers - is responsible for his or her own safety and for the safety of co-workers. Acts and regulations do not always impose or prescribe the specific steps to take for compliance. Instead, it holds employers responsible for determining such steps to ensure health and safety of all workers.

1. **Rights and Responsibilities**

The following work groups have roles and responsibilities as indicated:

a. Employee

Employees responsibilities include the following:

- i. Work in compliance with OH&S acts and regulations.
- ii. Use personal protective equipment and clothing as directed by the employer.
- iii. Report workplace hazards and dangers to the supervisor or employer.
- iv. Work in a safe manner as required by the employer and use the prescribed safety equipment.
- v. Tell the supervisor or employer about any missing or defective equipment or protective device that may be dangerous.

Employees have the following three basic rights:

- i. Right to refuse unsafe work.
- ii. Right to participate in the workplace health and safety activities through the Health and Safety Committee (HSC) or as a worker health and safety representative.
- iii. Right to know, or the right to be informed about, actual and potential dangers in the workplace.

b. Superintendent and Supervisor

The superintendent and supervisor must:

- i. Make sure workers work in compliance with *OH&S Acts and Regulations*.
- ii. Make sure that workers use prescribed protective equipment and/or devices.
- iii. Advise workers of potential and actual hazards.
- iv. Provide workers with written instructions as to the measures and procedures to be taken for protection of the worker.
- v. Take every reasonable precaution in the circumstances for the protection of workers.

Superintendent and supervisors act on behalf of the employer, and hence have the responsibility to meet the duties of the employer as specified in the *Act* for the work they (the superintendents and supervisors) direct.

c. Employer

The employer must:

- i. Establish and maintain an OH&S Health and Safety Committee (HSC), or cause workers to select at least one health and safety representative.
- ii. Take every reasonable precaution to ensure the workplace is safe.
- iii. Train employees about any potential hazards and in how to safely use, handle, store and dispose of hazardous substances and how to handle emergencies.
- iv. Make sure workers know how to use and handle the equipment safely and properly.
- v. Make sure workers use any necessary personal protective equipment.

- vi. Immediately report all critical injuries to the government department responsible for OH&S.
- vii. Appoint a competent superintendent or supervisor who sets the standards for performance, and who ensures safe working conditions are always observed.

2. **Forming Health and Safety Committees**

Health and safety committees must:

- a. Be composed of the onsite Supervisor, Office Manager, the Head Caretaker or Caretaker Engineer and at least one other STF member. Additional staff members who want to join the committee are invited to do so by communicating with the onsite supervisor.
- b. Meet regularly – RCSD requires committee meetings a minimum of four per school year. Minutes of OH&S committees must be filed by:
 - i. September 15 – 30
 - ii. December 1 – 15
 - iii. March 1 – 15
 - iv. June 1 – 15
 - v. Additional meetings may be called when deemed necessary.
- c. Be co-chaired by the onsite Supervisor and the Office Manager in school locations, and a Supervisor and member of another employee group at any other site.
- d. Training for OHC Co-chairs:
The Saskatchewan Employment Act requires committee co-chairs to be trained in the duties and functions of an OH&S member. RCSD will provide education leave for occupational health and safety training. The following courses are required:
 - i. Level 1 Occupational Health Committee (OHC) Course
 - ii. Level 2 Occupational Health Committee (OHC) Course
 - iii. Workplace Incident Investigation
 - iv. Workplace Inspection Training
 - v. WHMIS 2015
- e. OHS Health and Safety Committee chairs are to ensure employee representatives are selected at a formal staff meeting by employees.

More details about these committees are in the [Health & Safety Committees](#) Section on this site.

3. **Role of Health and Safety Committee**

The role of health and safety committee can include to:

- a. Act as an advisory body.
- b. Identify hazards and obtain information about them.
- c. Recommend corrective actions.
- d. Assist in resolving work refusal cases.
- e. Participate in incident investigations and workplace inspections.
- f. Make recommendations to the Superintendent/Supervisor regarding actions required to resolve health and safety concerns.
- g. Post meeting minutes publicly (as per OHS regulations) in staffroom and submit to Facilities Administrative Assistant.

4. **What happens when there is a refusal for unsafe work?**

An employee can refuse work if he/she believes that the situation is unsafe to either himself/herself or his/her co-workers. When a worker believes that a work refusal should be initiated, then:

- a. The employee must report to his/her supervisor that he/she is refusing to work and state why he/she believes the situation is unsafe.
- b. The employee, supervisor, and a HSC member or employee representative will investigate.
- c. The employee returns to work if the problem is resolved with mutual agreement.
- d. If the problem is not resolved, a government health and safety inspector is called.
- e. The inspector investigates and gives decision in writing.

5. **How is legislation enforced?**

The legislation holds employers responsible to protect employee health and safety. Enforcement is carried out by inspectors from the [government department responsible for health and safety](#) in each jurisdiction. In some serious cases, charges may also be laid by police or crown attorneys under *Section 217.1* of the *Canada Criminal Code* (also known as the "[Westray Bill](#)" or "Bill C-45"). This section imposes a legal duty on employers and those who direct work to take reasonable measures to protect employees and public safety. If this duty is "wantonly" or recklessly disregarded and bodily harm or death results, an organization or individual could be charged with criminal negligence.

6. **Where can I get more information about responsibilities?**

If you have specific concerns about what regulations require employers and workers to do, you should consult local authorities in your jurisdiction. This is especially true if your questions deal with the content, interpretation, compliance and enforcement of the legislation, and how it applies in your own workplace situation.