



**Canadian
Manufacturers &
Exporters**

Health and Safety 101



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support of



HEALTH AND SAFETY GUIDE

The Workplace Safety and Health Act can be found at the following web address:

<http://web2.gov.mb.ca/laws/statutes/ccsm/w210e.php>

There is also detailed H & S information on the Workers Compensation Safe Work-Website:

http://safemanitoba.com/workplace_safety_health_act_and_regulations.aspx

OVERVIEW:

This report will highlight and illustrate some of the key issues that Employers must know regarding Safety and Health in cooperation and coordination of Manitoba's laws and requirements pertaining to Health and Safety.

DOWNLOAD OTHER SUPPORT TOOLS FROM THE HR TOOLKIT AT:

<http://mb.cme-mec.ca/manitoba/main/people---skills.html>

- Health and Safety 101
- Job Description
- Orientation Guide – Skills for Success @ Work
- Performance Management
- Recruitment and Selection
- Introduction to Lean Tools – Video
- Introduction to Problem Solving – Video
- [iCME](#) (job posting & job search)
- Reading Writing Math Assessment

WORKPLACE SAFETY AND HEALTH EVERYONE'S RESPONSIBILITY

General Duties under the Act:

EMPLOYERS have the greatest degree of authority and control over the operations of the workplace, employers have the greatest degree of responsibility for workplace safety and health. *Employers' legal safety and health responsibilities include:*

- Taking necessary precautions to ensure the safety, health and welfare of workers;
- Providing and maintaining a safe workplace, equipment, tools and systems;
- Ensuring all workers and supervisors are aware of hazards in the workplace as well as the precautions necessary for their protection;
- Providing workers with competent supervision;
- Providing the necessary training to protect workers' safety and health before they begin a new job;
- Taking necessary precautions to ensure that other persons are not exposed to safety or health risks due to the activities of the workplace;
- Consulting and cooperating with the workplace safety and health committee or representative;
- Cooperating with other people on workplace safety and health matters.

SUPERVISORS have the responsibility and authority to oversee a group of workers within a workplace. *The legal safety and health duties of supervisors' include:*

- Taking necessary precautions to protect the safety and health of workers under their supervision;
- Ensuring that workers comply with safety and health procedures and use safety equipment, clothing, and devices;
- Advising workers of safety and health hazards in the work area;
- Cooperating with the workplace safety and health committee or representative;
- Cooperating with other people on workplace safety and health matters.

WORKERS are responsible for their own actions or inaction. *Workers' legal safety and health responsibilities include:*

- Taking reasonable care to protect themselves and others who may be affected by their actions or omissions;
- Proper use of safety equipment, clothing, and devices;
- Cooperating with the workplace safety and health committee or representative;
- Cooperating with other people on workplace safety and health matters.

WORKPLACE SAFETY & HEALTH COMMITTEES play an important role by providing input and advice to employers on safety and health matters, however they are not responsible for managing safety and health in the workplace.

- Employers are required to establish a safety and health committee in workplaces with 20 or more workers.

WORKPLACE SAFETY & HEALTH REPRESENTATIVES

- In workplaces with 10 to 19 workers, employers are required to provide the opportunity for a democratic election of a worker as the safety and health representative;
- Prime contractors are required to establish a project safety and health committee on construction projects expected to last more than 90 days, and where 20 or more workers are expected to work.
- Employers must ensure committee members are trained to fulfill their duties.

The legal responsibilities of committees and representatives include:

- Making safety and health recommendations to the employer;
- Dealing with safety and health concerns of workers;
- Participating in developing and promoting of safety and health systems, as well as safety and health education and training programs;
- Conducting regular workplace inspections (note: workplaces with 20 or more workers are required to inspect the entire workplace at least every 90 days);
- Actively participating in safety and health investigations;
- Cooperating with other people on workplace safety and health matters.

For specific requirements, please refer to the Workplace Safety and Health Act (W210).

WORKPLACE SAFETY & HEALTH REPRESENTATIVE CHECKLIST

Workplaces with 10-19 workers are required to have an elected worker safety and health representative (see the Workplace Safety and Health Act W210 Section 41). The worker representative, in co-operation with a representative from the employer, performs the same duties as the workplace safety and health committee (W210 Section 40). The following is a checklist, which briefly summarizes information about how the worker representative is chosen and their role with respect to workplace safety and health.

ELECTING A SAFETY AND HEALTH REPRESENTATIVE

- A safety and health representative must be elected by the workers not associated with management.
- In a unionized workplace, the union(s) should select/elect their representative in accordance with their constitution.
- In a non-unionized workplace, the employer should designate one or more workers not connected with management to coordinate the democratic election of a worker representative.
- Term of office is normally one year. The representative is eligible for re-election.
- The employer shall appoint a management representative who, together with the worker representative, is responsible for performing the same duties as a safety and health committee in a larger workplace.
- No employer or worker shall attempt to influence the appointment or election of the other party's representative.

FOR THE EMPLOYER

- Meet with the representative on a regular basis, at least every three months. These meetings must be documented, posted on the bulletin board and kept on file for 10 years.
- Respond in writing to worker representative's recommendations within 30 days, unless the recommendations have been implemented.
- Allow the worker and management representatives to meet during regular working hours.
- The worker safety and health representative is entitled to take time off from his/her regular work duties in order to carry out his/her duties as a representative. The worker representative shall be paid by his/her employer at the worker's regular or premium pay, as applicable, for all time spent carrying out his/her duties as a representative.
- Provide a bulletin board in a prominent place for the exclusive use of the worker and management representatives in connection with safety and health subjects.
- Consult and cooperate with the safety and health representative.
- Provide the safety and health representative two days paid educational leave annually for safety and health training seminars. Note: employers must ensure that the representative is trained to fulfill his or her duties.
- Advise the safety and health representative of planned introduction of new equipment, new operating procedures, or new chemicals or other substances or materials.

SAFETY AND HEALTH BULLETIN BOARD

- Must be located in a prominent place.

- Post the names of both the worker and management representatives and their term of office expiry date.
- Post scheduled date of committee meetings, the agenda for each meeting, and a copy of each meeting's minutes.
- Post items from the Workplace Safety and Health Division, and safety and health items of interest to your workplace.
- Refer to section 3.11 (1), (2), and (3) of the Workplace Safety and Health Regulation (M.R. 217/2006) for additional requirements regarding information to be posted on the bulletin board.

DUTIES AND RESPONSIBILITIES OF SAFETY AND HEALTH REPRESENTATIVES

- Inspect dangerous conditions and/or call a special meeting to resolve any concerns.
- Protect the anonymity of complainants who request it.
- Notify complainants of any decisions or recommendations made to management relating to their concerns.
- Notify all workers at any site where the work is determined to be dangerous.
- At regular intervals, the worker and management representatives should inspect each part of the workplace and the operations therein, and should resolve any safety or health concerns identified during the inspection.
- The worker and management representatives shall jointly investigate accidents and dangerous occurrences at the workplace.
- Periodically carry out plant wide surveys to determine the types of tasks performed, operating methods used, hazard identification, and problems which may be encountered in the course of workplace operations.
- Meet with the employer on a regular basis, at least every three months.
- Review the safety of new equipment, materials, or processes and make recommendations accordingly.
- Hold plant or office meetings/discussions/presentations with staff to discuss, critically evaluate and get input on safety and health matters.
- Distribute and display safety and health information and educational materials relevant to your workplace.

WORK WITH SAFETY AND HEALTH OFFICER

- The safety and health representative may be requested by a Safety and Health Officer to accompany them during any inspection or investigation. The Safety and Health Officer may also request that the management representative or designate join them during any inspection or investigation. Both representatives or designates may be requested by the Safety and Health Officer to be present

during discussion of the inspection or investigation report and may be requested to sign the report indicating they have received it.

- Phone or write your Safety and Health Officer if you are unable to resolve an issue yourselves and would like his/her assistance in finding a solution.

WORKPLACE SAFETY AND HEALTH WORKER RIGHTS & RESPONSIBILITIES

Every worker in Manitoba has basic rights, protected by law, when it comes to safety and health at the workplace. At the same time, every individual at the workplace has a personal and shared responsibility to prevent occupational injuries and illness.

WORKER RIGHTS

Every worker has the following rights:

- *The Right to Know* about hazards in the workplace, and what precautions must be taken to prevent injuries or illness from these hazards.
Employee education under the Workplace Hazardous Materials Information System, as well as job-specific training on chemical/controlled products at the workplace, is an example of *the right to know*, supported by the Workplace Safety and Health Act.
- *The Right to Participate* in safety and health activities at the workplace, including involvement in the joint workplace safety and health committee, or as a worker representative, for example.
- *The Right to Refuse* any task that the worker has reasonable grounds to believe is dangerous to his/her safety and health or the safety and health of other persons.
Workers carrying out duties or exercising rights, as set out under the Workplace Safety and Health Act, are protected from discriminatory action.
- The right to protection from discrimination for exercising these safety and health rights.

WORKER RESPONSIBILITIES

Workers' legal safety and health responsibilities include:

- Taking reasonable care to protect themselves and others who may be affected by their actions or omissions.
- Proper use of safety equipment, clothing, and devices.
- Cooperating with the workplace safety and health committee or representative.
- Cooperating with other persons regarding workplace safety and health matters.

WORKPLACE HARASSMENT

WHAT IS HARASSMENT?

Changes under the workplace safety and health regulation define harassment as (a) objectionable conduct that creates a risk to the health of a worker or (b) severe conduct that adversely affects a worker's psychological or physical well-being.

Conduct is considered to be objectionable if it is based on race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin.

Conduct is considered to be severe if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence, has a lasting, harmful effect on a worker.

The objectionable or severe conduct, as noted above, includes a written or verbal comment, a physical act, gesture or display, or any combination of these.

It is important to note that the reasonable, day-to-day conduct of an employer or supervisor in managing, guiding or directing workers or the workplace is not harassment. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager is not harassment.

WHAT ARE THE RESPONSIBILITIES?

WORKERS, SUPERVISORS AND EMPLOYERS all have a responsibility to not harass anyone in the workplace.

EMPLOYERS must develop a written policy to prevent harassment in the workplace and must make sure that workers are aware of, understand, and follow this policy. In developing the policy, employers must consult the workplace safety and health committee or representative. If there is no committee or representative, the workers must be consulted.

The written harassment prevention policy must be posted in the workplace in a place where it will be easy for everyone to see.

http://www.safemanitoba.com/uploads/guidelines/harassment_prevention_guide_new_0ct_2011.pdf

WORKPLACE VIOLENCE

Changes under the workplace safety and health regulation include new requirements to protect workers from workplace violence, including.

(a) making it mandatory for certain workplaces to develop and follow a violence prevention policy (see Sections 11.1, 11.2 and 11.8 of the Workplace Safety and Health (WSH) Regulation for specific workplaces, etc.). Employers at workplaces not described as mandatory, must still assess their workplace for a risk of violence to a worker, and if a risk is identified, develop and put a violence prevention policy in place.

(b) content of the violence prevention policy was expanded in a number of ways (see section 11.4 of the WSH Regulation for details).

(c) if a risk of violence has been identified at the workplace, employers are required to inform workers about the nature and extent of the risk of violence to workers (see section 11.5 of the WSH Regulation for details).

(d) employers must prepare an annual report of violent incidents at the workplace and provide it to the workplace safety and health committee, representatives, or workers (where there is no committee or representative) (see section 11.7 of the WSH Regulation for details).

www.safemanitoba.com/new_workplace_regulations_effective_february_1_2011.aspx

Workplace Safety and Health Contact Information:

Winnipeg: (204) 945-3446

Toll-Free: 1-866-888-8186 (Manitoba only)

24-Hour Emergency Line: (204) 945-0581

Publications/resources available at: www.safemanitoba.com

WORKPLACE SAFETY AND HEALTH REGULATION SUMMARY OF ADDITIONAL KEY ITEMS

SUMMARY OF REQUIREMENTS:

SAFE WORK PROCEDURES:

- Must be developed and implemented, in consultation with the committee/representative /or workers.
- Workers must be trained in the procedures and the employer is to ensure that workers comply with the procedures.

INFORMATION TO BE PROVIDED - ready access to the Act; Regulation(s) ; and the Code of Practices.

WORKPLACE INSPECTIONS must be conducted on a regular basis and any unsafe conditions corrected.

PREGNANT OR NURSING WORKERS must be informed of any risk that conditions in the workplace may pose to them or their unborn or nursing child. Where it is reasonably practicable an employer must take steps to minimize the exposure, or if alternate work is available that involves no risk or less risk, assign the worker temporarily to that alternative work.

SERIOUS ACCIDENTS defined as an incident (a) in which a worker is killed; (b) in which a worker suffers (i) an injury resulting from electrical contact (ii) unconsciousness as the result of a concussion, (iii) a fracture of his or her skull, spine, pelvis, arm, leg, hand or foot, (iv) amputation of an arm, leg, hand, foot, finger or toe, (v) third degree burns, (vi) permanent or temporary loss of sight, (vii) a cut or laceration that requires medical treatment at a hospital, (viii) asphyxiated or poisoning, or that involves (i) the collapse or structural failure of a building, structure, hoist, lift, temporary support system or excavation, (ii) an explosion, fire or flood; (iii) an uncontrolled spill or escape of a hazardous substance; or (iv) the failure of an atmosphere-supplying respirator.

NOTICE OF SERIOUS INCIDENT TO WORKPLACE SAFETY AND HEALTH must be immediate and by the fastest means of communication available.

SITE OF SERIOUS INCIDENT MUST BE PRESERVED.

INVESTIGATION OF SERIOUS INCIDENTS must be undertaken by the co-chairpersons of the committee or the employer and worker representative of the employer in the presence of a worker and a written report prepared.

RECORDS required to be made or retained must be maintained for the period prescribed in the regulation. If there is no prescribed period, retain for five years after the record is made.

TRANSFERRING CUSTODY OF RECORDS – when an employer ceases to operate the records must be transferred to the new employer or when there is no new employer, the employer must preserve the record, notify the director (of Workplace Safety and Health), and deliver the record at the time to the place identified by the director.

MISCELLANEOUS:

PRESSURE PLANTS AND PRESSURE VESSELS are not subject to The Steam and Pressure Plants Act must be properly constructed, installed, used, stored, repaired and maintained in accordance with the manufacturer's specs.

CLEAN AND SANITARY WORKPLACE must be maintained by the employer.

CONTROL OF AIRBORNE DUST AT A CONSTRUCTION PROJECT SITE – must be appropriate to control the risk.

PROTRUSIONS from concrete or other surfaces, such as nails, pins, cables or other temporary obstructions must be removed or cut off at the surface.

SNOW AND ICE ACCUMULATIONS – all work areas must be kept clear of snow and ice accumulation. Where an overhead accumulation of snow or ice creates a risk, it must be removed or an overhead barrier designed to withstand any load that is likely to be imposed on it is installed.

SIGN AT CONSTRUCTION PROJECT SITE – the following information must be clearly and prominently identified on sign located in a conspicuous place at a construction project site:

- Name the prime contractor or employer;
- The location of any first aid service;
- The name and telephone number of the person who can be contacted about safety and health matters; and
- Contact information for the committee and the representatives as applicable.