

memorandum

TO: HSA Occupational Health and Safety Stewards
HSA Joint Occupational Health and Safety Committee members

FROM: Michael Wisla, HSA Occupational Health and Safety Advocate

DATE: March 17, 2020

SUBJECT: OHS Stewards and COVID-19 response

As the COVID-19 pandemic continues in BC, and continues to impact our health care and social service workers, the role of the OHS Steward has never been so important. The OHS Stewards and the members of the regional and site JOHS committees are the first line in workers' health and safety. This has been acknowledged by the provincial Occupational Health and Safety Committee.

We must be vigilant about occupational health and safety issues throughout our worksites, which will be impacted by the shift to protection against spread of the virus. This cannot be at a cost to other areas where health care workers deliver critical services. Tensions are high, and we must guard against the risk of occupational injury.

Under WorkSafe BC regulations (3.9-3.11), excerpted below, all unsafe conditions must be reported to the supervisor or employer, who must ensure that any necessary corrective action is taken without delay.

A Joint Occupational Health and Safety Committee member's authority to report and recommend reporting and advising on unsafe situations is found in the Workers' Compensation Act. Part 3, Division 4, section 130 outlines the role of the JOHS committee, for reviewing, reporting, and advising.

HSA OHS stewards have this responsibility and their role is supported by the HSA constitution, which authorizes the steward to represent, advocate and inform members on OHS issues.

In the event of an OHS issue surrounding COVID-19 occurs, OHS stewards follow the same procedure as with any OHS issue:

1. Report the issue to the supervisor.
 - a. Request that the corrective action be taken without delay.
 - b. Document the issue and the request.
 - c. If the issue is not resolved, or cannot be resolved immediately, inform the members of the JOHS committee.
 - i. Report the issue to Workplace Health and Safety and copy your HSA LRO, who will inform HSA, OHS Advocate.
 - ii. HSA will contact the OHS director for the appropriate health authority or other employer.
2. This process deviates slightly from committee agenda and 21-day letter format, this is due to time sensitivity in the current situation.

3. A worker has the right to refuse to carry out any work process or operate or cause to be operated any tool, appliance or equipment if the worker has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person, including the worker. (OHSR 3.12). The OHS Steward will assist with this process.

If there are any questions about your role as OHS Steward during this time, please contact your servicing LRO or HSA Health and Safety Advocate at Michael.wisla@hsabc.org.

Stay safe,

Mike

WorkSafe BC OHS Regulation, Part 3 (excerpts)

Correction of Unsafe Conditions

3.9 Remedy without delay

Unsafe or harmful conditions found in the course of an inspection must be remedied without delay.

3.10 Reporting unsafe conditions

Whenever a person observes what appears to be an unsafe or harmful condition or act the person must report it as soon as possible to a supervisor or to the employer, and the person receiving the report must investigate the reported unsafe condition or act and must ensure that any necessary corrective action is taken without delay.

3.11 Emergency circumstances

If emergency action is required to correct a condition which constitutes an immediate threat to workers only those qualified and properly instructed workers necessary to correct the unsafe condition may be exposed to the hazard, and every possible effort must be made to control the hazard while this is being done.

Refusal of Unsafe Work

3.12 Procedure for refusal

(1) A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.

(2) A worker who refuses to carry out a work process or operate a tool, appliance or equipment pursuant to subsection (1) must immediately report the circumstances of the unsafe condition to his or her supervisor or employer.

(3) A supervisor or employer receiving a report made under subsection (2) must immediately investigate the matter and

(a) ensure that any unsafe condition is remedied without delay, or

(b) if in his or her opinion the report is not valid, must so inform the person who made the report.

(4) If the procedure under subsection (3) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of

(a) a worker member of the joint committee,

(b) a worker who is selected by a trade union representing the worker, or

(c) if there is no joint committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.

(5) If the investigation under subsection (4) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor, or the employer, and the worker must immediately notify an officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.