

**Public Service Alliance of Canada
British Columbia Regional Union Safety and Health (BRUSH)**

**Minutes
October 26, 2011**

Chair: Sam Wiese (Regional Councilor, H&S)

In Attendance: Tracey Shudo (CEIU), Bob Bridgeman (UNDE), Melvin Dureen (USGE), Kelly Megyesi (CEIU), Martha Johnson (UVAE), Susan Yaciw (UTE), Brian Price (AGR), Terri Lee (RVP AGR), James Little (PSAC, H&S) and Bob Jackson (REVP BC)

Regrets: Linda Harding (alternate Regional Council, H&S), Leanne Hughes (NAT), Angela Marafon (UTE), Monique Bakker (UEW), Wayne Little (UTE), Bill Pleming (GSU), Bert Farwell (UCTE), Virginia Vaillancourt (UVAE), Jamey Mills (UTE),

Agenda

Roll Call including Regrets
Accepting the Agenda
Review Previous Minutes
Business Arising

Standing Items:

1. Ergonomics
2. Membership Survey

New Business

- 1) 2012 H& S Conference update - Organizing Committee
- 2) Internal Complaint Resolution Process (ICRP)
- 3) AGR Local 60 Issue
- 4) Area Council Delegates
- 5) Government Works and Public Service - Ergo Standing Offer
- 6) Health and Safety Survey
- 7) Presidents Conference
- 8) Honduras Video

Add Item

- PSAC National H&S Forum for Policy Committee Members

Round Table

Adjournment

Preliminary Issue:

This meeting is being conducted by teleconference only as the Vancouver RO is currently under construction/renovation. We anticipate that our next meeting will be in the new office.

Introduction/Roll Call

Sam conducted a roll call and expressed member's regrets.

Accepting the Agenda

Accepted as presented

Review of Previous Minutes

Members reviewed and approved the previous minutes with no amendments.

Standing Items:

Ergonomics

Public Works and Government Services has announced that the Regional Master Standing Offer (RMSO) for ergonomic assessments has been awarded. For those in the Lower Mainland, the contract number is E6VIC-110006/001/VIC. And the contractor is **Preventionworks**. For the rest of BC and Victoria and the Yukon is **CBI Workplace Solutions**. Contract number E6VIC-110006/002/VIC.

For more information about these standing offer, you can go to the Standing Offer Index:

<http://soi.pwgsc.gc.ca/app/index.cfm?Fuseaction=sim.search&altlang=-e>

Choose your department and your delivery point and then put in the standing offer number E6VIC-110006. Click on the dot that says Ergonomic Services. This will bring up both standing offers.

We would like to thank the members representing Public Works and Government Services Canada for providing the contact links. There are a few questions outstanding in regard to how the contracts will be administrated and we are hoping that most of the answers will be addressed in the contracts. The access is through the governments websites (internal).

Membership Survey

We remain committed to this project and continue to work on the process. The BC Regional H&S Survey was launched on late October. Survey questions have been sent to local presidents as well as posted on our website. However we will issue a reminder later in December and will announce the results at the upcoming 2012 Regional H&S Conference.

Task: Our job now is to sit back and wait for them to pour in.

New Business

2012 BC Regional H&S Conference

The conference is scheduled for Feb 24-26 2012 at the Sheraton Richmond Airport Inn. We had fourteen members apply to assist with the organizing of the conference and the selection process has been completed. The committee members are (in no particular order), Martha Johnson, Tracy Shudo, Linda Harding, Bob Bridgeman, Erica Yang, Sam Wiese, James Little and Bob Jackson.

I would like to extend my gratitude to all those who applied, and remind them to apply to attend the conference in February.

Internal Complaint Resolution Process – Section 127.1(1) of the CLC Part II

We received an enquiry regarding the application of the ICPR process and how important is it to follow the steps as outlined in sec 127.

Sam outlined the process and emphasized the importance of following each of the ten sequential steps in the process. It was suggested that the process should be posted on the workplace H&S Bulletin board along with a copy of the CLC Part II and the Right to Refuse process.

Task: Attach to the minutes the information for workplaces to post.

AGR Local 60 – Go Green Initiative

Brian Price, Vice President Local 60 introduced an initiative respecting the PSAC National commitment to greening our conferences, conventions and workplaces. Brian shared an initiative that his local has adopted in which they have altered the way in which the members of the local communicate information without the necessity for excessive printing of materials. The local has created a single use email in which all members of the executive have access through a single password.

Additionally, they have taken measures locally to reduce their reliance on print material by storing information on a shared computer drive and encouraging the use of USB Flash drives.

We are committed to reducing our environmental imprint and we will make every attempt (as we have in the past) to ensure our Regional H&S Conference respects the PSAC's commitments.

Presidents Conference

October 29, 2011, the BC REVP will be hosting an all president's conference in Vancouver. The purpose of the conference is to support PSAC campaigns and to gather critical information and take action back to our member assemblies.

Honduras Video

Jim gave an overview of the exchange including its purpose, objectives and outcomes. A ten minute Video of the exchange has been completed and is available upon request.

PSAC National H&S Forum for Policy Committee Members

We shared information about the upcoming National H&S Policy Committee Representatives meeting planned for Ottawa on November 22-23, 2011.

Just a reminder that only PSAC members in good standing who sit as union representatives on National Policy H&S Committees are eligible to participate, and that your candidacy will be approved by your component.

Round Table

Bob Jackson – Confusion around appointment of union representation on workplace committees.

Task:

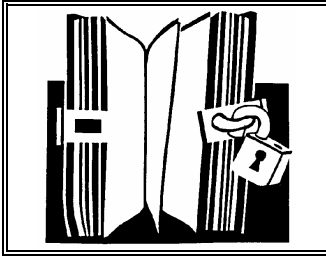
I will issue a reminder of the process with emphasis on section 135.1(14) which addresses the two year appointment procedures.

Additionally, I will send out copies of Workplace H&S committee Terms of Reference (TOR) template.

Meeting Adjourned

Next Meeting

December 21, 2011



Right to Refuse

1. Section 128.(1) (c)

- This section provides for the right to refuse on behalf of another worker.
- It broadens workers' protection allowing a colleague or union representative to invoke the right to refuse on someone's behalf.

1. Section 128.1(14)

- Workers may be required to repay wages and benefits if it can be determined the employee who exercised the right to refuse did so knowing no circumstances existed to warrant such actions.
- This section provides for sanctions where abuse of right to refuse is found.
 - * ** It is important to know that the burden of proof in such a case lies with the employer. Such circumstances would have to meet the test of reasonableness.
 - * ** It is also important to read this in reference to Section 147(1) which deals with disciplinary action; providing the employee protection against unreasonable sanctions when exercising rights provided for in the act.

1. Section 128.(10) (c)

- The employer must investigate the refusal in the presence of the complainant and a co-worker selected by him/her if there is not a union committee member available.
- This provides all workers the right to minimum support and representation.

1. Section 128.1(1)

- Workers affected by a stoppage of work are presumed to be at work until work resumes or their shift ends.

- This provides a guarantee of the full shift wage when an employee exercises the right to refuse.

* ** This is only a guarantee of income protection until shift end NOT a guarantee until the situation is resolved. In all such cases, employees should ask their employer for re-assignment until the matter is resolved.

1. Section 128.(2) (a)

- No refusal is permitted when it puts the safety of another person directly in danger.
- This can be exemplified in work situations where another worker's safety depends on someone being there. One example would be where one worker is "spotting" for another.

1. Section 128.(7)

- The worker must inform the employer whether s/he intends to exercise redress mechanisms under the collective agreement OR the code.
- Each redress mechanism is distinct. A worker cannot cross over from one to the other once the process is in motion.

* ** at this point, the union advises the worker to invoke their rights under the code. However, it is our goal to look for improvements in the collective agreement, i.e. - Expedited Arbitration.

1. Section 128.1(3)

- An employer may assign reasonable alternative work to employees as a result of a work stoppage.
- This is incentive for the employer to provide workers with guaranteed income in a refusal situation.

* ** as noted above, employees should be asking for re-assignment in such situations.

1. Section 128.(2) (b)

- A worker cannot invoke the right to refuse if the danger is a normal condition of employment.

- This refers to inherent danger in a job. Examples like fire-fighters and lab technicians are jobs where there is inherent danger.

1. Sections 128.(1); 128.(1) (c) and 128.(3)

- Workers now have the right to refuse dangerous activities.
- Previously, refusals were used in cases where physical danger was imminent. Workers were pretty much restricted to refusing to use dangerous equipment and materials. This protection is now expanded to include activities i.e. - where violent acts are a risk or where infectious disease is a factor.

1. Sections 128.(8) and 128.(14)

- The employer must inform the committee of any steps taken to eliminate danger where:
 - ⇒ there is agreement that danger exists (128.(8) or
 - ⇒ there is a continued refusal and a disagreement over whether or not danger exists (128.(14)).
- This keeps the employer accountable.

1. Section 128.1(2)

- Workers reporting for a subsequent shift shall be presumed to be at work unless the employer has given one hour's notice not to attend work.
- This protects the worker from showing up to work and being sent home.
- ** Note that under the code, workers affected by the right to refuse have no guaranteed income protection until the matter is settled. They must rely on the employer re-assigning them wherever possible.

- * ** Note also Section 129.(5), which outlines the employer's obligations when requesting someone reassignment to the duties that have been refused. The right to refuse in such situations should be exercised by each individual, or on behalf of each individual being asked to take on the re-assigned duties.