

Health and Safety Committee Recommendations

One of the main functions of a health and safety committee is to develop recommendations to the employer on matters related to health and safety. Committee recommendations introduce accountability for an employer and produce a paper trail to demonstrate the efforts that have been made within the internal responsibility system to resolve a health and safety issue. The process to make those recommendations will depend on your jurisdiction or the type of work done at your workplace, but there are some common elements.

A written recommendation is addressed to the senior management person responsible for health and safety in the organization. Depending on the jurisdiction, management must usually respond to the recommendation within a set amount of time, either 21 or 30 days. (Note: Specific response requirements for each jurisdiction are listed later in this document.) It's important to realize that not all jurisdictions specify what should happen after a recommendation is made, so be sure to check what applies to your workplace. It usually is the provincial legislation in which you work, unless the work performed at your workplace is under the federal jurisdiction. There are more details on that in the CUPE Health and Safety Committee resource kit.

Recommendations may be made to:

- Change specific work practices or conditions that have or could potentially hurt workers.
- Correct root causes of incidents identified by investigations.
- Perform studies, or bring in outside expertise to study or review a specific issue the committee feels they do not have appropriate expertise to study.

All recommendations should:

- Be made in written form
- State the facts about the health and safety concern
- Give the reason for the recommendation(s)
- State the recommendation(s) (one of them could be a temporary measure if you must wait for a permanent measure)
- Describe the intended immediate outcome(s)
- Describe the intended long-term impact(s)
- Point out potential legal non-compliance with H&S laws
- Be dated and signed
- Have an individual identification code

Committee recommendations must be tracked on the minutes of the committee meeting. They should appear on the agenda until they are resolved or there is a response from management. It's also a good practice to keep all the recommendations on one master document so that they can be more easily tracked.

This document provides three examples of how to structure written recommendations. It is a useful activity for union members to draft the planned recommendations *before* going into the meeting. This will provide an opportunity for the committee members to fully develop their arguments, and determine relevant sections of the legislation that apply to the circumstances. It's also a good practice to have each recommendation be separate from the others, with its own unique identification code.

This allows the committee to better track recommendations. For example, if one recommendation form addresses multiple issues, tracking progress and which issue is resolved becomes more complicated.

But if formatted with one issue and one recommendation, it's easier to track timelines and responsibility. Additionally, when that recommendation is completed, the committee can see if the issue has been properly addressed and can close the file as opposed to having to continually revisit the same item and have it noted as "in progress".

Legal Requirements

Not all jurisdictions have described in legislation the specific actions or timelines an employer must follow when they receive a recommendation from the committee. However, if no response to the recommendation is received in thirty days, the committee should follow up with the employer. If the employer refuses to provide a response to the committee, this can be a sign that there is a problem with the internal responsibility system. The issue may have to be escalated to a government health and safety inspector if that's the case. If you need to take this step, CUPE members should inform their Local Executive and seek the advice of their CUPE National Service representative or Health and Safety Specialist as needed.

The following table summarizes what an employer must legally do in response to a committee recommendation.

Jurisdiction	Legislation Related to Committee	Requirements
Alberta	<i>Occupational Health and Safety Act</i>	OHS laws don't specify what employers must do in response to a joint work site health and safety committees recommendation.
British Columbia	<i>Workers Compensation Act - Part 3, Division 4 – Section 133</i>	If the committee sends the employer a written recommendation and requests a written response, the employer must respond in writing within 21 days indicating acceptance or reasons for rejection.
Manitoba	<i>Workplace Safety and Health Act - Section 41.1(2)</i>	If the employer gets a written recommendation from the committee identifying a danger in the workplace, it must either respond in writing within 30 days or implement all of the recommendations within 30 days.
New Brunswick	<i>Occupational Health and Safety Act</i>	OHS laws don't specify what employers must do in response to a committee recommendation.
Newfoundland and Labrador	<i>Occupational Health and Safety Act Section 5(f.1)</i>	The employer must respond in writing to a committee recommendation within 30 days indicating acceptance or rejection and reason(s) for rejection.
Nova Scotia	<i>Occupational Health and Safety Act Sections 34(1)</i>	If the committee sends the employer a written recommendation and requests a written response, the employer must respond in writing within 21 days indicating acceptance or reason(s) for rejection.

Jurisdiction	Legislation Related to Committee	Requirements
Ontario	<i>Occupational Health and Safety Act</i> Section 9(20) and (21)	The employer must respond in writing within 21 days of receiving a written committee recommendation giving a timetable for implementing recommendations it agrees with or reason(s) why it disagrees.
Prince Edward Island	<i>Occupational Health and Safety Act</i> Section 7(1) and (2)	If the committee sends the employer a written recommendation and requests a written response, the employer must respond in writing within 30 days indicating acceptance or reason(s) for rejection.
Quebec	Act respecting Occupational Health and Safety	OHS laws don't specify how employers must respond to committee recommendations.
Saskatchewan	<i>Saskatchewan Employment Act</i> , Sections 3-29 (2)	If an employer doesn't resolve or address a health and safety problem or concern raised by the committee, it must provide written reasons.
Federally Regulated	Canada Labour Code, Part II - Section 125(1)(z.10)	The employer must respond in writing to recommendations by the joint health and safety committee within 30 days after receiving them, indicating what, if any action will be taken and when it will be taken.

Example of information found in a written Health and Safety Committee Recommendation

Recommendation Log (dd/mm/yyyy) and number: _____

We are responsible as a Joint Health and Safety Committee for identifying situations that may be a hazard to workers and for making recommendations to the employer and the workers for the improvement of their health and safety.

As such, we have identified the following danger or hazard at (Insert Name of Employer) and provide the following recommendation:

1. **Reason for recommendation** (Describe the hazard or potential hazard and explain why it is a hazard. Each hazard should get a separate recommendation.)

NOTE In this section, give a detailed description of what the problem is. This could be anything you believe can cause harm to workers. It is very important that you do not list many different hazards on the same form. If you do, you may end up “losing” a recommendation that doesn’t get addressed because something else in that recommendation was. Below are 2 separate examples of what hazards and recommendations may look like. Remember, if both of these situations were happening in your workplace at the same time, they would be on separate written recommendations.

Example A There is a client/patient/resident/student that has a very specific trigger that causes her/him to lash out. The workers that could come into contact with this person don’t know about the trigger and the program to prevent incidents of workplace violence does not have a way to inform those workers.

Example B There is a staircase that is close to the main entrance where there are many incidents where people slip and fall in that staircase, some with injuries, some without. A closer look at the dates of the incidents and upon discussion with the workers, it was identified that most of the incidents occurred when workers were coming in from the outside and the soles of their shoes were wet (due to snow, rain etc.). The area inside the main entrance does not have a carpet/mat so that people can wipe their feet, and the staircase treads do not have anti-slip strips. Additionally, the lighting in that staircase is poor.

2. **The Health and Safety Committee recommends the following: (include recommended timelines as applicable).**

NOTE There is no obligation on the part of the workers to have a specific recommendation/solution to a problem. The obligation to make the workplace safe for workers’ rests with the employer. Your recommendation could very well be “fix the identified hazard as soon as possible”. This is perfectly acceptable. However, if you have a suggestion that you would like implemented in your workplace, put it down. Often, the employer will take this suggestion because it’s already been researched and is acceptable to the workers – you just might get it. Even if you don’t, you’ve given your employer a starting point, and you might get something that is a lot more acceptable to your workers than what your employer would have come up with on her/his own.

Example A In the case of the violence problem, the recommendation could be that a review of the triggers with the staff should be done. The employer has an obligation to inform workers of hazards in the workplace and an obligation to provide relevant information about a person with a history of violence to her/his workers. There could also be a recommendation to assess or re-assess the risk of violence and communicate the results to workers. (Don't let an employer tell you that you can't ask for a risk assessment on a person, because violence comes from people.) Once the assessment is done, any identified risks must be controlled.

3. **The Health and Safety Committee is attaching the following: incident/hazard/near miss reports (if applicable).**

Date of report: _____

Date of report: _____

Date of report: _____

Date of report: _____

Employer Response to Recommendations.

Response to recommendations – A constructor or employer who receives written recommendations from a committee shall respond in writing within the timelines outlined in relevant legislation. (Keep in mind that your workplace may not have this legal timeline, see above.)

Idem – A response of a constructor or employer shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons why the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

4. **Signed and dated (dd/mm/yy):** _____

Worker Co-Chair

Employer Co-Chair

Is this a unilateral co-chair recommendation (please circle one)? Yes No

Response to Recommendations due on (dd/mm/yy): _____

copy: Post for the workers; Health and Safety Committee; CUPE Local _____ Executive.

Sample Health and Safety Recommendation to the Employer

(Date)	Description of each section
Attention: (Name of Senior Manager) (Name of Employer/Organization) (Address of applicable worksite)	Heading – who the letter is addressed to
Pursuant to sections [insert sections] of the [specific OHS Act or Regulations you follow], our function as the Occupational Health and Safety Committee of (<i>insert name of worksite</i>) include the identification of hazards and making recommendations to the employer for the improvement of the health and safety of persons at the workplace.	This portion spells out what the problem is...
As such, we have identified the following (<i>act, condition, hazard, danger</i>) _____ and make the following recommendation(s) to ensure the health and safety of all persons in our workplace _____.	
Pursuant to sections [insert sections] of the [specific OHS Act or Regulations you follow], an employer who received a written recommendation from the Occupational Health and Safety Committee is required to provide a response, in writing, within thirty days. We anticipate your response will contain the information required by [insert Section or Article] indicating acceptance of the recommendations or providing reasons for disagreement with any recommendations that are not accepted.	This portion spells out what the committee recommendation is...
_____ Employee, Co-Chair	Signature line
_____ Employer, Co-Chair	

(Note: Ideally a recommendation agreed to by the consensus of the committee should be signed by both co-chairs even if the employer chair did not support recommendation. However even if consensus is not achieved, it should be noted in the minutes what the committee members suggested and what the responses were.

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