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8.1 Introduction

Communication with employees regarding all aspects of the Occupational Health and Safety (OHS) program and establishment of systems for dealing with employee concerns or suggestions are key elements of the OHS Program and are also fundamental to the Internal Responsibility System upon which the Nova Scotia OHS Act is based.

This chapter of the OHS Program deals with systems for making employees aware of occupational health and safety, reporting hazards or incidents, refusing work which an employee believes to be unsafe, and with making suggestions to improve the OHS program.

8.2 Awareness of the Saint Mary's University OHS Program

A hard copy of this manual is available from the OHS Office, MS116, the Patrick Power Library and the McNally Building employee lunch room; an electronic version has been posted on the OHS website.

All employees must be orientated to the OHS program, including basic information on the OHS Program and how employees are to respond to OHS matters, and including cooperation with the employer, reporting of hazards, etc. The manager or Chair of each new employee is responsible to ensure that the employee's orientation session includes information on the OHS Program. The OHS Office will provide information sessions semi-annually.

8.3 Awareness of the University OHS Policy

A copy of the current version of the University OHS Policy is posted on Saint Mary's University OHS Bulletin Board, and on the OHS website, <https://www.smu.ca/webfiles/6-2007SafetySigned.pdf>, included in the Health and Safety Orientation booklet.

8.4 OHS bulletin boards and readily available information

The OHS Act requires certain information to be "posted" for ready access by employees, and other information to be readily available for employee review upon request. This supports the employee's "Right to Know" which is an important element of the Internal Responsibility System for maintaining OHS at the workplace.

An OHS Bulletin Board is maintained at SMU in the basement of McNally Main. As all SMU employees have computer access to the OHS Website, the University has established an electronic bulletin board, <http://www.smu.ca/about/ohs-bulletin.board.html>, which also contains the information found on the OHS Bulletin Board.

The following information is posted on the OHS Bulletin Board:

- The OHS Act;
- The OHS Policy;
- The Violence Prevention and Response Policy;
- The Tobacco Free Campus Policy
- The 24 hour phone number for the Occupational Health and Safety Division of the Department of Labour and Advanced Education: 1-800-952-2687;
- Joint Occupational Health and Safety Committee (JOHSC) information, including the names of the committee members, work location and phone number, when (date, time, place) and how often meetings are held;
- The most recent JOHSC minutes;
- Any Code of Practice required pursuant to the Act or Regulations;
- Any order, compliance notice, notice of appeal or decision from the OHS Division of the Department of Labour and Advanced Education;
- Names of qualified first aid attendants;
- Locations of First Aid kits, defibrillators and First Aid Room.

The following information is also readily available:

- OHS Program manual;
- MSDSs for Hazardous Materials used or stored;
- Records of Workplace OHS Inspections;
- Records of Workplace OHS monitoring or tests;
- Asbestos Inventory;
- Fire Plan and Emergency Response Plan.

8.5 Procedure for reporting workplace hazards

Saint Mary's University is committed to eliminating hazards in the workplace or to reducing them as far as is reasonably practicable and to instituting controls which will be effective in protecting the health and safety of employees and of other persons present at the workplace. In order to be able to take action respecting hazards, the University must be aware of the hazards. This awareness comes from hazard assessments conducted by the University and from hazards identified by members of the Saint Mary's Community.

The University's Occupational Health and Safety Policy states:

"All University faculty, staff and students have a responsibility for their own health and safety, and for the health and safety of others. Everyone has a duty to report, as soon as possible, all hazardous conditions, injuries, illness, and near misses related to the workplace. Everyone is encouraged to offer suggestions or ideas to improve health and safety".

Specifically, every employee shall notify his or her manager or Chair of any safety concerns, hazardous conditions or work practices in their work area. Hazards outside of their work area should be communicated to the person in charge of that area or to someone in the University who is in a position with authority to take action regarding the hazard, such as someone in Facilities Management. This requirement to report also includes issues where an incident has not occurred (e.g., ergonomic concerns, faulty equipment). An employee may report the concern either verbally or in writing.

The manager or Chair to whom the hazard is reported is responsible for taking action to remedy the situation. If the reported hazard is outside of their area of responsibility, they will forward the report to the appropriate management representative.

8.6 Reporting workplace injuries and occupational illnesses

All incidents and occupational illnesses must be reported by completing an incident report, <http://www.smu.ca/webfiles/InjuryForm2010.pdf>, within two business days. An incident is any unplanned and unwanted event which results in damage or injury, or which could have resulted in damage or injury. This term includes property or equipment damage as well as personal injury. When thinking of injury, also include occupational illness and disease. The manager or Chair is responsible to ensure the Incident Report form is completed and forwarded to the OHS Office, and a copy of the completed form is given to the employee. The OHS Office will forward a copy of the incident form to the appropriate parties. The manager or Chair is also responsible to follow up on any recommendations made to prevent the incident from recurring.

8.7 Reporting Employee Safety Concerns Procedure (other than incidents and refusals to work)

The University has developed a procedure for employee reporting and management response to employee health and safety concerns which conforms to the three-step process required by the OHS Act. Employees shall exercise their right to identify occupational health and safety concerns without fear of reprisal or discriminatory action.

This chapter applies to any OHS concern or issue that is not covered by the categories listed on the incident report or the by the right to refuse. For the purposes of this program:

A “concern” is an unplanned or unusual event or everyday occurrence that affects or has the potential to affect performance, reliability, safety or the environment, but does not fully meet the criteria of an “incident.”

A Health and Safety Concern Report form has been developed to assist in documenting the concern and ensuring that the proper steps are followed in identifying and resolving the concern. A copy of this form is available at the end of this Chapter and an electronic version has been posted on the Saint Mary’s University Web Site.

Step 1 - Report to his/her manager or Chair

Any employee who believes that a health or safety risk exists in the workplace must report the problem to his/her manager or Chair. Depending on the situation and location of the hazard or concern, the report may also be made directly to the person in charge of the area or work being undertaken.

The employee may report verbally or may complete the Health and Safety Concern Report Form.

The manager or Chair to whom the matter is reported is responsible to investigate the issue or to have it investigated, initiate a process to take any necessary corrective action, and notify the employee of the outcome of the investigation and any action taken or planned. A response to the employee shall be made within 10 working days. If the matter has not been completely resolved, the response may be an explanation of progress made, further action planned and expected completion date(s).

If the employee is satisfied that the matter has been adequately resolved, the issue is closed. The manager or Chair must document the resolution of the concern.

Step 2 - Formal referral to the JOHSC Committee

When a hazard or concern has not been remedied to the employee's satisfaction, the employee must forward the issue to the JOHSC. The JOHSC Co-Chairs shall determine whether the matter is urgent, and if so, initiate an immediate investigation. If not, the matter will be taken to the next meeting of the Committee for determination of a course of action to investigate and resolve the issue.

Within 10 working days, the JOHSC shall respond to the employee who reported the issue and to the manager or Chair who initially investigated. If the matter has not been completely investigated, the response may be an explanation of progress which has been made, further action planned and expected completion date(s).

Following the investigation of the matter, the JOHSC shall document their conclusions. The investigator(s) shall discuss the conclusions reached with the employee who reported the issue and the manager or Chair who initially investigated. Both will be given copies of the report.

Step 3 - Formal referral to the OHS Division, Department of Labour and Advanced Education

If the issue is still not resolved or remedied to the employee's satisfaction, or if the JOHSC is unable to reach a decision, the employee shall report the matter to the Occupational Health and Safety Division of the Department of Labour and Advanced Education, PO Box 697, 5151 Terminal Road, Halifax, Nova Scotia, B3J 2T8 (1-902-952-2687). An Officer will then investigate the matter, render a decision as required by the OHS Act, and confirm his/her findings in writing to the employee and the University.

8.8 Unsafe work refusals under the OHS Act

Every employee has the right to refuse to do any act which he/she believes is likely to endanger his or her health or safety or the health or safety of another person, but must follow the procedure for doing so which is set out in Section 43 of the OHS Act.

Saint Mary's University has developed a procedure for responding to employee unsafe work refusals which conforms to the three-step process required by the OHS Act.

A refusal to undertake work believed to be unsafe will always be regarded as an urgent situation, and all involved parties must give the situation their immediate attention.

As in the case of reporting a hazard or concern, employees are to exercise their right to refuse unsafe work without fear of reprisal or discriminatory action. Because of the potential seriousness of the situation, the employee should make sure he/she has done everything possible to eliminate or control the problem if this is possible without personal risk. The area should be secured if possible harm might occur to others.

Step 1 - Report to a manager or Chair

The first step in exercising the right to refuse unsafe work is for the employee to report the problem to his or her immediate manager or Chair. The employee should remain in a safe place until the problem is eliminated or controlled to their satisfaction or until they are assigned another task. While the investigation and any remedial actions are being carried out, the employee may be assigned to other duties.

The manager or Chair shall investigate the refusal, make a decision, and if necessary, correct the situation or control the hazard.

The supervisor or manager's conclusions shall be communicated to the employee who exercised the unsafe work refusal. If the supervisor or manager concludes that there is no hazard, or that the hazard is adequately controlled, an explanation must be given and the employee advised to return to work. If the employee is satisfied that the matter has been resolved or accepts the explanation given by the supervisor or manager, then he/she should return to work and the matter is concluded.

The manager or Chair must document the resolution of the refusal to work.

Where an employee has exercised their right to refuse under section 43 of the OHS Act, no other employee shall be assigned to do that work unless the replacement employee has been advised of the refusal by the first employee, the reason for the refusal, and the replacement employee's right to refuse under section 43.

Step 2 - Formal referral to the JOHS Committee

When exercising his/her right to refuse unsafe work and the hazard or concern has not been remedied to the employee's satisfaction following reporting the hazard or concern to the employee's manager, or Chair, the employee shall take the next step in the unsafe work refusal process. The JOHS Committee Co-Chairs shall initiate an immediate investigation by the Committee or a Sub-Committee established for the purpose.

The employee who has exercised the right to refuse must be given the opportunity to accompany the JOHS Committee or Sub-Committee on a physical inspection of the workplace for the purpose of ensuring that the investigators understand the reasons for the refusal.

The JOHS Committee or Sub-Committee may agree with the employee who has exercised the unsafe work refusal and in such case shall make recommendations to management as to how to correct the problem. If the JOHS Committee or Sub-Committee does not find reason to support the work refusal, it may advise the employee to return to work, but such direction must be the unanimous decision of the JOHS Committee or Sub-Committee.

Step 3 - Formal referral to the OHS Division, Department of Labour and Advanced Education

If the JOHS Committee or Sub-Committee cannot agree unanimously that the employee should return to work, or if the problem is not resolved to the employee's satisfaction, the exercising of the right to refuse will continue.

The JOHS Committee or Sub-Committee or the employee who is not satisfied with the outcome of his/her work refusal, shall contact the Occupational Health and Safety Division of the Department of Labour and Advanced Education (1-800-952-2687). An OHS Officer will take the case on a priority basis and will investigate as soon as possible. If the Officer finds that the task refused is unsafe, he/she will ensure that no one performs the task until appropriate action is taken to remedy the situation. If the Officer cannot find indications that the task is unsafe, or finds that the hazard has been adequately controlled, he/she will advise the employee to return to work. These findings will be confirmed in writing to the employee and the University.

8.9 Consultation with the Occupational Health and Safety Staff

In addition to the JOHSC and Unions, employees or managers, at any stage in the above processes, may consult with OHS Office. Employees, who are part of the Department of Science, may also consult with the Science Safety Technician. The OHS Office and the Science Safety Technician will act in an advisory capacity, providing advice on the requirements of the OHS Act and regulations and any applicable standards, hazard control measures, and the proper procedure to follow in resolving the matter.

8.10 Employee Suggestions

Any employee who has a suggestion about improving occupational health and safety at SMU or about improving the OHS Program should discuss the suggestion with their manager or chair or with a member of the JOHS Committee, or OHS staff as appropriate. Employees are encouraged to write their suggestions down so that they can be more easily considered and forwarded to the appropriate person.

A JOHS Committee member who receives a suggestion should request that the JOHS Committee consider it at their next meeting. The result of that discussion shall be recorded in the minutes of that meeting.

Appendix A - Health and Safety Concern Report Form

This form has been developed pursuant to Section 17(2) of the OHS Act, to assist all parties to follow the legislated steps in resolving the concern and to provide a means of documenting both the concern and the actions taken to resolve it.

Report by Employee	
Name of employee submitting concern:	
Signature:	
Phone #:	Date Submitted:
Description of health or safety concern, including specific location of hazard:	

Description of corrective or preventive action suggested:	
Suggestion regarding who may be responsible for corrective or preventive action:	
Reported to (print name of Manager or Chair):	
Received by (Signature)	Date:

Reply by Manager or Chair (ASAP, initial response required within 10 working days)	
Description of problem(s) identified (or reason why the concern was not accepted):	
Description of corrective or preventive action(s) taken:	

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Description of corrective or preventive action(s) still required:	
Further action referred to:	
Date action to be completed:	
This form completed by:	Date:

Response by Employee Originating this Concern Report	
Response satisfactory?	<input type="checkbox"/> YES (File this report, copy to OHS Office)
	<input type="checkbox"/> NO (Forward to the JOHSC)
Signature:	Date:

Recommendations made to:
Date action to be completed:
This form completed by: