



Health and Safety Santé et sécurité



June 2006

Health and Safety News

This is the first of the Agriculture Union Health and Safety Newsletter.

Our last convention decided that there should be a quarterly newsletter covering health and safety topics of interest to our members. With that in mind we are asking members to submit ideas for topics to be covered in the future.

We welcome feedback on the articles presented.

At Last – Protective Footwear

No, this isn't an article about a famous blues song or civil rights speech. We are talking about the new NJC agreement concerning protective footwear.

Finally the confusion about the footwear allowance should become a thing of the past. This has been one of the most misunderstood and misapplied safety provisions our members have had to deal with.

Most of our members have always been eligible to have protective footwear supplied by the employer at no cost, but this message has been very difficult to communicate.

When the employer realized that the allowance cost them more to administer than they were saving, they finally agreed to remove it and supply the footwear at full cost (as always stated in the *Canada Labour Code* sec.125 [1] I).

Under the new agreement employers may provide protective or purpose-designed footwear directly to employees, or reimburse them for actual costs. Employers who choose to reimburse shall establish, in consultation with either the Workplace Committee, Safety and Health Representative or the Policy Committee (as defined in the *Canada Labour Code*), a price range appropriate to the type of protective footwear required.

It appears some employers have unilaterally declared cost limits for protective footwear. This would not comply with the new agreement, and members negatively impacted should file National Joint Council grievances.

Information about filing NJC grievances can be obtained through your local executive or your National Council representative.

Information about the new agreement can be found in section XII of the NJC OSH Directive at:

http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TBM_119/oshd-dsst/oshd-dsst05_e.asp#_Toc122927043

The AAFC NOSH Committee is in the process of preparing a set of guidelines to help employees, managers and OSH committees understand and implement the new directive. The AAFC Guidelines will be circulated and posted on the AAFC website as soon as they are formalized.

Hazard Prevention Program

Another long-awaited milestone.

When the amended *Canada Labour Code* Part II was proclaimed in October 2000, one of its centerpieces was the requirement for employers to develop, implement and monitor a comprehensive hazard prevention program.

This was to be done in consultation with, and with the participation of joint Policy and Workplace Health and Safety Committees and Health and Safety Representatives.

The only problem was that the program was described in the "employer responsibilities" section of the code as "prescribed". This meant there needed to be a regulation in place before HRSDC would enforce it.

It has taken over five years for the government to pass this vital regulation, but better late than never.

This new requirement is Part XIX of the COSH Regulations. (currently found at: <http://canadagazette.gc.ca/partII/2005/20051214/html/sor401-e.html>)

The hazard prevention program must contain:

- (a) an implementation plan;
- (b) a hazard identification and assessment methodology;
- (c) hazard identification and assessment;
- (d) preventive measures;
- (e) employee education; and
- (f) a program evaluation.

This addition to the COSH regulations explains in great detail what each of these six elements looks like, as well as what factors must be considered and included for each.

All OSH representatives and members of OSH committees should become familiar with this section and table it as an agenda item for future meetings.

Remember that committees and representatives named by the union must participate in all aspects of this program.

Remember also that "participate" does not mean reading about something after it takes place.

Good luck.