

6951 Westminster Highway, Richmond, BC  
Mailing Address: PO Box 5350, Vancouver BC, V6B 5L5  
Telephone 604 276-3100 Toll Free 1-888-621-7233 Fax 604 276-3247

The *Workers Compensation Act* requires that the employer must post a copy of this report in a conspicuous place at or near the workplace inspected for at least seven days, or until compliance has been achieved, whichever is the longer period. A copy of this report must also be given to the joint committee or worker health and safety representative, as applicable.

**Inspection Report #201516670079A**

Employer Name	Jobsite Inspected	Scope of Inspection
SIMON FRASER UNIVERSITY	Simon Fraser University Safety and Risk Solutions Burnaby BC	Joint Health and Safety Committee - structure review

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Feb 20, 2015	Feb 20, 2015	Feb 20, 2015	In Person

**THERE IS ONE (1) ORDER OUTSTANDING****ACTION REQUIRED****Summary of Orders**

See "Orders – Full Details" section of this Inspection Report for orders cited

Order No.1 <input type="checkbox"/>	Status: <b>Outstanding</b>	Cited: <b>WCA128(1)(c)</b>
Notice of Compliance Required.		

**ORDER STATUS LEGEND**

Order Status	Description
Outstanding	Order Outstanding - Action Required to Achieve Compliance
Complied	Compliance Achieved - No Further Action Required
Closed	Order Could Not be Followed Up – No Further Action Required
Rescinded	Order has been cancelled – No Further Action Required

## INSPECTION NOTES

This inspection report is issued in response to worker concerns regarding representation on the employer's Joint Health and Safety Committee's.

### BACKGROUND

Simon Fraser University (SFU) has approximately 6500 faculty and staff primarily represented by five labour unions as follows:

**Canadian Union of Public Employees (CUPE)** local 3338 represents the office, technical, and clerical employees at the University. There are approximately 940 continuing and temporary employees in this bargaining unit.

**Teaching Support Staff Union (TSSU)** represents approximately 1450 of the non-faculty teaching support staff employed as teaching assistants, tutor markers and sessional instructors.

**Poly Party** is made up of eight unions representing the maintenance and trades staff at the University. They are the United Brotherhood of Carpenters and Joiners of America, Local 1995, the International Brotherhood of Electrical Workers, Local 213, the International Union of Operating Engineers, Local 882, the International Brotherhood of Painters and Allied Trades, Local 138, the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 170, the International Association of Machinists and Aerospace Workers, Lodge 692, the Teamsters, Local 213, and the Construction and Specialized Workers' Union, Local 1611. The Poly Party represents approximately 85 continuing and 10 temporary employees.

**Administrative and Professional Staff Association (APSA)** represents approximately 821 continuing and temporary administrative and professional employees. There are currently 46 administrative and professional positions excluded from the association.

**SFU Faculty Association (SFUFA)** has recently established itself as a collective bargaining agent for approximately 1100 faculty, librarians and other academic staff

There are also workers represented by select trade unions not included in the Poly Party (primarily in the facilities department), and research assistants and other "excluded positions" who are not represented by any labour union.

Prior to 2003, the University established and maintained a "University Safety Committee" consisting of a designated number of employer and worker representatives from each union/worker group.

In Feb 2001, WorkSafeBC cited SFU in contravention of WCA131(2), for failing to have regular Joint Health and Safety Committee meeting.

In 2003, the University restructure its Safety committees to establish the following:

**The Central University Health and Safety Committee ( CUHSC )** reports to the Chief Safety Officer and addresses safety policies and safety issues arising in public areas. It also promotes communication and information sharing among the various local joint health and safety committees. Membership consists of all co-chairs from the local joint health and safety committees

**Local Joint Health and Safety Committees (LJHSC )** report to the head of the department. They assist in monitoring the effectiveness of the departmental safety program, consider safety concerns raised by employees and students, make appropriate recommendations to department heads and promote safety communication to foster a safety-conscious culture. There are currently eight LJHSC at the University's main Burnaby Campus, plus one each at the Surrey and Harbour Centre campuses, for a total of 10 LJHSC.

**Research-related Safety Committees** report to the Vice-President, Research and address specific regulatory requirements that must be met to engage in research activity. There are currently three research-related committees - Diving, Radiological, and

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Biological.

**CONCERNS RAISED BY WORKERS**

In January 2015, the Teaching Support Staff Union (TSSU) approached WorkSafeBC to discuss concerns related to worker representation on the employer's Health and Safety Committees.

Subsequent to this meeting, we requested the following documentation from the employer:

1. The names of all of the current members on the Central Committee, as well as which areas and unions the members represent
2. The current names and union affiliation for all members on each of SFU's local safety committee's
3. Any documentation in the employer's possession relating to the decision to change the structure of the Central committee in 200
4. An official copy of the current SFU policy GP17 (University Occupational Health and Safety)
5. A copy of the current Terms of Reference (TOR) for the Central University and Local Health and Safety Committees.
6. A copy of any available documentation used in SFU's internal JOSHC training
7. JOSHC training records for all current members of both Local or Central JOSHC members.

Officers D. Janke and A. Goodman reviewed this documentation and established the following:

- 1) The employer has established terms of reference (ToR) for both the CUHSC and the LJHSC. The ToR states that management and worker representatives for the LJHSC are selected from volunteers or recruited to sit on the committee. If insufficient members are identified, the Dean, Chair, or Director may appoint management representatives and/or select worker representatives according to WCA128. Worker and management co-chairs for each LJHSC are either selected by acclamation or through membership rotation in 6 month intervals.
- 2) The Central University Health and Safety Committee is composed of worker and employer co-chairs from each of the Local Health and Safety Committees, plus a number of non-voting resource members.
- 3) Current worker representation on the employer's safety committees is summarized as follows:

	CUPE	APSA	TSSU	PolyParty	SFUFA	excluded
Number of workers represented	940	821	1450	95	1100	NK
% total workforce of 6500	14%	13%	22%	2%	17%	NK

Number of workers on LJHSC  
 (as either worker or employer  
 representatives):

	CUPE	APSA	TSSU	PolyParty	SFUFA	excluded
Surrey	5	4	0	0	0	0
Harbour Centre	6	5	0	0	0	0
Library	3	3	0	0	1	1
Athletics & Recreation	2	3	0	1	0	0
South East Campus	5	5	0	0	0	0
East Administrative Unit	4	4	1	0	0	0
West Administrative Unit	6	4	0	0	0	0
Faulty of Science	7	5	1	0	0	0
Residence and Housing	2	2	0	0	0	0
Facilities Services	1	7	0	6	0	0

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Number of Worker on Central  
 University Health and Safety  
 Committee (CUHSC):                    10            10            0            1            0            0

NK = not known

6) University policy GP17 (University Occupational Health and Safety) refers to the "University Safety Committee" and does not reflect the current membership of the "Central Joint Occupational Safety Committee"

7) The current collective agreement between the university and both the TSSU and CUPE grant membership on the "University Safety Committee" but have not been updated to reflect the existing safety committee structure. The collective agreements with the other parties represented at SFU (where available) do not establish membership on the employer's JOSHC.

8) Although the employer provided some documentation to indicate that the various unions were consulted when the committee structure was changed in 2003, there is no evidence that unions agreed to the current structure.

Based on this evidence, order #1 is issued.

**VARIATIONS ON COMMITTEE STRUCTURE**

WCA 125 requires employer's to establish and maintain "a" joint health and safety committee in every workplace where there are 20 or more workers are regularly employed. WCA126 permits a Board officer to vary this requirement to allow for additional committees within one workplace, or a single committee for multiple workplaces. Once it has been established that the employer's JOSH committee structure meets the minimum requirements of the WCA, an order under WCA126 will be issued to formally grant permission to the employers committee structure. The employer is advised that the following items must be addressed before permission will be granted:

- 1) The employer must establish a documented method of selecting appropriate worker representation on the committee(s) in accordance with paragraphs (a) and (b) of WCA 128 and in equitable proportion to their relative numbers and relative risks to health and safety. The justification for the relative numbers selected must be documented, and a procedure established for reviewing and adjusting these numbers as necessary to ensure they remain accurate.
- 2) The selection procedure established for each union must be agreed on by that union, in writing, either through collective agreement, memorandum of understanding, or other similar method.
- 3) Employer representatives must be selected by the employer from among persons who exercise managerial functions for the employer and, to the extent possible, who do so at the workplace for which the joint committee is established.
- 4) Worker representatives must be selected from those individuals who are employed by the university, do not exercise managerial function, and are reasonably able to regularly attend JOSHC meetings and perform other duties as required by WCA130.
- 5) Students (who are not also workers) may be permitted to attend the employer's JOSH committee meetings as non-voting members only.
- 6) If the employer chooses to maintain Local Health and Safety Committees, a review of the departments/areas covered by each of these committee's should be done to ensure adequate representation.

**JOSHC TRAINING**

WCA135 entitles each member of a joint committee to an annual educational leave totalling 8 hours, for the purposes of attending occupational health and safety training courses conducted by or with the approval of the Board. The employer has developed their

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own Joint Health and Safety Committee training, the contents of which were requested and reviewed. Based on the information provided, it appears that the committee training provided by the employer covers the recommended topics for an introductory course for JOSHC. WorkSafeBC may choose to audit this course in the future to review how the material is presented.

If there are any questions regarding this Inspection Report, I can be contacted through the following:

Diana Janke, Occupational Hygiene Officer  
Regional Services - Prevention  
WorkSafeBC  
ph: 604 232 5959  
fax: 604 232 5950  
e-mail: [diana.janke@worksafebc.com](mailto:diana.janke@worksafebc.com)

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More information about health and safety, including the Workers Compensation Act and the Occupational Health and Safety Regulation may be found at the WorkSafeBC website ([www.worksafebc.com](http://www.worksafebc.com)).

To report a serious accident/incident or major chemical release call:

604 276-3100 in the Lower Mainland

1 888 621-7233 toll-free within B.C.

To report after hours safety and health emergencies, call 1 866 922-4357

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**ORDERS****An employer who fails to comply with Part 3 of the *Workers Compensation Act*, the *Occupational Health & Safety Regulation*, or *WorkSafeBC* orders may be subject to monetary or other sanctions as prescribed by the *Workers Compensation Act*.****Orders - Full Details**

Order No.1 <input type="checkbox"/>	Status: <b>Outstanding</b>	Cited: <b>WCA128(1)(c)</b>
<p>The workers at SFU are represented by a number of unions, and some workers are not represented by a union. Worker representatives on the employer's joint committee(s) have not been selected in accordance with Workers Compensation Act Section 128 paragraphs (1)(a) and (b) in equitable proportion to their relative numbers and relative risks to health and safety. CUPE and APSA, representing approximately 15% of workers each, have almost 100% of the representation on the employer's health and safety committees. TSSU and SFUFA, representing approximately 20% of workers each, have no representation on the employer's Central committee, and very limited representation on the local committee's (see inspection text). Both TSSU and SFUFA represent workers may be exposed to a variety of hazards, including biological, physical, chemical, and radiological. The research support workers, not represented by any union, may also be exposed to these hazards, and have no representation on any of the employer's safety committees.</p> <p>The employer's process for selecting worker representatives, outlined in the Terms of Reference for both Local and Central health and safety committees, have no provision for ensuring the requirements of WCA128 are met.</p> <p>This is in contravention of the Workers Compensation Act Section 128 (1)(c).</p> <p>If some of the workers at the workplace are represented by one or more unions and some are not represented by a union, the worker representatives are to be selected in accordance with Workers Compensation Act Section 128 paragraphs (1)(a) and (b) in equitable proportion to their relative numbers and relative risks to health and safety.</p> <p>Pursuant to Workers Compensation Act Division 4, the employer must post any order written under Division 4 and keep it posted for 12 months.</p> <p><u>Measures to Ensure Compliance:</u></p> <p>The employer is ordered to ensure that workers representatives from each of the unions and those worker not represented by a union are selected in accordance with Workers Compensation Act Section 128 paragraphs (1)(a) and (b) in equitable proportion to their relative numbers and relative risks to health and safety.</p> <p>See inspection text for more information.</p> <p>Pursuant to section 194 (1) of the Workers Compensation Act, the employer must prepare a Notice of Compliance report. In accordance with section 194 (2), this report must detail what has been done to comply with the order, and where compliance has not been achieved by the time the report has been submitted, include a plan of what will be done to comply and when compliance will be achieved. Please submit the report no later than April 30, 2015 .</p>		

**REFERENCES**

In addition to any orders and the information provided in the Inspection Notes in this Inspection Report, the officer may discuss other health and safety issues with the employer arising out of the inspection. The information below sets out the health and safety requirements discussed with the employer, and unless otherwise noted, violations of these requirements were not observed.

Reference	Details Discussed
<p><b>WCA126(1)(a)</b></p> <p>Despite section 125, the Board may, by order, require or permit an employer to establish and maintain</p> <p>(a) more than one joint committee for a single workplace of the employer,</p> <p>Pursuant to Workers Compensation Act Division 4, the employer must post any order written under Division 4 and keep it posted for 12 months.</p>	<p>The employer may request that the Board grant approval for the maintenance of Local Health and Safety Committees for various parts of the Burnaby Mountain campus.</p>
<p><b>WCA126(1)(b)</b></p> <p>Despite section 125, the Board may, by order, require or permit an employer to establish and maintain</p> <p>(b) one joint committee for more than one workplace or parts of more than one workplace of the employer,</p> <p>Pursuant to Workers Compensation Act Division 4, the employer must post any order written under Division 4 and keep it posted for 12 months.</p>	<p>The employer may request Board approval for a joint health and safety committee to include representation from all three SFU campuses.</p>
<p><b>WCA135(1)</b></p> <p>Each member of a joint committee is entitled to an annual educational leave totalling 8 hours, or a longer period if prescribed by regulation, for the purposes of attending occupational health and safety training courses conducted by or with the approval of the Board.</p>	<p>Provided for reference</p>
<p><b>WCA194(1)</b></p> <p>This Inspection Report contains one or more orders requiring you to submit a Notice of Compliance report. This report must be prepared in accordance with section 194(2) of the Workers Compensation Act.</p>	<p>Notice of Compliance</p>

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Reference	Details Discussed
<p><b>WCA194(2)</b></p> <hr/> <p>The employer or other person directed by an order under subsection (1) must prepare a compliance report that specifies:</p> <ul style="list-style-type: none"><li>(a) what has been done to comply with the order, and</li><li>(b) if compliance has not been achieved at the time of the report, a plan of what will be done to comply and when compliance will be achieved.</li></ul>	Notice of Compliance



Employer #	Mailing Address	Classification Unit #	Operating Location
112786	C/O ANNE CARCHESIO (HUMAN RESOURES) 8888 UNIVERSITY DR BURNABY BC V5A 1S6	765010	001

Lab Samples Taken	Direct Readings	Results Presented	Sampling Inspection(s)
N	N	N	

Workers onsite during Inspection	Notice of Project Number
6500	

Inspection Report Delivered To	Employer Representative Present During Inspection	Worker Representative Present During Inspection	Labour Organization & Local
Melinda Skura	Melinda Skura	various .	

WorkSafeBC Officer Conducting Inspection
Diana Janke

*Inspection Time	*Travel Time
10.25 hrs	2.50 hrs

\*The time recorded above reflects the cumulative inspection time and travel time associated to the inspection activity cycle. Additional time may be added for subsequent activity.

### Right to a Review of Orders

**Any employer, worker, owner, supplier, union, or a member of a deceased worker's family directly affected may, within 90 calendar days of the delivery date of this report, in writing, request the Review Division of WorkSafeBC to conduct a review of an order, or the non-issuance of an order, in this report by contacting the Review Division. Employers requiring assistance may contact the Employers' Advisers at 1-800-925-2233.**

WorkSafeBC values your feedback. To obtain that feedback, our external market research provider may be contacting you to complete a survey.