



Article: XII

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Text:

ARTICLE XII – SAFETY AND HEALTH

SECTION 1:

The Company and Employees will co-operate to assure safe working methods and conditions and devise plans for the furtherance of safety measures. Equipment and devices mutually agreed upon to be provided by the Company.

Guidelines:

ARTICLE XII - SAFETY AND HEALTH

Section 1:

Section 1 simply outlines the common perspective regarding safety and indicates agreement to work together to improve safety.



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SECTION 2:

The Management of every operation shall maintain an Accident Prevention Committee of four (4) to six (6) members according to the size of the operation. Members of the Committee shall be designated to equal numbers by the Employees and the Employer. Employee representatives shall be regular employees in the operation with at least one (1) year's experience.

Guidelines:

ARTICLE XII - SAFETY AND HEALTH

Section 2:

Section 2 outlines the agreement to have an Occupational Health and Safety Committee in place at each operation. This requirement is also called for by the WCB Regulations.

The Worksafe BC OH&S Regulations further prescribes the responsibility of the committee. Copies of the WCB Regulation are available from Worksafe BC. Worksafe BC maintains a very comprehensive website related to Occupational Health and Safety issues and the web address is: www.worksafebc.com



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Section 3:

Safety meetings will be held during working hours where possible. Employee's time will not be deducted for attending such meetings or investigations into accidents. It is recognized that in multi-shift and logging operations, meetings will occur outside of working hours for certain employees. When meetings take place outside of an employee's working hours, he/she will be compensated at his/her regular hourly straight time rate of pay for the time spent attending such meetings, investigations and inspections up to a maximum of two (2) hours per week.

Section 4:

The Company will require all Cookhouse employees to have a health card from a recognized doctor within ten (10) days of employment and shall renew same every six (6) months. Cost of medical examination is to be borne by the Employer if the Employee stays on the job thirty (30) days. This requirement is subject to medical service being available.

Guidelines:

ARTICLE XII - SAFETY AND HEALTH

Section 3:

The position of CONIFER is that the Collective Agreement provides (via this section) for worker members to receive a certain rate and hours for time spent serving on the joint committee outside of employee's working hours, specifically the regular straight time hourly rate of pay up to a maximum of two (2) hours per week.

For further assistance contact the staff at CONIFER.

Section 4:

There are currently no cookhouse employees within CONIFER member companies.



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Section 5:

Effective July 1, 1989, an IWA-Forest Industry Safety and Health Research Program be established on the following general principles:

- a) The Plan will be jointly trusteeed.
- b) The Plan is to be funded on the basis of an Industry contribution of one-half cent (1/2) per hour per employee per hour worked effective July 1, 1989.
 - i) When funds in the Plan reach \$100,000, the Employer will contribute an additional one-half cent (1/2¢) per hour for a total of one-cent (1¢) per hour.
 - ii) When funds in the Plan reach \$200,000, the additional one-half cent (1/2¢) provided for in I) above would be discontinued until the fund level is again reduced to the \$100,000 level.

Guidelines:

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Section 5:

This section led to the program development in the north known as the Safety and Health Awareness Research Program (SHARP). Members in this plan include CONIFER members, along with Canfor, West Fraser Mills Ltd., other operations, and USW Locals 1-2017.

The main purpose of the program is the improvement of safety and health protection efforts in the forest industry through research, education, and training and the general development of a safe work environment for all. The program is managed by eight (8) trustees; four (4) appointed by the union and four (4) appointed by the industry. One of the industry trustees is from the CONIFER staff. For further information on SHARP initiatives, contact CONIFER.



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Section 6: Right to Refuse Unsafe Work

The Company and the Union agree to cooperate in developing and maintaining a strong sense of safety awareness among employees and supervisors. It is, therefore, recognized that every employee has the right to refuse work if he has reasonable cause to believe that to perform the work would create undue hazard to the health or safety of any person. For the purpose of this section, all rules, procedures and outcomes will be as outlined in Section 3.12 of WorkSafe BC Occupational Health and Safety Regulation which are as follows:

- (1) A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.
- (2) A worker who refuses to carry out a work process or operate a tool, appliance or equipment pursuant to subsection (1) must immediately report the circumstances of the unsafe condition to his or her supervisor or employer.
- (3) A supervisor or employer receiving a report made under subsection (2) must immediately investigate the matter and
 - (a) ensure that any unsafe condition is remedied without delay, or
 - (b) if in his or her opinion the report is not valid, must so inform the person who made the report.
- (4) If the procedure under subsection (3) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of
 - (a) a worker member of the joint committee,
 - (b) a worker who is selected by a trade union representing the worker, or
 - (c) if there is no joint committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.
- (5) In the event of another employee being assigned the work being investigated under this section, the employee will be informed of the work refusal and the rationale for the refusal.

This will occur in the presence of:

- (a) a worker member of the joint committee,
 - (b) a worker who is selected by a trade union representing the worker, or
 - (c) if there is no joint committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.
- (6) If the investigation under subsection (4) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor, or the employer, and the worker must immediately notify an officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.



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No discriminatory action:

- (1) A worker must not be subject to discriminatory action as defined in section 150 of Part 3 of the Workers Compensation Act because the worker has acted in compliance with section 3.12 or with an order made by an officer.
- (2) Temporary assignment to alternative work at no loss in pay to the worker until the matter in section 3.12 is resolved is deemed not to constitute discriminatory action.

Note: The prohibition against discriminatory action is established in the Workers Compensation Act Part 3, Division 6, sections 150 through 153.

Guidelines:

Incorporated into the 2009 to 2013 collective agreement, this language is taken directly from the Worksafe BC OH&S regulation. It outlines the employee's right to refuse unsafe work and the steps that need to be followed to do so.

Sub-section (5) was incorporated in to the 2018 to 2023 Collective due to the fact that the USW requested, in simplistic terms, that if Employee A exercises a "right to refuse unsafe work", and the Company intends to direct Employee B to complete the same work, then Employee B must be advised of Employee A's exercise of his/her right to refuse unsafe work, along with the rationale for the refusal.

Questions on the right to refuse unsafe work can be directed to CONIFER staff, Worksafe BC, or The Employers' Advisors office. The following link takes you to the Worksafe BC OH&S Regulation 3.12 guidelines:

<https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-guidelines/guidelines-part-03#SectionNumber:G3.12>

The Worksafe BC Prince George Office contact number is 250-563-9264 or toll free at 1-888-621-7233. The Employer's Advisor Prince George Office contact number is 1-800-925-2233. Their website is:

<https://www2.gov.bc.ca/gov/content/employment-business/employers/employers-advisers-office>



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Section 7: Employee Safety Guidelines

The Parties agree that safety is paramount and for purposes of ensuring safety only and without restricting the Company's rights under the Collective Agreement to assign any work to employees, it is agreed that when performing work, employees will only perform work within the scope of their training and qualifications.

Guidelines:

Incorporated into the 2013 to 2018 collective agreement, this section is NOT intended to restrict management's right to assign work to employees. It outlines that in doing so, employees will perform work within the scope of their training and qualifications.

The Worksafe BC OH&S Regulations define qualified as "being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof".