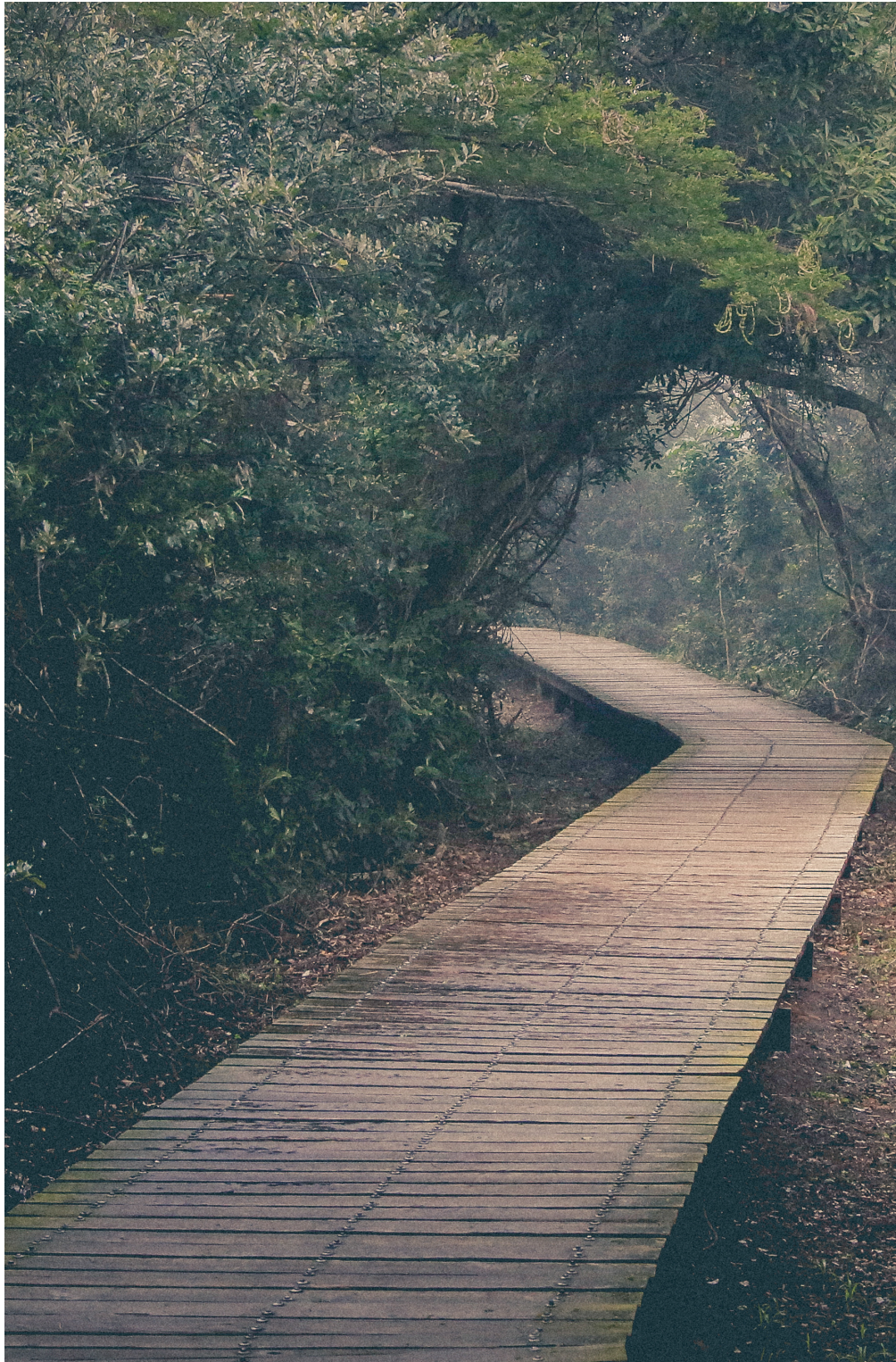


Pathway to a Safe September

A script for
University
Sector Joint
Health and
Safety (JHSC)
Committees



Pathway to a Safe September: A Script for University Sector Joint Health and Safety (JHSC) Committees

Never before has occupational health and safety been as important as it is today. As Canada begins to emerge from nearly 18 months of pandemic-related lockdowns and workplace closures, Universities are preparing to resume in-person instruction and on-campus operations in September. For Canadians forced to endure a year-and-a-half of strict limitations on their movements and other freedoms, a return to campus carries far more symbolic weight than usual. For many, it's not just about back to school; it's about back to normal.

That hunger for normal—while understandable—isn't entirely accurate. While infection rates continue to fall and vaccination rates climb steadily, SARS CoV-2 and its variants are not eradicated remain a significant public health risk, particularly in congregate settings like universities.

University administrations are no more immune to the appetite for everything to get back to normal than the rest of the country, and in a time of increased austerity within the sector may find it difficult to put safety first in their haste to resume on-campus operations. Everybody wants a Safe September, but everybody doesn't agree on how much effort needs to be put into making a Safe September happen.

As Joint Health and Safety Committee members, your role is to ensure all possible steps have been taken by your Employer to make the working environment as safe as it can possibly be. In the next two months, the work you do with your local JHSC will perhaps be the most important work you do in your entire professional life!

To assist you in this Important work, OUWCC, with the assistance of CUPE Health and Safety, has created the following 'script' to help you navigate Health and Safety discussions with your employer. More than ever, it is imperative the JHSCs are pro-active in driving these discussions. We cannot take for granted that our employers share our commitment to safety. While employers may express their commitment to a Safe September, your goal is to secure firm commitments, ideally in writing, and to ensure employers do 'everything possible' to reach a Safe September, rather than letting them settle for doing 'the best they can'. There is a difference between 'everything possible' and 'best they can.' Words matter. That makes the choice of words in this script so important. From start to finish, do 'everything possible' to secure firm commitments that prevent your employer from slipping out of their responsibilities.

The Pathway to Safe September—Preparing for the journey

If we treat the time between now and September reopening as a journey, then best way to reach the destination is to map out a pathway. Treat this document as a map to aid in the journey. Along the way, there will be a number of stops. At each stop, which will have a bold type heading, there will be instructions to take you along the pathway to the next stop. Any successful journey requires advance preparation. Up ahead, your journey will begin at the next workplace Joint Health and Safety Committee meeting, but come prepared!

First, make sure a JHSC meeting is scheduled to take place *before* classes resume. If a meeting isn't scheduled, demand—in writing—that a meeting take place. By law, JHSCs are supposed to meet every three months. If for any reason your meeting will not make it by September, you should argue that the September reopening represents an extraordinary circumstance that makes a special JHSC meeting necessary.

With a meeting scheduled, there is one last preparation piece. Prior to the meeting, take a moment to discuss reopening plans with your Local Union executive. Has any correspondence, calls, emails or other communication come to the Local or to you regarding the Employer's reopening plans? If any communications have come in, review them and decide (in consultation with your fellow JHSC members and exec) if the employer communications regarding their reopening plans are—in the union's opinion—meaningful 'consultation with the JHSC...on the development of Health and Safety programs and policies (including training programs) where prescribed,' in accordance with the Terms of Reference governing JHSCs under the applicable legislation.

The Journey Begins—JHSC Meeting

Now that your JHSC Meeting is taking place, it's important to hear what the Employer has to say about their reopening plan. Take detailed notes of exactly what is said. When it's time for your response, consider the following:

1. In your pre-planning, did you and your Local feel you had been meaningfully consulted on the reopening plans?
2. What sort of language did the Employer use in discussing the steps they are taking to reopen in September. Were they going to 'Do everything possible', or 'the best they can', or 'whatever is cost-effective'? Maybe they used another term, but your goal is to extract the strongest, clearest, *written* commitments. 'The best they can' might sound all right, but it isn't good enough when it comes to safety. 'Everything possible' is much better.
3. Did the Employer prioritize safety over everything else, or does safety take a backseat to other considerations, like cost-effectiveness, a successful reopening, efficiency or other priorities? If safety isn't first, always, then your employer has a problem.
4. What actions has employer already taken, and what actions did they commit to undertake already

If your Union feels the Employer did not provide meaningful consultation, you need to state that clearly. In terms of the steps the Employer is taking to reopen, insist on the strongest possible language. You don't want 'the best they can' on safety; you want, and the members *need* 'everything possible' to be done on safety. The same goes for priorities. If the employer hedges, then you need to cut through the weasel words and make the Local's expectations clear—Reopening must be done safely, and safety must be *always be the top priority!* Finally, review the actions the employer has already taken and the ones they have already committed to. If in your view they are not sufficient, tell them where they are lacking and what steps are needed to meet the expected standard.

And once again, get it all of it in writing!

Here are some elements to what you might wish to say:

"It is Local XXX's position that we have not been meaningfully consulted on the proposals to reopen in September.

"The language with respect to reopening is unacceptable to the Union. We need to know your commitment is to 'everything possible' to ensure worker safety, nothing less."

"It is unacceptable to us that safety is not your top priority. We need clear, written assurance that safety will always remain the top priority and will never take a back seat to other considerations.

“In terms of the steps you have already taken, have you considered the following issues:

- a. Have you done a test of the air exchange in all work areas and places where people will congregate? Can you show us the results of those tests?
- b. Are there work areas where air exchange does not meet the recommended standard? Are you upgrading HVAC in those areas?
- c. Are windows being left open in all spaces to increase the air exchange rate? Are there areas where windows cannot be open and if so, what is being done to remedy that?
- d. Have occupancy rates been modified in all buildings and within those buildings, are there limits to the number of people permitted to be in a particular room, based on room size?
- e. Do all occupancy limits provide enough space for people to maintain a two-metre distance, and have allowances been made for movement?
- f. Have you provided students and instructors with the option to teach or to receive instruction virtually, or in-class instruction mandatory?
- g. In areas where it is impossible to maintain 2m distancing, what personal protective equipment (PPE) is being provided? Is training on proper donning/doffing of PPE being provided? Is an outside air supply being furnished in confined spaces?

If the Employer has answers for these, ask for all their answers to be provided in writing. If they don't, insist on receiving a written response as soon as possible.

You can also remind the employer that the Union takes its responsibilities on health and safety very seriously, and that the union will be taking all necessary steps to remind members of all their rights and responsibilities relating to occupational health and safety.

And with that, your meeting will likely have concluded. You will likely want to follow up with written correspondence a few days after the fact. In it, make sure you drive home the key points:

1. Meaningful consultation
2. Everything possible
3. Safety first

The first leg of a journey is always the hardest. Now comes the second half, which takes you out of the Committee meeting setting, and back into the workplace.

Next stop—the workplace

Now it's time to exercise your rights on the JHSC Terms of Reference, along with any additional rights you may have through your collective agreement. At a minimum, you have the right to 'regularly inspect the workplace.' You should do so and be visible in your efforts. Review the documentation provided, speak to any workers who have been recalled. Identify problem areas, especially relating to ventilation and distancing.

Keep detailed notes of your findings and problem areas.

You are now en route to your final destination on the pathway—and it puts you in contact with the membership in a big way!

Last Stop—Meeting the Membership

At the most basic level, the most knowledgeable people about any working environment are the workers who use those environments. They are also the ones most at risk of infection in a COVID-19-unsafe working environment. As a health and safety rep, you are tasked with trying to create the safest possible working environment for your Local Union's membership. They need to learn from you, and you need to learn from them! Not only will this help create better and safer working conditions, but it strengthens our union. This dialogue, in large and small groups, demonstrates yours and the Local's commitment to the membership and shows them the steps you are taking to help them stay safe. For you, listening to members' insights about their work areas, their concerns about safety, and about the risks they face is as important as sharing your own findings with them.

With the support of you Local, organize a special meeting or series of meetings via telephone town hall, Zoom or other online meeting platform. In addition to sharing your findings with members, ensure they understand what their own rights and responsibilities under the Occupational Health and Safety Act. Most importantly, remind members that if they feel conditions are not safe for any reason, *including COVID-19*, they have the right to refuse unsafe work. A quick refresher on the steps they need to take in the event of a work refusal would be very useful at this time as well.

Your Final Destination is Approaching

You have now reached the final destination, or at least as close as the pathway will take you and your fellow members. Ultimately, the greatest level of responsibility for a safe return to work lies with the Employer, but it falls to Health and Safety representatives at the Local level to do their part to hold Employers' feet to the fire, hold them to their commitments and legal obligations, and hold them accountable when their failure to meet the responsibilities results in injuries or death.

Through your efforts, our members are safer, and our union is stronger.