

CERTIFIED MEMBER

A Certified Member is a resource for the JHSC and the workplace. Because of their training, they have a good understanding of the OHS and Regulations for hazards in their workplace.

What the law states:

- OHS states that there shall be two certified workers for a JHSC s.9(11) (12): one who exercises managerial functions and the other that represents the workers.

Training:

- Successful completion of Core Certification and Workplace Hazard Specific training is required to become a Certified Member. Core Certification includes basic health and safety training that covers health and safety laws, information and tools to help perform the duty. Workplace Hazard Specific training includes the significant hazards of the members' workplace.

Bilateral or Unilateral Certified Member:

- Bilateral Certified Member means there are two Certified Members (one who exercises managerial functions and the other that represents the workers) required to give direction to stop unsafe work. The Certified member that may act alone for unsafe work stoppage is a Unilateral Certified Member. The right to be a Unilateral Certified Member (s. 47) is given by the employer or the Ontario Labour Relations Board. (s. 46)

Designated Certified Member:

- If there is more than one Certified Member, the workers or the trade union who selected the members representing the workers shall designate one or more certified members who then become solely entitled to exercise the rights and perform the duties, under this Act, of a designated Certified Member representing workers. It is acceptable to have a designated certified member on each shift or in each area.

Roles of Certified Member:

Work Stoppage:

A Certified Member that has "Reason to Believe" that Dangerous Circumstances exist can initiate a work stoppage. The criteria to reach that decision include; s. 44(1)(a)(b)(c)

- A provision of the OHS or regulations is being contravened;
- The contravention poses a danger or a hazard to a worker, and;
- The danger or hazard is such that any delay in controlling it may seriously endanger the worker.



Not all duties that a certified member may perform are listed here. Please check the Occupational Health & Safety Act for more information.

If all three conditions apply then the Certified Member may; s. 45

- Request that a supervisor investigate the matter. If the supervisor agrees that a hazard exists then remedial actions should occur while keeping the worker safe from hazards.
- If the Certified Member and the supervisor do not agree, the second Certified Member is called to investigate. If both Certified Members agree, then direction is given to the supervisor to stop the work.
- If the Two Certified Members disagree then the MOL Inspector is called.
- When the MOL Inspector has completed the investigation, a written decision will be given to the employer, certified members and posted in the workplace, stating if Dangerous Circumstances existed and any orders that the inspector deemed necessary.

Worker Complaint: s. 48 (1)

- The Certified Member is entitled to investigate a complaint from a worker that Dangerous Circumstances exist and shall do so promptly.

Certified Member Paid: s.48(2)

- Certified Members are paid at their regular or premium rate as may be proper for the time spent exercising powers and performing duties under the act.

Required Duties of Certified Member:

- The duties only a Certified Member can perform: Initiate a Work Stoppage s. 45; Investigate a Complaint from a worker that Dangerous Circumstances exist s.48(1).

Preferred Duties of Certified Member:

- Preferred duties can be performed by any JHSC member, but if possible the Certified Member. These include: Unsafe Work Refusal Investigation s. 43(11),(12)(a); Workplace Inspection s.9(24)(25). The OHS Act states that not all duties have to be performed by the same person.

Act as a Resource:

- Certified Members should also promote Health & Safety knowledge to all workers in their workplace. Studies have shown that the better the knowledge and understanding, the less accidents and injuries occur. Posters, pamphlets and bulletin boards are a great way to get the message across. Keep it interesting and change the information often. If you need information to build a display for the bulletin board, our Health & Safety Department can help.

Continue Training:

- Certified Members need to continue to gain knowledge about hazards to help perform their duties in the workplace. UFCW can help with our free online training. Many new technologies have been developed over the years that may contain short-term or long-term hazards. Chemicals are another hazard that Certified Members keep watch over.

OHS Act R.S.O. 1990, C.0.1.

Sections that apply:

- 9(11)(12)(13)(14)(15)(16)
- 9(35)(36)
- 43 (11), (12)(a)
- 44(1)(a)(b)(c)

- 45
- 46
- 47
- 48(1)(2)

Published: September 19, 2011

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