

## Bains, Harry LBR:EX

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**From:** Bains, Harry LBR:EX  
**Sent:** Friday, June 1, 2018 11:35 AM  
**To:** Bains.MLA, Harry LASS:EX  
**Subject:** Fwd: Employer response to Petrie Report  
**Attachments:** image001.jpg; ATT00001.htm; Employer Response to Petrie Report Submission - June 1 2018.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

**From:** Employers' Forum <[doug@employersforum.org](mailto:doug@employersforum.org)>  
**Date:** June 1, 2018 at 11:00:05 AM PDT  
**To:** <[Harry.Bains@gov.bc.ca](mailto:Harry.Bains@gov.bc.ca)>  
**Subject:** Employer response to Petrie Report

## Bains, Harry LBR:EX

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**From:** Bains, Harry LBR:EX  
**Sent:** Friday, June 1, 2018 11:20 AM  
**To:** Hughes, Trevor LBR:EX; Cooling, Karen LBR:EX; Cheevers, Michael LBR:EX  
**Subject:** Fwd: Employer response to Petrie Report  
**Attachments:** image001.jpg; ATT00001.htm; Employer Response to Petrie Report Submission - June 1 2018.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

**From:** Employers' Forum <[doug@employersforum.org](mailto:doug@employersforum.org)>  
**Date:** June 1, 2018 at 11:00:05 AM PDT  
**To:** <[Harry.Bains@gov.bc.ca](mailto:Harry.Bains@gov.bc.ca)>  
**Subject:** Employer response to Petrie Report

## Bains, Harry LBR:EX

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**From:** Bains, Harry LBR:EX  
**Sent:** Friday, June 8, 2018 3:33 PM  
**To:** Hughes, Trevor LBR:EX  
**Subject:** Re: Hassan

Thank you Trevor

Sent from my iPhone

On Jun 8, 2018, at 3:00 PM, Hughes, Trevor LBR:EX <[Trevor.Hughes@gov.bc.ca](mailto:Trevor.Hughes@gov.bc.ca)> wrote:

Minister, I just spent 10 minutes with Hassan Yussuff.

s.22

up the good work!  
T.

He said to keep

## Bains, Harry LBR:EX

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**From:** Bains, Harry LBR:EX  
**Sent:** Tuesday, June 12, 2018 6:35 PM  
**To:** Hughes, Trevor LBR:EX; Cheevers, Michael LBR:EX  
**Subject:** Fwd: Clarification requested re Worksafe regulations

Sent from my iPhone

Begin forwarded message:

**From:** s.22  
**Date:** June 12, 2018 at 5:18:54 PM PDT  
**To:** "[Harry.Bains@gov.bc.ca](mailto:Harry.Bains@gov.bc.ca)" <[Harry.Bains@gov.bc.ca](mailto:Harry.Bains@gov.bc.ca)>  
**Subject:** Clarification requested re Worksafe regulations

BC Minister of Labor - Hon. Harry Bains  
June 12th, 2018

Dear Minister,

I am writing to you, the Minister of Labor, for clarification on certain issues. I have recently been in contact with representatives of and for WorksafeBC, and am having trouble regarding interpretation of legislation. Although much legislation is often worded in such a way that it requires interpretation, with regard to Worksafe it appears that interpretation of legislation depends upon whom one speaks to.

I have recently been in contact with WorksafeBC representatives Dan Chapman, Kim Hess, a fellow from Richmond by the name of Steve (no surname supplied, and a WorksafeBC education trainer whose name escapes me at present. I have been given conflicting information by these representatives, and I seek a definitive response to several questions which I will outline below, including background information where appropriate.

(A) I sit on the Joint Health and Safety Committee at my place of employment as an alternate member. My employer (not the Committee itself) refuses to allow me time off in order to attend monthly meetings. With reference to the Workers' Compensation Act, I note:

***Time from work for meetings and other committee functions***

***134 (1) A member of a joint committee is entitled to time off from work for***

- (a) the time required to attend meetings of the committee, and*
- (b) other time that is reasonably necessary to prepare for meetings of the committee and to fulfill the other functions and duties of the committee.*

*(2) Time off under subsection (1) is deemed to be time worked for the employer, and the employer must pay the member for that time.*

I am being told by my employer that this section refers only to voting members of a committee, though I can find no reference to this in the Act, nor in the regulation itself. Indeed, in citing the very next section of the Act:

***Educational leave***

**135** (1) *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.*

The wording again refers to the word 'member'. My employer has already sent me for said training, which I take it to clarify my status as a member of the committee. Indeed, if the term 'member' does not include alternates, as my employer argues, then I should not have been eligible for training.

In discussion with our local Worksafe representative, I was informed that it is the employer's discretion as to enforcement of regulations regarding the functioning of the committee, citing:

**115 (2) (c)** *establish occupational health and safety policies and programs in accordance with the regulations*

and also:

***When a joint committee is required***

**125** *An employer must establish and maintain a joint health and safety committee*

I countered this by citing:

***Joint committee procedure***

**131** (1) *Subject to this Part and the regulations, a joint committee must establish its own rules of procedure, including rules respecting how it is to perform its duties and functions.*

My argument was overruled by the Workplace representative with whom I was discussing the matter based on 115 and 125 (above). This was determined after my quoting our committee's own Terms of Reference:

**3.0 (e)** *Each member will have a designated alternate which can attend all meetings. All alternates will be ex-officio non-voting members if the main representative is in attendance.*

The employer, not the committee, claims the right to interpret this clause, with the contentious issue being the word "can", which the employer has decided to mean 'has permission to' rather than its most common meaning of 'being able to'.

Other Worksafe representatives have interpreted the legislation as my having full rights to attend, with one representative adding the interpretation that only the committee has the right to interpret its own regulations and procedures.

Hence, these mixed messages by Workplace representatives are not helping me in my determination to assume my rightful place in committee meetings. I still strongly maintain that if I am accorded the rank of 'member' in terms of training, then that selfsame rank should be applied in other situations, in addition to the other arguments I present.

I request that my employer: **115 (1) (b)** *comply with this Part, the regulations and any applicable orders;* and that my supervisor **117 (1) (c)** *comply with this Part, the regulations and any applicable orders.*

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Withheld pursuant to/removed as

s.22

## Bains, Harry LBR:EX

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**From:** Bains, Harry LBR:EX  
**Sent:** Monday, June 25, 2018 8:46 AM  
**To:** Rustad, John  
**Subject:** Re: Workers Compensation Act Revised Statute 2018

Hi John,

Thank you for the email, I have send it to my DM and I also will talk to Mable. You brought up good points and I will consider it.

Thanks

Harry Bains

Sent from my iPhone

> On Jun 22, 2018, at 8:49 AM, Rustad, John S.17

wrote:

>

> Hi Harry,

s.13

<

> Thanks,

> John Rustad

> s.22

>

> Sent from my iPad

## Bains, Harry LBR:EX

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**From:** Bains, Harry LBR:EX  
**Sent:** Friday, June 29, 2018 5:00 PM  
**To:** Cheevers, Michael LBR:EX  
**Subject:** Re: Prep for next week

We should talk about this,  
Harry Bains

s.13

Sent from my iPhone

On Jun 29, 2018, at 4:44 PM, Cheevers, Michael LBR:EX <[Michael.Cheevers@gov.bc.ca](mailto:Michael.Cheevers@gov.bc.ca)> wrote:

Thanks Trevor

I spoke with MHB and s.12,s.13,s.14  
our briefing.

We can discuss messaging at

Thanks!

Mike

Sent from my iPhone

On Jun 29, 2018, at 1:28 PM, Hughes, Trevor LBR:EX <[Trevor.Hughes@gov.bc.ca](mailto:Trevor.Hughes@gov.bc.ca)> wrote:

Michael, wanted to check in with you for a couple of reasons as we  
prepare for next week.

First, we will have a Briefing Note to you by Tuesday noon (if not earlier)  
for the Minister's meeting on Wednesday with the Coalition of BC  
Businesses (to deal with multiple issues).

s.12,s.13,s.14

Is there anything you need from me or my office today while we finalize  
the above items?  
Thanks.