Investigation Standard Imposed Unilaterally During Union JHSC Boycott Upheld



Union members of a company's JHSC began boycotting committee meetings. During this time, the company implemented a new standard for investigating minor incidents. The union JHSC members ended their boycott and then refused to use the new standard, demanding that the old one be reinstated. The union argued that the company had violated the collective agreement by unilaterally implementing the new standard. The company argued that the union's boycott of the JHSC forced it to act unilaterally. The arbitrator upheld the new standard, explaining that under both the OHS law and the collective agreement, the company retained its management rights to ensure that it complied with the OHS law. Workers also have OHS duties and the JHSC requirements make health and safety a 'shared responsibility.' So the union's boycott of committee meetings violated both the OHS law and the collective agreement. And the new investigation standard, which was consistent with the law and agreement, had to be implemented quickly to address a backlog of investigations and so as not to endanger workers. In fact, the new standard had reduced the backlog by 75%, noted the arbitrator [*Rio Tinto Alcan Inc. v. Unifor, Local 2301 (Grievance 300-1625 OHS Program)*, [2014] B.C.C.A.A.A. No. 111, Oct. 9, 2014].