

# **Joint Health and Safety Committees Terms of Reference**

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## Preamble

The *Occupational Health and Safety Act*, R.S.O. 1990, c.0.1 (the Act) provides the legislative framework for protection of worker health & safety and the establishment of the Internal Responsibility System (IRS) in all Ontario workplaces. Roles and responsibilities for the workplace parties are defined and established within the legislation.

Workplaces with greater than 19 workers are required, by law, to establish a Joint Health and Safety Committee (JHSC) to support the IRS. In support of the legislative requirements found in the legislation, the workplace parties have established these Terms of Reference to provide clarity on how they will implement the requirements found in the Act.

Nothing in this document is intended to replace or differ from the requirements found in the Act, the applicable Regulations made pursuant to the Act, or the Collective Bargaining Agreement(s)

*Signed at Fleming College, Peterborough Ontario, (date)* \_\_\_\_\_

*Murray Rodd, Employer Representative* \_\_\_\_\_

*Liz Mathewson, President, OPSEU Local 351* \_\_\_\_\_

*Marcia Steeves, President, OPSEU Local 352* \_\_\_\_\_

## Section 1: Committee Composition

### 1.1 : Committee Composition

- a) The JHSC at the Sutherland campus shall consist of a minimum of eight (8) members.
  - a. Three (3) worker members selected by OPSEU 351
  - b. Three (3) worker members selected by OPSEU 352
  - c. Two (2) or more management members selected by the employer up to a maximum of six (6)
  - d. Regardless of composition, the number of management members cannot exceed the number of worker members
- b) The JHSC at Frost campus shall consist of a minimum of six (6) members.
  - a. Two (2) worker members selected by OPSEU 351
  - b. Two (2) worker members selected by OPSEU352
  - c. Two (2) or more management members selected by the employer up to a maximum of four (4)
  - d. Regardless of composition, the number of management members cannot exceed the number of worker members
- c) The JHSC at Haliburton campus shall consists of a minimum of five (5) members.
  - a. Three (3) worker members selected by OPSEU 351 and 352
  - b. Two (2) or more management members selected by the employer
  - c. Regardless of composition, the number of management members cannot exceed the number of worker members
- d) Members are appointed for a term of two years but may be extended an unlimited number of times by their appointing body (OPSEU or the employer)
- e) The responsible co-chairs will work with the employer or OPSEU to ensure the timely replacement of any positions on the JHSC that become vacant.
- f) JHSC member names and usual work locations will be posted in the workplace on the health and safety board and college intranet systems. Changes to committee membership will be amended in these locations by the employer within 30 days of the change.
- g) Worker members must be given 1 hour preparation time prior to joint health and safety committee meetings.
- h) Co-chairs are provided 2 hours per week, and general members 1.5 hours per week to carry out duties, to inspect the workplace, investigate accidents, represent workers during refusals, witness tests and accompany inspectors.
- i) A person who ceases to be an employee of Fleming College, immediately ceases to be a member of the JHSC.

### 1.2 : Committee Co-Chairs

- a) Members representing the employer shall select one member to act as the Management Co-Chair on their respective JHSC
- b) Members representing the workers shall select one member to act as the Worker Co-Chair on their respective JHSC
- c) Co-chairs shall be selected from certified management or worker JHSC members. If, at the time, no certified member is available, an uncertified member may accept the role but must complete certification within 6 months of their appointment.
- d) Appointment to the role of either co-chair shall be for a period of two years. A co-chair is permitted to serve multiple, consecutive terms if so, selected by the JHSC members.

- e) If a co-chair leaves or is otherwise unable to serve on the JHSC for an extended period, they shall be replaced at the next scheduled JHSC meeting.
- f) For absences of a shorter duration, the co-chair can name an alternate to temporarily act in their place from among the committee membership.

### **1.3 :JHSC Member Certification**

- a) At a minimum there shall be one management and one worker member of each JHSC that is a certified member.
- b) It is desirable that all members of the JHSC complete certification training within 2 years of being appointed to the JHSC to provided them with the knowledge necessary to perform their duties effectively.
- c) Certified members whose certification is in need of review due to expiry shall be afforded the opportunity to re-certify within the time frames set by the WSIB.

## **Section 2: JHSC Meetings**

### **2.1 : Schedule**

- a) Meetings of the JHSC should be conducted monthly at the workplace during the months of September – June. No meetings shall be held during July or August.
- b) The time and date for meetings should be set during the September meeting for that school year. The date for the September meeting should be established at the last meeting of the previous year.
- c) Cancelled meetings may or may not be re-scheduled at the discretion of the co-chairs provided that no more than 2 consecutive meetings are cancelled or fail to meet quorum.

### **2.2 : Meeting Chair**

- a) The September JHSC meeting shall be chaired by the worker co-chair and alternate with the management co-chair monthly thereafter.

### **2.3 : Minutes and Agenda**

- a) Agenda items can be submitted by any JHSC member to their respective co-chair or to the employer provided secretary. Items should be submitted no less than 8 days prior to the meeting wherever possible.
- b) In addition to any individual items brought forth, standing items at every meeting shall include:
  - a. Review and acceptance of the previous meeting minutes
  - b. Review of any workplace accidents involving workers since the previous meeting
  - c. Review of the previous workplace inspection
  - d. Upcoming workplace testing (as defined in 18 (e)&(f) in the Act), if any

- e. A review and discussion of one or more of the established employer policies or programs relating to worker health and safety. The program(s) for discussion shall be determined at the previous meeting.
- c) The co-chair for an upcoming meeting or the employer provided secretary will circulate the meeting minutes along with any supporting information, 7 days prior to the meeting.
- d) Meeting minutes will be taken by the employer provided secretary or by the co-chair that is not leading that particular meeting.
- e) The employer provided secretary or co-chair will make reasonable efforts to ensure that meeting minutes are signed by the co-chairs, circulated and posted on the health and safety website within 7 days of the meeting.

#### **2.4 : Quorum and Committee Recommendations**

- a) Quorum at either Sutherland, Frost or Haliburton will be deemed to have been met when there are at least 4 members in attendance, including at least one management member provided the number of management members does not exceed the number of worker members.
- b) The committee will endeavor, wherever possible, to resolve the matters before it by consensus rather than voting. Matters that cannot be resolved at a meeting may be carried over to one additional meeting for resolution.
- c) In the event that consensus cannot be reached, either co-chair of the committee may elect to make a written recommendation to the employer.
- d) It is desirable that members attend every meeting, however, JHSC members can miss up to 2 meetings per calendar year. Regrets where possible are sent to the secretary, and respective co-chairs with at least 2 days' notice.

#### **2.5: Meeting Guests**

- a) The Supervisor, Health and Safety may, at the discretion of the committee, attend meetings as a guest and resource to the JHSC.
- b) Other persons may attend meetings by the invitation of the JHSC to provide information to members as needed. Where possible, these invited persons will be provided time in the first part of the agenda to allow them to leave before the committee moves on to other business.
- c) Guests to the meetings do not vote or otherwise participate in the decisions or recommendations of the JHSC.

## **Section 3: Workplace Inspections**

### **3.1 : Schedule**

- a) In the first meeting of the school year the committee shall establish a schedule for the completion of monthly workplace inspections.
- b) The Act (*subsection 9(27)*) permits that, where it is not practical to inspect the entire workplace, a worker member may inspect at least part of the workplace monthly in accordance with a schedule established by the JHSC.

- c) The committee recognizes that it is not practical to inspect the entirety of each campus every month and that some areas require more frequent inspection than others reflecting the nature of work and the equipment therein.
- d) In establishing this schedule, the JHSC shall consider the nature of the work and potential hazards in each area and shall assign a relative frequency for inspection based on a consideration of these hazards.
- e) Regardless of hazard, no part of the workplace shall go without inspection for greater than one year.

### **3.2 : Completion of inspection**

- a) The inspection in each month shall be completed by one or more certified worker members of the JHSC in the month within which it is scheduled.
- b) A management member may attend the workplace inspection if possible. The worker member will endeavor to provide a number of possible times and dates to the management member for consideration.
- c) If a mutually agreeable time cannot be arranged, the worker member(s) will conduct the inspection without management accompaniment.
- d) If, for any reason, the assigned worker member(s) cannot complete the inspection, another certified worker member may complete it in their place.

### **3.3 : Inspection Findings**

- a) Inspection records shall be maintained by the worker member and submitted to the Co-Chairs or the employer provided secretary following their inspection
- b) Matters arising from the inspection shall be discussed at the subsequent JHSC meeting as a standing item.

## **Section 4: Worker Member Participation at Workplace Events**

### **4.1 : Testing**

- a) Reasonable notice regarding scheduled workplace testing that relates to occupational health and safety including but not limited to testing of equipment, machinery, devices, articles, things, materials or biological, chemical or physical agents in the workplace shall be provided to the worker co-chair of the JHSC by the employer.
- b) After consideration, the worker co-chair will determine if a worker member will attend the testing and will select a worker member of the JHSC to do so.
- c) If it is determined that a worker members presence is not required at the testing, the worker co-chair will notify the employer of such in writing.

### **4.2 : Workplace Fatality or Critical Injury**

- a) As required under The Act (*subsection 51(1)*), the employer must immediately notify the committee and union of any event where a person is killed or critically injured in the workplace.

- b) The worker co-chair will designate one or more worker JHSC members to inspect the place and any equipment involved in the accident.
- c) Any investigation by worker member(s) must be done so as not to contaminate or otherwise alter the site until after clearance is given by the responding Ministry Inspector (Ministry of Labour, Training and Skills Development) or any other responsible agency that has responded (i.e. Coroner's office, police or fire).

#### **4.3 : Inspection by Ministry of Labour, Training and Skills Development**

- a) In the event of a planned or unplanned inspection by a Ministry Inspector, the employer shall, in as much as is possible, immediately notify the Worker Co-Chair of the inspection and invite their attendance.
- b) The worker co-chair may choose to attend the inspection or may designate an alternate worker member to attend in their place
- c) It is desirable that the alternate worker be a certified member.
- d) If the worker co-chair cannot be reached in a timely fashion, the employer will make reasonable efforts to find an alternate worker member of the Committee to attend the inspection.

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<sup>1</sup> Authored by Michael Benedict March 29<sup>th</sup>, 2022