



Joint Health and Safety Committees

TERMS OF REFERENCE

PREAMBLE

The Occupational Health & Safety Act outlines the requirement of a Joint Health & Safety Committee where more than twenty employees are regularly employed at a workplace and to hold regularly scheduled meetings no less than every three months. The powers and duties of the JHSCs relate directly to the major tasks of identifying, assessing and recommending action to control health and safety hazards in the workplace. The OHS Act also requires that each Committee have a Certified Management representative and a Certified Worker representative.

As the employer, Durham College is responsible for the establishment and maintenance of Joint Health & Safety Committees. The Joint Health & Safety Committees, or JHSCs, promote the approach that through joint education and awareness programs, and joint investigations of problems, cooperative resolutions will maintain and improve safety for all.

The parties acknowledge that a committed and cooperative effort from both employer and worker representatives is required for a proper functioning JHSC to carry out their responsibilities under the Occupational Health & Safety Act. To ensure this, the undersigned have agreed to make decisions and recommendations that will be carried out by their respective organizations/groups and develop an effective internal responsibility system for the resolution of Occupational Health & Safety concerns.

The Durham College Joint Health & Safety Committees have adopted these terms of reference for the direction and guidance of their operations.

FOR THE EMPLOYER

President, Durham College

FOR THE WORKERS

OPSEU Local 353

OPSEU Local 354

1.0 COMPOSITION OF THE COMMITTEE(S)

Member Selection:

- 1.1 Worker membership will be represented by a minimum of two (2) worker members as elected from their respective OPSEU locals. A minimum of one (1) worker member must be elected from OPSEU Local 353 and from OPSEU Local 354, up to a maximum of three (3) elected from each.
- 1.2 There will be a minimum of two (2) members on the committee that are selected by Management from employees who exercise managerial functions.

Co-Chairperson(s):

- 1.3 There will be two (2) co-chairs of the JHSC; one (1) co-chair will be selected by the worker members of the Committee, and one (1) co-chair will be selected by the management members of the Committee.
- 1.4 The term of each co-chair shall be one (1) year. Selection of new co-chairs shall be decided upon by each of their respective membership groups.

Certified Members:

- 1.5 There will be a minimum of one (1) certified member, who represents management and a minimum of one (1) certified member who represent each of the two local union memberships. The entitlement for certified members from each of the OPSEU bargaining units is in accordance with the central agreement applicable to all JHSCs in the Ontario Colleges of Applied Arts and Technology (CAAT) as agreed by the College Compensation and Appointments Council, (CCAC), formerly known as the Council of Regents (CoR).

Terms of Membership:

- 1.6 JHSC worker members shall remain committee representatives for their two year term unless they cease to be employed as a worker, or are relocated to another campus workplace.
- 1.7 Management's membership shall remain unless their appointment on the JHSC is replaced, or they cease to be employed in a managerial position, or are relocated to another campus workplace.
- 1.8 Other committee guest memberships shall be encouraged to represent the variety of campus business and responsibilities. These guests will not be considered to determine a quorum or participate in the regular business of the committee. Additional representation will be decided by the committee.

2.0 FUNCTIONS OF THE COMMITTEE

General

2.1.0 It is the function of the JHSC to:

- a) identify, evaluate and make recommendations concerning workplace health and safety issues to appropriate senior management;
- b) inspect the workplace on a regular basis;
- c) be consulted about and participate in the development, of workplace health and safety programs and training;
- d) encourage education and training programs sufficient for all employees to be knowledgeable of the Occupational Health and Safety Act;
- e) obtain information respecting;
 - i) the identification of potential or existing hazards of materials, processes or equipment, and
 - ii) health and safety experience and work practices and standards in similar workplaces and postsecondary institutions of which the employer has knowledge
- f) participate in any health and safety related matters and reports that the JHSC deems appropriate.

Functions of Certified Members

2.1.1 The identified or designated Certified members of the JHSC shall:

- a) be notified by the employer of and investigate all work refusals
- b) be notified by the employer and investigate all serious workplace accidents, and incidents that have the potential for a serious accident
- c) ensure that the requirements prescribed in Part III, Sec 23 to 32 of the Act, and Sec 5 and 6 of Regulation 851 for Industrial Establishments are carried out
- d) be informed by the employer of and accompany Ministry of Labour inspectors during a workplace visit or Ministry inspection, and
- e) be informed by the employer of and be present at the commencement of any workplace testing.

Inspections

2.2 Workplace inspections will be conducted on a monthly basis and where more practical, in larger workspaces, will be inspected in accordance with an annual schedule as determined by the JHSC so that there is an inspection every month. Additional inspections may be scheduled by the JHSC as deemed necessary.

2.3 Worker membership will designate one or more worker members to conduct workplace inspections. With the agreement of the worker members, management members may accompany the worker members on the inspection. It is recommended that the manager of the inspected workplace is invited to accompany the inspection team.

2.4 All health and safety concerns or hazards identified during an inspection will be recorded on the three part *Workplace Inspection Recording Form*. All inspecting worker and management members will sign the form upon completion of the inspection. Completed inspection forms will be separated and forwarded to;

- a) the appropriate manager of the inspected workplace;

- b) Human Resources and;
- c) the worker member of the inspection team, who will report situations that may be a source of danger or hazard to workers for the committee to consider at the next JHSC meeting.

Completed Workplace Inspection Recording Forms will be distributed to the above within two (2) business days. Senior management of the inspected workplace will provide a written response to the identified hazards to the inspecting committee member before the next scheduled JHSC meeting.

During the course of an inspection, all hazards identified as *Class A*, which have the potential to cause a 'critical injury' (as per Ont. Reg 834/90) will be recorded and promptly reported to the manager of the inspected workplace for immediate resolution. (in accordance with the determination of a "dangerous circumstance" in Sec 44 (1). The investigation of such a matter will be in accordance with Sec 45; Bilateral Work Stoppage or Sec 47; Unilateral Work Stoppage, of the Act.

Recommendations of the Committee

- 2.5** The JHSC shall forward all recommendations to the appropriate manager by completing the *JHSC Notice of Recommendation Form*. (see Appendix A) Senior Management will provide a written response to the committee's recommendations (in accordance with Sec 9 (20) and Sec 9 (21) of the Act) to the co-chairs within twenty one (21) calendar days. This response shall include a timetable for implementing the recommendations that the Senior Manager agrees with, and the reasons for disagreement with any recommendations not accepted.

Accident & Incident Investigations

- 2.6** The Employer shall provide lost-time/medical aid information to the co-chairs on a regular basis and upon request.
- 2.7** The Employer may request the participation of a designated worker representative to investigate non-fatal or non-critical injuries which shall be reported at the next JHSC meeting.
- 2.8** Where a worker is killed or critically injured on the job, (as defined in Ont. Regulation 834/90), the worker members of the committee shall designate one or more such members to investigate the accident and inspect the location of the accident (in accordance with Sec 9 (31). The findings of the investigation shall be reported in writing to the JHSC, the appropriate management representative, the unions represented on the committee, Human Resources and the Ministry of Labour.

Geographical Areas

- 2.9** With respect to the size of the workplace with several workplace locations, it is agreed that the Oshawa JHSC will be responsible for:
- a) the campus located at 2000 Simcoe St. N., Oshawa.

- b) the North Campus, located in the Testa Professional Building at 2 Campbell Dr., Uxbridge;
 - c) the Port Hope campus located at 10 Mill Street South, Port Hope;
 - d) the Beaverton campus located at 379 Simcoe Street, Beaverton and;
 - e) the Ajax/Pickering campus located in St. Mary Secondary School at 1918 Whites Rd., Pickering;
 - f) the Port Perry campus located at 116 Water St., Port Perry;
 - g) the Oshawa Community Employment Resource Centre located at 475 Bond St. W., Unit #4, Oshawa
 - h) the Advancement and Foundation Office, 43 & 50 Conlin Road East
 - i) the Campus Ice Centre and Tennis Centre
- The Whitby JHSC will be responsible for:
- a) the Skills Training centre, located at 1610 Champlain Ave., Whitby.

3.0 MEETINGS

Frequency

- 3.1** The committee meetings shall be scheduled on a monthly basis at a pre-determined time and location. Changes to the meeting schedule may occur with the agreement of both Co-chairs, provided that the period of time between meetings does not exceed three months.

Co-Chairpersons

- 3.2** The worker co-chair and the management co-chair shall alternate duties as chairperson.
- 3.3** Either co-chair may, with the consent and approval of the other co-chair, invite guests to attend the JHSC meetings to provide additional information, but shall not participate in the regular business of the committee.
- 3.4** Co-chairs shall ensure that agenda items are discussed, conclusions are reached and recommendations are clearly presented in writing to the employer or supervisor.
- 3.5** Co-chairs shall consult with, or communicate with JHSC members one week prior to each JHSC meeting to gather agenda items and/or documentation and to ensure that sufficient time will be available for key issues.
- 3.6** Co-chairs shall receive written responses from managers and supervisors in response to recommendations made to them on the *JHSC Notice of Recommendation Forms* and report to the JHSC at the next meeting and file with the appropriate minutes.
- 3.7** The co-chairs are responsible for ensuring that signed Committee minutes are promptly posted on the relevant health and safety bulletin boards.

Quorum

- 3.8** A quorum for Committee meetings will consist of fifty percent (50%) plus one of committee members, with both worker and management representation, and at least one co-chair present. The number of management members must not exceed the number of worker members. Guests do not count towards the determination of the quorum. If quorum is not reached, the items discussed at the meeting will be for information purposes with recommendations or approvals deferred until the next meeting.

Agenda Items

- 3.9** The co-chairs will prepare a copy of the agenda for each meeting for the secretary to distribute to all committee members at least one week prior to each meeting.
- 3.10** Agenda items will consist of only workplace health and safety issues. Agenda items should be dealt with by consensus. Where consensus cannot be reached, the item(s) will be recorded in the minutes.
- 3.11** Agenda items that remain unresolved by the committee will be referred to the next meeting for continued discussion for recommended resolution.

Minutes

- 3.12** Senior Management of the JHSC will provide clerical assistance with respect to the recording, preparation and timely circulation of the agenda, reports, minutes and other documentation for the committee meetings. Secretarial duties will also include:
- a) compiling the agendas set by the co-chairs;
 - b) notifying JHSC members of meeting times and location ;
 - c) notifying the co-chairs when a quorum cannot be reached for the next meeting;
 - d) ensuring that the minutes are agreed to by both co-chairs before they are distributed and that the JHSC members have the opportunity to suggest revisions or errors or omissions before or at the start of the next meeting;
 - e) distributing signed minutes within two (2) calendar weeks of the meeting;
 - f) highlighting items recorded in past minutes that require discussion and/or follow-up by the JHSC; and
 - g) where necessary, clarifying with the membership, decisions that have been reached and the documentation of written recommendations to appropriate managers. (*JHSC Notice of Recommendation Form*)
- 3.13** Minutes of JHSC meetings will be prepared in a timely fashion, reviewed and signed by both co-chairs prior to circulation to the JHSC or posting. (see Appendix B) The management co-chair will be responsible for maintaining minutes for examination and review from a Ministry of Labour inspector.

4.0 COMPENSATION FOR COMMITTEE MEMBERS

- 4.1** In accordance with the requirements of the Act, all time spent by Committee members in connection with attending Committee meetings or performing duties prescribed by the *Occupational Health & Safety Act* or by these terms of reference, will be considered as time at work for which Committee members will be paid at the worker's appropriate rate of pay.

5.0 GENERAL

- 5.1** It is understood and agreed that all personal and medical information is to be kept confidential. Any references to such information in Committee minutes must be done in a manner that prevents any identification of an individual's personal or medical information.
- 5.2** Committee members are to be provided on (1) hour or such longer period of time as the Committee deems necessary to prepare for each Committee meeting.
- 5.3** Any amendments, deletions, or additions to these Terms of Reference must have the consent of all JHSC members and will be set out in writing and attached hereto as an appendix.
- 5.4** These Terms of Reference will be reviewed on an annual basis as part of the Health and Safety Program review.

Oshawa JHSC Worker Co-Chair

Date

Oshawa JHSC Management Co-Chair

Date

Whitby JHSC Worker Co-Chair

Date

Whitby JHSC Management Co-Chair

Date

Review Date:_____