



Ontario Nurses' Association

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To: Local Coordinators and Bargaining Unit Presidents

From: Diane Parker, Vice-President Region 1, Occupational Health and Safety Portfolio

Date: November 4, 2004

Re: Terms of Reference Guide and Template. **Please ensure that your ONA Joint Health and Safety Committee (JHSC) Representative receives a copy of these documents.**

CC: Board of Directors, All District Service Teams, Provincial Service Team

The enclosed documents were developed by ONA to assist Joint Health and Safety Committees and Health and Safety Representatives in creating, revising, or updating their Terms of Reference.

A thorough Terms of Reference is a key resource for the JHSC, and specifies the functions of the committee, the responsibilities of committee members, relevant sections of the *Occupational Health and Safety Act (OHS)*, and meeting procedures.

As a result of the SARS outbreaks, we learned that a number of JHSCs did not have an adequate Terms of Reference, or that their Terms of Reference were in dire need of updating. As a result, we have created a tool to assist JHSCs with this important document.

The *Guide to ONA's Terms of Reference Template for Joint Health and Safety Committees* briefly describes the main sections of the *Terms of Reference Template* and also elaborates on some specific aspects of JHSC functions and processes.

The Guide has been created to accompany the *ONA Terms of Reference Template for Joint Health and Safety Committees*, which contains a list of the functions, duties, and rights of JHSC members, as well as relevant sections of the *Occupational Health and Safety Act*, the Health Care Regulation and meeting procedures. The Template can be used to create, revise, or update Joint Health and Safety Committees' Terms of Reference.

Please ensure the distribution of these documents to your membership, in particular, your ONA JHSC member and your Local Executive member concerned with occupational health and safety.

Please ask your JHSC representative to ensure that your JHSC does in fact have a terms of reference, that it has been updated over the last year and ask them to

compare their existing terms of reference to this template, identify areas that need to be elaborated on and update their JHSCs terms of reference where there are gaps.

We would like to thank Carol DeRosie and Local 80 for allowing us to use their Terms of Reference as a guide in preparing the template. We hope you and your JHSCs will use these documents as tools for ensuring that the committees' Terms of Reference, a key Joint Health and Safety Committee resource, is thorough and up-to-date.

TERMS OF REFERENCE GUIDE

AND

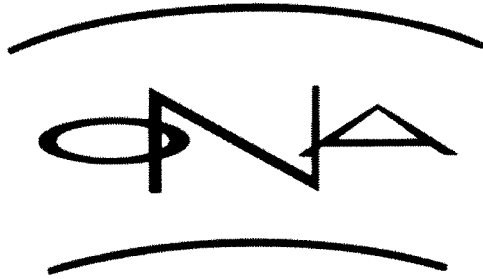
TEMPLATE

FOR JOINT HEALTH AND SAFETY

COMMITTEES



*Ontario Nurses' Association
Biennial Convention 2004
November 23-25, 2004*



Ontario Nurses' Association

**Guide to ONA's
Terms of Reference
Template
for
Joint Health and Safety Committees**

November 2004



Guide to ONA's *Terms of Reference Template* for Joint Health and Safety Committees

This guide briefly outlines the *Terms of Reference Template* that has been created by ONA to assist Joint Health and Safety Committees (JHSCs) in creating, revising, or updating their Terms of Reference document. In addition to briefly describing the main sections of the *Terms of Reference Template*, the guide elaborates on some specific aspects of JHSC functions and processes.

A thorough Terms of Reference document specifies the functions of the committee, the responsibilities of committee members, relevant sections of the *Occupational Health and Safety Act (OHSA)*, and meeting procedures, and is a key resource for JHSCs.

JHSCs should never agree to any part of a Terms of Reference document that outlines a lesser standard than what is provided for under the *OHSA*.

STATEMENT OF PURPOSE AND POWERS

The *Terms of Reference Template* begins with a mission or purpose statement that outlines the goals of the JHSC, and the commitment of both worker and employer representatives to health and safety issues. This section of the Terms of Reference may also outline the powers of the JHSC as listed in the *OHSA*.

JHSCs may want to include a sentence, which notes that one of their functions is to deal with any occupational health and safety matter that the Joint Committee deems appropriate. Any additional functions the Committee has agreed upon may also be listed here (or in a later section titled "Functions of Committee Representatives").

Multi-Workplace JHSCs

As noted in the *OHSA*, the Minister may, by order in writing, permit an employer to establish and maintain one JHSC for more than one workplace or parts thereof, and may, in the order, provide for the composition, practice and procedure of any committee so established (Reference: Section 9 (3.1) of the *OHSA*).

In cases of multi-workplace JHSCs, the Terms of Reference can include a statement noting that the document is mutually developed and agreed to by the noted workplace parties (Union, Non-Union, Management) and was submitted to the attention of the Minister of Labour for sanction and approval, pursuant to Section 9 (3.1) of the *OHSA*. It should also be noted that any amendments, deletions or additions to the Terms of Reference will be set out in writing and forwarded to Management, Union, and Non-

Union Groups and the Minister for comment and approval prior to being attached as an Appendix to the Terms of Reference.

For more information on the criteria for requesting multi-workplace JHSCs, see subsections 9 (3), 9 (3.1), 9 (3.2), 9 (3.3) and 9 (5) of the *OHS*A. You can also contact your local Ministry of Labour Regional Director, who will make available to you the additional criteria of subsection 9 (5) (e) of the *OHS*A.

MEMBERSHIP

This section of the *Terms of Reference Template* outlines: the list of representatives from all groups that should sit on the committee, the process of selecting committee members (including certified members and co-chairs), committee size, naming alternates, posting of committee member information, length of committee membership, and new committee member orientation.

Number of Committee Members

The *OHS*A specifies a minimum number of committee members. Your collective agreement may also specify a minimum or maximum number of committee members. Too few members may mean that all categories of workers in the workplace are not represented, while too many may make the committee unmanageable. In determining committee size, the following factors should be taken into consideration:

- total number of workers
- number of different trades or unions involved
- complexity of the operation
- degree of hazard/risk in work
- proportion of worker/management members (management representation never to exceed worker representation)

Member Certification

Even though the *OHS*A legislates that one worker member and one management member of the JHSC should be certified, the JHSC can note in its Terms of Reference that all members should be certified.

Health and Safety Training for All Committee Members

It is important that all committee members are trained in health and safety. Aside from being certified, appropriate health and safety training could include:

- committee responsibilities/authority
- the *OHS*A
- information about the Internal Responsibility System
- hazard prevention/risk assessments
- personal protective equipment
- safety awareness
- inspections
- critical injury/accident investigation

Advisors and Observers

Staff with safety-related duties, such as the Occupational Health Manager, may either be members of the committee (with voting privileges), or may be utilized as resource people (without voting privileges), providing their attendance does not result in the number of management persons exceeding the number of workers present at the JHSC meeting.

A co-chair may invite, with the consent of and approval of his/her counterpart, any additional person(s) to attend the meeting to provide additional information and comment, but they must not participate in the regular business of the meeting. When dealing with certain issues, the committee may wish to invite experts (people with specialized knowledge or experience) to attend the committee meeting as advisors or observers.

Sub-Committees

Depending on the number of workers, complexity of operations, or different locations, it may be appropriate to have sub-committees. Members of the sub-committees should be appointed every two years, jointly by the co-chairs with the co-operation and concurrence of the JHSC. Sub-committee chairs will be chosen by the sub-committee members and they or their alternates will report to the JHSC at each of its regular meetings on their activities. The types of sub-committees that may be useful include: accident/incident investigation, education and training, and physical inspections.

A deadline for reporting back should be stipulated to each sub-committee.

FUNCTIONS OF COMMITTEE REPRESENTATIVES

This section of the *Terms of Reference Template* outlines: the duties of the committee secretary, committee co-chairs, and certified committee members, as well as general functions/duties/rights of all committee members.

Committee Secretary

While a secretary is not legally required under the *OHS*A, it is an essential part of ensuring a JHSC runs smoothly. The committee secretary can help to ensure that minutes of committee meetings are kept and made available for examination and review by an inspector, a function that is legally required under the *OHS*A (Reference: Section 9 (22) of the *OHS*A). If the committee appoints a secretary, the secretary's responsibilities should be outlined in the Terms of Reference. The committee secretary can be elected by the JHSC from among its members, and in this case, the secretary will have voting privileges. If the employer agrees to provide secretarial support, the secretary will not be a voting member, and a thorough list should be given to the committee as to what secretarial support the employer will provide, and for what purpose.

Posting of Committee Members' Duties

The names of all committee members, as well as their duties, should be given to each committee member, and also posted in the workplace.

Inspections by Certified Members

One of the tasks that should be assigned to a certified member of the JHSC is monthly workplace inspections. Committee members should ensure they do adequate preparation for workplace inspections. This preparation may include gathering: background information on the facility lay-out, maintenance reports, employee complaints, and health and safety procedures and policies, and analyzing incident/accident reports, among other things. In order to facilitate the workplace inspection process, the committee should create a standard workplace inspection form.

Reviews of Measures and Procedures

Section 9 of the Health Care and Residential Facilities Regulation outlines some of the measures and procedures that a health care employer is required to establish. JHSCs should ensure that as a minimum, all of the measures and procedures as outlined in section 9 (1) of the Health Care and Residential Facilities Regulation are put to writing.

While the *OHSA* states that at least once a year the measures and procedures for the health and safety of workers shall be reviewed and revised in the light of current knowledge and practice (Reference: Section 9 (2) of Regulation 67/93 "Health Care and Residential Facilities" of the *OHSA*), it is important to note in the Terms of Reference that additional reviews of measures and procedures can be done more frequently than annually if,

- (a) the employer, on the advice of the JHSC or health and safety representative, if any, determines that such review and revision is necessary; or
- (b) there is a change in circumstances that may affect the health and safety of a worker (Reference: Section 9 (3) of Regulation 67/93 "Health Care and Residential Facilities" of the *OHSA*).

COMMITTEE MEMBER REMUNERATION

Outlined in this section of the *Terms of Reference Template* are the activities for which committee members will be paid, which include, but are not limited to: meeting preparation time, meeting time, monthly inspections, investigation of critical injuries, accompanying an inspector, and participating in work refusal investigations. It is important to state in this section that paid preparation time prior to each JHSC meeting for worker members of the committee is crucial in ensuring the committee meetings are effective and efficient.

MEETINGS

This section of the *Terms of Reference Template* outlines: the number and date of meetings, quorum, the process for calling emergency meetings and canceling meetings, consensus and voting, the procedures for dealing with meeting minutes, the creation of meeting agendas, and meeting confidentiality.

Meeting Minutes

The minutes should be brief and highlight all discussion items as well as recommendations and decisions. The meeting agenda can be used as a guide for making notes during the meeting. The minutes should be typed up immediately following the meeting, if possible, while the meeting is still fresh in the secretary's mind. Meeting minutes should be comprehensive in scope, but do not need to copy word-for-word what is said during the meeting.

Meeting Location

Meetings should be held in an agreed upon location that is quiet and large enough to accommodate all committee members. In cases of multi-workplace JHSCs, it may be necessary for the committee to list the process for providing transportation or transportation remuneration for committee meetings. In case of an emergency, the Terms of Reference should state that alternate methods of meeting like teleconferences, videoconferences or offsite meetings will be arranged.

Meeting Timing

It is important for the committee to jointly decide when meetings will be held. Often, committee members have different shifts, so a time right before or right after a shift change may be the most convenient for members. Provision will have to be made to compensate night shift workers if meetings are held during the day. By setting up the meetings on the same date and the same time every month, committee members may find it easier to make arrangements to attend. The length of a JHSC meeting should take into account the business of the JHSC and should ensure that unresolved health and safety issues are dealt with and not pushed forward to the next meeting of the JHSC.

Meeting Agenda

While committee members should make every effort to ensure agenda items are submitted to the co-chairs no later than two weeks prior to the meeting, the Terms of Reference should state that the agenda may be adjusted at the beginning of committee meetings to reflect emergency issues that arise.

Quorum

This section of the Template outlines how many members are needed for the committee to meet and vote. To establish a suitable quorum, the number of management representatives must not be greater than the number of employee representatives.

Establishing a quorum does not eliminate the need for full attendance at all JHSC meetings.

Decision Making

The committee should try to make all decisions by consensus. No one person has veto power over what is decided or recommended. Allowing each committee member time to present their argument, and then allowing the entire committee time to debate the issue is the most effective way of ensuring that consensus is reached.

COMMITTEE RECOMMENDATIONS

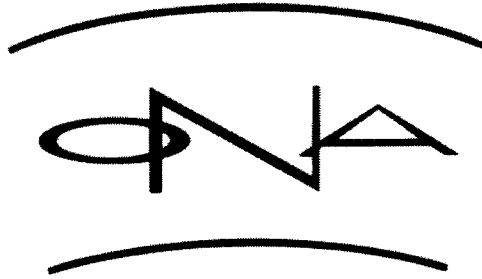
This final section of the *Terms of Reference Template* outlines the creation of a standard recommendation form, as well as the required response by the employer to recommendations.

The law does not have to be broken for the JHSC to make recommendations. Whenever recommendations are made, the committee should outline an ideal time period for implementation, and also list the person who is responsible for taking further action. In order to make a strong case for a recommendation, the committee should ensure all recommendations are backed by as much evidence as possible.

If the JHSC cannot agree to putting recommendations regarding what is believed to be a violation of the *OHS Act* and/or hazardous condition in writing, or if the employer refuses to correct the suspected violation and/or hazardous condition, the worker co-chair or any member of the JHSC should immediately call the Ministry of Labour, advising them that the JHSC is not functioning properly and as a result you have an unresolved Health and Safety issue that requires their attention. This does not need to be stated in the Terms of Reference, but every JHSC worker member should know that this recourse is available to them.

REFERENCES

1. Frappier, Mary-Anne, "The Joint Health and Safety Committee Terms of Reference: The Road Map for Enhancing and Ensuring your Committee's Success", *The Safe Angle* (Health Care Health & Safety Association of Ontario, Spring 2004).
2. *Joint Health & Safety Committee* (Canadian Centre for Occupational Health and Safety website), April 1998:
<http://www.ccohs.ca/oshanswers/hsprograms/hscommittees/>
3. "Chapter 3: Joint Health and Safety Committees", *Basic Certification Training Program: Participant's Manual* (Ontario Workplace Safety & Insurance Board affiliated "OSH for Everyone" website), 1999:
http://www.oshforeveryone.org/wsib/files/ont_wsib/certmanual/prelim.html
4. *A Guide for Joint Health and Safety Committees (JHSCs) and Representatives in the Workplace* (Ontario Ministry of Labour website), June 2002:
http://www.gov.on.ca/LAB/english/hs/jhsc/jhsc_intro.html



Ontario Nurses' Association

**Terms of Reference
Template
for
Joint Health and Safety Committees**

November 2004

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Terms of Reference Template for Joint Health and Safety Committees

STATEMENT OF PURPOSE AND POWERS

Statement of Purpose

Every employee at (insert facility name here) is entitled to protection of their health and safety. (Insert facility name here) is committed to achieving the highest standard of health and safety for its employees. While the primary obligation for workplace health and safety rests with the employer, supervisors, employees and unions also have responsibilities for ensuring protection of employees. The Joint Health and Safety Committee (JHSC) at (insert facility name here) aims to identify, prevent, and resolve all health and safety issues, in order to reduce injuries and illnesses and improve health and morale. In an effort to achieve these goals, the JHSC at (insert facility name here) will strive to identify and eliminate, at the source, all health and safety problems that are risks to employees, even where there is no obvious violation of the *Occupational Health and Safety Act (OHSA)*.

Agreement to Terms of Reference

The (insert facility name here), (insert Union names here), and the Non-Union/Non-Management Group hereto adopt these Terms of Reference in good faith and agree to make every attempt to co-operate in ensuring that the JHSC is able to function as per the full intent of the OHSA.

Joint Health and Safety Committee Powers

The powers of the JHSC include, but are not limited to: identifying dangerous and hazardous situations, making health and safety recommendations to the employer, performing monthly inspections, participating in work refusal investigations, investigating critical injuries, accompanying an inspector and being present at workplace testing (Reference: Section 9 (18), 9 (26), 43 (4), 9 (31), 54 (3), and 11 (3) of the *OHSA*).

For a full list of additional powers and functions of the JHSC, please see "Functions of Committee Representatives" (pp. 4-12)

MEMBERSHIP

Selection of Committee Members

At least one representative shall be from the following groups:

- One ONA representative, as appointed by the ONA Local (or, for a multi-workplace JHSC, one ONA representative from each of the sites)
- One *other union* representative, as appointed by the *other union* Local
- One non union representative, to be chosen by the employees from *non union group*
- 3 Management Representatives (strong consideration should be given to one infection control and 1 maintenance person)
- ONA President as ex-officio
- *Other union* President as ex-officio
- VP HR as ex-officio

The members of a committee who represent workers shall be selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions (Reference: Section 9 (8) of the *OHS*A).

The employer shall select the remaining members of a committee from among persons who exercise managerial functions for the employer and, to the extent possible, who do so at the workplace (Reference: Section 9 (9) of the *OHS*A).

At least half the members of a committee shall be workers employed at the workplace who do not exercise managerial functions (Reference: Section 9 (7) of the *OHS*A).

Committee Size

The committee shall consist of (list number of people here), from the groups outlined above. The committee recognizes that at a minimum, it must be made up of:

- (a) at least two persons, for a workplace where fewer than fifty workers are regularly employed; or
- (b) at least four persons or such greater number of people as may be prescribed, for a workplace where fifty or more workers are regularly employed (Reference: Section 9 (6) of the *OHS*A).

Certified Members

Number of Certified Members Required

The legislation requires that at least one member of the committee representing the employer and at least one member representing workers shall be certified (Reference: Section 9 (12) of the *OHS*A).

(Insert facility name here) commits to certifying all of its JHSC Members.

Selecting a Member to Become Certified

If no member representing workers is a certified member, the workers or the trade unions who selected the members representing workers shall select from among them one or more who are to become certified (Reference: Section 9 (14) of the *OHS*A).

Designation of Certified Member (if more than one certified member exists)

If there is more than one certified member representing workers, the workers or the trade unions who selected the members representing workers shall designate one or more certified members who then become solely entitled to exercise the rights and is required to perform the duties under this Act of a certified member representing workers (Reference: Section 9 (15) of the *OHS*A).

If there is more than one certified member representing the employer, the employer shall designate one or more of them who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing an employer (Reference: Section 9 (16) of the *OHS*A).

Replacement of Certified Member

If a certified member resigns or is unable to act, the employer shall, within a reasonable time, take all steps necessary to ensure that the requirement set out in subsection (12) is met (Reference: Section 9 (17) of the *OHS*A).

Selection of Committee Co-Chairs

Two of the members of a committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions (Reference: Section 9 (11) of the *OHS*A).

Posting of Names and Work Location

An employer required to establish a committee under this section shall post and keep posted at the workplace the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of the workers (Reference: Section 9 (32) of the *OHS*A).

Committee Member Ceases Employment

A member of the committee who ceases to be employed at the workplace ceases to be a member of the committee (Reference: Section 9 (10) of the *OHS*A).

Providing Alternates

All committee members, in case of absence or illness, must provide the name of one alternate. Notification of use of an alternate must be e-mailed to one of the committee co-chairs as soon as possible. All alternates will be required to participate in the orientation process for new JHSC members.

Length of Committee Membership

The term of committee membership, including that for co-chair shall last one year, and may be renewed. Committee members' terms will be staggered to ensure that no more than half of the committee changes at one time.

New Committee Member Orientation

New committee members will be given (preferably in a reference binder):

- A copy of the Terms of Reference
- Information on the Internal Responsibility System (IRS)
- A copy of the Legislation (*OHSA, Regulation for Health Care and Residential Facilities, and Regulation for Industrial Establishments* if applicable)

Information and Documentation concerning:

- Inspections
- Hazard recognition
- Risk assessments
- The agenda and minutes of the previous 3 meetings
- Current year WSIB statistics
- Schedule of upcoming meetings
- Contact list of all JHSC members
- Schedule of JHSC inspections for the current year
- Contact information for the Ministry of Labour

FUNCTIONS OF COMMITTEE REPRESENTATIVES

Committee Secretary

The committee secretary will be selected from among voting members of the JHSC through consensus by the committee. The committee secretary will be given all necessary paid work time to perform the duties listed below. If the employer agrees at any time to provide secretarial support, this new committee secretary will no longer have voting power, and a thorough list should be given to the committee as to what secretarial support the employer will provide, and for what purpose. The following tasks are assigned to the committee secretary:

- Record and distribute minutes of the JHSC once approved by the committee co-chairs by e-mail to all committee members within two weeks of the date of the last meeting
- Maintain permanent and up to date files of any and all meetings of the JHSC, signed by both co-chairs, for presentation to the Ministry of Labour, as so required
- Send request for agenda items to JHSC members two weeks prior to the next meeting
- Development of agendas for the JHSC once approved by the co-chairs, to be distributed by e-mail to all committee members at least one week prior to the next meeting

- Book all meeting rooms for all meetings of the JHSC for the year, in advance. Circulate (by e-mail) this list of dates, times and locations to all committee members by (insert date here)
- Circulate to the committee yearly by e-mail, a complete list of all the members of the JHSC, identifying their role (employee or management), pertinent contact information, status of certification and other relevant training received
- Circulate, as directed by the co-chairs, orientation packages to all new JHSC members
- Circulate to all members of the committee any new versions of the *OHS*A, regulations or other pertinent information as deemed necessary by the co-chairs for the committee members to carry out their functions on the JHSC
- Ensure the up-to-date membership list of the JHSC is posted at all employer sites
- Ensure the minutes and committee membership lists are posted (on the (insert facility name here) Intranet where available) for all staff to access
- Disseminate safety information to members
- Assist the co-chairs as required
- Obtain relevant documents/information as requested by the JHSC to fulfill its functions and powers

Committee Co-Chairs

The Co-chairs Responsibilities include:

- Alternately chair the monthly meetings. If the sitting chair is absent, the other co-chair shall chair the meeting
- Proof and correct all minutes (prior to the secretary of the committee sending the minutes out to the JHSC members two weeks after the last meeting)
- Approve all agendas prior to the secretary of the committee sending out the agendas to the members of the committee
- Employees who are not members of the committee who wish to have a safety issue (which remains unresolved by their department) brought to the attention of the JHSC, may bring the issue forward to either co-chair for consideration. If either of the co-chairs believes it to be an immediate concern, the item will be placed on the agenda for that month's meeting, otherwise it will be placed on the following month's agenda
- Schedule emergency meetings
- Invite specialists or resource persons as required
- Ensure committee members receive any updates of the *OHS*A and its regulations, as well as other pertinent information
- Guide meeting as per agenda
- Assign projects to members
- Ensure records are maintained, and available for presentation to the Ministry of Labour as necessary
- Follow-up and report on the status of recommendations
- Ensure that quorum exists
- Ensure sufficient time is allotted at each JHSC meeting to make certain that the work of the committee is completed

Certified Committee Members

The legislation requires that at least one member of the committee representing the employer and at least one member representing workers shall be certified (Reference: Section 9 (12) of the *OHSA*).

(Insert facility name here) commits to certifying all of its JHSC Members.

Designation of Certified Member

The committee agrees that whenever possible, a certified worker member of the committee will complete the mandated responsibilities listed below. The worker co-chair shall determine which worker representative will participate in inspections, testing, work refusals, critical injury investigations, and accompanying Ministry inspectors.

Inspections

Monthly Inspection

Unless otherwise required by the regulations or by an order by an inspector, a member designated under subsection (23) shall inspect the physical condition of the workplace at least once a month (Reference: Section 9 (26) of the *OHSA*).

If it is not practical to inspect the workplace at least once a month, the member designated under subsection (23) shall inspect the physical condition of the workplace at least once a year, inspecting at least a part of the workplace in each month (Reference: Section 9 (27) of the *OHSA*).

Date of Inspection

The committee agrees that the monthly inspection will be done on the (insert date and time here), unless a change of date is requested from the committee co-chairs by the certified member at least one week in advance of the scheduled date of inspection.

Workplace Inspection Form

All occupational health and safety concerns raised during the physical inspection will be recorded on an appropriate workplace inspection form and signed by the member(s) performing the inspection.

Submission of Workplace Inspection Form

The workplace inspection form will be forwarded to the co-chairs of the committee and to the appropriate department manager (or designate) within three (3) working days of the workplace inspection. If the inspection identifies an imminent hazard the inspecting member shall advise the appropriate department manager (or designate) forthwith and the appropriate manager (or designate) shall correct the hazard forthwith. The department manager (or designate) will inform the joint committee of the status of the outstanding items by the next committee meeting.

Attendance at Testing

A health and safety representative or a designated committee member representing workers at a workplace is entitled to be present at the beginning of testing conducted with respect to industrial hygiene at the workplace if the representative or member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid (Reference: Section 11 (3) of the *OHSA*).

Participating in Work Refusal Investigations

Report of Refusal to Work

A committee member who represents workers, if any; a health and safety representative, if any; or a worker who because of knowledge, experience and training is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them, shall be made available to attend and investigate without delay any report of work refusal (Reference: Section 43 (4) of the *OHSA*).

Bilateral Work Stoppage

A certified member who has reason to believe that dangerous circumstances exist at a workplace may request that a supervisor investigate the matter and the supervisor shall promptly do so in the presence of the certified member (Reference: Section 45 (1) of the *OHSA*).

Entitlement to Investigate

A certified member who receives a complaint that dangerous circumstances exist is entitled to investigate the complaint (Reference: Section 48 (1) of the *OHSA*).

Critical Injuries

Investigation of Critical Injury/Illness/Accident/Exposure

The members of a committee who represent workers shall designate one or more such members to investigate cases where a worker is killed or critically injured at a workplace from any cause and one of those members may, subject to subsection 51 (2), inspect the place where the accident occurred and any machine, device or thing, and shall report his or her findings to a Director and to the committee (Reference: Section 9 (31) of the *OHSA* and Regulation 834 “Critical Injury – Defined” of the *OHSA*).

Critical Injury/Illness/Accident/Exposure Investigation Form

All occupational health and safety concerns raised during the injury/illness/accident/exposure investigation will be recorded on an appropriate workplace investigation form (such as ONA’s *Critical Injury/Illness/Accident/Exposure Investigation Form*) and signed by the member(s) performing the inspection.

Submission of Critical Injury/Illness/Accident/Exposure Investigation Form

The critical injury/illness/accident/exposure investigation form, and all accompanying witness statements and interview documents will be submitted by

the investigator(s) to the JHSC for review. The committee will use the information collected by the investigator to determine why the injury/illness/accident/exposure took place, how severe it was, and if it is likely to recur. The Committee will then, where applicable, make written recommendations to the employer based on the investigation findings, stating the timeline for any follow-up activity.

Representative to Accompany Inspector

Where an inspector makes an inspection of a workplace under the powers conferred upon him or her under subsection (1), the employer or group of employers shall afford a committee member representing workers or a health and safety representative, if any, or a worker selected by a trade union or trade unions, because of knowledge, experience and training, to represent it or them, the opportunity to accompany the inspector during his or her physical inspection of a workplace, or any part or parts thereof (Reference: Section 54 (3) of the *OHS*A).

General Committee Members' Duties

Yearly Review of Measures and Procedures

At least once a year the measures and procedures for the health and safety of workers shall be reviewed and revised in the light of current knowledge and practice (Reference: Section 9 (2) of Regulation 67/93 "Health Care and Residential Facilities" of the *OHS*A).

Additional Reviews of Measures and Procedures

The review and revision of the measures and procedures shall be done more frequently than annually if the employer, on the advice of the JHSC, determines it is necessary, or if there is a change in circumstances that may affect worker health and safety (Reference: Section 9 (3) of Regulation 67/93 "Health Care and Residential Facilities" of the *OHS*A).

Yearly Review of Terms of Reference

The committee shall review these Terms of Reference at least annually, and recommend revisions as required to ensure continued compliance with the *OHS*A and applicable legislation.

Investigate Other Injuries and Near Misses

The committee recognizes that every "near miss" in health and safety statistically moves the institution toward a serious injury. In an attempt to solve minor problems before they become serious problems, the committee will attempt to identify types of incidents/trends that would be beneficial to investigate. Incidents that have the potential for serious injury shall be reviewed by the members so chosen and investigated if deemed warranted by mutual determination of the co-chairs.

Additional Member Functions, Duties and Rights

Additional Functions, Duties and Rights of the JHSC include:

Immediately

- Receive notice by telephone, telegram or other direct means of any person who is killed or critically injured/ill from any cause in the workplace (Reference: Section 51 (1) of the *OHSA*)

Within 48 Hours

- Receive a written report of the circumstances of any occurrence where a worker was killed or critically injured/ill from any cause at a workplace (Reference: Section 51 (1) of the *OHSA*)

Within 2 Days

- Receive notice in writing of the occurrence of any accident, fire, failure of any equipment, machine, device, article or thing, etc., at a project site, where a notice or report is not required under section 51 or 52 (Reference: Section 53 of the *OHSA*)

Within 4 Days

- Receive written notice of any occurrence where a worker is disabled or requires medical attention because of an accident, explosion or fire at a workplace (Reference: Section 52 (1) of the *OHSA*)
- Receive notice in writing containing such information and particulars as prescribed about a worker who has an occupational illness or when a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker (Reference: Section 52 (2) of the *OHSA*)

Monthly

- Review monthly any hazard reports filed with the Hospital/facility
- Review monthly all statistics and/or reports of incidents/accidents, death, violence or abuse, critical injuries or incidents, work refusals or stoppages involving employees
- Review monthly inspections performed by the certified member (or designate) and make written recommendations where applicable

Quarterly

- Review all mandatory employee training stats quarterly to ensure compliance

Yearly

- Prepare, administer and update the health and safety orientation program
- Request a WSIB annual summary of work related injuries
- Review annually and provide written recommendations as needed for all training programs that relate to health and safety and are being provided to the employees (Infection Control, WHMIS, fire training, etc.)
- Set the annual goals and objectives of the committee at the December committee meeting ensuring appropriate education needs of the committee are addressed
- Annual review of the JHSC outcomes and compliance with written recommendations given to (enter employer/facility)

Ongoing

- Review all Ministry of Labour orders within one week of receipt and participate in the creation of all compliance plans
- Make health and safety recommendations
- Participate in assessments and the development of control programs for hazardous substances
- Receive, consider, and resolve worker health and safety complaints
- Monitor effectiveness of health and safety programs, and measures and procedures, and ensure that the employer has written measures and procedures in place as outlined in section 9 of the Health Care and Residential Facilities Regulation
- Receive and discuss written reports about assessments for biological and chemical agents
- Review designated substances assessment and control programs
- Provide advice as requested or required
- Review all proposals of renovations, construction, purchasing of equipment or new technology to ensure the JHSC is able to assess any health or safety risk by such changes or introductions

- Participate in initial and on-going violence risk assessments
- Participate in any safety week programs
- Work with infection control department developing infection control measures and procedures, conducting initial and on-going risk assessments concerning infectious hazards
- Obtain information about the identification of hazards of materials, processes or equipment, and health and safety experience and work practices and standards of other health care facilities
- Obtain any information or changes in legislation, regulations or other recommendations that have an impact on the health and safety of employees
- Offer consultation regarding the preparation of inventories of hazardous materials and hazardous physical agents
- Be consulted prior to the health and safety tests on equipment and materials
- Audit WHMIS programs
- Be completely familiar with the *OHS*A and its Regulations
- Assist in the development of safe work procedures
- Assist in the development of health and safety rules
- Be consulted on personal protective equipment and respirator protection training programs
- Carry out audit inspections
- Be consulted about training for new workers
- Receive immediately copies of any Ministry of Health and Long-Term Care Directives that could affect worker health and safety
- Promote and monitor compliance with health and safety regulations
- Ensure corrective action is taken
- Conduct health and safety education programs
- Participate in the identification and control of physical hazards
- Be consulted about safety-engineered devices and training of such

- Be consulted about any mechanical lifting devices/ceiling lifts and any patient handling training programs
- Be consulted about any policy/program regarding violence in the workplace
- Provide feedback on workers' suggestions
- Attempt to raise health and safety standards above legal requirements
- Act as a sounding board on workers' acceptance of health and safety policy
- Promote health and safety at all times

Regular Training for All Committee Members

The committee recognizes the value of regular training for all committee members and will strive to ensure training covers areas such as:

- Hazards and conducting effective inspections
- Work refusals
- Making recommendations
- Accident investigations
- Critical injury investigations
- New equipment and technologies
- Health and Safety legislation and regulations
- Making JHSCs Effective

REMUNERATION

All time spent in JHSC meetings or in activities relating to the function of the committee (as outlined in the *OHSA* and above) will be paid for at the member's appropriate rate of pay (premium rate as applicable) for performing work, and the time spent is to be considered as time at work (Reference: Section 9 (34) and 9 (35) of the *OHSA*).

The employer commits to ensuring that a JHSC member is replaced and their work is done by other staff while the member is in attendance of any JHSC meeting or while they are performing any of the functions of a JHSC member.

Remunerated Functions/Duties/Rights

Remunerated functions/duties/rights of JHSC members include, but are not limited to:

- one hour (or more as the committee determines necessary) of paid preparation time before committee meetings,
- attending committee meetings,
- performing monthly inspections of the workplace,
- investigating critical injuries,
- becoming certified,

- accompanying an inspector, and participating in work refusal investigation (Reference: Section 9 (34), 9 (36), 54 (5) and 43 (13) of the *OHSA*).

MEETINGS

Number of Meetings

The committee will meet monthly, but no less than quarterly, as mandated by the *OHSA* (Reference: Section 9 (33) of the *OHSA*).

Date of Meetings

Meetings will be held the third (insert day here) of each month at (insert time here) hours. Any changes to the meeting schedule must be approved by the co-chairs.

Quorum

The committee must have 50% +1 members present in order to meet and vote. As well, one co-chair should also be present, and the number of management representatives should not be greater than the number of worker representatives. If there are more management representatives than workers present, then the number of management representatives can be reduced to equalize the process as long as a quorum still exists after this elimination. It is the responsibility of the presiding co-chair to ensure that quorum exists. Establishing a quorum does not eliminate the need for full attendance at all JHSC meetings.

Worker Preparation Before Meetings

As listed in the *OHSA*, worker members of the committee are entitled to be paid (at the member's regular or premium rate as may be proper) for one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting. The committee recognizes that these preparation meetings are an essential part of ensuring that the JHSC functions effectively and efficiently.

Emergency Meetings

Emergency meetings will be held when either of the co-chairs calls one, or when a written request is made by two or more members of the committee to the co-chairs, stating the purpose of the meeting.

An emergency meeting to discuss Ministry of Labour orders shall be convened within one week of Ministry of Labour orders being received by the Employer if agreed to by either co-chair.

Upon receiving written request for a meeting by 2 or more members, the co-chairs must convene a meeting of the JHSC within one week or sooner if deemed to be necessary by either co-chair.

All committee members must be notified ideally in person and/or by e-mail of the date, time and location of the emergency meeting as well as the purpose. A copy of the written request will be brought to the meeting for committee members to view.

Problems Meeting On Site

When it is not feasible to hold the meeting on site due to workplace conditions, the JHSC will meet by teleconference, videoconference or offsite.

Cancellation of Meetings

Meetings will only be cancelled if both co-chairs agree, and committee members should have no less than one week's notice. If, due to an emergency situation, cancellation is less than 1 week, each committee member shall be given personal notice at least 2 days prior to the cancelled meeting date.

Consensus and Voting

Every effort shall be made to ensure all JHSC decisions are made by consensus. If consensus cannot be reached, the chair shall call a vote. Majority vote shall be 50% plus one for the purpose of determining if a vote carries.

All members of the JHSC have the right to vote. If the committee reaches an impasse and cannot resolve a health and safety concern, the Ministry of Labour may be called.

Meeting Minutes

Minutes Maintained and Available

A committee shall maintain and keep minutes of its proceedings and make the same available for examination and review by an inspector (Reference: Section 9 (22) of the *OHSA*).

Minutes Circulated

Minutes of meetings will be reviewed, edited where necessary by the co-chairs, then signed and circulated by the committee secretary to all committee members and a copy forwarded to the Director of Human Resources (or designate) and to the Board of Directors/CEO.

Minutes Posted

A copy of the minutes will also be posted on the Intranet under Public Folders (where available) and posted on the Health & Safety bulletin boards in the workplace, also indicating what can be found in Public Folders in the computer.

Member Confidentiality in Minutes

Names of committee members will not be used in the minutes except to record attendance, or for the purpose of receiving specific direction from the committee.

Meeting minutes will contain:

- Time and date of meeting

- Who attended
- Items discussed (reports, problems, statistics, education)
- Reasons for recommendations (and counter arguments voiced)
- Recommendations (specifying action by whom, by when)
- Time and date of next meeting

Meeting Agenda

Preparation of Agenda

The co-chairs will jointly prepare an agenda and the committee secretary will forward a copy of the agenda to all joint committee members at least one week in advance of the meeting.

Items for Discussion

Committee members shall make every effort to ensure all agenda items are submitted to the co-chairs no later than two weeks prior to the meeting. However, the committee recognizes that emergency problems may arise. The committee shall consider such occupational health and safety issues as have been listed on the agenda or have been agreed upon in advance by the two (2) co-chairs, or the agenda may be adjusted to include new issues at the start of the meeting.

Unresolved Items

All items that are resolved or not will be reported in the minutes and unresolved items will be placed on the agenda for the next meeting, unless such a delay would pose a health and safety risk to a worker.

Agenda Outline

The agenda will include:

- Roll call
- Introduction of Visitors
- Approval of Minutes
- Business arising from the minutes (including progress reports on outstanding items)
- Reports (inspections, accidents, statistics)
- New Business (itemized)
- Educational Session
- Time, date, place of next meeting
- Adjournment

Confidentiality

JHSC members will keep confidential any trade secrets or personal medical information they receive in their work. This will require strict attention to the contents of minutes and the security of the committee records.

COMMITTEE RECOMMENDATIONS

Recommendation Form

The committee will design and implement a standard recommendation form and numbering system for all formal recommendations to senior management.

Employer Response to Recommendations

An employer who receives written recommendations from a committee shall respond in writing within twenty-one days (Reference: Section 9 (20) of the *OHSA*).

Employer Timetable for Implementing Recommendations

A response of an employer under subsection (20) shall contain a timetable for implementing the recommendations the employer agrees with and give reasons why the employer disagrees with any recommendations that the employer does not accept (Reference: Section 9 (21) of the *OHSA*).