



Tips for ONA Executives on Joint Health and Safety Committees

Know and exercise the significant legal powers and functions of the Joint Health and Safety Committee (JHSC) in the *Occupational Health and Safety Act (OHSA)*.

1. Empower worker members

- Consider being a worker co-chair. (*OHSA* Sec. 9 [11]).
- Ensure at least one worker member of the committee has certification training (*OHSA* Sec. 9 [12]).
- Ask your Bargaining Unit President (BUP) to write the employer requesting certification training of all ONA JHSC members. (ONA's hospital central and other collective agreements require the employer to certify members if requested by the Union in writing, e.g. Article 6 [ix] – Hospital Central Agreement. Ask your BUP to file a grievance if the employer resists.)
- Access the ONA website (www.ona.org) and use the JHSC toolkit located at (insert link) to access various resources to guide you.
- ONA has education and an eLearning platform available to supplement worker certification training.

2. Committees have the right to know

- Your employer is required by law to facilitate your efforts (*OHSA* Sec. 25 [2] [e]) and to provide you with all information you need to exercise your powers and perform your duties and functions (e.g. *OHSA* Sec. 9 [18] [d-f], 11, 12, 25 [2] [i], 51-53 and *Health Care and Residential Facilities Regulation HCRFR* Sec. 5 and *Industrial Regulations* Sec. 5).
- Your collective agreement may contain additional language supporting health and safety such as a requirement for the employer to report all incidents of violence.

3. The right to participate: workers are equal partners on the JHSC.

- Prevention should be considered a priority so ensure your employer has appropriate policies, measures and procedures, programs, training and equipment (*Health Care and Residential Facilities Regulation [HCRFR]* Sec. 8 and 9), and ensure your employer consults the committee.
- Workers get at least an hour of paid time to prepare for meetings (*OHSA* Sec. 9 [34] [35]). Use that time to cooperate with all worker members from ONA, other unions and unorganized groups, to review evidence of hazards (e.g. accident/illness reports *OHSA* Sec. 51 and 52) and prepare and present agreed-upon recommendations. By law, the employer has 21 days to respond in writing to a written recommendation from the committee or co-chair (*OHSA* sec. 9 (20)).
- Attend all committee meetings (*OHSA* Sec. 9 [34]), conduct all your inspections

(*OHS*A Sec. 9 [26-28]) and exercise the worker's right to be present for testing (*OHS*A Sec. 9 [18] [f] and 11). When you cannot attend or inspect, ensure an alternate takes your place. The employer must facilitate your participation (*OHS*A Sec. 25 [2] [e]).

- When the meeting starts, don't let the employer stack the meeting with their representatives. Ensure at least half in attendance are worker members. (*OHS*A Sec. 9 [7]).
- Expect timely attention to identified hazards and recommendations. Don't defer serious issues to subsequent meetings.
- Section 62 (5) of the *OHS*A prohibits knowingly interfering with a committee member in exercising their legal powers and duties (including the worker DUTY to inspect (*OHS*A Sec. 9 [26])). Don't hesitate to point out the obstruction section of the law.

4. Individual Workers' Right to Refuse Unsafe Work

- Depending on circumstances, a worker may exercise their right to refuse unsafe work. That individual right is restricted for many health-care workers and must be exercised with caution. Calling the Ministry of Labour, Training and Skills Development (MLTSD) with a formal complaint may pre-empt the need for an individual to take the extraordinary measure of refusing work.
- See and refer members to the document *My Right to Refuse Unsafe Work: A Guide for ONA Members* at:
https://www.ona.org/wp-content/uploads/ona_guide_myrighttorefuseunsafework.pdf?x19370.
Also see the Tip Sheet: *Right to Refuse Unsafe Work* at:
https://www.ona.org/wp-content/uploads/ona_tipsheet_righttorefuseunsafework_202006.pdf?x68912.

5. Next Steps

- Remember to **escalate unresolved health and safety concerns as high as necessary with management at your workplace, and with union leadership, as quickly as necessary, to protect workers**. Refer to the Tip Sheet: *Tips for Escalating Unresolved Health and Safety Concerns to the Ministry of Labour, Training and Skills Development* in the toolkit. If there is time to consult your JHSC representative/BUP/Labour Relations Officer (LRO), do so.
- There is only 30 days from the date of an MLTSD decision to appeal that decision (*OHS*A Sec. 61). Contact your BUP as soon as anyone from the MLTSD issues an unsatisfactory order, writes no orders at all, or makes a decision, verbally or in writing, that you believe will not protect workers.
- Only an MLTSD inspector can determine compliance with an order (*OHS*A Sec. 59 [4]). Don't succumb to employer pressure to sign a "compliance notice" if you are not certain or don't believe there is complete compliance with a ministry order. You are not obliged by law to sign any compliance notice (*OHS*A Sec. 59 [2]). MLTSD inspectors will not likely return to the workplace to see if an order is met if the worker member of the committee signs a compliance notice.

- There may also be an option to file a grievance. Consult the LRO to determine if that is the preferred approach.

6. Document, document, document

- Ensure proper minutes are taken of JHSC meetings and posted in the workplace (*OHS*A Sec. 9 [22]) and distributed in a timely manner to ensure there is appropriate time to review prior to the next meeting. Standing agenda items (accident reports, policy review) may be helpful to ensure issues are not missed.
- Take notes of conversations with workers, supervisors/managers, the employer and the MLTSD. Keep relevant email correspondence.
- Record inspection and investigation findings and observations of MLTSD visits. Your observations will be especially important if we appeal any MLTSD orders or lack of satisfactory orders (*OHS*A Sec.61) and/or file grievances.

If you have any questions, please speak to your BUP and/or LRO. Keep them informed of unresolved issues.