



Sample Terms of Reference for a Joint Health and Safety Committee (JHSC)

This is a sample Terms of Reference (TOR) for a Joint Health and Safety Committee (JHSC). This sample is intended to be used as a resource or reference when creating and/or revising the TOR for your JHSC.

Contact your Labour Relations Officer if you have any questions.

Role and Purpose of a Joint Health and Safety Committee (JHSC)

The parties acknowledge that the proper functioning of the Joint Health and Safety Committee (JHSC) can best be achieved when the representatives of the employer and the workers are committed to its function as a support to the Internal Responsibility System (IRS) and the employer's Health and Safety Management System.

The purpose of the JHSC is to bring together managers and workers in a problem-solving forum and ensure good communication between all workers, supervisors and managers. A health and safety culture that promotes prevention will be enhanced by identifying problems, making timely and sound recommendations, making significant contributions to the program and by all parties engaging in their duties.

Structure of the Committee

The committee shall consist of ____ members; ____ members selected by the employer, and ____ members selected by the workers they are to represent, or by the unions representing those workers. At least two members of the committee, one manager representative and one worker representative, will be certified. *(Check the collective agreement, there may be language in yours providing a greater benefit.)*

There shall be two co-chairpersons, one representing management and one representing the workers. The worker co-chair will be selected by the worker representative members of the JHSC. It is recommended that incumbents serve at least one year on the committee to be eligible to serve as a co-chair. The term of service will be for a period of two years, at which time the management and worker members engage their respective selection process. Sitting co-chairs may be re-selected.

To the extent possible, the co-chairpersons shall be certified members.

Safety Professional/Most Suitable Person for your Organization

The Safety Professional will act as a resource person for the JHSC. At meetings, they will also act as the committee's parliamentarian to advise the co-chairs on procedural matters.

The Safety Professional will provide regular reports and updates regarding legislative changes, activities of the Chief Prevention Officer (CPO), the Workplace Safety and Insurance Board (WSIB), environmental test results, occupational health and safety best practices, as well as the health and safety landscape (hot topics).

The Safety Professional will also provide incident/occurrence reports (containing details prescribed by legislation), responses from management regarding the investigations of such, and inspections plus and not limited to, any other such reports (i.e. Ministry of Labour, Training and Skills Development and (MOLTSD) investigation reports/orders, air quality reports, work stoppages reports, Fire Code issues and violations, or orders from the Fire Chief).

The Safety Professional is not a voting member of the JHSC and does not have voice at a meeting unless approved by the co-Chairs.

Infection Prevention and Control Practitioner

The Infection Prevention and Control (IPAC) practitioner will provide regular reports to the JHSC regarding infection control activities of the employer, including any outbreaks. The practitioner will also update the JHSC on the activities of the Regional Infection Control Network (RICN), Public Health Ontario (PHO) and the local Public Health Units (PHU). The IPAC practitioner is not a voting member of the JHSC.

Recording Secretary

The Recording Secretary will capture the discussion at JHSC meetings, and all items resolved or not will be reported in the minutes. Unresolved items remain in the minutes until resolved. The Recording Secretary will prepare and distribute the approved minutes and agenda to the committee members. The Secretary will acquire photocopies necessary for the meetings. The Recording Secretary is not a voting member of the JHSC.

Records of all minutes and meeting agendas will be kept.

Terms of Office

Committee members shall service for a period of ____ years, after which they are eligible for re-election or further appointment for another such term. Co-chairpersons will serve for similar terms.

Committee Meetings

The committee will meet _____ (monthly, quarterly, other) and by agreement of both co-chairs, on an emergency basis.

The committee will set the meeting dates for the following year in September of each year. Committee members and their alternates will not be placed on their unit schedule on days when the JHSC meets. If a committee member works days, evenings or night shifts, their master schedule will be reviewed prior to posting to ensure that the day the JHSC meets is the first shift of their scheduled run of shifts.

Committee members shall be paid regular wages or premium rate, as may be proper for time spent attending regular meetings, one hour for preparation for meetings and for time spent carrying out their duties as committee members.

Meeting Location _____.

Co-chairpersons will alternate chairing each meeting.

Quorum

A quorum for JHSC shall have at least 50 per cent members in attendance. The number of workers must be equal to or greater than management members. At least one co-chair or alternate must be present.

Attendance Requirements

Members of the JHSC are expected to attend and participate at meetings. Members are also expected to perform their assigned monthly workplace safety inspection. The employer shall, in accordance with its duty under Section 25 (2)(e) of the *OHSA*, afford assistance and cooperation to committee members in ensuring their attendance. The employer, unions and non-worker members are required to select one alternate to represent regular members at the meeting or participate in workplace safety inspections when they are unable to attend.

Agendas

The co-chairpersons will prepare an agenda and distribute copies to all committee members at least one week in advance of the meeting. A standard agenda form as agreed by the committee will be used.

If either co-chair desires to invite a guest to the meeting, that will be included as an item of discussion when the co-chairs prepare the agenda. This guest can attend the meeting to provide additional information and/or expert advice, but shall not participate in the regular business of the meeting.

The committee may accept any item pertaining to health and safety as proper for discussion. All decisions will, to the extent possible, be arrived at by consensus rather than by voting. Formal motions will not be used.

Functions of the Joint Committee

The functions of the committee are:

1. To work in accordance with Section 9 of the *OHSA* for Ontario.
2. To identify, evaluate and recommend a resolution of any matters pertaining to the health and safety in the workplace to management.
3. To recommend and be consulted in the development, establishment and provision of continuing education and training programs in order to ensure employees are knowledgeable in their rights, responsibilities and duties under the *OHSA* and employer policies.
4. To assess and make recommendations for health, safety or environmental matters that the JHSC deems appropriate.
5. Conduct monthly workplace safety inspections, make recommendations, and suggest solutions for the elimination or control of workplace hazards.
6. Review all incidences of workplace injuries and illnesses, which include an investigation by the manager and corrective action.
7. Investigate serious accidents involving critical injuries or fatalities.

8. Be afforded the opportunity to attend the start of any environmental testing taking place at the employer (Sections 9 (18) (19) and 11 of the *OHS*A).
9. A certified worker member shall be present to investigate work refusals, as outlined in Section 43 of the *OHS*A.
10. Where a dangerous circumstance has been reported to a worker certified member of JHSC, they shall investigate the complaint, as outlined under Section 48 of the *OHS*A.
11. Review all health and safety policies, measures, procedures and guidelines annually.
12. Promote, communicate and support the employer's health and safety initiatives.
13. Worker members of the JHSC shall select a member who shall be afforded the opportunity to attend at MOLTSD inspections and investigations, (Section 54 (3) of the *OHS*A).
14. To recommend education and training programs for workers in occupational health and safety, including violence prevention, harassment and infection control.
15. To review education and training programs annually or whenever the measures and procedures are changed, such that altering the education programs is required.
16. Address matters related to designated substance regulations, biological/chemical agents and the Workplace Hazardous Materials Information System (WHMIS) where applicable.

Other Functions

Workplace Inspections

The JHSC co-chairs will establish a safety inspection schedule. The schedule will ensure that some portion of the workplace is inspected monthly, such that the entire facility/facilities are inspected at least once per year. Members of the JHSC, as inspection teams, will conduct the workplace safety inspections. The worker member should be a certified member, if possible.

All workplace hazards and health and safety concerns discovered or raised during the safety inspection will be recorded on an appropriate workplace inspection form and signed by the inspection team members.

The inspection team will verbally notify the department supervisor of any imminent hazards before leaving the area (Section 28 (1)(c)(d) of the *OHS*A). A copy of the workplace inspection form will be forwarded to the Department Manager as soon as possible, as well as the Occupational Health department and the JHSC.

The department manager will inform the JHSC of the status of the outstanding items as soon as practicable, by returning the completed form to the JHSC and Recording Secretary.

The Recording Secretary will reconcile the reports for the co-chairs. The Recording Secretary will report non-compliance and any follow-ups to recommendations to the co-chairs.

Committee Recommendations

The committee will agree on recommendations to be made to senior management following discussion and review of identified problems. Such recommendations will be provided, in writing, to _____ (specify name, job title) immediately following the meeting.

Management will respond, in writing, within 21 days of receiving the recommendation. The committee will review management's response at the next scheduled meeting.

Designation of Members for Particular Function(s)

The worker committee members will designate one or more of their members to investigate all critical injuries and fatalities that occur at the workplace. One of these members may inspect the accident scene and report his or her findings to an MOLTSD inspector and to the committee.

The members of the committee representing workers shall designate a member to investigate work refusals. Senior management will be informed in writing of the name of the worker so designated.

The members of the committee representing workers shall designate a worker member to accompany an MOLTSD inspector during any inspection or investigation by the Inspector.

The committee will also designate a worker member to be present at the beginning of any health and safety-related tests being undertaken in the workplace.

Right to Stop Work

A certified member of the committee has the right to order the employer to stop work because dangerous circumstances exist. Where a certified member exercises this right, the employer must comply immediately and then investigate the situation. If following this investigation, the employer and the certified member do not agree, a Ministry inspector may be called to investigate and provide a written decision.

The worker members of the JHSC shall designate a worker member and alternate to investigate work refusals.

Where a complaint of dangerous circumstances has been reported to the worker certified member of the JHSC, he/she may investigate the complaint as outlined under Section 48 of the *OHSA*.

Bilateral Work Stoppage

S. 45. (1) 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.

Investigation by second certified member

(2) The certified member may request that a second certified member representing the other workplace party investigate the matter if the first certified member has reason to believe that dangerous circumstances continue after the supervisor's investigation and remedial actions, if any.

Idem

(3) The second certified member shall promptly investigate the matter in the presence of the first certified member.

Direction following investigation

(4) If both certified members find that the dangerous circumstances exist, the certified members may direct the constructor or employer to stop the work or to stop the use of any part of a workplace or of any equipment, machine, device, article or thing.

Confidentiality

All JHSC members will keep medical or trade secret information confidential. The employer's confidentiality policy is enforced in so far as it does not conflict with provisions of the *OHSA*.

General

All employees will be encouraged to report safety hazards/concerns to their immediate supervisor/manager before bringing it to the attention of the JHSC. The immediate supervisor/manager has the responsibility to implement an action plan for resolution of hazard concerns raised within a reasonable amount of time. Urgent concerns should have an immediate response by the supervisor/manager. If there is no response, the concerned staff can contact the JHSC for an action response.

JHSC members will as much as practicable, thoroughly investigate all concerns to obtain all the facts for use in developing solutions. All complaints and outcomes will be reported at the JHSC meeting.

Escalation Process

If any member of the JHSC is notified by any worker of any work-related incident/occupational illness/exposure problem that the committee representative or the worker believes should be elevated to senior leadership, the committee member will:

- Advise the worker to seek medical attention if required.
- Advise the worker to report the incident/illness/exposure to their supervisor/manager immediately.
- Advise the worker to complete an Employee Incident Reporting Form.
- Ensure the Occupational Health and Safety Department is notified.
- Investigate the complaint, obtaining the facts.
- The committee member will notify a co-chair expressing the need to call an emergency JHSC meeting.

- The JHSC will meet forthwith to discuss, review and initiate any further investigation if necessary.
- The JHSC will review the available information regarding the incident at the meeting.
- The JHSC will make recommendations to management for the specific incident.
- If the JHSC deems it necessary, the co-chairs, or if the committee does not meet forthwith or after the committee attempts in good faith to reach consensus but does not, a co-chair, may escalate the issue to senior leadership.

Amendments to these Guidelines

Any amendments, deletions, or additions to these guidelines must have the consensus of the total committee and shall be set out in writing and attached as an appendix to these guidelines. The terms of reference will be reviewed at the first JHSC meeting following January 31st every second year as new terms begin, or when the composition of the committee changes.

Signed at:

_____ (Date)