**Sample Template - Hazards and Recommendations to Employer**

This is only a sample template designed to help ease the job of an ONA JHSC member. Section 9 (18-21) of the *OHSA* does not specify the form of a recommendation written by a JHSC or co-chair. To trigger a written response from an employer within 21 days, it is only required that the JHSC or co-chair recommendation be in written form. Legally, you can use this template, a letter, email or any written form to submit recommendations to the employer. Regardless of the form of the recommendation, it is important to note the date sent, the hazard/concern identified and/or the recommendation that the JHSC or co-chair is proposing. It helps to number each hazard/concern. Attempt to secure JHSC consensus and have both co-chairs sign the recommendations. If consensus cannot be reached, the co-chair may submit the recommendation(s) independently.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Hand delivered to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Insert name of Employer)

(Insert address of Employer)

Pursuant to Section 9 (18) of the *Occupational Health and Safety Act*, (*OHSA*) among our functions as a Joint Health and Safety Committee (JHSC) we are to:

* “identify situations that may be a source of danger or hazard to workers
* make recommendations to the employer and the workers for the improvement of their health and safety
* recommend to the employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of workers, and the trade union representing the workers.”

As such, we or I *(if no consensus reached by JHSC then worker co-chair should replace “we” with “I”)* have identified the following source(s) of danger or hazard, and/or concern(s), at [insert address of employer] and/or provide the following recommendations:

**Identified Hazards or Dangers and/or concerns and their associated Recommendations**

**Hazard/Concern Recommendations**

|  |  |
| --- | --- |
| Risk posed by supervisors who are not “competent” as defined in the *OHSA.*Permanent supervisors, workers who may have “charge of a workplace or authority over a worker”, are not trained in the *OHSA* and how it applies to the work. They are not trained to identify hazards or in how to take every precaution reasonable to protect workers. | The employer to identify all appointed supervisors as defined in the *OHSA* and demonstrate how it will ensure that all supervisors are “competent” as defined in the *OHSA*. As a minimum they should receive and be able to demonstrate their knowledge of:* The *OHSA* and regulations;
* Roles of workplace parties and duties and powers of those parties;
* Their personal duties to protect workers and their personal liabilities if they fail in their duties;
* Potential or actual dangers to health and safety in the workplace;
* How to identify a hazard to workers (which, as the SARS Commission identified, may also constitute a hazard to patients);
* How to respond to a worker concern/report;
* The reporting requirements for illness/injury;
* How to investigate hazard/injury/illness and the legal need to determine and report steps taken to prevent a recurrence of an injury/ illness;
* Work refusal procedure, the function of the JHSC;
* Knowledge of contingency plans for fire, hostage situations, bomb threats, security equipment, and other matters;
* Delegation of authority, names and contact information of people with whom to consult;
* Safety procedures applicable to the workplace;
* Knowledge of a supervisor’s duties.

The employer forthwith engages the assistance of the Public Services Health and Safety Association (PSHSA) to provide training to all employer appointed supervisors as well as those workers who may have “charge of a workplace or authority over a worker,” to make them “competent” under the *OHSA.* |

If the committee has failed to reach consensus about making recommendations under section 9 Subsection (18) of the *OHSA* after attempting in good faith to do so, either co-chair of the committee has the power to make written recommendations to the constructor or employer.

Pursuant to S. 9 (20), an employer who receives written recommendation(s) from a committee or co-chair shall respond in writing within 21 days. Therefore we look forward to receiving your written response to our recommendations within 21 days, i.e. by [enter date].

We anticipate that your written response will include all information pursuant to the *OHSA* Section 9 (21), which says: “A response of a constructor or employer under Subsection (20) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons why the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.”

Please sign below.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Worker Co-Chair, Joint Health and Safety Committee

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Employer Co-Chair, Joint Health and Safety Committee

C: Post for the workers

Copy to JHSC

Bargaining Unit President