

## **Xxx Hospital/Long Term Care Home/Community Joint Health and Safety Committee: Terms of Reference**

The Occupational Health & Safety Act requires the establishment of a Joint Health & Safety Committee (JHSC) where 20 or more workers are regularly employed at a workplace. JHSC meetings shall be held monthly or more frequently if needed.

The parties acknowledge that the proper functioning of the 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.

It is our belief that through joint education programs, joint investigations of problems and joint resolution of these problems, the workplace will be made safe

This agreement and the following terms of reference are adopted in good faith to promote and assist the JHSC whenever and wherever possible. The undersigned agree to abide by these Terms of Reference.

### **Structure and Terms of the Committee**

The meetings of Joint Health and Safety Committee will consist of one day a month or more often, as necessary, to meet their responsibilities. One half of the day will be for workplace inspections and the other half for the meeting to discuss the inspections, incidents and other H&S issues.

#### **Composition of the Committee: Minimum Numbers**

| <b>Members</b>       | <b>Number</b> |
|----------------------|---------------|
| ONA                  | 2             |
| X union              | 2             |
| Y union              | 1             |
| Non-Union Worker     | 1             |
| Management           | 3             |
| Committee Resources* | 3             |

\*Safety Professional, Recording Secretary, and one (1) Infection Control Practitioner

Each union will select the member/s to represent their union. The employees not represented by a union will elect the non-union worker representatives (see Appendix A).

Management will appoint the management members of the committee.

Once selected/voted to be on the JHSC, the members will undertake the required certification as outlined in the OHS Act for Ontario.

## **Safety Professional**

The Safety Professional will act as a resource person for the JHSC. At meetings, he or she 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 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. MOL investigation reports / orders, air quality reports, work stoppages reports, Fire code issues and violations, or orders from 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.

## **Recording Secretary**

The Recording Secretary will capture the discussion at the 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.

## **Infection Prevention and Control Practitioner**

The Infection Prevention and Control Practitioner will provide regular reports to the JHSC regarding infection control activities at the employer including any out breaks. 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 Infection Prevention and Control Practitioner is not a voting member of the JHSC.

## **Co-Chairs**

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 (1) 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.

The Co-Chairs will jointly approve the schedule of meetings and or any changes. The meetings of the Joint Health and Safety Committee will consist of one day a month or more often, as necessary to meet their responsibilities. Regardless, there must be a minimum of four scheduled meetings through the course of a calendar year.

The Co-Chairs will conduct the meetings in accordance with the rules of order established by the committee. The Co-Chairs will alternate chairing meetings. Should the designated Chair not be available to attend a meeting, the other Co-Chair will organize and preside over the meeting.

The Co-Chairs will jointly approve the meeting agendas, ensure minutes are taken, accurate and distributed to the committee members, along with any other documents or reports. A Co-Chair person may, with the consent of his/her counterpart, invite any additional person(s) to attend the meeting to provide additional information and comment, but they shall not participate in the regular business of the meeting.

The Co-Chair or JHSC designate will attend all critical and fatal incidents with the Ministry of Labour.

### **Roles and Functions of the JHSC Members**

1. To work in accordance with Section 9 of the OHS Act for Ontario.
2. To identify, evaluate and recommend a resolution of any matters pertaining to the health & 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 Occupational Health and Safety Act (OHS Act) 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.
8. Investigate serious accidents involving critical injuries or fatalities.
9. 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 Act).
10. A certified worker member shall be present to investigate work refusals, as outlined in Section 43 of the OHS Act.

11. 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 OHSA.
12. Review all health and safety policies, measures, procedures, and guidelines annually.
13. Promote, communicate and support the employer's Health and Safety initiatives.
14. Worker members of the JHSC shall select a member who shall be afforded the opportunity to attend at Ministry of Labour inspections and investigations, (Section 54 (3) of the OHSA).

### **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.

### **Payment for Attendance**

All time spent in attendance at JHSC meetings, safety inspections or other activities relating to the function of the JHSC will be paid for at the member's current regular or premium rate of pay as may be proper for performing work. Further, any time spent on JHSC business is to be considered as time at work (Section 9(34), (35) of the OHSA).

In addition, members will be provided preparation time prior to a JHSC meeting. Members are entitled to payment for pre-meeting time in the workplace. Members' time away from their regular duties must be arranged with the agreement of their supervisor, manager, director or vice president. The employer shall, in accordance with its duty under Section 25 (2) (e), afford assistance and cooperation to committee members in ensuring their attendance.

### **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 employer is 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, 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 OHSA). 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.

### **Recommendations of the JHSC**

The JHSC has the authority to make recommendations to the employer for the improvement of the health and safety of workers, the establishment, the maintenance and monitoring of programs, and the measures and procedures respecting the health or safety of workers (Section 9 (18) of the OHSA).

The Co-Chairs or after the committee attempts in good faith to reach consensus but does not, a Co-Chair, will submit recommendations in writing to the employer, copying the Senior Management Health and Safety Lead.

The employer will respond in writing directly to the Co-Chairs in response to recommendations of the JHSC or Co-Chair(s). The response to the recommendations must be provided within 21 days of being issued.

The response will include the employer's acceptance or rejection of the recommendations. If the recommendations are accepted the response will include the process for resolution of the issue(s) and a timetable.

If the employer rejects the recommendations of the committee, the employer will provide the reason for not accepting the recommendations.

### **Incident and Accident investigations**

The worker members of the JHSC will designate worker members to investigate all serious and critical workplace accidents or occurrences as required by Section 51 and 52 of the OHSA. In addition, the worker member shall investigate incidents that have the potential to be serious accidents.

### **Work Refusal and Work Stoppage**

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.

*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.*

The worker members of the JHSC will designate a worker member to accompany the Ministry of Labour Inspector while carrying out Ministry inspections of the workplace.

### **Minutes of Meetings**

The recording secretary is responsible for having the minutes typed, circulated and filed within fourteen (14) days of the meeting, or as the JHSC may from time to time instruct. Minutes of meetings will be reviewed, and edited where necessary, by the Co-Chair persons then circulated to all JHSC members and the management of the Occupational Health & Safety department. A copy will also be posted on the OHS bulletin board.

### **Quorum**

A quorum for JHSC shall have at least 50% members present. Number of workers must be equal to or greater than management members. At least one Co-Chair or alternate must be present.

### **Meeting Agenda**

The Co-Chair(s) will prepare an agenda and the recording secretary will forward a copy to all JHSC members at least one (1) week in advance of the meeting.

The JHSC may accept any item as proper for discussion and resolution pertaining to health and safety, except to amend, alter, subtract from or add to, any terms of the Collective Bargaining Agreements or legislation. All items raised from the agenda in meetings will be dealt with on the basis of consensus rather than by voting. Formal motions will not be used.

All items, resolved or not, will be reported in the minutes. Unresolved items will be noted in the minutes and placed on the agenda for the next meeting.

## **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 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 Joint Committee 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 emergent Joint Health and Safety Committee meeting.
- The Joint Committee will meet forthwith to discuss, review and initiate any further investigation if necessary.
- The Joint Committee will review the available information regarding the incident at the meeting.
- The Joint Committee will make recommendations to management for the specific incident.
- If the Joint Committee 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**

Any amendments, deletions, or additions to these Terms must have the consensus of the full JHSC and shall be set out in writing and attached as an Appendix to these Terms of Reference.

## Appendix A

### Election of Non-Union the Joint Health and Safety Committee

The employer will publish a request for volunteers and nominations for the non-union worker member and alternate. The employer will use the various communications channels to reach the greatest number of employees. If there are no volunteers the committee may ask interested individuals from the group to stand for election.

Candidates notify, or nominations are sent to, the OHS department indicating their intention stand for election.

In order to be eligible for membership on JHSC the candidate must be an employee (full- or part-time) of the employer. The candidate cannot exercise any management responsibilities, e.g., the hiring or the discipline of employees.

Nominees must indicate that they are willing to allow their name to stand for election.

The election and the process for voting will be published and communicated in a fashion for all non-management workers to see. The election will be held over a five (5) day period in order to allow non-union employees, who do not exercise managerial functions, the opportunity to vote for the representative of their choice. Those wishing to vote can cast their ballot by going to the OHS department. To be eligible to vote, the person must show current proof of employment at Xxx; cannot be a union member nor exercise any management responsibilities.

The election will be held every two years. The sitting member can stand for re-election. In the event that a worker member is unable to complete his/her term of office, a new member shall be elected in the normal manner.

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of 2014

**Worker Co-Chair**

**Management Co-Chair**

\_\_\_\_\_

\_\_\_\_\_

**JHSC Members:**

**Worker Members**

**Management Workers**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_