

## Joint Occupational Health and Safety Committees' Terms of Reference

**Highlighted items within this document are to be reviewed and modified to reflect individual JOHSC's needs.**

Commented [g1]: Comment bullets are also added to provide assistance.

### 1. Introduction:

The Occupational Health and Safety Act and other relevant laws have been used in the preparation of these terms of reference and may be referred to for further information.

In Nova Scotia health and safety in the workplace is governed by the Occupational Health and Safety Act. The province also has a number of sets of regulations and, while the Act provides general guidance on issues concerning health and safety, the regulations become specific when dealing with their topics.

**Section 29 of the Act** establishes the requirement for workplaces with 20 or more employees to have a Joint Occupational Health and Safety Committee (JOHSC): *“At every workplace where twenty or more persons are regularly employed, the employer shall establish and maintain a joint occupational health and safety committee or, at the discretion of the employer, more than one such committee...”*

These terms of reference and rules of procedure will describe in detail, the functioning of the School JOHSC.

### 2. Membership:

*“A committee shall consist of such a number of persons as may be agreed to by the employer and the employees or their unions.” - Section 30 (1) OH&S Act*

The workplace JOHSC shall be composed of one representative from management and one employee representative from each employee group, if possible.

Management shall annually extend an invitation to all employee groups to provide a representative for the committee. Each management and employee representative should have a designated alternate in the event the regular member cannot attend the meeting.

The membership of the committee shall be reviewed on an annual basis for a membership change of no more than 50% of the committee members in order to ensure continuity. The new members will be selected to serve on the committee as of the **January meeting** and thereafter annually. The normal term for the members of the committee will be for a period of **two years**.

**Commented [g2]:** Month to be determined by the JOHS Committee

**Commented [g3]:** Normal term duration to be determined by the JOHS Committee. Two years is common.

A secretary shall be appointed from among the committee. Sub-committees to deal with specific occupational health and safety issues and legislative requirements will be established as required. The terms of reference for such sub-committees shall be approved by the JOHSC.

The decisions made with respect to the size of the committee, the designation of employees to be members or rules of procedure are best to be made by the workplace parties. If the employer and the employees cannot reach agreement, the Director of the Occupational Health & Safety division of the Department of Labour and Workforce Development will determine the matter.

### **3. Chairing:**

**The committee shall be jointly chaired by an appointed management representative and a selected employee representative.** In a school, the management representative shall be the Principal or Vice Principal appointed by the Principal. The employee co-chair shall be selected by nomination and majority vote of the other employee members of the committee. Regardless of other membership terms and appointments, the co-chairs shall be chosen annually. The co-chairs shall jointly conduct all duties as chair of the committee. In the event of the absence of one of the co-chairs from a meeting or committee activity the other will carry out the duties and responsibilities as chair.

**Commented [g4]:** Joint chairing is the normal practice, and any other arrangement must be written in the Terms of Reference.

The appointment and selection of co-chairs shall take place on the first regular meeting of the calendar year.

Commented [g5]: This is an annual requirement, but can take place anytime during the year.

#### **4. Functions:**

##### Functions of the Chair:

- a. Preside over the meeting of the committee and ensure it is conducted in a democratic and orderly manner.
- b. Consult with Secretary on the creation of meeting agendas and ensure it is provided to all members.
- c. Act as liaison between the committee and external stakeholders (ie, Department of Labour and Workforce Development)
- d. Review minutes prior to distribution and posting.
- e. Ensure the activities of the committee are communicated all employees. Ensure all members of the committee attend meetings on a regular basis and are meeting the requirements of the position to which they were appointed.
- f. Report to the committee on any incoming correspondence.
- g. Inform the committee of any incident reports or written complaints that have been directed to the committee for review. Perform any other tasks assigned by the committee or required by legislation.
- h. All correspondence/minutes to be approved and signed by the Chair(s).
- i. The Chair must approve minutes/correspondence before posting and distribution.

##### Functions of the Secretary:

- a. Record and prepare the minutes of all committee meetings.
- b. Ensure that minutes and other relevant correspondence are distributed to all committee members and the Occupational Health and Safety Manager. All minutes must be posted on the Occupational Health and Safety bulletin board.
- c. Distribute information concerning the activities of the committee as directed by the chair.
- d. Any other duties as directed by the committee.

##### Functions of the Committee members (and alternates):

- a. Report hazards to the committee.

- b. Promote safety and health awareness to fellow workers.
- c. Participate in committee functions such as inspections and investigations as required.
- d. Acquire a level of knowledge and education with regard to health and safety issues in the workplace to ensure the member is competent to conduct the required duties.
- e. Be an active member of the committee, including providing ideas and suggestions to address safety and health concerns and to be prepared to participate at each meeting.
- f. Be able to obtain in writing the details of any complaint from an employee and to report the same to the committee.
- g. Alternate members shall attend all meetings for which the general member cannot attend. If a member of the committee is unable to attend a meeting, that member is responsible for notifying the alternate of the meeting time and place and advise the co-chairs of the alternate's attendance.
- h. Conduct any other duties as required or directed by the committee or relevant legislation.

**5. Quorum:**

A quorum is a minimum of committee members who must be present before the committee can conduct valid business. At a minimum, there is to be two members present, of which at least one must be an employee member. Further numbers to create a quorum can be specified for this specific committee as being: 50% of all serving at the time are required to achieve a quorum, with at least one employee member present.

**Commented [g6]:** There is no requirement for 50%, but this is a common practice.

**6. Meetings:**

Meetings shall be held on the second Wednesday of each month except August. The time of the meeting will usually be 10:00AM, however, this will be confirmed when the agenda is circulated.

**Commented [g7]:** Required to meet monthly, unless a different frequency is established in the Rules of Procedure. The monthly date and time are to be determined by the committee.

Cancellation of a meeting requires 48 hours notice from the Chair, excluding extreme emergencies.

**Commented [sG8]:** There is no requirement for a cancellation notice, rather good practice.

Other than the above noted regular meetings, if another meeting is required, it may be called by the co-chairs. In all

cases, notice of the meeting will be distributed as soon as possible, but a minimum of two days notice will be given.

In the event an “emergency meeting” is required, (ie, to deal a work refusal or work place accident investigation), as much notice as possible will be given considering the circumstances of the “emergency”. Emergency meetings will be called by the co-chairs, but may be called by one of the chairs should the other be unavailable.

It is a requirement that the committee establish its own rules of procedure the outlines how meetings will proceed. An example of formal rules of procedures is available in the SSRSB Safety Program Manual.

Each scheduled meeting will have an agenda, which will be prepared by the secretary in consultation with the co-chairs of committee, and **distributed at least one week prior to the meeting**. Committee members who wish to have their items on the agenda must have their items to the secretary prior to issuing of the agenda. At the discretion of the co-chairs, items may be added to the agenda at the beginning of the meeting.

Commented [g9]: This is not a requirement, but good practice.

**The agenda should include the following:**

- a. Attendance/Regrets
- b. Approval of agenda
- c. Approval of minutes from last meeting
- d. Business arising from minutes
- e. Workplace health and safety topics for discussion
- f. Review of complaints/concerns
- g. Review of accidents/incidents
- h. Review of reports, including inspections
- i. Update of health and safety training
- j. Special assignment reports by members or committees
- k. New business
- l. Adjournment

**7. Matters the OH&S Act requires the JOHSC to be consulted on:**

The following is a list of items that the OH&S Act requires the JOHSC to be consulted on. Only a brief description of each section of the Act is included below. If more

information is required then the appropriate section of the Act must be consulted.

<u>OH&amp;S Act / Section</u>	<u>Description</u>
13 (2)	“Every employer shall consult and co-operate with the Joint Occupational Health and Safety Committee...”
17 (1)	“Every employee, while at work, shall consult and co-operate with the Joint Occupational Health and Safety Committee...”
17 (2)	Where an employee believes there is a health & safety concern and “where the matter is not remedied to the employee’s satisfaction, report it to the committee...”
27 (1)	“the employer shall prepare and review, at least annually, a written Occupational Health & Safety policy, in consultation with the committee...”
28 (1)	“the employer shall establish and maintain a written Occupational Health and Safety program in consultation with the committee...”
31	“It is the function of the committee to involve employers and employees together in OH&S in the workplace and...includes” identification of hazard and systems to respond to hazards; cooperative auditing; receipt, investigation and disposition of OH&S matters and complaints; participation in inspections, inquiries, and investigations (particularly when by an OHS Officer of the Department of Labor and Workforce Development); advising on personal protective devices, equipment and clothing; advising on policy and program and making recommendations; maintaining records and minutes of committee meetings.
35	“An employer shall notify the committee of the existence of reports of the workplace safety inspections, and workplace health and safety monitoring or tests.”
39	“the employer shall immediately deliver a copy of the order compliance notice, notice of appeal or decision to the committee...”

- 42 (2) “...the employee who observes workplace occupational health or safety monitoring and the taking of samples or measurements shall be selected by the committee...”
- 43 “An employee may refuse to do any act at the employee’s place of employment where the employee has reasonable grounds for believing that the act is likely to endanger the employee’s health or safety or the health or safety of any other person until the employer has taken remedial action to the satisfaction of the employee; the committee, if any has investigated the matter and unanimously advised the employee to return to work...”
- 50 “Where an officer conducts an inspection, the employer shall give the representative or an employee member of the committee, if any...the opportunity to accompany the officer during the officer’s inspection”
- 59 (3) The employer shall prepare a list of all chemical substances regularly used, handled, produced or otherwise present at the workplace that may be a hazard to the health or safety of the employees or that are suspected by the employees of being such a hazard, and “shall advise the committee at the workplace...of the list...and any amendments to the list...”

Violence in the Workplace Regs / SectionDescription

- 5 (3) “An employer must consult with any committee established at the workplace when conducting a violence risk assessment and must provide the committee with a copy of the written report of the assessment.”
- 7 (3) “An employer must consult with any committee established at the workplace when establishing, reviewing or revising a workplace violence prevention plan.”
- 13 (2) “An employer must ensure that notice of the actions taken to prevent reoccurrence of an incident of violence are given to...any committee established at the workplace”

**8. Hazard Identification:**

Section 31 (1) (a) of the OH&S Act lists as one of the functions of the JOHSC the “cooperative identification of

hazards to the health and safety and effective systems to respond to the hazards.” In order to comply with this task, the committee will conduct hazard identification in accordance with the SSRSB Safety Program Manual and this will be done on an annual basis (September).

**Commented [g10]:** The JOHS Committee may select any month to perform Hazard Identification

### **9. Inspections:**

Section 31 (1) (b) of the OH&S Act lists a function of the JOHSC the “cooperative auditing of compliance with the health and safety requirements in the workplace.” In order to comply with this task, the committee will conduct inspections in accordance with the SSRSB Safety Program Manual and this will be done monthly by committee members on a rotating basis.

**Commented [g11]:** Monthly is recommended and may only be part of the workplace, as long as the entire workplace is inspected at least 1/year.

**Commented [g12]:** This does not have to rotate and may be designated other ways as determined by the JOHS Committee.

### **10. Health and Safety Complaint Procedure and the Committee’s Role:**

Section 31 (1) (c) of the OH&S Act lists a function of the JOHSC as “receipt, investigation and disposition of OH&S matters and complaints”. In order to comply with this task, the committee will handle complaints in accordance with the SSRSB Safety Program Manual.

### **11. Work Refusals Due to Unsafe Conditions:**

Section 43 of the Act states: “An employee may refuse to do any act at the employee’s place of employment where the employee has a reasonable grounds for believing that the act is likely to endanger the employee’s health or safety or the health or safety of any other person...”

The committee’s role in the work refusal is to investigate the circumstances surrounding the refusal. In order to comply with this task, the committee will follow the process outlined in the SSRSB Safety Program Manual. **(Due to the complexity of a work refusal it is important that the SSRSB Occupational Health and Safety Manager be contacted if an employee exercises their right to refuse work).**

### **12. Accidents and Incidents:**



One of the committee functions listed in the Act is “participation in investigations concerning occupational health and safety of the employees...” In order to comply with this task, the committee will review investigations and provide additional recommendations in accordance with the SSRSB Safety Program Manual.

### **13. Communications:**

Official incoming and out going correspondence, such as recommendations and letters of complaint, will be handled by the co-chairs of the committee. The majority of committee correspondence will be routine nature in nature and will be handled by the committee secretary.

### **14. Recommendations:**

Recommendations from the committee shall first be directed to the Supervisor and, if necessary, the Superintendent of Schools. If the committee does not believe that their recommendations have been dealt with satisfactorily, then they will follow the process outlined in the SSRSB Safety Program Manual.

### **15. Minutes and Records Maintenance and Storage:**

Minutes will be recorded and transcribed by the committee secretary. The most recent minutes must be posted on the Occupational Health and Safety bulletin board located in the staff room. As required by the Act, a copy of the minutes will be maintained by the committee secretary in an official file for a period of seven years. A copy of the minutes shall be forwarded to the SSRSB Occupational Health and Safety Manager.

Minutes should:

- a) Include the name and address of the workplace and employer
- b) State the date and time of meeting
- c) List those in attendance
- d) Include agenda items
- e) List agenda items unfinished
- f) Include a clear statement of the nature of the items discussed

Commented [g13]: Location to be determined by the JOHS Committee

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- g) Include a clear statement of the nature of all health and safety hazards discussed
  - h) List concerns or complaints of members, if any, and a description of each
  - i) List concerns dealt with between meetings, if any
  - j) Review of an accident or incident
  - k) Be short and factual
  - l) Indicate where action is required, who is responsible, a deadline
  - m) Explain why, if applicable, action was not taken and when the action is expected to be completed
  - n) Specify any reports
  - o) Be approved by the chair

### **16. Confidentiality**

The Occupational Health and Safety Act does not allow committee members to disclose medical information and confidential trade or confidential business information. However, where specifically allowed by the Act or as required by law information can be disclosed. Failure to observe these requirements constitutes a contravention of the Act.