

# Workers Guide

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## Joint Health & Safety Committees



## RESOURCES

**CUPE Local 5167 Office** [www.cupe5167.org](http://www.cupe5167.org)

818 King Street East, Hamilton, ON L8M 1B2

Phone: 905-522-0917 Fax: 905-522-4011

Email: [office@cupe5167.org](mailto:office@cupe5167.org)

### Second Vice President

Provides guidance and support.

They are able to attend meetings when they are invited to support committee.

Email: [secondvp@cupe5167.org](mailto:secondvp@cupe5167.org)

### Information links:

[Guide for health and safety committees and representatives | ontario.ca](#)

[Workplace Safety & Prevention Services | WSPS](#)

[CCOHS: Health and Safety Committee - What is a Health and Safety Committee](#)

[RSO 1990, c O.1 | Occupational Health and Safety Act | CanLII](#)

[Workplace Hazardous Materials Information System - A guide to the legislation | ontario.ca](#)



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## JHSC Worker Role

JHSC Meetings

Make recommendations

Training

Workplace Inspections

Report workplace hazards

Talk with coworkers

Review the healthy and safety boards

## Joint Health and Safety Committee



## INTRODUCTION

This **guide does not replace** the *Occupational Health and Safety Act* (OHSA) and its regulations. It is meant to provide an overview of the health and safety, joint health and safety committee (JHSC) structure and the role of a JHSC Worker Co-Chair and JHSC Worker Representatives.

Health and safety effects every workplace in every industry. Some more than others. We all have a responsibility to participate in ensuring our workplaces is safe and healthy. The OHSA Act provides us with a framework of rules and regulations to preventing harm.

Joint Health and Safety Committees (JHSC) are composed of worker and employer representatives that meet regularly to review identified issues, as well as performing workplace inspections.



### Know your Rights in the Workplace!

**Right to Know**

**Right to Participate**

**Right to Refuse Unsafe Work**



### Workers have the right to:

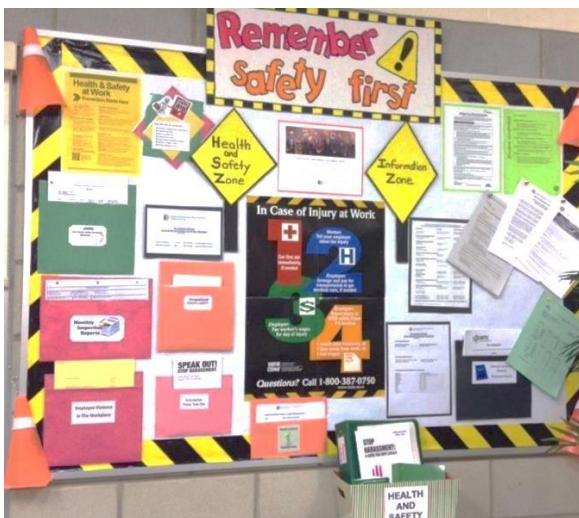
- **Know** about workplace hazards and what to do about them.
- **Participate** in solving workplace health and safety problems.
- **Refuse** work they believe is unsafe.

## RIGHT TO KNOW

Each workplace should have a **HEALTH AND SAFETY BOARD (H&S)**. **This is not the union board.** **WHIMIS** information may be found here as well.

The H&S board should have the following information posted:

- JHSC list of members (JHSCS are legally required with 20 or more employees. At least 2 certified members, 1 employer, 1 worker).
- JHSC Terms of reference.
- JHSC Meeting minutes.
- Employment Standards in Ontario Poster.
- Ontario's Occupational Health and Safety Act (The Green Book).
- Health and Safety at Work: Prevention Starts Here Poster.
- Any employer health and safety policies.
- Any employer workplace violence and harassment policies.
- WSIB in Case of Injury Poster.
- Name of certified First Aiders (WSIB Regulation 1101 - All employers covered by the Workplace Safety and Insurance Act are required to have first aid equipment, facilities and trained personnel in all workplaces).



Workers have the right to know information that impacts the workplace and themselves. For example, if they work with any chemical or biohazardous materials, they should be provided with appropriate training, personal protective equipment (PPE), and information (WHIMIS - MSDS).

Workers should know where emergency exits are in the workplace or off sites they may visit. This should include any emergency procedures.

Workers need to know how to report a workplace accident or incident.

When an employee is hired, they are often given this information, however, it is a great practice to review this information and communicate where to find more information to workers.

Depending on the workplace, you may choose to send an email with updates as well as post them on the board. This is not union work; therefore, you should be able to use your workplace email and create a distribution list (**ALL** workers in the workplace or area the JHSC covers). Always check with the Management Co-Chair about using workplace email or facilities to fulfill your JHSC duties.

### **CUPE National links:**

[Health and Safety | Canadian Union of Public Employees \(cupe.ca\)](https://www.cupe.ca/health-and-safety)

[Health and Safety Fact Sheets | Canadian Union of Public Employees \(cupe.ca\)](https://www.cupe.ca/health-and-safety/fact-sheets)

[Mental health toolkit | Canadian Union of Public Employees \(cupe.ca\)](https://www.cupe.ca/health-and-safety/mental-health-toolkit)

## RIGHT TO PARTICIPATE

Every worker has the right to provide input to ensure the health and safety of the workplace.

### Right to participate:

- JHSC Worker Co-Chair or Representative roles.
- Access to JHSC information about inspections and meeting minutes.
- Communicate with JHSC worker representative.
- Report concerns.
- Make suggestions.
- Electing JHSC Worker Reps (they may be appointed to the Co-Chair role once on the JHSC, Workers choose their Co-Chair).

### JHSC Meetings

- JHSC Worker Representatives are entitled to one (1) hour of preparation time before every committee meeting [*clause 9(34)(a)*].
- JSJC is required to hold meetings at least once every three months [subsection 9(33)]. They may choose to meet more often.
- Review concerns and ensure appropriate steps were taken in accordance with timeliness and OSHA.
- The Act requires that the employer provide a written response within 21 days, to any **written recommendations** from the committee. If the employer agrees, there must be a timeline for actions. If the employer disagrees they must provide their reasons in writing.

### JHSC Inspections

- Completed monthly.

## How to Post a JHSC Worker Representative Vacancy

### JHSC Worker Representative Vacancy

The JHSC Worker Co-Chair is responsible for posting the JHSC Worker Rep vacancies and possibly hold a workplace election (in person with a ballot). This should be done in conjunction with your JHSC terms of reference and workplace staff list. Offer the Main Worker to any Alt Worker. If they accept then post for an ALT JHSC Worker Representative.

**Please note multisite elections will require you to connect with the Executive**

**Administrator [administrator@cupe5167.org](mailto:administrator@cupe5167.org) for an online election.** Email the election date and time, as well as a list of eligible voters and work emails. As this is a joint committee, communication should be allowable. Please confirm with your Manager Cochair.

**Step One:** Communicate to workers there is a vacancy. POST The vacancy ON THE HEALTH AND SAFETY BOARD AND UNION BOARD by using 1 Template – JHSC Worker Rep NEEDED.

**Step Two:** If only one worker comes forward, they are acclaimed. POST the results ON THE HEALTH AND SAFETY BOARD AND UNION BOARD by using 2 Template – JHSC Worker Rep ACCLAIMED.

If more than one worker comes forward connect with the management Co-Chair and advise them an election will be required. POST the election details ON THE HEALTH AND SAFETY BOARD AND UNION BOARD by using 3 Template – JHSC Worker Rep ELECTION.

**Step Three:** Hold an election using 4 Template – JHSC Worker Rep BALLOT. Recommend timing at the start or end of shift, or on the lunch hour.

**Step Four:** Post the results ON THE HEALTH AND SAFETY BOARD AND UNION BOARD by using 5 Template – JHSC Worker Rep ELECTION RESULTS. Update all JHSC lists and ensure the new worker representative has a copy of this guide as well as the JHSC TOR – Terms of Reference and recent meeting minutes.

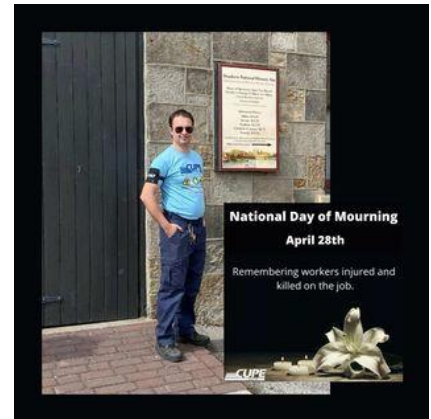
**Step Five:** Email the Second Vice President an updated committee list: [secondvp@cupe5167.org](mailto:secondvp@cupe5167.org)



## Overview of templates:

Digital copies available at: [Health & Safety - CUPE Local 5167 \(cupe5167.org\)](https://cupe5167.org)

- 1 Template – JHSC Worker Rep NEEDED – To post a JHSC Worker vacancy.
- 2 Template – JHSC Worker Rep ACCLAIMED – Only one (number posted) worker came forward. **All vacancies must be posted to allow equal notification and participation.**
- 3 Template – JHSC Worker Rep ELECTION – Note date, time and place.  
(Often in the lunchroom for a 2-hour period, speak with the Management Co-Chair)
- 4 Template – JHSC Worker Rep BALLOT
- 5 Template – JHSC Worker Rep ELECTION RESULTS



## RIGHT TO REFUSE – WORK REFUSAL PROCEDURE

Occupational Health and Safety Act, Sections 43 to 50

### First Stage

Worker considers work unsafe.



Worker reports refusal to his/her supervisor or employer.  
Worker should also advise the Second Vice President and Worker Representative.

Stays in safe place.



Employer investigates in the presence of the worker and the worker representative.



#### Issue Resolved

Worker goes back to work.



#### Issue Not Resolved

proceed to the second stage

### Second Stage

With reasonable grounds to believe work is still unsafe,  
worker continues to refuse and remains in safe place.

The **Ministry of Labour** is called by the employer or worker representative.

It is important to email [secondvp@cupe5167.org](mailto:secondvp@cupe5167.org) as well.



Ministry of Labour Inspector investigates in consultation with the worker, safety representative  
and supervisor or management representative. \*



Inspector gives decision to worker, management representative/supervisor and safety  
representative in writing.



Changes are made if required or ordered.  
Worker returns to work.

### **\*Pending the Ministry of Labour investigation:**

- The refusing worker may be offered other work if it doesn't conflict with a Collective Agreement.
- Refused work may be offered to another worker, but management **must inform** the new worker that the offered work is the subject of a work refusal.

### **This must be done in the presence of:**

- a member of the joint health and safety committee who represents workers;  
or
- a health and safety representative, or
- a worker who because of his or her knowledge, experience and training is selected by the trade union that represents the worker or, if there is no trade union, by the workers to represent them.

[Refusing unsafe work: It's your right | Canadian Union of Public Employees \(cupe.ca\)](#)

### **Can I be disciplined or fired for refusing to work or raising concerns?**

You cannot be disciplined for complying with the legislation, and there are provisions in the law to protect you from reprisals.

If your employer or supervisor takes actions, makes remarks, or implies that you will be disciplined for refusing unsafe work, contact your union immediately.

**Second Vice President** – [secondvp@cupe5167.org](mailto:secondvp@cupe5167.org)

## JHSC Co-CHAIR & WORKER REPRESENTATIVE CHECKLIST:

- The health and safety board has all the required information (page 5).
- I know who the other members of the JHSC are, and the Management Co-Chair.
- I understand I am an equal representative at the table.
- I understand how to fairly post vacancies (page 8).
- I have asked about sending emails to the workers in my workplace.
- I know where the JHSC documents are stored (minutes, terms of reference, etc.).
- I know who performs workplace inspections and when.
- I know who the certified JHSC Worker Representatives are.
- I know who are certified First Aiders in my workplace.
- I know the workplace emergency procedures.
- I understand the CUPE Local 5167 Second Vice President is my contact for questions and support. I know I should advise them of any work refusals immediately.
- \_\_\_\_\_
- \_\_\_\_\_

## JHSC – JOINT HEALTH AND SAFETY COMMITTEES

### COLLECTIVE AGREEMENT LANGUAGE

(Subject to bargaining changes (updated March 2024))

## AIRPORT

### ARTICLE 19 - HEALTH AND SAFETY COMMITTEE

19.1 The Employer and the Union agree to recognize the Joint Health and Safety Committee and the right of this committee to represent the Employees in all matters dealing with Health and Safety subject to Part V of the Canada Labour Code.

19.2 The Employer agrees that no new substance, material, agent or chemical shall be introduced into the workplace environment without a complete review by the Joint Health and Safety Committee(s) of its ingredients and/or properties.

## CITY

- APPENDIX "F" - TERMS OF REFERENCE - JOINT HEALTH & SAFETY COMMITTEE  
**(SEE END OF DOCUMENT)**
- There can be an unequal number of members on the Committee, provided at least half of the member(s) are Worker representatives. The term of office shall generally be for one (1) year but may be extended by mutual consent of the Parties.
- Please refer to Appendix F1 for standing members of the Committee as well as Alternates. (SEND A COPY TO SECOND VP)
- The Joint Health and Safety Committee shall have at least the minimum number of certified members as required by the Occupational Health and Safety Act. This Committee shall have (insert the agreed upon number of Management certified members here) Management members and (insert the agreed upon number of Worker certified members here) Worker members.

- The workplace inspection(s) shall be conducted according to a schedule to be determined by the Committee utilizing Appendix F4.
- Workplace inspections shall be conducted once per month by qualified (preferably certified) members.
- Terms of Reference shall be reviewed annually by the Joint Health and Safety Committee.
- All information should be posted on the Health & Safety Board (minutes, reports, audits, notices, etc.)
- Please send a copy of minutes, terms of reference (Appendix F), incidents, inspections and Appendix -F2, F3 and F4 to the SECOND VP.

## **DARTS ATO**

### ARTICLE 28 – SAFETY AND HEALTH

28.01 A first aid kit shall be supplied by the Employer to each mobile unit. 28.02 The Employer agrees to pay tuition costs for an Employee who successfully completes a St. John’s Ambulance First Aid Certificate course.

28.03 The Employer and Union agree to mutually work towards maintaining high standards of safety and health in order to prevent industrial injury and illness. The Employer and the Union shall abide in all respects with the requirements of the Occupational Health & Safety Act, 2000 as amended.

## **DARTS INSIDE**

### ARTICLE A-20 - SAFETY AND HEALTH

A20.01 The Employer and Union agree to mutually work towards maintaining high standards of safety and health in order to prevent industrial injury and illness. The

Employer and the Union shall abide in all respects with the requirements of the Occupational Health & Safety Act, 2000 as amended.

A20.02 The Employer agrees to pay tuition costs for an Employee who successfully completes a St. John's Ambulance First Aid Certificate course.

## GOOD SHEPHERD

### 8.07 Health and Safety Committee

- a) There shall be up to two (2) employees elected or appointed by the Union to participate as a member of each Occupational Health and Safety Committee that shall be established in accordance with the Occupational Health and Safety Act as amended from time to time. Where a separate worksite has fewer than 20 employees, one worker representative shall be elected or appointed by the Union to represent workers at that location.
- b) The Employer and the Union agree to promote the observation of all safety rules and practices by all employees of Good Shepherd.
- c) It is understood that the Health and Safety Committee Terms of Reference, when amended, shall be discussed and reviewed at the Joint Occupational Health and Safety Committee. It is further agreed that in the event that the Terms of Reference are amended by the Joint Occupational Health and Safety Committee, a copy shall be sent, by the Worker Co-Chair of the Committee, to the Executive Administrator of CUPE Local 5167, utilizing the Employer email system, if needed by the worker representative.
- d) It is further agreed and understood that the Worker Co-Chair shall forward copies of the approved Health and Safety policies and approved Health and Safety Minutes via internal email to the Executive Administrator and 2nd Vice President of CUPE Local 5167. It is understood that all employees will be given access to the policies as amended from time to time.

## 26 - JOINT HEALTH AND SAFETY COMMITTEE

The Employer and the Union agree to recognize the Joint Health and Safety Committee and the right of this committee to represent the employees in all matters dealing with Health and Safety subject to the Occupational Health and Safety Act of Ontario

## **RBG – Royal Botanical Gardens**

### OCCUPATION HEALTH/SAFETY TERMS OF REFERENCE

Scope: Joint Committee

Royal Botanical Gardens believes that a joint health and safety committee (JHSC) is an integral part of the organizations Health and safety program and accepts their responsibilities under the Occupational Health and Safety Act. By presenting recommendations to management and actively supporting all safety/ health activities, the committee can play an active role in accident illness and prevention. Royal Botanical Gardens is committed to actively supporting the committee and ensuring it meets all legislative requirements.

The following terms of reference, as agreed to by the committee, the Union and management, are intended to help it function in a manner which best suits the health and safety needs of the RBG. Members are expected to be familiar with the various procedures, duties, and responsibilities., as outlined in the following pages.

Function of Committee:

- 1) To monitor the health and safety policy and make recommendations where necessary.
- 2) To inspect the workplace and participate in accident investigation as outlined in the Occupational Health and Safety Act (OHSA) and RBG policy.



- 3) To carry out all the legislative duties and responsibilities of committees within the OHSA.
- 4) Identify potential or existing hazardous materials, processes or equipment and to make recommendations for solutions to management.
- 5) The committee should foster co-operation and open dialogue between all Employees of the RBG on all matters relating to health and safety.
- 6) To provide leadership in matters relating to health/ safety whenever the opportunity presents itself.
- 7) The committee shall have access to drawings, all accident and incident forms, and any relevant reports from inspectors or the WSIB.
- 8) The committee shall design the monitoring procedures to monitor hazards. The Union has the right to have a committee member present at the beginning of any testing.
- 9) Committee members will encourage employees to report hazards immediately to managers.

Structure:

- 1) The Health and Safety Committee will consist of at least (6) members, 3 Union, and 3 Management.
- 2) There shall be 2 alternates 1 Union, 1 management (To fill in when needed)

Selection of Committee:

- 1) The Union will select its worker members, alternates and term.
- 2) Senior management will appoint management members.

Selection of Co-Chairperson(s):

The members representing workers and the members representing management, shall each select one "Co-Chairperson".

Responsibilities Of Co-Chairs:

- 1) Scheduling of meetings and notifying members of meetings
- 2) Prepare agenda
- 3) Presiding at meetings
- 4) Ensure that all agenda items are addressed, and that each committee member is heard, and items ended with a positive decision.
- 5) Review and approve the minutes
- 6) Delegating that the committee carries out its duties
- 7) Ensure that committee's recommendations are followed up. 8) Invite specialists or resource persons as required.

#### Meeting Quorum:

A Quorum shall consist of at least 2 worker committee members and 2 management committee members.

#### Meetings:

- 1) The committee shall meet at a minimum of every (2) months. The committee will pre-schedule meeting dates one year in advance.

NOTE: Monthly Inspections are to be completed prior to the scheduled meeting dates.

N.B. Minutes will include:

- The date, time and place of the last meeting held.
  - The names of all members and other persons attending the meeting.
  - Record of items discussed and the outcome.
  - Minutes of each meeting will be kept on file and copies will be posted.
- 2) Regular meeting agenda items might include but are not limited to the following:
    - Problems identified
    - Review of previous workplace inspections
    - Recommendations
    - Review of accidents/ injury statistics

- New business
  - Any response by management to the committee
  - Date of next meeting
- 3) Copies of the minutes should be sent to each member of the committee and to anyone else who needs to be informed of the committee's activities.

#### Workplace Inspections:

- 1) A Health and Safety Audit/ Inspection will take place once per month.
- 2) Information will be obtained from the Employer on existing hazardous materials and process.
- 3) The inspection will identify situations (acts and/or conditions) that may be a hazard to people, cause damage to equipment/ property and loss of material/ process. Serious concerns will be dealt with on an individual basis.
- 4) Results of the inspection shall be included with the minutes of meetings for distribution.
- 5) Inspection reports will be given promptly after inspections to Area Managers and the Co-ordinator of Health and Safety for action to be taken.

Note: Worker Representatives will be given paid time to complete these duties.

#### Guidelines For Making Recommendations:

In developing recommendations, committees must:

- 1) Define the problem
- 2) Collect all necessary information
  - Description of the process and workplace layout
  - History/ details of previous accidents and investigations
  - Comments and suggestions from supervisors and workers in the area concerned
  - Maintenance schedules and manufacturers specifications.
- 3) Consider possible solutions, taking into account:
  - The actual and potential seriousness of the problem
  - The range of possible solutions
  - The practicality of the solution being recommended

## Health And Safety Committee Training:

1) To be effective problem solvers, the committee will have a basic understanding of:

Current legislation requirements

Technical and operational issues such as:

- Area, process, and layout
- Machinery hazards and methods of guarding
- Fire protection/ emergency procedures
- Lifting equipment and their hazards
- Manual material handling
- Industrial hygiene such as noise, dust, fumes, toxic substances
- Heat/ cold
- Vehicles and equipment
- First Aid
- Training Issues Special skills in:
  - Accident investigation
  - Workplace inspections
  - Hazard recognition and control
  - Health and Safety training techniques

Joint Health and Safety members will have input and make recommendations on their training requirements and the delivery agent.

All committee members will have a minimum of 16 hours of in-house workplace specific training a year.

## Stand By Duty Certified Worker Representative:

1) One Certified Workers' Representative will be on Stand-By to cover the afternoon and weekend Shifts

- 2) The certified Worker Representative on stand-by will receive 2 hours straight time pay a week, when on Stand-By. Stand-By will be recorded on a monthly basis and payment will be on a monthly basis.
- 3) The Stand-By schedule will be on a rotating basis and shared by Certified Worker Representatives on the Committee. To this end, the Union will guarantee stand-by coverage to cover all shifts that do not have a certified worker representative on the normal schedule.
- 4) The Worker Representative on Stand-By will be supplied with a pager when on StandBy Duties.
- 5) When called in to perform the duties of a Certified Representative, overtime rates will be paid according to the collective agreement.

Certification Training Members:

- 1) The Employer will ensure that at least one worker representative on the committee is certified.
- 2) The Employer will cover the cost of certification training for one worker member a year to be trained if required.
- 3) The Employer will not cover the cost of certification training for committee alternates

## **SMH – St. Matthew’s House**

### Article 22 - Occupational Health & Safety

22.01 Recognizing its responsibilities under the applicable legislation, the Employer agrees to accept as joint members of its Occupational Health and Safety Committee, three (3) representatives selected or appointed by the Union from the bargaining unit.

22.02 It is agreed that the Employer, the Union and the employees shall co-operate to the fullest extent possible in the prevention of accidents, in the promotion and maintenance of safety and health of all employees and in observing all safety rules and practices.

22.03 The Employer agrees to cooperate reasonably in providing necessary information to enable the Committee to fulfill its functions.

22.04 Meetings shall be held every three (3) months or more frequently upon agreement of the cochairs.

22.05 The committee shall maintain minutes of all meetings and make the same available for review.

22.06 Committee members shall serve for a term of at least one (1) calendar year from date of appointment.

22.07 Time off for committee members to attend meetings of the Joint Health and Safety Committee shall be granted and their attendance at meetings shall be without loss of regular wages premium rates as may be applicable.

22.08 Time off work for committee members to perform legislated functions shall be granted and shall be without loss of pay.

22.09 The Union is committed to obtaining the full co-operation of its membership in observing all safety rules and procedures.

22.10 The Employer agrees to provide coverage under the Workplace Safety & Insurance Board for all employees. An employee who is receiving WSIB benefits shall retain their full employment status and seniority for up to twenty-four (24) months.

#### 22.11 Pandemic PPE Supply

(i) In addition to Personal Protective Equipment (PPE) supplies required for regular use, the Employer agrees to maintain a three (3) month secured supply of all Pandemic PPE supplies on the Employer's property. Such supplies shall include, but not be limited to: hand sanitizer, cleaning products, appropriate gowns, gloves and N-95 masks.

(ii) The Employer shall work with the Joint Health and Safety Committee to determine:

all Pandemic PPE supplies required the amount of Pandemic PPE supplies necessary for the three (3) month supply replacement of Pandemic PPE supplies when any supply expires any required training for Pandemic PPE supply use and fit testing for N-95 masks

(iii) The three (3) month supply must account for all employees, clients and visitors that may be required to utilize the supplies during a Pandemic.

## CITY UNIT

## APPENDIX "F" - TERMS OF REFERENCE - JOINT HEALTH & SAFETY COMMITTEE

*(Insert Department Name)* **DEPARTMENT**

*(Insert Section/Division Name)* **SECTION**

### **MULTI-SITE/JOINT HEALTH AND SAFETY COMMITTEE**

#### **PREAMBLE**

The Occupational Health and Safety Act (OHSA) requires the establishment of Joint Health and Safety Committees (JHSC) where twenty or more workers are regularly employed at a workplace. The JHSC must meet on a regular basis. The Committee may meet as often as it deems appropriate but not less than quarterly (OHSA Section 9 (33)).

The Parties recognize that joint co-operation and participation in education/training programs, investigations and problem solving will result in a healthier and safer workplace and optimize resources.

The Parties acknowledge that an effective JHSC can only exist when the Committee representatives are from the workplace they represent and are committed to the responsibilities outlined herein. To affect this, the undersigned undertake to ensure the work of the Joint Health and Safety Committee is conducted in good faith and will be supported and promoted by the Parties.

The Parties acknowledge that their representatives on the JHSC sit as equals and that while conducting Committee business their focus should be exclusively devoted to promoting and resolving health and safety issues.

## **STRUCTURE OF COMMITTEE**

- 1.1** The **(Insert specific name of JHSC here)** Joint Health and Safety Committee (hereafter referred to, as "the Committee") shall consist of an equal number of Worker and Management members. Management shall appoint **(insert actual # of members)** Management members and the Union shall appoint **(insert actual # of members)** Worker members.

There can be an unequal number of members on the Committee, provided at least half of the member(s) are Worker representatives.

The term of office shall generally be for one (1) year but may be extended by mutual consent of the Parties.

Each Committee member shall have an Alternate. The Alternates shall be

utilized only when the member is unavailable. The Co-Chairs shall be informed before the meeting date of substitute members.

Please refer to Appendix F1 for standing members of the Committee as well as Alternates.

The Alternate's role will be to act on behalf of the member in the workplace and at JHSC meetings, in the absence of the member.

The Corporate Workplace Safety Section representatives and/or designates shall not be members of the Committee but by mutual agreement of the Co-Chairs may be utilized by the Committee as resource persons as needed.



The Canadian Union of Public Employees Occupational Health and Safety Staff Specialist shall not be a member of the Committee but by mutual agreement of the Co-Chairs may be utilized by the committee as a resource person as needed.

- 1.2** The Committee shall meet on a regular established schedule as outlined in Appendix F2. Any changes to the established schedule shall be by mutual approval of the Co-Chairpersons. Additional meetings may be called as deemed necessary by agreement of the Co-Chairs.
- 1.3** The Committee shall elect from within its membership Co-chairpersons. Those members representing Management shall elect the Management Co-Chair and those members representing Workers shall elect the Worker Co-Chair. The Co-chairpersons will serve for a term of office established by the Committee.
- 1.4** The Joint Health and Safety Committee shall have at least the minimum number of certified members as required by the Occupational Health and Safety Act. This Committee shall have **(insert the agreed upon number of Management certified members here)** Management members and **(insert the agreed upon number of Worker certified members here)** Worker members.

Such certified members shall have the power to make a mutual decision to stop work they consider dangerous to the health or safety of workers or the public. Additional members of the Committee may be trained as certified members.

- 1.5** The Co-Chairpersons may, with the consent of their counterpart, invite any additional person(s) to attend the meeting to provide additional information and comment, but such person(s) shall not participate in the regular business of the meeting as members.
- 1.6** Any vacancy on the Committee will be filled in thirty (30) calendar days. All new member or alternates will be identified in writing to all Parties immediately.

## **FUNCTIONS OF THE COMMITTEE**

- 2.1** The functions of the Joint Health and Safety Committee shall be as described in the Occupational Health and Safety Act and shall generally be as follows:

- (a) To receive information from and be consulted by all other workplace Committees when dealing with issues related to the Health and Safety of workers. In any emergency issues or epidemic situations all members of the Committee are to be notified as soon as possible.
- (b) To identify working conditions or work situations that may be a source of danger or hazard to workers or the public.
- (c) To identify or evaluate all situations pertaining to health and safety in the work areas they represent.
- (d) To obtain information respecting:
  - (i) The identification of existing or potential hazards related to materials, processes, work practices or equipment.
  - (ii) The health and safety experience and work standards in similar workplaces.
- (e) To participate in the development of, and to provide leadership in the promotion of, departmental health and safety initiatives.
- (f) To review and make recommendations on outstanding unresolved items.
- (g) To recommend to Management to ensure that sufficient education and training programs are available for Employees and for all Joint Health and Safety Committee members so that they may become knowledgeable in the Occupational Health and Safety Act and their duties, rights, and responsibilities there-under.

To co-operate and be involved in the assessment, evaluation and as required, delivery of health and safety training and education.

To the extent possible, joint in-house trainers will be used to deliver training (one representing Management and one representing Workers). The trainers shall be qualified members on the Committees wherever possible.

- (h) To address matters related to Designated Substances, the Workplace Hazardous Material Information System (W.H.M.I.S.) and Transportation of Dangerous Goods (T.D.G.) regulations where applicable. And to receive all related information on the aforementioned as required under the O.H.S.A.
- (i) To review fire procedures, W.H.M.I.S. compliance and any and all other Health and Safety Policies on a yearly basis, as deemed necessary by Legislation or the Committee. Such reviews may be in the form of a training session, quiz or educational program etc.
- (j) To be given reasonable advanced notice of any workplace testing or monitoring that maybe required.
- (k) To review all accident, incident and inspection reports on an ongoing basis ensuring that any remedial actions required are followed up as quickly as possible.
- (l) To deal with any other health and safety matters that the JHS Committee deems appropriate
- (m) Exercise other rights and fulfill other duties assigned to Joint Health and Safety Committees under the Occupational Health and Safety Act

**2.2** The Joint Health and Safety Committee shall meet on a regular basis, on a schedule to be determined by the Committee. The meetings shall not be conducted more frequently than once every month unless the need is mutually agreed upon. The Committee is encouraged to establish meeting dates in advance for the calendar year per Appendix F2.

## **WORKPLACE INSPECTIONS**

**3.1** The Worker members of the Committee shall designate one of the members representing workers to inspect the physical condition of each departmental worksite where there are workers. Where practicable the workplace inspection is to be conducted jointly with a Management designated member. However, in the event the Management member is not available for the scheduled inspection, and it can't be rescheduled within the immediate future, the Worker Representative shall conduct the inspection on their own.

The workplace inspection(s) shall be conducted according to a schedule to be determined by the Committee utilizing Appendix F4.

Workplace inspections shall be conducted once per month by qualified (preferably certified) members. This frequency may be increased in the event of an emergency, or the Committee deems more frequent inspections are necessary.

**3.2** All Health and Safety concerns noted during the physical inspection shall be recorded on an official workplace audit form and signed by the person(s)

conducting the inspections. A completed copy of the audit form(s) shall be forwarded to the Corporate Workplace Safety Section in Human Resources, the Director of the Department, the Union office(s), and members of the Joint Health and Safety Committee.

**3.3** The workplace audit form shall be forwarded within four (4) calendar days of the workplace inspection and shall, in addition to identifying existing or potential hazards, indicate how long it took to complete the inspection.

**3.4** A copy of these audit forms shall also be posted in a conspicuous location(s) for the information of the workers.

**3.5** Where concerns are noted the Divisional Manager, or designate, shall respond in writing, directly to the Chairpersons of the Joint Health and Safety Committee, within twenty-one (21) calendar days. This written response shall include a status report on all outstanding items including immediate steps taken to resolve the problem and/or a proposed action plan and time frame for resolving the

problem(s). The response should also indicate the name(s) of the person(s) responsible for follow up.

- 3.6** The Worker Co-Chairperson or certified worker member or their designate will accompany a Ministry of Labour Inspector during a Ministry inspection of the workplace. Any and all Ministry of Labour orders will be posted in the workplace in a conspicuous area for the information of workers, provided to the Joint Health and Safety Committee and forwarded to the Union Office(s) by the Co-Chairpersons.
- 3.7** Any oral communications from the MOL Inspector or MOL Official shall be confirmed with both the Worker and the Management Committee members and followed up in writing. A copy of the correspondence will be forwarded to the Workplace Safety Section, Divisional Manager, and the CUPE Local Office in four (4) calendar days.

## **ACCIDENTS / INCIDENT INVESTIGATION WORKPLACE TESTING**

- 4.1** The Management and Worker representatives will each designate one Member (and an Alternate) from their side to investigate all workplace accidents meeting the "critical injury criteria" as outlined in Section 51 of the OHSA (Occupational Health and Safety Act). The designated Members shall, where possible, be certified members. The Investigation Team will be responsible for ensuring that all the requirements outlined in the Occupational Health and Safety Act with respect to "critical incidents" are carried out.

The Union, Senior Management and the Ministry of Labour shall be notified of the names of the Worker(s) so designated.

- 4.2** In the event a non-certified Worker member of the Committee is called upon to investigate a "critical injury" within the jurisdiction of the Committee, they shall contact a certified Worker representative as soon as possible to provide a detailed report.

The Employer shall designate a Management member of the Committee to assist the non-certified Worker member in these investigations.

- 4.3** This investigation team will be responsible to oversee that the requirements prescribed in Section 9 (31) of the Occupational Health and Safety Act, and Sections 5 and 6 of the Regulations for Industrial Establishments are properly carried out. The Designated Members shall, where possible be Certified Members (as per the Occupational Health and Safety Act).
- 4.4** The Committee shall review all accident and incident reports during their regular Committee meetings. The Committee may further inquire into these matters should it be deemed necessary.
- 4.5** A Worker member of the Committee shall be made available to represent workers involved in a work refusal. The Worker-member shall be assisted by a Management committee member. The parties will ensure that the requirement prescribed in Section 43 of the Occupational Health and Safety Act is carried out. The designated members shall, where possible, be certified members (as per the Occupational Health and Safety Act).
- 4.6** A Worker member of the Committee shall be notified to accompany a Ministry of Labour Official on inspection tours within their area along with a designated representative of Management. Where possible the member shall be a Certified Member (as per the Occupational Health and Safety Act).
- 4.7** The JHSC will be consulted concerning proposed occupational hygiene assessment strategies. The Worker Co-Chair or certified member or their designate will be entitled to be present at the beginning of testing. The JHSC will be provided with the results of the testing. Testing results will be forwarded to the CUPE Local Office within four (4) calendar days.

## **COMMITTEE RECOMMENDATIONS**

- 5.1** All recommendations from the JHSC shall be dated and forwarded to senior management in writing. Senior management shall consider the recommendations of the Committee and respond in writing directly to the Co-Chairpersons within twenty-one (21) calendar days.

The response will indicate whether the recommendation is accepted or rejected and will clearly provide Management's assessment of the problem.

If the recommendation is rejected the response will outline clear and reasonable grounds for the rejection. If approved, the response will outline who is responsible for resolving the matter and the time frame for implementation.

## **MINUTES OF MEETINGS**

- 6.1** The Committee shall designate a secretary for the meeting to take minutes and be responsible for having the minutes typed, circulated and filed within fifteen (15) calendar days of the meeting. The person assigned should not be a member of the Committee but from an administrative group having access to equipment to produce the finished documents.

Prior to circulation, "draft" minutes of the meeting shall be reviewed and edited where necessary by the Co-Chairpersons, then signed and circulated to all Committees and Committee members. A copy shall be forwarded to Senior Management, the Union Office and the Corporate Workplace Safety Section.

Agenda items will be identified by an acceptable reference numbering system and be readily available in a proper filing system, located at the workplace. Names of Committee members will not be used in the Minutes except where specifically designated by the Employee named.

- 6.2** The Committee will attempt to resolve issues through "consensus".

If consensus is not attainable, it will be so recorded in the minutes and the parties can then pursue other available options, such as the grievance procedure or a direct complaint to the Ministry of Labour to resolve the issue.

## **MEETING AGENDA**

*NOTE: It is intended that only designated members of the committee shall attend regularly scheduled committee meetings unless it is determined by consensus of the*

*designated committee members that the issue(s) to be dealt with is/are of such significance that the alternate members need to be present.*

- 7.1** The Co-Chairpersons shall prepare an agenda and forward a copy of the agenda to all Committee members at least one week in advance of any meeting.
- 7.2** The Committee may accept any item pertaining to health and safety as proper for discussion and resolution except that which would amend, alter, subtract or add to any terms of the collective bargaining agreement. All items raised from the agenda in meetings will be dealt with on the basis of consensus. Formal voting or motions will not be used.
- 7.3** All items that are resolved will be so reported in the minutes. Incomplete items will be addressed at the next meeting. Unresolved items shall be referred directly to Senior Departmental Management.
- 7.4** Where an item involves workplace policy issues, it shall be referred directly to the Department General Manager for consideration. The Department General Manager will respond in writing to the Co-Chairpersons of the Joint Health and Safety Committee prior to the next scheduled meeting of the Committee at which point the issue will be tabled for discussion/resolution.
- 7.5** The Committee is not mandated to discuss budget implications when deciding on issues brought before it.

## **QUORUM**

- 8.1** The Committee shall have a Quorum of 50% + 1 members present in order to conduct business. One of the designated Co-Chairpersons must be present in order to conduct business.

The quorum for Joint Health and Safety Meetings may consist of more Worker members than Management members but at no time shall there be a quorum when less than 50% of those in attendance represent workers.

The respective Co-Chairpersons will address issues of absenteeism.



## **PAYMENT FOR ATTENDANCE AT MEETINGS**

- 9.1** All time spent in attendance at Committee Meetings or in official activities relating to the function of the Committee, including training activities, is considered time at work and the worker shall be paid at the applicable rate as per the collective agreement. Where the time spent will involve overtime the worker shall so advise.

Those Members working on shifts shall try to schedule their official committee business to coincide with their regular work time. Where this is not possible, they shall be compensated as per the collective agreement for time spent carrying out committee related work.

The Employer will assume travel and other related costs arising from performance of these duties.

- 9.2** Up to one hour paid "preparation time ", shall be provided for Committee members prior to scheduled committee meetings. This paid time may be extended by mutual agreement of the Co-Chairpersons.

## **GENERAL**

- 10.1** All Employees shall bring any Health and Safety concerns to their Supervisor before bringing it to the attention of the Committee. All concerns will be thoroughly investigated and factual information pertaining to the issue must be.

freely exchanged when seeking resolution of a concern.

- 10.2** Committee Members will thoroughly investigate all complaints in order to gather all related facts and will exchange those facts with their counterparts when

searching for a resolution of the problem. All problem resolutions will be reported in the minutes.

- 10.3** Although every effort will be made to address concerns through the joint resolution process outlined in this agreement, this process does not prevent any Employee of the City of Hamilton from contacting and requesting the intervention of the Ministry of Labour.
  
- 10.4** Medical, personal and/or trade secret information, obtained through investigations and/or inspections will be kept confidential by all Committee members.
  
- 10.5** The names of Joint Committee Members, including Co-Chairpersons, and the area of representation, will be clearly posted in each workplace on Appendix F1 in accordance with Section 9, subsection 32 of the Occupational Health and Safety Act.

The list of Committee Members will be forwarded to Management and the Union. The list will also be forwarded to the Ministry of Labour Regional Manager upon request.

- 10.6** Management must prepare and review at least annually, a written Occupational Health and Safety Policy and must develop and maintain a program to implement that policy [Section 25(2)(j)]. This shall be accomplished in consultation with the Joint Health and Safety Committee.

**PLEASE NOTE:**

*These Guidelines provide a framework for an effective, functioning Joint Health and Safety Committee. Further references can be made to the Occupational Health and Safety Act and its Guidebook for clarification.*

**AMENDMENTS TO THESE GUIDELINES**

**11.1** These Terms of Reference shall be reviewed annually by the Joint Health and Safety Committee.

It is understood that Appendix F is a “generic master template” that outlines the minimum requirements / standards for the multi site/Health and Safety Committees.

Any recommended amendments, deletions or additions to these guidelines must first have consensus of the total committee. They shall then be set out in writing.

and forwarded to The Corporate Workplace Safety Section, The Director of the Department, the Union Office, all members of the Joint Health and Safety Committee(s) and, finally, to the parties authorized to amend the collective agreement for internal approval. Following the process outlined above and with final approval from the Ministry of Labour, they will be attached as an Appendix to these guidelines.

**11.2** This Minister’s Order may be rescinded by the Minister of Labour upon consultation with the workplace parties.

**APPENDIX "F1" - Multi-Site/Joint Health and Safety Committee**

(insert department name)

(insert division/section name)

**COMMITTEE MEMBERS**

WORKER

MANAGEMENT

1) \_\_\_\_\_ 1) \_\_\_\_\_

2) \_\_\_\_\_ 2) \_\_\_\_\_

3) \_\_\_\_\_ 3) \_\_\_\_\_

4) \_\_\_\_\_ 4) \_\_\_\_\_

5) \_\_\_\_\_ 5) \_\_\_\_\_

6) \_\_\_\_\_

**ALTERNATES**

1) \_\_\_\_\_ 1) \_\_\_\_\_

2) \_\_\_\_\_ 2) \_\_\_\_\_

3) \_\_\_\_\_ 3) \_\_\_\_\_

4) \_\_\_\_\_ 4) \_\_\_\_\_

5) \_\_\_\_\_ 5) \_\_\_\_\_

## APPENDIX "F2" - JHSC MEETING SCHEDULE

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Location \_\_\_\_\_

## APPENDIX "F3" - LOCATIONS AND NUMBER OF WORKERS

(list all work sites)

(list # of workers at site)

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**APPENDIX "F4" - WORKPLACE INSPECTION SCHEDULE**

Date \_\_\_\_\_ Time\_\_\_\_\_

Location \_\_\_\_\_

INSPECTORS \_\_\_\_\_

Date \_\_\_\_\_ Time\_\_\_\_\_

Location \_\_\_\_\_

INSPECTORS \_\_\_\_\_

Date \_\_\_\_\_ Time\_\_\_\_\_

Location \_\_\_\_\_

INSPECTORS \_\_\_\_\_

Date \_\_\_\_\_ Time\_\_\_\_\_

Location \_\_\_\_\_

INSPECTORS \_\_\_\_\_

Date \_\_\_\_\_ Time\_\_\_\_\_

Location \_\_\_\_\_

INSPECTORS \_\_\_\_\_