

	Approved by: <b>ACC and Union Executives for OPSEU Locals 237 and 238</b>
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	Effective Date: <b>September 8, 2010</b>
<b>Procedure Title: Terms of Reference for Joint Occupational Health and Safety Committees and Health and Safety Representatives</b>	

## 1.0 PROCEDURE STATEMENT

The purpose of this document is to outline the operational guidelines for Joint Occupational Health and Safety Committees and Health and Safety Representatives of Conestoga.

## 2.0 SCOPE

These Terms of Reference apply to all members of a Conestoga Joint Occupational Health and Safety Committee (JOHSC) and Health and Safety Representatives, as defined by the Ontario Occupational Health and Safety Act.

## 3.0 DEFINITIONS

- a) **Committee (Joint Occupational Health and Safety – JOHSC)**  
A joint health and safety committee continued under the Occupational Health and Safety Act.
- b) **Certified Member**  
A committee member who is certified by the Workplace Safety and Insurance Board under the Workplace Safety and Insurance Act.
- c) **Employer**  
A person who employs one or more workers or contracts for services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.
- d) **Ministry of Labour Inspector**  
An inspector appointed for the purposes of the Act and includes a Director.
- e) **Supervisor**  
A person who has charge of a workplace or authority over a worker.
- f) **Worker**  
A person who performs work or supplies services for monetary compensation but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program.
- g) **Workplace**  
Any land, premises, location or thing at, upon, in or near which a worker works.
- h) **Critical Injury (R.R.O. 1990, Regulation 834)**  
An injury of serious nature that:
  - a) places life in jeopardy
  - b) produces unconsciousness
  - c) results in substantial loss of blood

- d) involves the fracture of a leg or arm but not a finger or toe
- e) involves the amputation of a leg, arm, hand or foot but not a finger or toe
- f) consists of burns to a major portion of the body
- g) causes the loss of sight in an eye

#### **4.0 LEGISLATION**

Relevant legislation and standards include, but are not limited to:

- Occupational Health and Safety Act (OHSA)
- Health and Safety Representatives – s. 8
- Joint Health and Safety Committees – s. 9
- Duties of Employer – s. 25

#### **5.0 RESPONSIBILITIES**

##### **5.1 Occupational Safety Office**

- a) The Occupational Safety Office will be a resource and provide support for committees and representatives by:
  - Reviewing reports of workplace inspections and forwarding these to the appropriate supervisor(s), requesting a response within 21 working days,
  - Tracking supervisor's responses and initiating reminders where necessary,
  - Notifying the committee co-chairs (for inspections completed by their members) or the Occupational Safety Supervisor (for inspections completed by Health and Safety Representatives) if supervisor's responses are not received in a timely manner,
  - Producing information on workplace inspections that have been completed, and injuries that have occurred,
  - Providing information and training sessions to committee members and safety representatives, and
  - Maintaining regular contact and assisting to resolve any concerns/issues identified at their workplaces.
- b) Will assist potential certified members, co-chairs and representatives find and register in the appropriate certification training courses.

##### **5.2 Union Executives of Locals 237 and 238**

Select Joint Occupational Safety Committee members and Health and Safety representatives in accordance with the Occupational Safety Act and these Terms of Reference.

##### **5.3 Academic Coordinating Committee**

Select Joint Occupational Safety Committee members and Health and Safety representatives in accordance with the Occupational Safety Act and these Terms of Reference.

#### **6.0 JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE(S)**

There shall be a JOHSC established at each workplace where twenty or more Conestoga employees are regularly employed.

##### **6.1 Composition and Selection of Members**

- a) A committee shall consist of:
  - at least two persons, for a workplace where fewer than fifty (but more than twenty) workers are regularly employed; or
  - at least four persons or such greater number of people as may be prescribed, for a workplace where fifty or more workers are regularly employed.

- b) Each JOHSC shall be composed of full-time union and management employees of Conestoga.
- c) At least half of the members shall be representatives from OPSEU Local 237 and Local 238 appointed by the union executives. Local 237 and 238 shall have an equal number of members.
- d) If a union executive fails to select the required number of worker members in a timely manner a written memo will be sent to the President of Local 237 for resolution within 7 working days.
- e) Management members shall be appointed by the Academic Coordinating Committee.
- f) If the Academic Coordinating Committee fails to select the required number of management members in a timely manner a formal written request will be sent to the President of Conestoga.
- g) The Director, Safety and Security shall be a member of all JOHSCs.
- h) Each JOHSC shall have an advisory position to be filled by an employee from the Occupational Safety Office.
- i) Efforts should be made to ensure all major work groups or areas are represented on the committees.
- j) There shall be at least one union and one management certified member on each JOHSC. However, as OPSEU Local 237 and Local 238 both have the right to have a certified member, there may be more than two. Certified members shall have completed all certification training requirements specified by the Workplace Safety and Insurance Board.
- k) If a certified member resigns or is removed from the committee, the employer shall take all reasonable steps to ensure that the requirements for certified members is met within a reasonable time frame.
- l) There shall be one union and one management co-chair on each JOHSC. The former shall be selected by union members and the latter by management members. Co-chairs shall have completed all certification training requirements specified by the Workplace Safety and Insurance Board.

## **6.2 Terms of Membership**

- a) Worker members shall be elected/appointed for a two-year term by the union executive unless they cease to be employed as a worker, are relocated to another Conestoga workplace, or are removed from the committee by the union executive.
- b) Worker members can serve more than one term and will have to communicate their intent to stay on a JOHSC every two years to the union executive.
- c) Management members shall be selected for a two-year term by the Academic Coordinating Committee unless they cease to be employed as a worker, are relocated to another Conestoga workplace, or are removed from the committee by the Academic Coordinating Committee.

## **6.3 Payment for Duties and Safety Footwear**

- a) All time spent at committee meetings, or in activities relating to the function of a committee, or in any related activity required to meet their obligations under the Occupational Health and Safety Act, shall be deemed to be at work during the times described, and Conestoga shall pay the member for those times at the member's regular or premium rate as may be proper.
- b) Academic members are responsible for having their expected annual allocation included in their SWF (one hour per week).
- c) All committee members will also receive mileage for attendance at meetings and training that require travel from their regular workplace as per Conestoga's policy and rates.
- d) All committee members who are required to conduct inspections in areas requiring safety footwear are allowed to purchase one pair every 5 years and be reimbursed for

the purchase, up to the amount allowed in the Support Staff Collective Agreement. The cost of this will be covered by the Occupational Safety budget.

#### **6.4 Meetings**

- a) Each committee will meet no less than once every three months.
- b) The management co-chair of each committee will ensure there is a recording secretary to produce and distribute an agenda and record and distribute minutes for each meeting.
- c) The minutes of the committee meetings will be reviewed and edited, where necessary, by the co-chairs and Occupational Safety Office before any broader circulation takes place.
- d) Agendas and minutes will be distributed by the recording secretary to each member of the committee and the Occupational Safety Office.
- e) The Occupational Safety Office will forward copies of the minutes to the members of the Academic Coordinating Committee, Presidents of Locals 237 and 238, the co-chairs of the Central Health and Safety Coordinating Group, the Occupational Safety webpage and all Occupational Safety bulletin boards at the workplace covered by the committee.

#### **6.5 Quorum**

- a) A committee shall have a quorum of four (4) members present, of which at least 50% must be workers, in order to conduct committee business.
- b) One co-chair must be present in order to conduct committee business. If one co-chair is absent, the other will chair the meeting.
- c) Any scheduled committee meeting cancelled due to lack of quorum, must be rescheduled and held within thirty (30) calendar days of the cancelled meeting.

#### **6.6 Written Recommendations**

- a) A committee may make formal written recommendations to management when all efforts have failed to resolve a health and safety matter at the departmental level, when an issue is of an urgent nature, or where the recommendation involves a system-wide problem.
- b) The written recommendation will be signed by the committee co-chairs and submitted to the most appropriate management staff member of the department responsible for the health and safety matter.
- c) A copy of the written recommendation will also be forwarded to the direct supervisor of the management member receiving the recommendation and the Occupational Safety Office.
- d) The management member who receives the written recommendation has 21 days to respond in writing to the committee. The written response must include:
  - a timetable for implementing the recommendations he/she agrees with, and
  - reasons why he/she disagrees with any of the recommendations.

#### **6.7 Functions of a JOHSC**

The functions of the JOHSC shall be:

- a) To identify situations that may be an actual or potential source of danger or hazard to workers, students or visitors,
- b) To be consulted about and participate in the review and development of occupational safety programs and training,
- c) To make recommendations to the employer and the workers for the improvement of health and safety,
- d) To conduct monthly workplace inspections as required by the Occupational Health and Safety Act and Conestoga.
- e) To deal with any occupational safety related matter that the JOHSC deems appropriate,

- f) To obtain information from the employer concerning:
  - The identification of potential or existing hazards of materials, processes or equipment,
  - Health and safety experience and work practices and standards in similar workplaces and postsecondary institutions of which the employer has knowledge, and
  - The conducting or taking of tests in or about the workplace for the purpose of occupational safety.

#### **6.8 Functions of Certified Members**

The identified certified members of a JOHSC shall:

- a) Be notified by the employer of and investigate all work refusals, critical injuries and fatalities,
- b) Be informed by the employer of and accompany Ministry of Labour inspectors during a workplace visit, and
- c) Be informed by the employer and be present at the commencement of any occupational safety workplace testing.

### **7.0 HEALTH AND SAFETY REPRESENTATIVES**

A health and safety representative is required at a workplace where the number of Conestoga workers regularly exceeds five and is less than twenty.

#### **7.1 Selection of Representatives**

- a) Health and safety representatives will be selected by the union executive of OPSEU Local 237 and/or Local 238 depending on the employee group(s) represented at the workplace.
- b) If a representative resigns or is removed from the position the appropriate union executive shall select a replacement representative in a reasonable timeframe.
- c) Health and safety representatives shall not be members of any college JOHSC, but shall liaise directly with the Occupational Safety Office.
- d) Representatives shall have completed all certification training requirements specified by the Workplace Safety and Insurance Board.

#### **7.2 Functions of Representatives**

The functions of a representative shall be:

- a) To conduct monthly workplace inspections as required by the Occupational Health and Safety Act and Conestoga.
- b) To identify situations that may be a source of danger or hazard to workers, students or visitors and to make recommendations to the employer,
- c) To obtain information from the employer concerning:
  - The identification of potential or existing hazards of materials, processes or equipment,
  - Health and safety experience and work practices and standards in similar workplaces and postsecondary institutions of which the employer has knowledge, and
  - The conducting or taking of tests in or about the workplace for the purpose of occupational safety.
- d) To be consulted about and be present at the commencement of any occupational safety workplace testing.
- e) To be notified by the employer of and investigate all work refusals, critical injuries and fatalities, and
- f) To be informed by the employer of and accompany Ministry of Labour inspectors during a workplace visit.

### 7.3 **Written Recommendations**

- a) A representative may make formal written recommendations to management when all efforts have failed to resolve a health and safety matter at the departmental level, when an issue is of an urgent nature, or where the recommendation involves a system-wide problem.
- b) The written recommendation will be signed by the representative and submitted to the most appropriate management staff member of the department responsible for the health and safety matter.
- c) A copy of the written recommendation will also be forwarded to the direct supervisor of the management member receiving the recommendation and the Occupational Safety Office.
- d) The management member who receives the written recommendation has 21 days to respond in writing to the representative. The written response must include:
  - a timetable for implementing the recommendations he/she agrees with, and
  - reasons why he/she disagrees with any of the recommendations.

### 7.4 **Payment for Duties and Safety Footwear**

- a) A representative is entitled to take such time from work as is necessary to carry out his or her obligations under the Occupational Health and Safety Act, and shall be deemed to be at work during the times described, and Conestoga shall pay the member for those times at the representative's regular or premium rate as may be proper.
- b) All representatives will also receive mileage for attendance at meetings and training that require travel from their regular workplace as per Conestoga's policy and rates.
- c) All representatives who are required to conduct inspections in areas requiring safety footwear are allowed to purchase one pair every 5 years and be reimbursed for the purchase, up to the amount allowed in the Support Staff Collective Agreement. The cost of this will be covered by the Occupational Safety budget.

## 8.0 **RELATED DOCUMENTS**

- a) OSF-001 – Health and Safety Policy
- b) OSP-002 – Statement of Responsibilities – Occupational Safety
- c) OSP-016 – Work Refusal Procedure
- d) OSP-019 – Incident Response and Reporting

## 9.0 **REVISION HISTORY**

<b>Revision Date</b>	<b>Summary of Changes</b>
June 1, 2010	Revised into new procedure format. Complete revision of information.
August 26, 2010	Policies and Procedures Committee - Approved
September 8, 2010	Academic Coordinating Committee - Approved