

# JOINT HEALTH AND SAFETY COMMITTEES AND TERMS OF REFERENCE

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## STANDARD

*To have a Joint Health and Safety Committee (JHSC or Committee) established in accordance with the legislation, with written terms of reference that clearly define its purpose, role, powers and responsibilities.*

## INTRODUCTION

Ontario's Occupational Health and Safety Act requires that under certain circumstances an employer establish a Joint Health and Safety Committee in the workplace. In order to work effectively, the Joint Health and Safety Committee's role must be clearly defined, understood and accepted. Detailed Terms of Reference that set out the mandate, structure and functions of the JHSC ensure that its important work of internally auditing the company's health and safety system can be done.

An effective JHSC accomplishes the following things:

- It promotes the principles of internal responsibility that are the basis of the Occupational Health and Safety Act by bringing together people with different skills, responsibilities and experience to identify and solve health and safety problems.
- It ensures open discussion of health and safety concerns, regardless of whether the concerns have been raised by management or workers, and ensures follow-up on these concerns through written minutes of meetings.
- It improves communication and the flow of information between management and workers.
- It provides an ongoing mechanism for the internal audit of a company's overall health and safety performance.

## BACKGROUND INFORMATION

Ontario's Occupational Health and Safety legislation is founded on the philosophy of direct internal responsibility, expressed as the Internal Responsibility System (IRS) in what has become known as the Ham Report<sup>1</sup>. In his report Commissioner Ham asserts that the primary purpose and mission of the JHSC is to monitor, assist and support the Internal Responsibility System. This is best accomplished when the JHSC fulfils its essential role of identifying weaknesses in the company's Internal Responsibility System (IRS) and recommending solutions that enable all workplace parties to carry out their individual and collective responsibilities for health and safety. An effective JHSC ensures that any weaknesses in the company's chain of internal responsibility are identified and that attention remains focused on these weaknesses until they are addressed and resolved.

In order for this ongoing internal audit of a company's health and safety system to take place, both the employer and JHSC have various legal obligations under the Occupational Health and Safety Act. See "Applicable legislation" below for a summary guide.

Solid communication and co-operation between the JHSC and all workplace parties is a crucial factor in the effectiveness of the company's Internal Responsibility System. Management should be kept informed of JHSC activities and workers should be encouraged to communicate their views and concerns to the JHSC.

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### (Footnotes)

<sup>1</sup> For a correct understanding of the IRS and the JHSC's relationship to it as it was originally conceived and as the basis for the Ontario Occupational Health and Safety Act, read pages 146-178 of *Report of the Royal Commission on the Health and Safety of Workers in Mines*. James M. Ham, 1976. Ministry of the Attorney General, Province of Ontario.

Clear and detailed terms of reference ensure that the Joint Health and Safety Committee functions smoothly so that it will ultimately fulfil its essential role, which is to instil and implement the principles of shared responsibility and self-reliance at the heart of the Occupational Health and Safety Act.

## APPLICABLE LEGISLATION

Legislative requirements pertaining to Joint Health and Safety Committees (JHSC) can be found in the Occupational Health and Safety Act (OHSA) as well as the Revised Regulations for Industrial Establishments (RIE). This table highlights some of the major roles and responsibilities of the JHSC and the employer's duties related to the JHSC, as well as a brief summary of these sections.

SECTION	SUMMARY
7 - RIE	Pre-Start Review reports provided to JHSC
9. (1)	JHSC application
9. (2)	When is a JHSC required
9. (3.2)	Designation of non-JHSC worker member to inspect workplace
9. (6-8)	Composition of committee
9. (12)	Certified members required
9. (18)	Powers of JHSC members to:
9. (18) (a)	Identify hazards,
9. (18) (b) (c)	Make recommendations,
9. (18) (d) (e)	Obtain information, and
9. (18) (f)	Be consulted about, and present at, any health & safety testing.
9. (19)	Worker member present during health & safety testing
9. (20)	Written recommendations to employer
9. (22)	Minutes of JHSC meetings to be kept
9. (23-29)	Workplace inspections
9. (31)	JHSC member to investigate critical injury/fatality
9. (32)	Posting of names and work locations of JHSC members
9. (33)	JHSC meeting frequency
9. (34)	Entitlement to time from work
9. (35-36)	Entitlement to be paid
25. (2) (e)	Employer to assist the JHSC
25. (2) (l)	Employer to provide JHSC with report respecting health and safety
36. (2) (b)	JHSC to be consulted regarding hazardous material inventory
39. (2) (b)	Assessment of hazardous material to be made available to JHSC
42. (2)(3)	JHSC to be consulted regarding hazardous material/physical agent worker instruction and training
43. (4)	JHSC worker member to attend work refusal
45. (1-9)	Bilateral work stoppage
47. (1-7)	Unilateral work stoppage
48. (1-2)	JHSC certified member to investigate dangerous circumstance
51. (1)	Employer to advise JHSC of critical injury/fatality at workplace
54. (3)	JHSC worker member to accompany MOL inspector
57. (10)	MOL inspector order(s) to be provided to JHSC
62. (5)	No person shall interfere with a JHSC or a committee member
63.	Confidentiality of certain information
65.	Immunity for JHSC members

**COMPANY-SPECIFIC IMPLEMENTATION PROCEDURE**

*(This section proposes the minimum for a company-specific procedure that ensures the establishment of a functioning JHSC and Terms of Reference to guide and govern it. Naturally, each firm is encouraged to customize this procedure to best meet their needs.)*

**Establishment of committee**

The *(who)* \_\_\_\_\_ shall ensure that a committee is established consisting of at least *(#)* \_\_\_\_\_ management and at least *(#)* \_\_\_\_\_ worker representatives.

At least one member will be selected from each of the following departments/shifts:

\_\_\_\_\_, \_\_\_\_\_

The *(who)* \_\_\_\_\_ shall ensure that the “Roster of JHSC Members” is posted at the following locations:

\_\_\_\_\_, \_\_\_\_\_

**Terms of reference**

The *(who)* \_\_\_\_\_ shall ensure that written terms of reference are developed and implemented to guide and govern the functioning of the JHSC and that these terms of reference are reviewed annually by *(when)* \_\_\_\_\_.

**Orientation, training and certification**

The *(who)* \_\_\_\_\_ shall ensure that every new member of the committee receives orientation training in relation to the committee, its purpose and functions and its Terms of Reference before attending a meeting.

All JH&SC members will receive formal training in legislative awareness, workplace inspections, incident investigations and *(other)* \_\_\_\_\_ within *(timeframe)* \_\_\_\_\_ of joining the committee.

The *(who)* \_\_\_\_\_ shall ensure that there are always at least *(#)* \_\_\_\_\_ Certified management members and *(#)* \_\_\_\_\_ Certified worker members of the JHSC.

**Agendas, meetings and minutes**

The *(who)* \_\_\_\_\_ shall ensure that the committee meets *(how often and by when)* \_\_\_\_\_.

The *(who)* \_\_\_\_\_ shall post/distribute within *(a reasonable time period)* \_\_\_\_\_ the meeting agendas and subsequent minutes to the following locations and persons:

\_\_\_\_\_, \_\_\_\_\_

**Inspections**

The following worker members *(who)* \_\_\_\_\_ will receive inspection training and be made available to conduct workplace inspections.

***(Option A)***

The *(who)* \_\_\_\_\_ will ensure that the physical condition of the entire workplace is inspected at least once a month (or as ordered by the Ministry of Labour) by the designated worker representative.

**OR**

***(Option B)***

If it is not practical to inspect the entire workplace at least once a month, the *(who)* \_\_\_\_\_ shall ensure that the designated member inspects the physical condition of the entire workplace at least once a year, inspecting at least a part of the workplace in each month. The entire workplace will be broken down into \_\_\_\_\_ portions; with each portion being inspected every *(minimum monthly)* \_\_\_\_\_.

Copies of the inspection reports will be given to *(who)* \_\_\_\_\_ immediately after completion of the inspection.

***Investigations***

The following worker members *(who)* \_\_\_\_\_ will receive incident investigation training and have the right to conduct critical/fatal injury investigations as required.

The following worker members *(who)* \_\_\_\_\_ can also be called upon to investigate the following types of incidents: *(what)* \_\_\_\_\_.

***Formal recommendations***

Formal written recommendations made by the committee will be presented to *(who)* \_\_\_\_\_, who shall provide a written response within 21 days.

## EXPECTED OUTCOMES

### ***Establishment of JHSC***

- A committee that complies with the legislation has been established.
- Workers who do not exercise managerial functions have selected their representatives.
- A current and legible copy of the names and positions of JHSC members is posted in a conspicuous location.

### ***Terms of reference***

Written Terms of Reference have been developed and implemented to address:

- Member selection.
- General duties and responsibilities of all members.
- Specific duties and responsibilities of co-chairs, secretary, certified member, etc.
- Procedures for the key committee functions including inspections, investigations, meetings and recommendations.
- Training requirements for JHSC members.

### ***Orientation, training and certification***

- Each member of the committee has received orientation training in relation to the committee, its purpose and functions and its Terms of Reference.
- At least one worker member and one management member have obtained WSIB certification through WSIB-recognized Basic and Workplace-Specific certification training.
- All remaining members of the committee have received (or if recently appointed are scheduled to receive) documented training in legislative awareness, workplace inspections and incident investigations.

### ***Agendas, meetings and minutes***

- The committee has met at least quarterly for the last two quarters or as ordered by the Ministry of Labour.
- Minutes of each Committee meeting are available for examination and review.
- A copy of the minutes of the last two meetings is posted in a conspicuous location.

### ***Inspections***

- At least one worker member of the Committee has been designated to inspect the physical condition of the workplace.
- The Committee has established a schedule of inspections for the current year.
- The designated member has inspected the physical condition of the workplace at least once a month, or as ordered by the Ministry of Labour, for the last six months.

OR

- If it is not practical to inspect the entire workplace at least once a month, the designated member intends to inspect the physical condition of the entire workplace at least once a year, and has inspected at least an appropriate portion of the workplace once a month for the last six months.
- Completed Inspection Reports are being reviewed and signed by the JHSC and management.

#### ***Investigations***

- ❑ At least one worker member of the Committee has been designated to investigate cases in which a worker is killed or critically injured at a workplace from any cause.
- ❑ Reports of findings are being submitted to the Ministry of Labour and to the Committee.
- ❑ Recommendations to prevent a recurrence are being presented to the JHSC and to management.

#### ***Recommendations***

- ❑ A recommendation form signed by both Co-chairs and with a statement requiring a response within 21 days is being used when submitting formal recommendations to management.
- ❑ Management is responding in writing with a timeline for implementation or with an explanation within 21 days.
- ❑ All approved recommendations have been or are being implemented within the established timeline.

# APPENDIX

## JOINT HEALTH AND SAFETY COMMITTEES AND TERMS OF REFERENCE

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- A. JHSC TERMS OF REFERENCE GUIDELINES
- B. JHSC MEETING AGENDA (SAMPLE)
- C. MINUTES OF JHSC MEETING (SAMPLE)
- D. RECOMMENDATION FORM (SAMPLE)
- E. WORK REFUSAL PROCESS
- F. BILATERAL WORK STOPPAGE PROCESS
- G. REFERENCES AND RESOURCES

# APPENDIX A

## JHSC TERMS OF REFERENCE GUIDELINES

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### ***Purpose and mission of the Joint Health and Safety Committee***

The primary purpose and mission of the JHSC is to monitor, assist and support the Internal Responsibility System (IRS). This is best accomplished when the JHSC fulfils its essential role of identifying weaknesses in the company's IRS and recommending solutions that enable all workplace parties to understand, accept and carry out their individual and collective responsibilities for workplace health and safety. The JHSC will endeavour to make recommendations that establish, implement, monitor, evaluate and improve company policies, programs and procedures. An effective JHSC ensures that any weaknesses in the company's chain of internal responsibility are identified and that attention remains focused on these weaknesses until they are addressed and resolved.

### ***Specific functions of the JHSC***

- To conduct meetings according to an established schedule
- To conduct monthly audits/inspections of the physical conditions at the workplace
- To receive and review all incident, inspection and health and safety audit reports to make recommendations as necessary
- To receive and review all health and safety-related test results and to make recommendations as necessary
- To operate on the principle of consensus-building when reaching decisions
- To make written recommendations to the employer as necessary
- To have members accompany Safety Association representatives or MOL Inspectors as required
- To investigate incidents of workplace injury or occupational illness as required
- To report findings of investigations to the MOL, the union (if there is one) and management as required
- To assist in the development of company health and safety policies, programs, procedures and best practices
- To obtain information from the employer regarding potential or actual workplace hazards
- To obtain information from the employer regarding statistics, trends, records, processes or any other information that may help it to fulfil its mandate
- To obtain information from the Ministry of Labour, the Workplace Safety and Insurance Board, the Ontario Forestry Safe Workplace Association or any other source as necessary
- To promote acceptance of company health and safety policies, procedures and best practices
- To always work in compliance with legislation, company health and safety policies, programs, procedures and industry best practices
- To assist in hazard assessments of new or modified facilities, processes, procedures, equipment, devices and materials
- To monitor the effectiveness of the Internal Responsibility System and its own effectiveness on an ongoing basis through various auditing programs
- To review these terms of reference at least annually or sooner if required



#### ***Employer's responsibility for establishing and maintaining a JHSC***

In an industrial establishment, the employer is required by the Occupational Health and Safety Act to establish and maintain a JHSC at a workplace to which a regulation concerning designated substances applies or if 20 or more workers are regularly employed.

#### ***Composition of the JHSC***

In workplaces where fewer than 50 workers are employed, the committee must consist of at least two members—one worker representative and one management representative. If there are more than 50 workers, the committee must contain a minimum of four members. In any case, at least half the members of a committee shall be workers employed at the workplace who do not exercise managerial functions.

#### ***Selection of JHSC members and Co-Chairs***

Worker representatives on the JHSC are to be selected by the workers who do not exercise managerial functions or the union that represents them, if there is one. The employer shall select the remaining members of a committee from among persons who exercise managerial functions for the employer and, to the extent possible, who do so at the workplace. If the committee is large enough, two of the members of the committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions.

#### ***"Roster of JHSC Members" posted***

The employer is required to have a readily available notice containing the names of committee members and identifying the co-chairs of the committee, the designated certified members and the work locations of all members. The notice is to be posted in a conspicuous location such as on a bulletin board or in a safety manual and it must be updated as required.

#### ***Minimum term for a JHSC member***

All JHSC members are to serve a minimum one-year term on the committee and the membership is to be reviewed annually. However, certified members are encouraged to remain active in the committee for a minimum of 3 years. A member resigning from the JHSC is to help the committee find a replacement before leaving. A member of the committee who ceases to be employed at the workplace ceases to be a member of the committee.

#### ***Certification training for selected members***

The employer must ensure that at least one member of the committee representing the employer and at least one member representing workers obtain certification training and recognition from the WSIB as required.

#### ***Designation of member to be certified***

If no member representing workers is a certified member, the workers or the trade union(s) that selected the members representing workers shall select from among them one or more who are to become certified.

#### ***Designation of certified members***

If there is more than one certified member representing workers, the workers or the trade union(s) who selected the members representing workers shall designate one or more certified members who then become solely entitled to exercise the rights and are required to perform the duties under the legislation of a certified member representing workers. If there is more than one certified member representing the employer, the employer shall designate one or more of them who then become solely entitled to exercise the rights and are required to perform the duties under the legislation of a certified member representing the employer.

#### ***Replacement of certified member***

If a certified member resigns or is unable to act, the employer shall, within a reasonable time, take all steps necessary to ensure that the requirement for certified members is met.

#### ***Designation of worker member to perform workplace inspections***

The workers members of a committee shall designate a worker member to inspect the physical condition of the workplace. If possible, the member designated shall be a certified member. The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection.

#### ***Further required training for all JHSC members***

In addition to the legislated requirement that at least one worker member and one management member of the JHSC receive certification training, all JHSC members are required to take the following training that pertains to their legislated responsibilities:

- JHSC and Terms of Reference Orientation
- Occupational Health and Safety Act and Industrial Regulations
- Incident Investigation
- Planned Workplace Inspection

#### ***Optional recommended training***

The following training topics are recommended for JHSC members who have completed the above training and wish to raise their level of expertise:

- Construction and other Regulations Awareness
- Occupational health and industrial hygiene testing
- Hazard recognition
- Communications
- Job task analysis
- Ergonomics
- Presentation techniques
- “Due Diligence”

#### ***Roles & responsibilities of all JHSC members***

- Attending JHSC meetings. Any member who cannot attend a meeting is to notify the chair in advance, and if the member had something to report to the JHSC at the meeting, a written report is to be submitted in advance.
- Actively participating in committee discussions.
- Listening to concerns and suggestions made by all employees outside the JHSC and ensuring that they are referred to supervision or the JHSC as appropriate.
- Obtaining information if assigned to do so by the JHSC.
- Carrying out workplace inspections according to the JHSC schedule.
- Learning about workplace health and safety and sharing the knowledge with all employees when appropriate.

#### ***Roles & responsibilities of worker members***

Worker members of the JHSC shall designate a worker member who will carry out physical inspections of the workplace at least once a month; if possible, the member designated shall be a certified member. This

member reports back to the committee on any hazards encountered in the inspections and the committee must consider and discuss these concerns.

Worker members of the JHSC shall also designate a worker member to investigate incidents that result in a fatality or critical injury. The worker member must deliver his or her report to a Director of the Ministry of Labour and to the JHSC.

A worker member of the JHSC may be asked to represent a worker in a work refusal process, and to accompany a Ministry of Labour inspector on inspections. A worker member also has the right to be present when workplace testing is being carried out.

#### ***Roles & responsibilities of the co-chairs***

The primary role of the co-chairs is to plan and conduct the committee meetings and ensure that all members have an opportunity to contribute. The worker and management chairs have the option of co-chairing the JHSC meeting or alternating chairing duties from one meeting to the next. The position of the co-chairs is reviewed annually at the first meeting of the year.

The co-chairs are responsible for:

- Preparing an agenda and distributing it at least one week prior to the meeting.
- Assigning special or ongoing projects to committee members.
- Presenting formal recommendations to management.
- Reporting management's response to formal recommendations or other health and safety concerns to the committee.
- Keeping JHSC files updated.

The chairs' responsibilities regarding JHSC meetings are to maintain an established process for meetings and to obtain a consensus on follow-up actions and target dates.

#### ***Roles & responsibilities of certified members***

At least one worker member and one management member of the JHSC must undergo a two-part certification training process. The first part is Basic Certification, which provides a general understanding of how to recognize, assess and control workplace hazards. The second part is Workplace-Specific Hazard Training, which enables members to recognize, assess and control hazards that are particular to their industry and workplace.

The certification training process provides an understanding of health and safety legislation, the use of statistics and other information resources, and the fundamentals of workplace inspections and incident investigations. Persons selected for certification should be individuals who demonstrate a commitment to health and safety. Certified members are encouraged to remain active in the Joint Health and Safety Committee for a minimum of 3 years.

Certified members provide leadership and advice to other members in respect of health and safety matters. They also have the power to investigate safety concerns that may be considered a “dangerous circumstance” according to the Occupational Health and Safety Act, Section 44(1). The Act defines a “dangerous circumstance” as one on which in which *all* of the following are true:

- the Act or the regulations are being contravened;
- the *contravention* poses a danger or a hazard to a worker;
- any delay in controlling the danger or hazard may seriously endanger a worker.

Certified members representing both workers and management can jointly exercise the power of a bilateral work stoppage to prevent a dangerous circumstance from injuring someone.

#### ***Roles & responsibilities of H&S Professional/Secretary***

The role of secretary can be filled by a non-member of the JHSC, can rotate among JHSC members on an annual basis, or can be confined to one person for an indefinite period. In addition to taking the minutes of meetings, the secretary’s responsibilities may include compiling the agenda of upcoming JHSC meetings and notifying members of times and locations, circulating minutes, reports and other information to committee members, and noting items from past JHSC meetings that require follow-up. The company health and safety professional will endeavour to act as an objective source of information for the committee and its members.

#### ***Role & responsibilities of alternate members***

Act on behalf of absent members at meetings, perform tasks as requested by the committee or the co-chairs and carry out workplace inspections as per annual schedule.

Alternate members are to be selected along with the other members of the committee and they are to receive a copy of all minutes to keep them informed of committee proceedings.

#### ***Pay for committee activities***

A committee member shall be deemed at work and be paid at regular time or overtime as appropriate in the circumstances for the following activities:

- One hour of preparation time before any regular scheduled JHSC meeting
- Such time as is necessary to attend meetings
- Such time as is necessary to carry out one’s duties under the legislation
- Such time as is necessary to carry out any projects assigned by the JHSC or co-chairs

## JHSC MEETINGS

### 1. Frequency

Meetings shall be held monthly whenever possible, but no less frequently than once every three months and there shall be at least four meetings every calendar year. A good practice is to hold the meetings on a consistent day (such as the last Friday of the month).

### 2. Annual schedule

The committee shall set a schedule of meeting dates for the next full calendar year during the last meeting of the current year.

### 3. Quorum

A minimum of four members of which at least half represent workers is required for a valid meeting to take place. In any case, at least half of the members present must represent workers.

**Note:** The committee should establish a quorum for meetings that is based on the minimum number of management and worker members the committee feels must be present in order to for it to carry out its function. Members who will not be able to attend a meeting should notify the chair or secretary of the JHSC in advance, so that the meeting can be rescheduled if a quorum is not available. Only JHSC members and invited guests may attend meetings.

### 4. Agendas

An agenda is to be prepared by the co-chairs for distribution by the secretary at least one week prior to the meeting. Anyone who would like to contribute information or suggestions to the JHSC must do so at least one week prior to the meeting. See Appendix B, “JHSC Meeting Agenda (Sample)”.

### 5. Minutes and records

Minutes of meetings provide a written record of JHSC activities and can track the progress of action on recommendations the committee has made. A copy of the minutes should be kept in the JHSC file and an additional copy should be posted on the health and safety bulletin board. Copies of the minutes can also be distributed to management, supervisors, the union representative, the local OFSWA Consultant Trainer, etc. See Appendix C, “Minutes of JHSC Meeting (Sample)”.

### 6. Distribution list

The secretary or the co-chairs shall circulate minutes and copies of any health and safety reports or information to the following:

- JHSC permanent file
- Every member of the JHSC, including the alternate members
- Senior management
- Department heads
- Permanent posting locations (internal bulletin boards)

#### ***Confidentiality of information***

JHSC members are required by the Occupational Health and Safety Act to keep confidential any personal medical details or other sensitive information they receive. This means paying strict attention to the security of committee records. In order for the committee to function properly, all parties must be confident and trust that no improper use will be made of the information received.

#### ***Workplace inspections***

In most cases the designated worker member of the committee must inspect the entire workplace monthly. However, it is recommended that a team consisting of at least one worker member and one management member of the JHSC carry out a monthly inspection of the entire workplace. Others may accompany the inspection team as needed. If it is not possible to inspect the entire workplace, then at least a portion is inspected every month so that the entire workplace is reviewed over the year. A written inspection schedule with assigned inspection teams is to be set up by the JHSC for the next full calendar year during the last meeting of the current year.

The standard workplace inspection checklist form will be used during inspections to record:

- Specific hazards (existing or potential);
- Concerns reported to the inspection team by other workers;
- Hazard classification;
- Locations and/or persons affected by the hazard or concern;
- Recommended controls;
- Immediate action taken.

After the inspection tour is completed, the team reviews and finalizes its findings. A copy of the inspection report is then given to the supervisor(s) in charge of the area being inspected. A copy is also forwarded to the JHSC co-chairs and the manager. The co-chair of the next JHSC meeting brings copies of the inspection report to the meeting for all members to review.

#### ***Responding to unsafe conditions and practices***

One of the most important legislated functions of the JHSC is to develop recommendations to control hazards or address safety concerns in the workplace. Certified members of the JHSC have the authority to investigate and act upon dangerous circumstances that require immediate attention (see “Roles & responsibilities of certified members”, above). Individual committee members may identify hazards during monthly inspections, incident investigations or through daily worker contacts. However, because committee members are workers under the legislation, they first have a legal duty to report any hazard or contravention they become aware of to the employer or the supervisor. Then, if possible, the underlying or root circumstances that led to the specific problem should be brought to the next JHSC meeting for analysis and discussion to arrive at an effective recommendation to resolve the underlying issues.

Recommendations should meet the five principles of a good control:

1. They protect the worker involved.
2. They protect all workers.
3. They apply ergonomic principles.
4. They don't create a new hazard.
5. They don't create an external environmental hazard.

Recommendations should be specific, practical and justifiable.

#### **Consensus**

Consensus will be the guiding principle in every debate as members strive to reach practical and feasible solutions that have as their ultimate goal a healthy and safe workplace for all workers.

#### **Conflict resolution**

The co-chairs will endeavour to ensure their respective members work cooperatively at all times, and if necessary will address unacceptable behaviour. At times, however, the committee may face issues that polarize members, such that consensus is impossible to achieve. Outside professionals can be consulted for their input to help resolve the concern. Or a formal recommendation (see “Formal written recommendations”, below) outlining the opposing views of members views can be submitted to the manager to be formally resolved by him/her. His/her written response is final, but can be available for review by the MOL. After the manager gives his/her formal response, the issue should not be debated further within the committee unless the circumstances that started the conflict change significantly.

#### **Work refusals**

In the event of a work refusal, the designated certified worker member will investigate if possible. If the designated certified worker member is not available, then a certified worker member will investigate. If a certified worker member is not available, then a worker member will investigate. As far as is possible, the investigating member will encourage the various parties to arrive at an acceptable solution themselves without further recourse to the JHSC or the Ministry of Labour, thereby strengthening the Internal Responsibility System. The circumstances of the refusal shall be reported to the committee at the following meeting. See Appendix E, “Work Refusal Process”.

#### **Work stoppages**

In the event of a report or finding of “dangerous circumstances” as defined in the Ontario Occupational Health and Safety Act, either of or both the designated certified worker and management members shall be notified forthwith and these will investigate the circumstances. If both members agree that “dangerous circumstances” exist, they will jointly encourage the parties involved to correct the situation themselves without further recourse to the JHSC or the Ministry of Labour, thereby strengthening the IRS. The full circumstances and the results of the members’ intervention shall be reported to the committee at the following meeting. See Appendix F, “Bilateral Work Stoppage Process”.

#### **Formal written recommendations**

Most recommendations that the JHSC makes are informal and can and should be dealt with through normal channels. Normally it will be within the supervisor’s power to implement controls as soon as possible after being advised by the JHSC of the recommended corrective action. This is especially true in smaller firms where there is a direct relationship between the committee members and management and informal recommendations receive immediate attention.

Formal recommendations are those that are expressly written and directed toward the employer for a written response. Concerns that might become the subject of formal recommendations are those that require:

- the establishment of new policies, programs, processes or procedures;
- the involvement of different departments;
- the allocation of significant funds;
- additional training and /or education of employees;
- a repeat item on the JHSC agenda that has not yet been resolved.

If the committee agrees that a matter needs to go to the senior manager for his/her input, a formal recommendation is drafted. Recommendation forms are addressed to the senior manager and should contain:

- Identification of the hazard or concern and what is required to implement corrective measures. Include supporting background information as needed.
- A recommended solution containing specific actions that will correct the problem.
- Notification that a written response is required within 21 days, as per Section 9(20) of Occupational Health and Safety Act.
- The signatures of the JHSC co-chairs.
- Space for the manager to provide a written response and signature.

See Appendix D, “Recommendation Form (Sample)”.

#### ***Response to recommendations***

If the manager agrees with the recommendation or modifies it, he/she must also include a timetable for implementation. If the manager does not agree with the recommendation, he/she must give a reason for disagreeing. A JHSC co-chair should receive the written response within 21 days and bring it to the next JHSC meeting to share with all committee members. Copies will also be given to the other co-chair and to the supervisors directly responsible for implementing the recommendation.

#### ***Incident investigation***

Worker members of the JHSC designate a worker member to investigate incidents resulting in a fatality or critical injury. The company can also require a worker member to investigate incidents of a serious nature or having a high potential for a major loss. The worker member is required to report his/her findings to a Director of the Ministry of Labour and to the JHSC.

Investigations generally expand on the information in the initial reports to establish the direct and underlying causes of the incident and to develop recommendations to prevent a recurrence of the incident. Analysis of incident investigation reports often helps to identify other hazards or concerns that need to be addressed.

#### ***Internal OHS system audits***

The Committee will develop and implement a system audit to monitor and evaluate its own effectiveness and the effectiveness of the IRS. The audit will review the implementation of all company and Committee programs and the general performance of all workplace parties to identify problem areas, analyse underlying and root causes and make recommendations to develop a strong, independent and vibrant Internal Responsibility System.



#### **Resources**

The employer should consult with the JHSC to determine what resources should be provided to ensure the optimal performance of the JHSC and its members. The following should be considered as a minimum:

- Adequate space for meetings
- Access to furnished office space for members' clerical activities
- An office or secure filing system with restricted access to maintain minutes, documents and records
- Provisions for members to attend conferences
- Access to the Internet and other research tools to fulfil committee business
- Subscriptions to recognized occupational health and safety journals
- Access to a health and safety resource library
- Tools and equipment, including PPE, camera and film, adequate for the performance of workplace inspections and various forms of investigation

To facilitate this process, the committee should submit to senior management an original acquisition budget and thenceforth a yearly projects and maintenance budget.

#### **Review of Terms of Reference**

These terms of reference shall be reviewed at least annually at the first meeting of the calendar year or more frequently as the committee deems necessary.

# APPENDIX B

## JHSC MEETING AGENDA (SAMPLE)

---

The Joint Occupational Health and Safety Committee will be holding its next meeting on:

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

- 1) Review minutes of last meeting
  
- 2) Unfinished business
  
- 3) Regular reports
  
- 4) New business
  
- 5) Response to recommendations
  
- 6) Next meeting

Please come prepared to discuss the above items. Any comments or pertinent information regarding the above agenda can be directed to:

Co-chairpersons \_\_\_\_\_ or \_\_\_\_\_

Secretary \_\_\_\_\_

Members \_\_\_\_\_ , \_\_\_\_\_

\_\_\_\_\_ , \_\_\_\_\_

# APPENDIX C

## MINUTES OF JHSC MEETING (SAMPLE)

---

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

Members in attendance:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Guests:

_____	_____	_____
-------	-------	-------

- 1) Review minutes of last meeting
  
- 2) Unfinished business
  
- 3) Regular reports
  
- 4) New business
  
- 5) Response to recommendations
  
- 6) Next meeting (*Time, date, place*)

# APPENDIX D RECOMMENDATION FORM (SAMPLE)

Attention: \_\_\_\_\_ Date: \_\_\_\_\_ Recommendation No.: \_\_\_\_\_

**We recommend that:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**for the following reasons:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recommended implementation date: \_\_\_\_\_

**Hazard classification:**

- A - high potential for injury or damage - to be corrected immediately
- B - serious potential for injury or damage - to be corrected as soon as possible
- C - moderate potential for injury or damage - to be corrected when practical

As per the Occupational Health and Safety Act, a response within 21 days is due by: \_\_\_\_\_

\_\_\_\_\_  
*Worker Co-chairperson*

\_\_\_\_\_  
*Management Co-chairperson*

**Management response:**

Management agrees and will implement the recommendations according to the schedule below:

**Or**

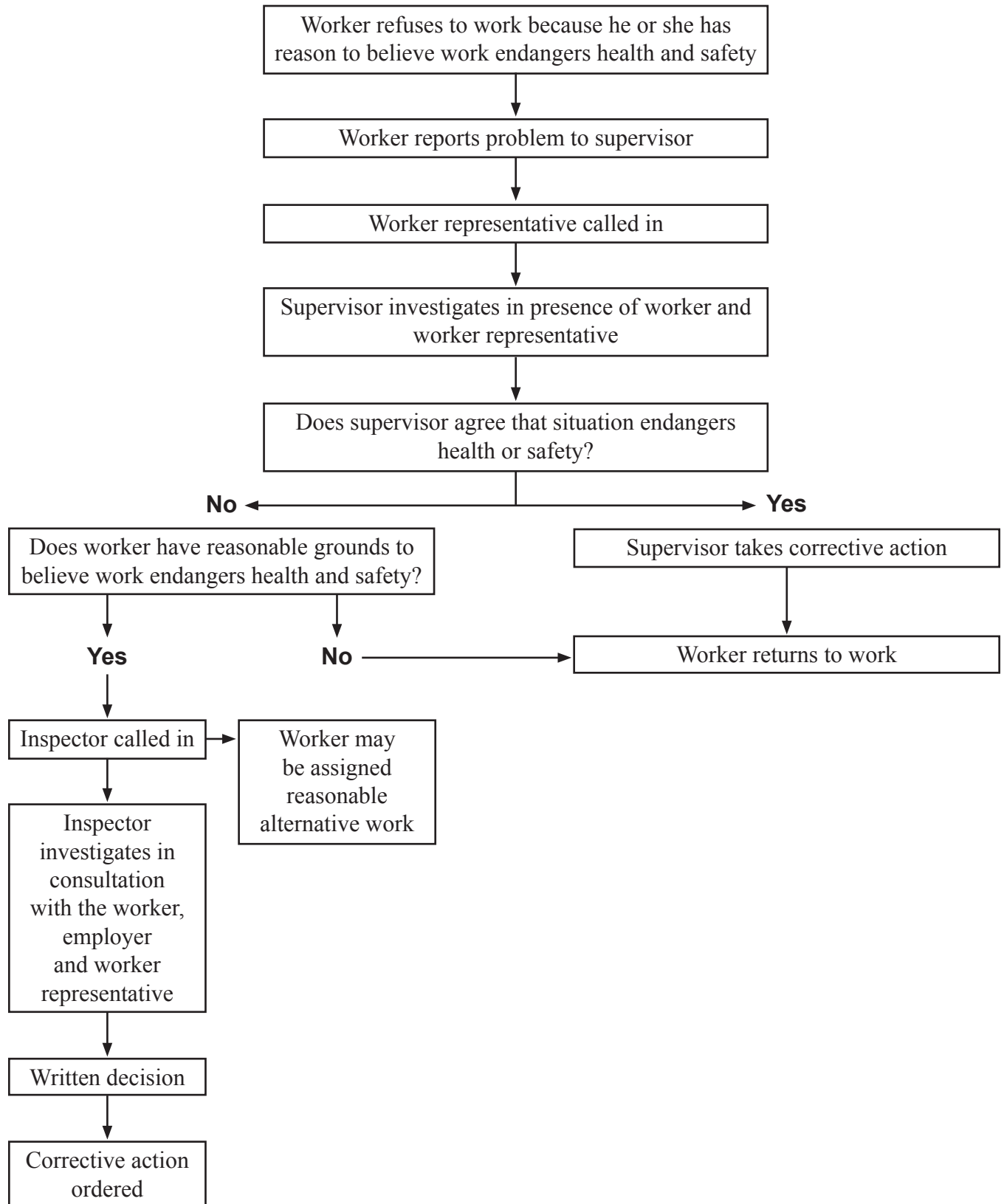
Management disagrees with the recommendation for the reasons outlined below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Response prepared by: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
*(signature) (title) (date)*

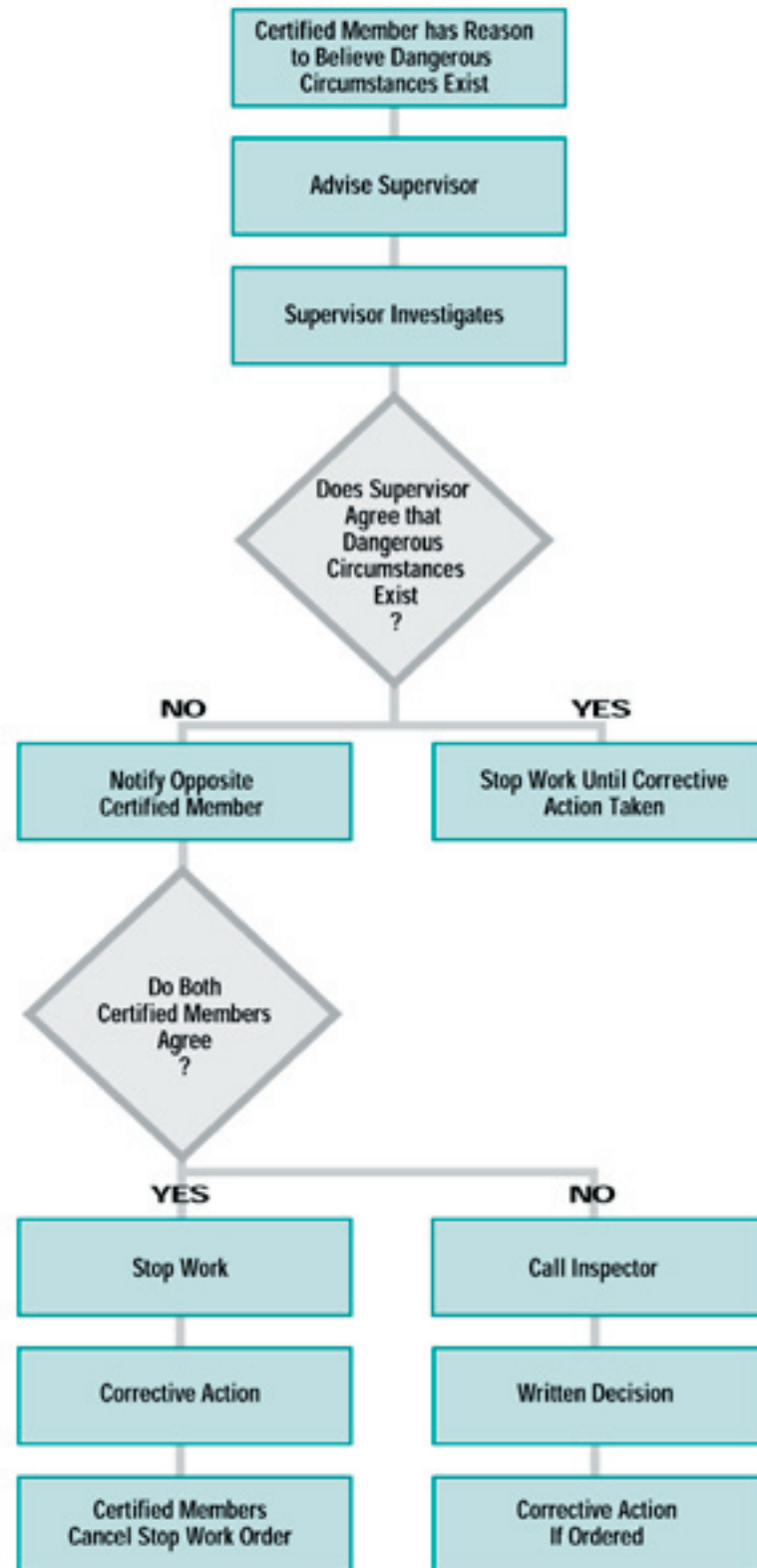
# APPENDIX E

## WORK REFUSAL PROCESS



# APPENDIX F

## BILATERAL WORK STOPPAGE PROCESS



## APPENDIX G

# REFERENCES AND RESOURCES

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***Report of the Royal Commission on the Health and Safety of Workers in Mines 1976, Government of Ontario (Part 4, pp.146-181).***

<http://www.utubc.com/ham.htm/>

***A Guide for Joint Health and Safety Committees and Representatives in the Workplace***

Ontario Ministry of Labour, revised 2002. Available for purchase from regional offices of the Ministry of Labour or online.

<http://www.gov.on.ca/LAB/english/hs/jhsc/>

### ***Health & Safety Committees***

OSH for Everyone. Joint Health and Safety Committees (JHSC) are a legal obligation and an effective way of gaining employee participation in your OSH program. Click the topics below to find out more about creating effective committees

[http://www.oshforeveryone.org/wsib/osh\\_pgm/hlth\\_sfty\\_cmt.html](http://www.oshforeveryone.org/wsib/osh_pgm/hlth_sfty_cmt.html)

***Terms of Reference Guidelines for the Structure and Functions of Joint Health and Safety Committees***

Mines & Aggregates Safety & Health Association (MASHA), January 1999

[http://www.oshforeveryone.org/wsib/files/ont\\_masha/terms\\_ref.pdf](http://www.oshforeveryone.org/wsib/files/ont_masha/terms_ref.pdf)

### ***Health & Safety Committee Development Profile***

Gary Phillips, CRSP, HRP, Northwest Training & Development, 1990. (Out of print. Copies are available through OFSWA)

### ***Effective Committees – Factsheet Order # 94-015***

Susan Humphries, Ontario Ministry of Agriculture and Food, Reviewed November 1997

<http://www.gov.on.ca/OMAFRA/english/rural/facts/94-015.htm>

### ***Effective Meetings – Factsheet Order # 96-039***

Amber Underwood, Ontario Ministry of Agriculture and Food, November 1996

<http://www.gov.on.ca/OMAFRA/english/rural/facts/96-039.htm>

### ***Minutes Don't Just Happen– Factsheet Order # 96-019***

Nick Geleynse and Rob Black, Ontario Ministry of Agriculture and Food, March 1997

<http://www.gov.on.ca/OMAFRA/english/rural/facts/96-019.htm>

### ***Procedures for Meetings – Factsheet Order # 96-009***

Chuck Bokor, Ontario Ministry of Agriculture and Food, November 1996

<http://www.gov.on.ca/OMAFRA/english/rural/facts/96-009.htm>