Sample Terms of Reference

### *[NAME]* Joint Health and Safety Committee (JHSC)

**TERMS OF REFERENCE**

**PREAMBLE**

McMaster University as an employer is responsible for establishing and maintaining joint health and safety committees to address health and safety issues concerning employees in bargaining units and all workplace parties of the University.

McMaster University promotes the approach that through joint investigations of health and safety issues and joint resolution of these issues, the workplace will be co-operatively maintained in a safe and healthy condition.

McMaster University and its employees have acknowledged that the proper functioning of the JHSC can only be carried out where the representatives of the parties are committed to their responsibilities under the Ontario *Occupational Health and Safety Act* and have agreed to endeavour to promote a co-operative, positive and progressive effort concerning health and safety in the workplace.

The *[NAME]* Joint Health and Safety Committee has adopted these terms of reference to guide its operations, as outlined under the McMaster University's RMM Programs 104 and 105 regarding McMaster University JHSCs and the Central JHSC, respectively.

**1.0 COMPOSITION OF THE COMMITTEE**

**Member Selection**

1.1 There will be [....] worker members on the Committee. These worker members will be selected by the Union(s) and other worker groups. *[List name of Union(s) and other employee groups and number of workers to be selected by each.]*

1.2 The Union and other worker groups may also select [....] alternate worker members for the purpose of attending Committee meetings if a worker member cannot attend the meeting.

1.3 There will be [....] members on the Committee selected by the Senior Management from among persons who exercise managerial functions. Senior Management may also select [...] alternate members from among persons who exercise managerial functions.

1.4 When the number of worker members does not meet the requirements set out in the above terms of reference all workplace parties will work towards finding worker members to volunteer. This will be done with the understanding that the union(s) has the duty to name worker members to the JHSC under the Act.

1.5 When the number of management members does not meet the requirements set out in the above terms of reference, senior management will appoint another member.

**Co-Chairpersons**

1.6 There will be two co-chairpersons (“co-chairs”) of the Committee, one co-chair to be selected by the worker members of the Committee and one co-chair to be selected by the management members of the Committee.

**Certified Members**

1.7 There will be at least two certified members, one who represents the workers, and one who represents management. The Union(s) being represented by the committee will select the worker member(s) to be certified. The Senior Management shall select the management member to be certified.

 Should a certified member leave the committee another member of that committee will be designated for certification by the appropriate workplace parties.

**Guests**

1.8 Additional persons may attend Committee meetings with the approval of both co-chairs.

**2.0 FUNCTIONS OF THE COMMITTEE**

**General**

2.1 It is the function of the Committee to:

(a) identify, evaluate and make recommendations concerning workplace health and safety issues;

(b) inspect the workplace on a regular basis;

(c) be consulted about and provide input into workplace health and safety programs; and

(d) discuss other workplace health and safety issues and reports as appropriate.

###### Inspections

2.2 The worker membership will designate one or more worker members to conduct workplace inspections. With the agreement of the worker members, management members may accompany the worker members on the inspection, if possible.

2.3 Committee members will inspect [*detail locations to be inspected*] determined by an annual inspection schedule to be prepared by the Committee.

2.4 The Committee will prepare and adopt inspection forms (sample forms are outlined in the University’s *Handbook for McMaster University Joint Health and Safety Committees)*. All Committee members conducting inspections will sign inspection forms upon completion of the inspection. Completed inspection forms will be provided to the appropriate manager and the co-chairs within *(designate time frame; e.g., 3 working days)* days of the completion of an inspection. The appropriate manager will provide a written response to the identified hazards to the committee co-chairs before the next scheduled Committee meeting.

**Recommendations of the Committee**

2.5 The Committee shall forward in writing any recommendations to the appropriate management representative. A copy will be included with minutes that are forwarded to the Central Committee. The Senior Management will provide a written response to Committee recommendations (in accordance with section 9(20) and 9(21) of the Act) to the co-chairs within twenty-one (21) calendar days after receipt of the written recommendations. This response shall include a timetable for implementing the recommendations the Senior Management agrees with, and the reasons for disagreement with any recommendations not accepted.

**Accident Investigations**

2.6 The Employer will provide lost-time/medical aid information to the co-chairs on a regular basis and upon request.

2.7 Where a worker is killed or critically injured in the workplace, the worker members of the committee shall designate one or more such members to investigate the accident and inspect the place where the accident occurred along with the appropriate management representative, University Health and Safety/Faculty of Health Sciences Safety Office, and the Ministry of Labour Immigration, Training and Skills Development. The findings of the investigation shall be provided to the Committee.

**Ministry of Labour, Immigration, Training and Skills Development Inspections**

2.8 A designated worker member and a management member are to be notified and accompany any Ministry of Labour inspector conducting inspections in the workplace. The appropriate safety office shall also be notified and will accompany the inspector during the inspection of the workplace.

**Work Refusals and Work Stoppages**

2.9 A designated worker member will be notified and attend a work refusal or stoppage without delay. The appropriate safety office shall also be notified and will attend the work refusal as per RMM #114 and RMM #303

**3.0 MEETINGS**

**Frequency**

 3.1 Committee meetings will be scheduled [e.g. monthly, quarterly] at a predetermined time and location. Changes to the meeting schedule may take place with the agreement of the committee co-chairs, provided that the period of time between any two committee meetings does not exceed 90 days.

**Co-Chairs**

3.2 The worker co-chair and the management co-chair may alternate duties as chairperson.

 **Quorum**

 3.3 A quorum for Committee meetings will consist of 50 percent plus one of Committee members, with both worker and management representation and at least one co-chair present. The number of management members must not exceed the number of worker members. Guests do not count towards the determination of the quorum. If quorum is not reached, the items discussed at the meeting will be for information purposes and will not include the passing of recommendations or approvals.

**Agenda Items**

 3.4 The co-chairs will prepare a copy of the agenda for each meeting and distribute it to all members one week in advance of regularly scheduled Committee meetings.

 3.5 Agenda items will consist of workplace health and safety issues. Agenda items should be dealt with by consensus. Where consensus is not reached, this will be recorded in the minutes.

 3.6 Agenda items which continue to be unresolved by the committee will be referred to the Central JHSC. The Central JHSC will add this item to their agenda and discuss for the purpose of identifying advice towards recommended resolution.

**Minutes**

 3.7 Senior Management for the JHSC will provide clerical assistance with respect to the recording, preparation and timely circulation of the agenda and minutes of Committee meetings.

 3.8 Minutes of Committee meetings are to be prepared in a timely fashion, reviewed and signed by both co-chairs prior to circulation or posting.

 3.10 Copies of all minutes signed by co-chairs will be forwarded to the Committee members and UHS/FHSSO for circulation to the Central JHSC. Minutes of all CJHSC meetings will be distributed to all McMaster University JHSCs.

**4.0 PAYMENT FOR COMMITTEE MEMBERS**

4.1 In accordance with the requirements of the Act, all time spent by Committee members in connection with attending at Committee meetings or performing duties prescribed by the *Occupational Health and Safety Act* or these terms of reference will be considered as time at work for which Committee members will be paid at the appropriate rate of pay.

**5.0 GENERAL**

* 1. It is agreed that employees are to be encouraged to report health and safety concerns to their immediate supervisor before bringing it to a Committee member. The *Occupational Health and Safety Act* requires that all workers report any workplace hazard or contravention of the legislation to their supervisor.

* 1. It is understood and agreed that all personal and medical information is to be kept confidential. Any references to such information in Committee minutes must be done in a manner that prevents any identification of an individual’s personal or medical information.
	2. Committee members are to be provided one (1) hour or such longer period of time as the Committee determines is necessary to prepare for each Committee meeting.
	3. The Committee may amend these terms of reference at any time, as deemed necessary to facilitate the ongoing effective operation of the Committee.

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 *Worker Co-Chair Date*

 *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

 *Management Co-Chair Date*