



TERMS OF REFERENCE

FOR THE

Town of Hanover

JOINT HEALTH AND SAFETY COMMITTEE **(hereinafter referred to as "JHSC" or "the Committee")**

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Preamble

The Town of Hanover is responsible for establishing and maintaining a Joint Health and Safety Committee (the Committee) under the auspices of the Occupational Health and Safety Act of Ontario (the Act) to address health and safety issues concerning all its employees.

Management, workers and union all have an important role to play in fostering a safe and healthy work environment. The Public Services Health and Safety Association (PSHSA) and the Committee intend that, through joint education programs, joint investigations of health and safety issues and joint resolution of these issues, the workplace will be co-operatively made and maintained in a safe and healthy condition for all staff.

To ensure the proper functioning of the Committee, representatives of the parties must be committed to their responsibilities under the Act and must endeavour to promote a co-operative, positive and progressive effort concerning health and safety in the workplace.

1. General

- 1.1. The purpose of these Terms of Reference is to detail the formation, function, make up and administration processes.
- 1.2. These Terms of Reference are not intended to limit the right of any party to pursue health and safety concerns and are adopted in good faith to promote and assist the Committee whenever and wherever possible.
- 1.3. 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.

2. Purpose and Framework of the Committee

- 2.1. The Committee identifies and reviews potential health and safety issues, investigates all concerns raised, and brings them to the attention of the employer. The Committee must be kept informed of health and safety developments in the workplace by the employer.
- 2.2. All employees will be encouraged to discuss their health and safety concerns with their immediate supervisor before bringing them to the attention of the Committee.
- 2.3. All relevant reports and information are to be provided to the appropriate parties as detailed further.
- 2.4. The Committee will evaluate its effectiveness at the end of each calendar year using the "Annual Survey of JHSC Effectiveness" (Appendix D of this document) and JHSC "Meeting Evaluation Survey" (Appendix C of this document).

3. Structure of the Committee

- 3.1. The Committee consists of a minimum of six members. Three members shall be selected by the employer (hereinafter referred to as Employer or Management Representatives); and three members shall be selected by the workers (hereinafter referred to as Worker Representatives).
- 3.2. At least half of the members must be Worker Representatives.
- 3.3. Committee Members who represent workers and who do not exercise managerial functions shall be selected by the workers they represent and by the Union.
- 3.4. Committee Members who are exercising managerial functions will be appointed to the Committee by the Senior Leadership Team in accordance with the CAO/Clerk approval.
- 3.5. Each Worker Representative and Employer Representative shall serve a minimum term of two years.
- 3.6. In the event that a Worker Representative is unable to complete his/her term of office, a new member shall be elected in the normal manner.
- 3.7. At least one Worker Representative and one Employer Representative must be certified. The intent is that all Committee Members become certified within one year of joining the Committee. Certification shall be maintained. Certified members will function in the same capacity as any other member other than in the manners described under Sections 43(7), 48 and 45 of the Act.

4. Co-chairpersons

- 4.1. There shall be two Co-chairs, one representing the employer and one representing the workers.
- 4.2. Selection of Co-chairs:
 - 4.2.1. The Worker Co-Chair shall be elected by the Worker Representatives and shall serve a minimum term of one year.
 - 4.2.2. The Employer Co-Chair shall be elected by the Employer Representatives and shall serve a minimum term of one year.
- 4.3. Co-chairs will alternate chairing meetings. Should the designated chair not be available to attend a meeting, the other Co-chair will organize and preside over the meeting.
- 4.4. A Co-chair may invite additional guest(s) to attend the meeting. Guests are bound to confidentiality and shall not participate in the regular business of the meeting.

5. Functions of the Committee

5.1. As per Section 18 of the Act, the functions of the Committee shall be:

- a) to identify and evaluate all matters pertaining to health and safety in the workplace and recommend resolutions to the Employer and workers;
- b) to recommend to the Employer continuing education and training programs in order to ensure that all employees are knowledgeable in their rights, responsibilities and duties under the Act and Town of Hanover policies;
- c) to consider and deal with any health, safety or environmental complaints that the Committee deems appropriate;
- d) to work in compliance with Section 9 of the Act;
- e) to identify situations which may be a source of danger or hazard to workers, make recommendations for appropriate actions and follow up on recommendations;
- f) to recommend improvements pertaining to health and safety in the workplace in response to incidents/accidents in the workplace;
- g) to make recommendations to the Employer pertaining to the establishment, maintenance and monitoring of programs, measures and procedures respecting health and safety in the workplace;
- h) to assist in the education of workers promoting healthy and safe practices in the workplace;
- i) to request information in order to resolve health and safety issues and concerns;
- j) to perform assessments of designated substances and development of control programs;
- k) to receive and review health and safety policies, programs and procedures issued by the Employer so that the Committee may make recommendations on implementation;
- l) to entitle a Worker Representative of the Committee to be present at the start of any health and safety testing, and every effort will be made to give advance notice of the testing;
- m) to conduct regular workplace inspections;
- n) to be present at work refusal investigations;
- o) to be advised of a workplace violence risk assessment and receive a copy;
- p) to direct the Employer to stop the work or to stop using any part of the workplace if the Certified Members agree that dangerous circumstances exist; and

- q) to be consulted about the development and implementation of training and instruction programs for workers and the annual training delivery therewith.

6. Inspections

- 6.1. A Worker Representative shall follow the schedule to inspect the physical condition of the workplaces at least once per month. A Worker Representative should be trained in hazard recognition and workplace inspections as a minimum.
- 6.2. All health and safety concerns noted during the inspection will be recorded on the standard workplace inspection form and forwarded to the Health and Safety Coordinator for consideration as soon as possible. The Health and Safety Coordinator will advise the supervisor of the area of deficiencies requiring attention and a timeline for completion.
- 6.3. The workplace inspection form will be forwarded to the Committee and posted on the Health and Safety Bulletin board for the specified area.
- 6.4. Committee members will rotate attending inspections with workers/supervisors to ensure that each month has at least one inspection completed in the presence of a Committee member. This will ensure consistency and promote thorough inspections in each location on a monthly basis. A schedule of the Committee attendance will be devised in January of each year.
- 6.5. The CAO/Clerk will participate in inspections at least once annually.

7. Recommendations to the Employer

- 7.1. Recommendations from the Committee will be made by consensus of the members and signed by the co-chairs. Recommendations will be sent to the person responsible for addressing the recommendations and copied to the CAO/Clerk, if not named in the recommendations. (Appendix B of this document). A response is required in writing directly to the Committee within twenty-one days of receiving a written recommendation as per Section 9(20) and 9(21) of the Occupational Health and Safety Act.
- 7.2. If the Committee fails to reach consensus in good faith, the Co-chairs have the power to make written recommendations as per Section 19.1 of the Act.

8. Investigations

- 8.1. Worker Representatives shall designate a Worker Representative (preferably a Certified Member) to investigate all critical incidents and fatal workplace accidents. In addition, the Worker Representative may investigate incidents that have the potential to be serious accidents.
- 8.2. Where a worker is involved in an incident/accident or work refusal, the decision of who will investigate is to be based on proximity to the scene, availability and operational requirements.
- 8.3. The Worker Representatives shall designate a Worker Representative (preferably a Certified Member) to investigate work refusals as outlined under Section 43 of the Act.
- 8.4. Where a complaint of dangerous circumstances has been reported to a Certified Worker Representative, he/she is entitled to investigate the complaint as outlined under Sections 44-48 of the Act.

9. Induction of New Members

- 9.1. New Members of the Committee shall receive the following orientation as appropriate:
 - (a) a copy of the Committee Terms of Reference;
 - (b) access and orientation to the previous meeting minutes posted;
 - (c) training in the following courses as appropriate: Joint Health and Safety Committee Certification, Hazard identification and Workplace Inspection; and
 - (d) A general orientation by the Co-Chair.

10. Meetings of the Committee

- 10.1. The Committee shall meet a minimum of four times per year (ideally every three months, with no meeting in July or August). Other meeting dates can be substituted if the Committee is in agreement. The JHSC will meet in person at Civic Centre.
- 10.2. Any Member may call a special meeting if the need arises. This meeting will be scheduled through the Co-chairs.
- 10.3. If a Member is unable to attend a meeting, he/she must inform the Co-chairs of the expected absence, as early in advance as possible, and provide any required reports or information.
- 10.4. Committee Members will alternate and share the duty of Secretary, unless support is provided through an alternative means. A Member acting as a Co-Chair at any meeting will not have responsibility for minutes taking for that meeting. The Committee will assign responsibility for the next meeting minutes taking at the end of the previous meeting.

- 10.5. The person responsible for minutes taking will, at the direction of the Co-chair, transcribe and distribute the minutes within five working days following the meeting of the Committee. The Co-chairs will review the minutes, edit where necessary, approve and return to the Secretary for circulation.
- 10.6. All items, resolved or not, will be reported in the minutes. Unresolved action items will be recorded within meeting minutes. Unresolved items will be actioned by the Committee at each meeting and if necessary and determined by the Committee, forwarded in recommendation form to the CAO/Clerk.
- 10.7. The Co-chair of the scheduled meeting, in conjunction with the other Co-chair, will prepare an agenda which will be circulated a minimum of five working days prior to the scheduled meeting.
- 10.8. The agenda will follow a standardized format (Appendix A of this document).
- 10.9. A Quorum of three Members, one of which must be an Employer Representative and two of which must be Worker Representatives, is required to conduct a regular business.
- 10.10. The Committee will perform regular self-assessments using a standard evaluation form (Appendix C of this document).

11. Conduct of the Committee

- 11.1. All business decisions will be made on a consensus basis. Committee Members must agree upon all resolutions, etc.
- 11.2. Should any member not agree with the decision being put forward, he/she must ensure to either formally dissent, or agree to participate in the consensus decision on the basis of personal comfort and ability to defend the decision. Formal motions may be used in the event that either Co-Chair deems necessary.

12. Amendments

- 12.1. Any amendments, deletions, or additions to these Terms of Reference must:
 - a) have the consensus of the Committee;
 - b) be set out in writing;
 - c) be signed by the Co-chairs and employer; and
 - d) be forwarded to each member of the Committee.

13. Confidentiality

13.1. In accordance with Section 63 of the Act, Committee members:

- (a) shall not publish, disclose or communicate to any person any information, material, statement, report or result of any examination, test or inquiry acquired, furnished, obtained, made or received under the powers conferred under this Act or the regulations;
- (b) shall not publish, disclose or communicate to any person any secret manufacturing process or trade secret acquired, furnished, obtained, made or received under the provisions of this Act or the regulations;
- (c) shall not divulge the name of the informant to any person to whom information is communicated under the Act and its regulations; and
- (d) shall not disclose any information obtained in any medical examination, test or x-ray of a worker made or taken under this Act except in a form calculated to prevent the information from being identified with a particular person or case.

Worker Co-chair



Date

Dec 19/19

Management Co-chair



Date

Dec 19/19

CAO/Clerk



Date

Jan 2/20

Appendix A

AGENDA (Sample)



JOINT HEALTH & SAFETY COMMITTEE AGENDA

Date | Time
Location

1. **WELCOME**
2. **ADOPTION OF PREVIOUS MINUTES**
3. **BUSINESS ARISING**
4. **INSPECTION REPORTS REVIEW**
5. **INCIDENT REPORTS REVIEW**
6. **ITEMS FOR DISCUSSION & INFORMATION**
7. **NEW BUSINESS**
8. **NEXT MEETING**
9. **ADJOURNMENT**

Appendix B

TOWN OF HANOVER JOINT HEALTH AND SAFETY COMMITTEE RECOMMENDATION FORM	
Recommendation #:	Date:
<u>Identified Problem/Hazard:</u>	
<u>Recommended Solution:</u>	
Co-chair Signature:	Co-chair Signature:
<u>Response:</u>	
Employer Signature:	Date:

Appendix C

JHSC Meeting Evaluation Survey (Sample)

Rate today's meeting on a scale of 1 to 5 with 1 being "Needs Work" and 5 being "Just Right"

1. Pace of meetings	1	2	3	4	5
2. Time of meetings	1	2	3	4	5
3. Participation of all Members	1	2	3	4	5
4. Clear purpose for meetings	1	2	3	4	5
5. Ground rules are followed during meetings	1	2	3	4	5
6. Members stay focused on the topic of discussions	1	2	3	4	5
7. Members are courteous and civil in deliberations	1	2	3	4	5
9. Strengths of meetings					
10. Weaknesses of meetings					
11. Ideas to improve future meetings					

From: Academic Leadership Support – Effective Meetings

<http://www.ohrd.wisc.edu/academicleadershipsupport/index.htm>

Appendix D

Annual Survey of JHSC Effectiveness

	Yes/ No	Improvements Suggested
1. Terms of Reference for the Committee have been developed and agreed upon.		
2. Agendas are prepared and distributed several days in advance with attachments (if required for review).		
3. Agendas contain specific objectives and what is required from each Committee Member and invited guests.		
4. Agendas are full of creativity and they identify and prioritize problems.		
5. Committee Members have the opportunity to contribute to the agendas.		
6. Appropriate guests are invited to meetings to share their expertise on a matter.		
7. Meetings are based on a clear sense of purpose for the meeting.		
8. Minutes are published within week after meeting, distributed, and posted.		
9. A resolution process has been discussed and agreed upon by the Committee.		
10. Problems are stated in clear terms, investigated for root causes, and recommended actions (short term, long term, and multiple) with attached costs (if available) and consequences.		
11. Disagreements are handled openly and respectfully and used as an opportunity to reevaluate decisions and group process.		
12. People listen to each other and do their best to understand each other.		
13. People say what they think and feel in a way that contributes to problem-solving and planning.		
14. People provide each other with support and feedback as they try out new knowledge and skills.		
15. Generating ideas is separated from criticizing ideas.		
16. The pros and cons of ideas, and both the short and long- range consequences and risks, are systematically explored.		
17. Participation by Members is constructive – talk and listen.		
18. Chairperson ensures all Members have opportunity to express themselves.		
19. One person does not monopolize the discussions.		
20. The meeting is not used as a forum to air complaints and grievances.		

	Yes/ No	Improvements Suggested
21. Emphasis of meeting is on solving problems, developing ideas, making recommendations.		
22. Discussion at meetings is focused on content, not format, editing, style.		
23. Chairperson summarizes the items for inclusion in the minutes, along with assigning who is accountable for what, where, when and how.		
24. Chairperson keeps Committee Members focused constructively on the safety issues.		
25. Chairperson uses the agenda (sometimes timing items) to keep the Committee on track.		
26. The Committee often asks its Members to evaluate meetings in terms of how satisfying and productive the meetings have been.		
27. Decisions of the Committee are made by consensus whenever possible.		
28. Committee Members are able to attend meetings regularly		
29. Committee Members report back to their depts./unions/senior mgt. on issues.		
30. Members come prepared to meetings and present recommendations with rationale and supporting information.		