

Joint Health and Safety Committee

Sample Procedures or Terms of Reference

1. Name of Joint Health and Safety Committee

The committee shall be known as the *{insert name of committee}* Joint Health and Safety Committee.

(A name is reference for identification where there are other committees in the organization. Often a location or branch reference is sufficient)

2. Purpose of the Committee

The purpose of the joint committee is to work cooperatively with the employer in identifying and resolving safety and health issues in support of a planned occupational safety and health program and to prevent occupational injuries and diseases in the workplace.

3. Committee Membership

- (a) The committee shall consist of at least 4 members.
- (b) The committee must consist of worker representatives and employer representatives
- (c) At least half of the members must be worker representatives.
- (d) The worker representatives must be selected by the workers from workers at the workplace who do not exercise managerial functions at the workplace according to the procedures identified in section 128 of the Workers' Compensation (*WC*) Act. The union should be notified of the selection so that the employer can be notified of their appointment by the union.

- (e) The employer representatives must be selected by the employer from among persons who exercise managerial functions for the employer and, to the extent possible, who do so at the workplace for which the joint committee is established.

{List the names of the members below along with the area/union they represent}

Name of Employer Representatives	Area/Union Representing
Name of Worker Representatives	Area/Union Representing

- (f) The committee must have 2 co-chairs, one selected by the worker representatives, and the other selected by the employer representatives.
- (g) All members will arrange to have an alternate member to attend meetings in their place, when they are unavailable to attend.
- (h) The co-chairs of the committee must notify the employer when there is a lack of representation on the committee.

4. Co-chair Duties

- (i) Facilitate the meetings
- (ii) Review previous meeting reports and material prior to the meetings
- (iii) Ensure that a meeting place is arranged
- (iv) Ensure members are notified of meeting dates, times and locations
- (v) Ensure meeting agenda is prepared and distributed
- (vi) Ensure meeting reports are prepared and distributed
- (vii) Ensure that a copy of meeting reports is forwarded to the employer for distribution
- (viii) Prepare recommendation(s) and forward to the employer for a response
- (ix) Prepare all correspondence on behalf of the committee

5. Terms of Office

- (a) Committee members will sit on the committee for {insert number} years.
(Note that committees are more effective if terms of office overlap for committee members. This allows a mix of new and experienced committee members on the committee, even after elections).
- (b) If a member of the committee chosen by the workers is unable to complete the term of office, the workers must choose another member.
- (c) If a member of the committee appointed by the employer is unable to complete the term of office, the employer must appoint another member.
- (d) All members must arrange to have an alternate member to attend meetings in their place, when they are unavailable to attend.

6. Who does this Committee Report to?

This committee will report to each employer represented on the committee.
{Insert name of Employer and person representing the Employer the committee will report to}

7. Participation of Other Employers on this Joint Committee

If other employers request to participate on this joint committee, the request must be forwarded to the employer this committee reports to for consideration. Participation of other employers on this committee requires the permission, by written order of WorkSafeBC, under section 126 of the *Workers Compensation Act*.

8. Duties and Functions of the Committee

The duties and functions of a Joint Safety and Health Committee are those identified in Division 4, Section 130, of the *Workers' Compensation Act*:

- (a) Identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations.
- (b) Consider and expeditiously deal with complaints relating to the occupational health and safety of workers.
- (c) Consult with workers and the employer on issues related to occupational health and safety and occupational environment.

- (d) Make recommendations to the employer and the workers for the improvement of the occupational health and safety of workers and compliance with the regulations, and monitor their effectiveness.
- (e) Make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the Regulation, and monitor their effectiveness.
- (f) Advise the employer on programs and policies required under the Regulation for the workplace and monitor their effectiveness.
- (g) Advise the employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers.
- (h) Ensure that incident investigations and regular inspections are carried out as required by the Regulation.
- (i) Participate in inspections, investigations and inquiries as provided by the Regulation.
- (j) Carry out any other duties and functions prescribed by the Regulation.

9. Performing the Duties and Functions

Consulting

Generally means communicating for the purposes of seeking information and advice.

Decisions of the committee

The committee should attempt to reach consensus on each decision it makes. If the committee cannot reach consensus then a vote may be taken. The committee will go with the majority vote, when a vote is needed.

Assistance in resolving disagreements within committee

If the joint safety and health committee is unable to reach agreement on a matter relating to the health or safety of workers at the workplace, a co-chair of the committee may report this to a senior Manager, who may investigate and attempt to resolve the matter. Unresolved issues should be referred to the Permanent Joint Committees established under the Master collective agreements.

Recommendations to the Employer

The joint committee must make all recommendations to the employer in writing with a written request for a response from the employer within 21 days. Both the employer and worker co-chairs must sign the recommendations before they are

forwarded to the employer. All recommendations must be made separate from the minutes of the meeting.

The employer is required, under the OHS Regulation, to respond to the joint committee recommendations within 21 days of receiving the written request. The employer must respond in writing by:

- Indicating acceptance of the recommendation, or
- Giving the employer's reasons for not accepting the recommendation.

If the employer is not reasonably able to provide a response before the end of the 21-day period, the employer will be asked by the committee to provide - within that time - a written explanation for the delay, together with an indication of when the response will be provided.

If the employer does not accept the committee's recommendations, a co-chair of the committee may report the matter to the Permanent Joint Committee established under the Master collective agreement, which may investigate and attempt to resolve the matter.

If the joint committee is not satisfied that the explanation provided for the delay is reasonable - in the circumstances - a co-chair of the committee may report this to WorkSafeBC. WorkSafeBC may investigate the matter and may, by order, establish a deadline by which the employer must respond.

10. Support for the Committee

At the request of the joint committee, the employer is required by the Regulation to provide the reasonable equipment, space and clerical support necessary for the joint committee to carry out its duties and functions.

The joint committee may request the following information from the employer, as needed:

- (a) The identification of known or reasonably foreseeable health or safety hazards which workers are likely to be exposed to in the workplace,
- (b) Health and safety experience, work practices and standards in similar or other industries of which the employer has knowledge,
- (c) Orders, penalties and prosecutions under the WC Act or OHS Regulation relating to health and safety at the workplace, and
- (d) Any other matter prescribed by OHS Regulation.

11. Meetings

- (a) The committee will meet monthly on the (_____) working day of each month.
- (b) Regularly scheduled meetings will be held from *{insert time range}* in the *{insert name of room}*.
- (c) Special meetings, if required, will be held at the call of the co-chairs.
- (d) A quorum shall consist of a majority of members on the committee.

12. Time from work for meetings and other committee functions

Members of the joint committee are entitled to time off from work for:

- (a) The time required to attend meetings of the committee,
- (b) Other time that is reasonably necessary to prepare for meetings of the committee, and
- (c) Other time that is reasonably necessary to fulfill the other duties and functions of the committee.

Time off for joint committee members to perform these duties and functions will be deemed to be time worked for the employer, and the employer will pay for that time consistent with the provisions of the Master collective agreements.

13. Agendas and Reports of the Committee

- (a) An agenda will be prepared by the co-chairs and distributed to members prior to the meeting.
- (b) A report of the meeting will be prepared as soon as possible after the meeting with a copy provided to the employer.
- (c) The employer will be responsible for sending a copy of the report of the meeting to the union if requested by any union representing workers at the workplace.
- (d) The employer will retain a copy of the reports for at least 2 years from the date of the joint committee meeting to which they relate.
- (e) The employer will be responsible for ensuring that the retained reports are readily accessible to the joint committee members, workers of the employer, officers and other persons authorized by WorkSafeBC.

14. Posting Committee Information

The employer must promptly post and keep posted at the workplace, in a place readily accessible to employees, the following:

- a) The names and work locations of the joint committee members,
- b) The reports of the 3 most recent joint committee meetings, and
- c) Copies of any applicable orders under this Division for the preceding 12 months.

15. Records

The committee must keep accurate records of all matters that come before it. The committee will maintain copies of its minutes for a period of at least 2 years from the date of the joint health and safety committee meeting to which they relate.

16. Educational Leave Entitlement

Each member of the joint committee is entitled to an annual educational leave totaling 8 hours, or a longer period if prescribed by regulation, for the purposes of attending occupational health and safety training courses.

A member of the joint committee may designate another member as being entitled to take all or part of the member's educational leave.

The employer must provide the educational leave without loss of pay or other benefits and must pay for, or reimburse the worker for, the costs of the training course and the reasonable costs of attending the course.

17. Amendments

These terms of reference may be amended by vote of the committee members.

Approved:

Signature of Employer Co-Chair
{Insert name of Employer Co-Chair}

Date

Signature of Worker Co-Chair
{Insert name of Worker Co-Chair}

Date