



# **The Ottawa Catholic School Board**

  

## **Terms of Reference for Site Based Joint Health and Safety Committees**

**As agreed between:  
The Ottawa Catholic School Board (the Employer)**

**And  
CUPE Local 2357  
OECTA  
Unite Here Local 272  
OCSB Principal/Vice-Principals' Association  
And  
Non-Unionized Workers**

**May 2018**

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## 1.0 DEFINITIONS

- **“The Act”** shall mean the *Occupational Health and Safety Act*.
- **“Critically injured”** means an injury of a 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, or
  - (g) causes the loss of sight in an eye.
- **“Committee”** shall mean the Joint Health and Safety Committee for the \_\_\_\_\_ School  
(Name of School)
- **“Designated Employer Member”** shall mean any person selected by the employer to become certified.
- **“Designated Worker Member”** shall mean any worker selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions, who are to become certified.
- **“Employer”** means a person who employs one or more workers or contracts for the services of one or more workers, etc. The Ottawa Catholic School Board (OCSB) is identified as the employer.
- **“Employer Representative”** shall mean The Principal or designated Vice Principal or Site Supervisor.
- **“Regulations”** shall mean the revised Regulations of Ontario, which are prescribed under the Occupational Health and Safety Act.
- **“Supervisor”** shall mean any person who has charge over a workplace and authority over a worker.
- **“Worker”** shall mean any person who is employed by the Ottawa Catholic School Board.
- **“Worker Representative”** shall mean the worker who has been selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions, for each worksite.
- **“Workplace”** shall mean the specific school, Catholic Education Centre, premise or lands in which a worker works

## **2.0 PREAMBLE:**

1. The Act indicates that the employer has the greatest responsibilities with respect to Health and Safety. All workplace parties are committed to their responsibilities under the OHS Act and mutually commit to work cooperatively to improve health and safety conditions in the workplace.
2. *The Occupational Health and Safety Act* (OHS Act) requires the establishment of a Joint Health and Safety Committee (JHSC) where there are twenty or more workers employed regularly at a workplace.
3. *The Occupational Health and Safety Act* does not spell out detailed procedures about how a JHSC must operate but it does set out the key requirements to be met.
4. Terms of reference describe the purpose and structure of a committee. Terms of reference set out a road map. They give a clear path for the members, by stating what needs to be done (legislated requirements), by whom, and when. Terms of reference help keep a committee on track, clarify the meeting procedures to be followed, and help new members integrate into the way the committee functions. Terms of reference should be reviewed, at least, on an annual basis.
5. The terms of reference apply to the Ottawa Catholic District School Board (the Board), and its Worker groups on the JHSC, namely OECTA, CUPE Local 2357, and Unite Here Local 272.
6. The purpose of the JHSC is to identify, evaluate, recommend and follow-up where issues of employee health and safety are concerned. The JHSC will achieve this through a number of means including, but not limited to, joint education programs, joint investigations of problems, and joint resolution of these problems as stipulated by the Act to provide for a safe and healthy environment for all workers.
7. The terms of reference shall be reviewed annually from the date of approval. They may be altered to meet the current needs of all committee members, by agreement of the majority of employer and employee representatives.

### **3.0 POWERS OF THE SITE JOINT HEALTH AND SAFETY COMMITTEE**

In accordance with the Occupational Health and Safety Act, its Regulations and Amendments [RSO 1990, c.01, S.9.], it is the function of this JHSC and in its power:

- to assist in identifying situations within the schools and facilities belonging to the OCSB that may be a source of danger or hazardous to staff;
- once identified, to evaluate and recommend a solution to correct the hazard;
- to establish a schedule for site inspections;
- to receive copies of, review, and monitor all accident statistics and workplace inspections;
- to recommend to the OCSB and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of workers;
- to ensure that education and training programs are sufficient that all employees are thoroughly knowledgeable of their rights, restrictions, responsibilities, duties, confidentiality and effectiveness under the Act and its Regulations and Amendments.
  - This training is to be reviewed yearly and include:
    - Health and Safety orientation for new employees;
    - training of site JHSC members;
    - WHMIS training for all employees who are exposed to or are likely to be exposed to a hazardous material or physical agent.
- obtain information from the Board respecting,
  - the identification of potential or existing hazards of materials, processes or equipment;
  - the health and safety experience and work practices or standards from similar school boards of which the OCSB has knowledge of, and
  - any other data such as, but not limited to, WSIB summaries.
- to maintain records of the proceedings of the site JHSC and make them available for inspection by the Ministry of Labour;
- in the event of a serious workplace accident involving serious injury or death or the identification of a potentially serious hazardous workplace situation, to designate two (2) certified members, one of whom must be a worker representative to investigate the accident or situation in accordance with the appropriate sections and regulations of the Act;
- in the event of a work refusal by an employee, to designate one (1) certified member from the worker's group to be present when the investigation of the report is carried out, in accordance with the appropriate section(s) of the Act.
- to review incident reports;
- to review Ministry of Labour inspection reports;

- obtain information from employer or designate concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of occupational health and safety; and
- to be consulted about and have a designated member (where possible, a certified member) representing workers present at the beginning of testing, where the designated/certified member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid;
- to post a list of all site JHSC members in each school or facility;
- to disseminate all pertinent health and safety information, instruction and assistance;
- to inspect the physical conditions of the workplace according to the schedule as set out by the Site Committee;
- to develop a schedule of inspection dates by the 3rd Thursday in September
- to update the site based health and safety bulletin board at each meeting to ensure all is posted that is required to be.

**NOTE: It is the Site Supervisor's responsibility for taking action to ensure that concerns are dealt with in an expedient and safe manner.**

(See [Appendix B](#) for Additional functions, duties and rights of the JHSC)

#### **4.0 STRUCTURE OF THE SITE JOINT HEALTH AND SAFETY COMMITTEE**

##### **Appendix A: [Site Health and Safety Committee Recommendation](#)**

##### **4.1 Committee Structure**

*(Please refer to [Appendix C](#) Operating Structure of the Site Joint Health and Safety Committee, which provides required logistics information for this section.)*

- At least two [2] employee representatives and one [1] management representative must be present for the meeting to proceed
- The workers select the Worker Co-chairperson and the Management Co-chairperson is the Principal or his/her designate.

##### **4.2 Certified Members**

- At least two members of the Joint Occupational Health and Safety Committee, one member representing workers and one member representing the employer shall be trained as a Certified member.
- The Principal or designated Vice Principal or Supervisor will be a certified member representing management.
- The Board will provide certification training for the worker member elected by worker members of the JHSC to be the certified member.
- The worker members of the site based Joint Occupational Health and Safety

Committee will elect one of the worker members to be trained by the Board as the Certified Member representing workers at the site.

- All members of the JHSC will be notified and encouraged to take certification training.

### **4.3 Co-Chairpersons**

There shall be two co-chairpersons, one (1) from the Management and one (1) from the workers. The co-chairperson representing management, at the school level, will be the Principal or Vice-Principal. The co-chairperson representing workers will be chosen by the workers at the first meeting of the school year. The business of the JHSC will be conducted under the guidance and supervision of the co-chairpersons. It is good practice to alternate the chair at each meeting.

#### **4.3.1 Duties of the Co-chairs**

- Together determine the dates of meetings of the Committee and the dates of the inspections (or as required in case of an emergency).
- Alternately chair the meetings
- Create the agenda for meetings
- Distribute the Agenda one week prior to the meeting
- Review inspection reports filed by Health and Safety representatives and those by members of the Committee.
- Report any unsafe condition found in the inspection reports
- Follow up and report on the status of recommendations
- When requested minutes will be available for review to the Ministry of Labour.
- Ensure quorum exists
- Ensure sufficient time is allotted at each JHSC meeting, to make certain that the work of the committee is completed
- The co-chairpersons may, with prior notification and approval of his/her counterpart, invite any additional person(s) (referred to as a guest(s)) to attend the JHSC meeting to provide additional information and comment, but the guest(s) shall not participate in the regular business of the JHSC meeting. Such guests may include advisors or administrative support. Any member may request to have a special guest or resource person attend a meeting, provided the request is made in writing to both co-chairpersons and is approved by both co-chairpersons. The request should include the reason this person is attending and the benefit to the Committee.

### **4.4 Members**

Each member of the JHSC shall identify an alternate representative who shall replace the member on the JHSC in case of emergency. The member will designate an alternate from the same group he/she represents.

## **5.0 MEETINGS**

The JHSC will meet at least once every 3 months in accordance with the Act and must occur during the regular working day and as per the members collective agreement. Emergency meetings may be called at any time upon approval of both co-chairpersons. Emergency meetings may be scheduled for any time providing both co-chairpersons agree to a start time. Every meeting must have members present who represent the employees and the employer. Beyond that, the committee can determine its own rules for a quorum at meetings.

### **5.1 Worker Pre-Meetings**

- Workers are entitled to one hour or longer period of time as the committee determines as necessary to prepare for the committee meetings

### **5.2 Committee meeting**

- Meetings are to occur once every three (3) months and when the Committee deems appropriate. Meetings must occur during the regular scheduled instructional day.
- See attached JHSC Information Template for dates and times of meetings and responsibilities ([Appendix D](#) **Sample agenda items for Joint Health and Safety Committee Meetings**)

### **5.3 Minutes**

- The JHSC shall maintain and keep minutes of its proceedings and make these available for examination and review upon request by an inspector of the Ministry of Labour.
- All items that are discussed will be reported in the minutes. Ongoing items will be placed on the agenda for the next meeting or a special meeting may be called to address an issue. ([Appendix G: Sample template for JHSC minutes](#))
- Minutes must be posted on the dedicated Health and Safety bulletin board within a week of the meeting.
- Copies of the minutes are to be forwarded to the Health and Safety Department at [health.safety@ocsb.ca](mailto:health.safety@ocsb.ca).

### **5.4 Decisions**

- Decisions shall be made by consensus.
- The committee should establish a protocol for dispute resolution.
- If consensus cannot be reached each Co-chairperson has the power to make written recommendations ([Appendix E](#)) to the Ottawa Catholic School Board (Health and Safety Specialist).

### **5.5 Recommendations arising from the meeting**

- All recommendations arising from the meeting will be submitted in writing.

- Recommendations to be addressed at the school level will be forwarded to the Principal.
- School level recommendations not addressed within 21 days will be forwarded as a recommendation to the Board.
- Recommendations to be addressed at the Board level will be forwarded to the Health and Safety Specialist.
- All recommendations will be submitted on a recommendation form ([Appendix E](#)).
- If a Committee fails to reach consensus, each Co-chair has the power to make written recommendations to the Board.
- The Principal/Board must respond to any written recommendations from the committee, in writing to the co-chairs, within 21 days.
  - If the Principal/Board agrees with the recommendations, the response must include a timetable for implementation.
  - The Principal/Board will provide reasons why the employer disagrees with the recommendations

## **6.0 WORKPLACE INSPECTIONS**

The Act gives the site based JHSC the right to inspect their own workplace.

Specifically, the Occupational Health and Safety Act states:

- 9. (23)**“... the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the workplace.”
- 9. (23)** “... a member designated under subsection (23) shall inspect the physical condition of the workplace at least once a month”

In order to meet the requirements of the OHSA, all OCSB sites must be inspected each month. The Act requires only one worker member of the committee to conduct the monthly inspection. It is the responsibility of the worker members on the committee to designate the worker responsible for completing the inspection. The worker representatives on the site based committee do not have to designate the same member to complete all inspections.

### **6.1 Schedule**

The Act requires that a designated member of the committee, who represents workers, inspect the workplace at least once a month. In some cases, this may not be practical. For example, the workplace may be too large and complex to be inspected fully each month. Where it is impractical to conduct monthly inspections, the committee must establish an inspection schedule that will ensure that at least part of the workplace is inspected each month and the entire workplace is inspected at least once a year [subsections 9(26), (27) and (28)].

At the commencement of each school year the site JHSC will create a workplace inspection schedule. this schedule will identify each month of the school year (full year in 12 month facilities) and which area of the workplace will be inspected that month. The written schedule

will include locations, dates and workers designated to perform the inspections. In the event inspections cannot be carried out as scheduled the JHSC Co-chairs will make alternate arrangements to ensure monthly inspections are conducted. This schedule will be shared with all members of the JHSC.

### **6.1.1 Inspection Frequency**

- In facilities with more than 20 classrooms- All high risk areas such as technical areas, arts areas, laboratories and storage rooms, gymnasiums, special education, boiler, mechanical and custodial rooms shall be inspected monthly as well as academic classrooms in rotation to ensure that all classrooms are inspected every three months.
- In facilities with more than 10 but less than 20 classrooms- All high risk areas such as technical areas, arts areas, laboratories and storage rooms, gymnasiums, special education, boiler, mechanical and custodial rooms shall be inspected monthly as well as academic classrooms in rotation to ensure that all classrooms are inspected every two months.
- In facilities with 10 or less classrooms- All high risk areas such as technical areas, arts areas, laboratories and storage rooms, gymnasiums, special education, boiler, mechanical and custodial rooms shall be inspected monthly as well as academic classrooms are inspected monthly.
- Administrative facilities shall be inspected in their entirety monthly.

### **6.2 Reporting Observed Hazards**

- Each month the area identified on the schedule will be inspected by a minimum of one worker during regular working hours. The worker (s) conducting the inspection must ensure that they wear the appropriate personal protective equipment for the area being inspected.
- The inspection will be documented on the [Workplace Inspection Recording Form](#) and submitted to the Site Based JHSC. The JHSC member conducting the inspection is encourage to discuss health and safety concerns with staff working in the area and to document any concerns on the inspection report.
- All health and safety concerns recorded on the inspection forms will be assigned a priority level for the hazard observed by the JHSC members performing the inspection. The priority level will indicate the urgency of the corrective action required. Staff will report urgent hazards immediately to their Principal or Vice-principal or Supervisor.
  - **Class A** hazards require IMMEDIATE action: It is a condition, practice or hazard that could cause permanent disability, loss of life or body part/or extensive loss of structure, equipment or materials. Examples include: damaged asbestos, vermiculite debris, fire, gas leak, major water leak, no water, no power, no heat, etc.- Contact Planning and Facilities and cc the Health and Safety Specialist.
  - **Class B** hazards require action as soon as possible: It is a condition, practice or hazard that could cause serious injury or illness, resulting in temporary disability or disruptive property damage (not extensive) .Examples include: fire hazard, spilled oil, broken glass, broken guardrails, icy areas, etc.-Submit a work order and flag as safety.
  - **Class C** hazards are not emergencies but should be eliminated without delay: It is a condition, practice or hazard that could cause a minor non-disabling

injury or illness and/or non-disruptive property damage. Examples include: trip hazards, electrical extension cord used as permanent wiring, etc.-In house corrective action, otherwise submit a work order.

- **Class D** hazards are not emergencies: It is a health and safety condition that needs to be included in the budget. Examples include: parking lot resurfacing, window replacement, major walkway repairs, painting, etc.- Principal submits a Budget Request Project Form.

**Please note:** A concern raised by any worker that dangerous circumstances (Section 44 of the Act, see definition section), exist should be immediately reported to a supervisor. If during any workplace inspection, dangerous circumstances are found to exist, the site JHSC members performing the inspection must inform the appropriate supervisor immediately as well as the certified JHSC member. The workplace inspection form will be provided to the Co-chairs of the site JHSC and to the appropriate managers or supervisor responsible for the workplace area inspected. The supervisor must immediately inspect the dangerous circumstances and act promptly to correct.

### **6.3 Inspection Reports**

- A report will be written for all inspections
- Inspection reports will be reviewed by the Co-chairs monthly and addressed as required.
- Inspection reports will be an agenda item at the following committee meeting
- Inspection reports shall be maintained at the site under Joint Health and Safety records.
- Post a copy on the health and safety bulletin board.
- Submit a copy to the Principal/Manager
- Send a copy to the Health and Safety Specialist at the Board Office ([health.safety@ocsb.ca](mailto:health.safety@ocsb.ca))

### **7.0 TESTING**

The Board or designate shall advise the Co-Chairs of any planned testing or inspections of the workplace. A designated worker has the right to be present at the beginning of testing.

### **8.0 REPORTS**

The Board or designate shall provide to the Co-Chairpersons of a Joint Occupational Health and Safety Committee a copy of any reports or inspection relating to the health and safety of employees at that site as stipulated in the Occupational Health and Safety Act. This includes, but is not limited to:

- Inspections

- Risk assessments and reassessments
- Audits
- Ministry of Labour Field Reports (if applicable)
- Accident reports
- Workplace Violence Incident reports
- Public Health Visit (if applicable)

## **9.0 WORK REFUSALS AND WORK STOPPAGES**

The work refusal procedures shall be followed in accordance with section 43 and 44 of the Act. The work stoppage procedures that will be followed shall be in accordance with sections 44-49 of the Act. Work refusals and work stoppages will be investigated promptly by both the management certified member and the worker certified member. The investigation will follow Section 43 of the Occupational Health and Safety Act.

Please refer to [Appendix F : Right to refuse to work](#)

A **worker** may refuse to work or do particular work where he or she has reason to believe that,

- any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
- the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;
- workplace violence is likely to endanger himself or herself; or
- any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker. R.S.O. 1990, c. O.1, s. 43 (3); 2009, c. 23, s. 4 (2).

## **10.0 CRITICAL INJURY**

Where a person is killed or critically injured from a cause at the workplace, the Board shall notify an inspector, and the committee, health and safety representatives and unions immediately of the occurrence by telephone or other direct means and the employer shall, within forty-eight hours after the occurrence, send to a MOL Director a written report of the circumstances of the occurrence containing such information and particulars as the regulation prescribe (Please see [Critical Injury Investigation Form](#)).

- **“Critically injured”** means an injury of a 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, or
- (g) causes the loss of sight in an eye.

### ***Critical Injury Investigations***

Members of the site JHSC must conduct investigations of the injury. Any injury that is a “Critical Injury” to a staff member, as defined in the Act and by our Board policy, shall be investigated by certified members of the site JHSC.

The Worker "Representative shall be from the same union as the employee with the critical injury. If that individual is not available, any other Worker Representative from that location may be asked to participate in the investigation.

### ***11.0 DESIGNATED BULLETIN BOARD***

The Principal or Site Supervisor is responsible for the establishment and maintenance of a dedicated Health and Safety posting area (bulletin board) at the workplace.

#### [Health and Safety Bulletin Board Requirements](#)

The bulletin board shall be located in a place accessible and visible to the majority of employees at the site in accordance with Ontario legislation. The preferred location is the employee staff room

### ***12.0 CONFIDENTIALITY***

Committee members and representatives are responsible for maintaining rules of confidentiality, except where disclosure of information is specifically required by the Act or by another law [section 63(1)].

In this regard, committee members or representatives must not disclose any secret manufacturing process or trade information; any information about any workplace tests or inquiries conducted under the Act or regulations; or the name of any person from whom information is received. Information obtained from medical examinations and tests may be disclosed only in a manner that does not identify anyone [section 63(1)(f)].

**13.0 SIGNATURES (Signed copy separate from document)**

The parties acknowledge that the Occupational Health and Safety Program can only be successful where every person in the workplace is committed to these responsibilities. Therefore, the parties undertake to co-operate in ensuring that these Terms of Reference and the full intent of the *Occupational Health and Safety Act* will be carried out by their respective organizations.

The parties acknowledge that the proper functioning of the JHSC can only occur where the representatives of the Board and of the workers are committed to these responsibilities. The undersigned undertake to make decisions in good faith. The parties here to adopt these guidelines in good faith and agree to promote and assist the JHSC whenever and wherever possible.

The OCSB Superintendent for Health and Safety and the President's of OECTA, CUPE local 2357, and Unite Here local 272 have agreed to the Terms of Reference.

\_\_\_\_\_  
OCSB Superintendent for Health and Safety

\_\_\_\_\_  
OECTA

\_\_\_\_\_  
CUPE local 2357

\_\_\_\_\_  
Unite Here local 272

School/Site: \_\_\_\_\_

Management Co-Chair: \_\_\_\_\_

Date: \_\_\_\_\_

Worker Co- chair: \_\_\_\_\_

Date: \_\_\_\_\_

Shared with all committee members:

<b>Name</b>	<b>Signature</b>	<b>Date</b>