

**GUIDELINES FOR THE STRUCTURE AND FUNCTION OF THE
JOINT HEALTH AND SAFETY COMMITTEE**

As agreed between

The St. Clair Catholic District School Board

and

All Workers Employed by the St. Clair Catholic District School Board

October 13, 2000

PREAMBLE

1. The Occupational Health and Safety Act requires the establishment and maintenance of a Joint Health and Safety Committee where twenty or more employees are regularly employed.
2. It is our firm belief that through joint health and safety education programs, joint investigation and resolution of health and safety issues, the workplace shall be made safe and healthy for all employees.
3. The parties acknowledge that the proper functioning of the Joint Health and Safety Committee can only occur where employer and worker representatives are committed to working together in the spirit of harmony and cooperation towards the goal of achieving a healthy and safe workplace.
4. It is acknowledged that staff and the St. Clair Catholic District School Board share the responsibility for occupational health and safety through the internal responsibility system. This is based on the principle that the workplace parties themselves are in the best position to identify and correct health and safety hazards in the workplace.
5. The St. Clair Catholic District School Board demonstrates its commitment to health and safety through its Health and Safety Policy.
6. The St. Clair Catholic District School Board recognizes that as an employer, it is ultimately responsible for the health and safety of all its employees, and its worksites.

SECTION ONE: DEFINITIONS

The following definitions shall include the definitions as set out in the Occupational Health and Safety Act Section 1(1).

- 1.1 “The Act” shall mean the Occupational Health and Safety Act.
- 1.2 “Certified Employer Member” shall mean any person selected by the employer to become certified.
- 1.3 “Certified 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 is to become certified.
- 1.4 “Committee” shall mean the Joint Health and Safety Committee for the St. Clair Catholic District School Board.
- 1.5 “Site-based 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.
- 1.6 “Site-based Employer Representative” shall mean the employer representative appointed for each worksite.
- 1.7 “Worksite” shall mean all of the schools and locations within the St. Clair Catholic District School Board as listed in Appendix 1.
- 1.8 “Employer” shall mean the St. Clair Catholic District School Board.
- 1.9 “Supervisor” shall mean any person who has charge over a worksite and authority over a worker.
- 1.10 “Worker” shall mean any person who is employed by the St. Clair Catholic District School Board.
- 1.11 “Regulations” shall mean the Revised Regulations of Ontario, which are prescribed under the Occupational Health and Safety Act.

1.12 “Critical Injury” shall mean any work-related injury that:

- places life in jeopardy
- produces unconsciousness
- results in substantial loss of blood
- involves the fracture of a leg or arm but not finger or toe
- involves the amputation of a leg, arm, hand or foot but not a finger or toe
- consists of burns to a major portion of the body
- causes the loss of sight in an eye

SECTION TWO: COMMITTEE STRUCTURE

2.1 The Joint Health and Safety Committee shall be comprised of two tiers: the Central Joint Health and Safety Committee and the Site-based Representatives.

2.2 The Central Joint Health and Safety Committee (hereafter known as the “Committee”) shall represent all employees, covered by this agreement, located at all worksites within the St. Clair Catholic District School Board.

2.3 The St. Clair Catholic District School Board shall be an employer as defined by the Act, who carries on business at more than one workplace, as stated by the Joint Health and Safety Committee Multi-workplace Guidelines of the Ministry of Labour (October 1999).

Committee

2.4 The Committee shall consist of Worker and Employer Members. The Members shall be as follows:

Worker Members

C.U.P.E. (5)

O.E.C.T.A. (5)

Non-union (1)

Employer Members

Trustee (1)

Management (5)

Principal (4)

Vice Principal (1)

2.5 Worker Members shall be selected/elected by the respective trade unions. Non-union members shall be selected/elected from among the workers they are to represent.

- 2.6 The employer shall select/elect Members that equal the number of Worker Members.
- 2.7 At least half of the Committee shall be workers who do not exercise managerial functions.
- 2.8 Members and Worksite Representatives' term of office shall be for a minimum of two (2) years. The term of office shall begin at the start of the Committee's year, which is September 1 to August 31. Notwithstanding the above, management reserves the right to replace Members and Representatives before the term is completed. Notwithstanding the above, the trade union or unions, or where no trade union exists, by the workers, reserve the right to replace its Members and Representatives before the term is complete.
- 2.9 Vacancies shall be filled as quickly as possible.
- 2.10 Co-chairpersons shall chair the Committee. Employer Members of the Committee shall select/elect a Co-chairperson at the beginning of each Committee year. The Worker Members of the Committee shall select/elect a Co-chairperson at the beginning of each Committee calendar year.
- 2.11 The Committee shall have a minimum of four (4) Certified Members, two (2) representing Workers and two (2) representing the Employer.
- 2.12 Where possible, Employer and Worker Members shall be certified in pairs.
- 2.13 Alternate members may be selected by the appropriate parties to represent Committee Members when such Members are unable to attend. This shall occur at the beginning of each Committee year.
- 2.14 Presidents of the trade union and the Director of Education may attend any Committee meeting as an ex-officio member.

Site-based Representatives

- 2.15 Each school or location within the St. Clair Catholic District School Board shall have one (1) Site-based Worker Representative. The Site-based Worker Representative shall represent all workers at the school or location.
- 2.16 The Representative shall be selected/elected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade

union or unions. The Representative shall represent all workers at the school or location, regardless of union affiliation.

- 2.17 Each school or location within the St. Clair Catholic District School Board shall have a minimum of one (1) Site-based Employer Representative, who will be appointed, at the start of the Committee's year.

SECTION THREE: COMMITTEE MEMBERS

Duties of Co-chairpersons

- 3.1 The Co-chairpersons shall prepare an agenda using the appropriate agenda format (see Appendix 2). Additional agenda items shall be forwarded by Committee Members at least two (2) weeks in advance of the meeting.
- 3.2 Emergency or urgent issues requiring immediate consideration may be added to the agenda with the approval of the majority of the Joint Health and Safety Committee.
- 3.3 Worker and Employer Co-chairpersons shall alternately chair meetings.
- 3.4 One Co-chairperson must be present in order to conduct a meeting. Where a Co-chairperson is absent, the other Co-chairperson shall chair the meeting.
- 3.5 The Co-chairs shall approve the attendance of additional persons or guests where their attendance at a meeting is deemed appropriate. The invited person/guest shall not participate in the regular business of the meeting.
- 3.6 Unscheduled or emergency meetings may be scheduled as required, at the discretion of the Co-chairpersons.

Duties of Management

- 3.7 The agenda and meeting package shall be distributed by the management person responsible for health and safety, to the Committee Members and alternates at least one (1) week in advance of a meeting.
- 3.8 The management person responsible for health and safety shall provide a Recording Secretary, who shall not be a member of the Committee.

3.9 The Recording Secretary shall be responsible for recording the minutes. Minutes will then be distributed within ten (10) working days of the meeting as follows.

- Committee Members and alternates
- Management person responsible for health and safety
- Site-based Representatives
- Director of Education for inclusion in Board minutes
- Superintendents
- Principals
- Location Supervisors
- Presidents of Local Unions

3.10 The names and affiliation of Members shall not be used except for recording attendance at the meetings, or when requested by the individual member.

Duties of Worksite Supervisor

3.11 The Worksite Supervisor shall ensure that the following items are posted in a designated location.

- Minutes of meetings
- Occupational Health and Safety Act and Regulations
- Names and work locations of Members and Site-based Representatives
- Ministry of Labour inspection reports
- Workplace Inspection Reports

Duties of Committee Members

3.12 Members shall prepare for meetings. Minutes shall be approved by the Committee, at which time errors, omissions or additions shall be noted and appropriate revisions made. The approved minutes will be forwarded to the Director for inclusion in the agenda for the Board's meetings.

3.13 Site-based Representatives shall liaise with the Committee Members. Such assignments shall be determined by the Committee at the commencement of each Committee year.

3.14 The powers and duties of the Committee Members include:

- Identifying situations that may be a source of danger or hazard.
- Recommending the establishment, maintenance and monitoring of programs, measures and procedures respecting health and safety.
- Obtaining information pertaining to health and safety hazard identification and control.
- Providing consultation and recommendations relative to WHMIS worker education programs.
- Providing consultation and recommendations relative to designated substance control programs.
- Coordinating the approved activities of Site-based Representatives.
- Sharing and providing health and safety information and assistance to the worksites.
- Providing consultation and recommendations to Site-based Representatives for health and safety training.
- Obtaining information on the conducting or taking of tests of equipment, machine, device, article, thing, material, biological, chemical or physical agent in or about a workplace.
- Be consulted about, and have a designated member representing machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of Occupational Health and Safety, if the designated 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.

Duties of Site-based Representatives

- 3.15 Site-based Representatives may attend Committee meetings as required, to discuss items relating to their specific worksite. The Representative must notify the Co-chairpersons within two (2) weeks of their plan to attend a meeting. Where possible, documentation relating to the item, which the Representative wishes to address, shall be provided by the Representative.
- 3.16 Site-based Representatives may be invited to attend up to two (2) Committee meetings per year. The Committee will determine the scheduling of these meetings, and will endeavour to provide for Site-based Representative attendance at one (1) meeting between September and January, and one (1) between February and June.

Quorum

- 3.17 In order to hold a meeting, the Committee shall have a quorum of at least half of the Worker Members and at least half of the Employer Members; and in any case, the number of Employer Members shall not exceed the number of Worker Members. In the event that a quorum is not achieved, the provisions of section 9 of the Act respecting the Committee apply.

Consensus

- 3.18 All items raised in the meetings shall be dealt with on the basis of consensus. Where agreement cannot be reached, the item shall be tabled, unless the Committee deems the item to be in the nature of an emergency. Resolution of the tabled item shall be re-attempted. If resolution by consensus is still not achieved, then the item will be voted on, using a simple majority voting process.

Frequency

- 3.19 The Committee shall meet every six (6) weeks. Meeting duration may be up to a full day.

Location

- 3.20 The Committee shall determine the location for the meeting.

Recommendations

- 3.21 Recommendations shall be fully discussed by the Committee prior to submission.
- 3.22 Recommendations made by the Committee shall be communicated in writing to the appropriate management person, using the appropriate form (see Appendix 3).
- 3.23 The appropriate management person shall provide a written response to the recommendation. The response shall be communicated to the Committee Co-chairpersons within twenty-one (21) calendar days of receipt of the written Committee recommendation in accordance with Section 9 (20)(21) of the Occupational Health and Safety Act.

SECTION FOUR: INSPECTIONS

Duties of Site-based Representatives

- 4.1 Each worksite shall have an inspection team comprised of one Site-based Employer Representative and one Site-based Worker Representative. Where workers are not represented by a trade union, the Site-based Worker Representative, who has been selected by the workers, will inspect the worksite.
- 4.2 Site-based Representatives shall inspect the following areas of Secondary Schools on a monthly basis, from September to June.
 - Service rooms
 - Science storage rooms and classrooms
 - Technological studies storage rooms and classrooms
 - Art and drama storage rooms and classrooms
 - Cafeteria
 - Corridors
 - Gymnasium and gym storage rooms
 - Rooftop areas
 - Outdoor storage areas
- 4.3 Site-based Representatives shall conduct inspections of Secondary Schools, at least every three (3) months, from September to June:
 - Classrooms
 - Classroom closets
 - All other areas not included in Section 4.2
- 4.4 Site-based Representatives shall conduct inspections of Elementary Schools, Plant Department Facilities and School Board Administration Office Facilities, once per month, from September to June.
- 4.5 The Representatives who conducted the inspection shall complete the appropriate Inspection Report form (see Appendix 5). The form shall be signed by the Representatives and submitted before the end of the month to the management person responsible for health and safety.
- 4.6 The Site-based Representatives, may at any time, forward their concerns to the Committee for review and discussion.

- 4.7 The Site-based Employer and Worker Representatives or alternates shall accompany a Ministry of Labour Inspector during the inspection of the worksite.

Duties of Worksite Supervisor

- 4.8 Copies of the most recent Inspection Report forms shall be maintained at the school or location, by the Worksite Supervisor, for a period of seven (7) years.
- 4.9 If, during the course of an inspection, it is determined that action is needed, the Worksite Supervisor is responsible for implementing an appropriate action or response in order to effectively control the hazard.

Duties of Management

- 4.10 Inspection Reports and unresolved items shall be submitted before the end of each month to the management person responsible for health and safety, who shall ensure that copies are communicated to the appropriate Committee members.
- 4.11 The employer will maintain minutes of meetings and Inspection Reports at a central location, for a period of seven (7) years. These documents will be made available to members of the Committee and Site-based Representatives upon request.

Unresolved Inspection Items

- 4.12 Where the Worksite Supervisor cannot satisfactorily address an item within fifteen (15) days, the Worksite Supervisor and Site-based Worker Representative shall refer the item in writing to the Health and Safety Supervisor. The Health and Safety Supervisor shall provide a written response to the Worksite Supervisor and Site-based Representative. The response shall include actual and planned corrective actions.

Duties of the Committee

- 4.13 Members of the Committee may accompany the Site-based Representative during their inspections.

- 4.14 Committee members shall determine the scheduling of periodic worksite inspections, at the start of the Committee's year or as needed. In developing the schedule, consideration shall be given to worksite size and location. The schedule will be developed using a group of worksites that will be inspected by the member every three (3) months. Committee members shall also determine the scheduling of worksite inspections during July and August.
- 4.15 Inspection schedule shall be coordinated with, and communicated to, Site-based Representatives and the Worksite Supervisor.

SECTION FIVE: INVESTIGATIONS AND TESTING

Duties of Committee

- 5.1 Where a work related fatal or critical injury occurs, the Certified Worker and Employer Committee members, who have been designated by the Committee to do so, shall investigate the accident.
- 5.2 The investigation findings shall be reported on the appropriate Accident Investigation form (see Appendix 4).
- 5.3 The Investigation Report completed by the Certified Members shall be submitted to the Co-chairpersons for discussion at the next Committee meeting.
- 5.4 Two (2) Certified Employer Committee Members, and two (2) Certified Worker Committee Members, shall be designated at the start of the Committee's year, to carry out the following:
- investigations of dangerous circumstances
 - unilateral and bilateral work stoppages
 - work refusal investigations
 - critical or fatal work-related accidents
 - incidents and near misses (as needed)
 - commencement of occupational health and safety testing

Duties of Site-based Representatives

- 5.5 At the start of the Committee's year, Site-based Employer and Worker Representatives shall be selected at each worksite for the purpose of attending the following:
- Investigations of minor work-related lost time excluding critical injury, medical attention, and first aid accidents (where indicated).
 - Investigation of worksite health and safety.

SECTION SIX: TRAINING

- 6.1 In order to effectively carry out their duties, Site-based Representatives and Committee Members shall receive training, developed in consultation with the Committee. The time spent at training shall be deemed as work time for which payment will be made at the regular or premium rate as may be proper.
- 6.2 Other legislated health and safety training programs shall be developed, in consultation with the Committee.
- 6.3 All training shall be scheduled between 9 a.m. and 4 p.m.
- 6.4 Committee Members and Secondary School Site-based Representatives shall be certified. Basic certification, designated substance management, and WHMIS training shall be provided by a training provider that is selected after considering the consultation and recommendations from the Joint Health and Safety Committee. The decision will be made by the Board.

SECTION SEVEN: GENERAL

- 7.1 Workers shall report hazards and concerns to their worksite supervisor, and may involve the Site-based Worker Representative. If the hazard or concern is unresolved, it may then be submitted to the Committee for consideration.
- 7.2 Management reports respecting occupational health and safety shall be provided to the Co-chairpersons within twenty-one (21) days of the employer's receipt of the same.

- 7.3 Site-based Representatives and Committee Members shall keep personal, trade secret, medical, or otherwise sensitive information, confidential.
- 7.4 Amendments, deletions or additions will require a quorum of at least two-thirds of the Committee Members. Amendments, deletions or additions must be set out in writing, attached as an Appendix to these guidelines, and copies shall be forwarded to the employer and the Ministry of Labour for approval.

SECTION EIGHT: ENTITLEMENT TO TIME FROM WORK

- 8.1 Committee Members are entitled to:
- One (1) hour or such longer period of time as the Committee determines is necessary to prepare for each meeting.
 - Such time as is necessary to attend meetings of the Committee, in particular where there are designated and hazardous substances.
 - Such time as is necessary to carry out inspections.
 - Such time as is necessary to provide consultation regarding designated substance control programs.
 - Such time as is necessary to carry out investigations of critical or fatal accidents.
 - Such time as is necessary to carry out powers and duties pertaining to a work refusal.
 - Such time as is necessary to be present at the commencement of occupational health and safety testing.
- 8.2 Certified Committee Members are entitled to:
- Such time as is necessary to exercise the powers and duties pertaining to a bilateral or unilateral work stoppage.
 - Such time as is necessary to investigate a dangerous circumstance.
 - Such time as is necessary to investigate accidents and incidents described in Section 5.4.
 - Such time as is necessary to investigate health and safety hazards and concerns.
- 8.3 Site-based Representatives are entitled to:
- Such time as is necessary to carry out inspections.
 - Such time as is necessary to attend meetings of the Committee.
 - Such time as is necessary to investigate worksite concerns.

- 8.4 The employer shall provide for release time of Worker Site-based Representatives and Worker Committee Members for the purpose of carrying out the duties defined in sections 8.2 and 8.3.
- 8.5 The release time for workplace inspections of Elementary School, Maintenance and Board Administration Office worksites shall not be less than half (½) day and may be up to one (1) day.
- 8.6 The release time for workplace inspections of Secondary School worksites shall not be less and one and one half (1½) days and may be up to two (2) days.

SECTION NINE: ACCEPTANCE AGREEMENT

The parties hereto adopt these guidelines in good faith.

Signed at _____, Ontario, this _____ day of _____, 2000.

Director of Education
 MARGARET NELSON

Chairperson of the Board
 ANITA LABADIE

C.U.P.E. General President
 WENDY HUGHES

O.E.C.T.A. President, Secondary
 DEAN BRADLEY

O.E.C.T.A. President, Elementary
 CHRIS KARUHANGA

O.E.C.T.A President, Occasional
 SHERRY EENINK

CHAIRPERSONS OF THE JHSC
 JEFF CHRISTIE &

 GEORGE LEENHOUTS