

Ingersoll Support Services Inc.

Policy: JHSC Terms of Reference	Policy # HS 3b Section: Health and Safety
Reviewed and Effective: June 27 2018 Date of Origin: March 19 2009	Ministry requirement – OHSA
<i>The Joint Health and Safety Committee, made up of employees and designated management representation, will meet regularly to discuss relevant health and safety issues. The JHSC will perform its work based on annual Terms of Reference.</i>	

Procedure:

Purpose of the Joint Health and Safety Committee

The primary purpose and mission of the JHSC is to monitor, assist and support the Internal Responsibility System (IRS). This is best accomplished when the JHSC fulfils its essential role of identifying weaknesses in the company's IRS and recommending solutions that enable all workplace parties to understand, accept and carry out their individual and collective responsibilities for workplace health and safety. The JHSC will endeavour to make recommendations that establish, implement, monitor, evaluate and improve company policies, programs and procedures. An effective JHSC ensures that any weaknesses in the company's chain of internal responsibility are identified and that attention remains focused on these weaknesses until they are addressed and resolved.

Specific functions of the JHSC

- To conduct meetings according to an established schedule
- To conduct monthly audits/inspections of the physical conditions at the workplace
- To receive and review all incident, inspection and health and safety audit reports and to make recommendations as necessary
- To receive and review all health and safety-related test results and to make recommendations as necessary
- To operate on the principle of consensus-building when reaching decisions
- To make written recommendations to the employer as necessary
- To have members accompany Ministry of Labour Inspectors as required
- To investigate incidents of workplace injury or occupational illness as required

- To report findings of investigations to the Ministry of Labour and management as required
- To assist in the development of company health and safety policies, programs, procedures and best practices
- To obtain information from the employer regarding potential or actual workplace hazards
- To obtain information from the employer regarding statistics, trends, records, processes or any other information that may help it to fulfill its mandate
- To obtain information from the Ministry of Labour, the Workplace Safety and Insurance Board, or any other source as necessary
- To promote acceptance of company health and safety policies, procedures and best practices
- To always work in compliance with legislation, company health and safety policies, programs, procedures and industry best practices
- To assist in hazard assessments of new or modified facilities, processes, procedures, equipment, devices and materials
- To monitor the effectiveness of the Internal Responsibility System and its own effectiveness on an ongoing basis through various auditing programs
- To review these terms of reference at least annually or sooner if required

Responsibility for Establishing and Maintaining a JHSC

Because 20 or more workers are employed within the organization, Ingersoll Support Services is required by the Occupational Health and Safety Act to establish and maintain a Joint Health and Safety Committee.

Composition of the JHSC

Because there are more than 50 workers, the committee must contain a minimum of four members. At least half the members of a committee shall be workers employed at the workplace who do not exercise supervisory functions.

Selection of JHSC members and Co-Chairs

Worker representatives on the JHSC are to be selected by the workers who do not exercise supervisory functions. A worker representative shall be chosen for each residential worksite, as well as the administrative office. The employer shall select the remaining members of a committee from among persons who exercise supervisory functions for the employer and, to the extent possible, who do so at the workplace. Two of the members of the committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise supervisory functions.

Roster of JHSC Members Posted

Ingersoll Support Services is required to have a readily available notice containing the names of committee members and identifying the co-chairs of the committee, the designated certified members and the work locations of all members. The notice is to be posted in a conspicuous location such as on a bulletin board or in a safety manual and it must be updated as required.

Minimum Term for a JHSC Member

All JHSC members are to serve a minimum one-year term on the committee and the membership is to be reviewed annually. However, certified members are encouraged to remain active in the committee for a minimum of 3 years. A member resigning from the JHSC is to help the committee find a replacement before leaving. A member of the committee who ceases to be employed at the workplace ceases to be a member of the committee.

Certification Training for Selected Members

Ingersoll Support Services shall ensure that at least one member of the committee representing the employer and at least one member representing workers obtain certification training and recognition from the WSIB as required.

Designation of Member to be Certified

If no member representing workers is a certified member, the workers that selected the members representing workers shall select from among them one or more who are to become certified.

Designation of Certified Members

If there is more than one certified member representing workers, the workers who selected the members representing workers shall designate one or more certified members who then become solely entitled to exercise the rights and are required to perform the duties under the legislation of a certified member representing workers. If there is more than one certified member representing the company, Ingersoll Support Services shall designate one or more of them who then become solely entitled to exercise the rights and are required to perform the duties under the legislation of a certified member representing the employer.

Replacement of Certified Member

If a certified member resigns or is unable to act, Ingersoll Support Services shall, within a reasonable time, take all steps necessary to ensure that the requirement for certified members is met.

Designation of Worker Member to Perform Workplace Inspections

The worker members of a committee shall designate a worker member to inspect the physical condition of the workplace. If possible, the member designated shall be a certified member. The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection.

Further Required Training for all JHSC Members

In addition to the legislated requirement that at least one worker member and one management member of the JHSC receive certification training, all JHSC members are required to take the following training that pertains to their legislated responsibilities:

- JHSC and Terms of Reference Orientation
- Occupational Health and Safety Act and Industrial Regulations
- Incident Investigation
- Planned Workplace Inspection

Roles & Responsibilities of all JHSC Members

- Attending JHSC meetings. Any member who cannot attend a meeting is to notify the chair in advance, and if the member had something to report to the JHSC at the meeting, a written report is to be submitted in advance
- Actively participating in committee discussions
- Listening to concerns and suggestions made by all employees outside the JHSC and ensuring that they are referred to supervision or the JHSC as appropriate
- Obtaining information if assigned to do so by the JHSC
- Carrying out workplace inspections according to the JHSC schedule
- Learning about workplace health and safety and sharing the knowledge with all employees when appropriate

Roles & Responsibilities of Worker Members

Worker members of the JHSC shall designate a worker member who will carry out physical inspections of the workplace at least once a month. If possible, the member designated shall be a certified member. This member reports back to the committee on

any hazards encountered in the inspections and the committee must consider and discuss these concerns.

Worker members of the JHSC shall also designate a worker member to investigate incidents that result in a fatality or critical injury. The worker member must deliver his or her report to a Director of the Ministry of Labour and to the JHSC.

A worker member of the JHSC may be asked to represent a worker in a work refusal process, and to accompany a Ministry of Labour inspector on inspections. A worker member also has the right to be present when workplace testing is being carried out.

Roles & Responsibilities of the Co-Chairs

The primary role of the co-chairs is to plan and conduct the committee meetings and ensure that all members have an opportunity to contribute. The worker and management chairs have the option of co-chairing the JHSC meeting or alternating chairing duties from one meeting to the next. The position of the co-chairs is reviewed annually at the first meeting of the year.

The co-chairs are responsible for:

- Preparing an agenda and distributing it at least one week prior to the meeting
- Assigning special or ongoing projects to committee members
- Presenting formal recommendations to management
- Reporting management's response to formal recommendations or other health and safety concerns to the committee
- Keeping JHSC files updated

The chairs' responsibilities regarding JHSC meetings are to maintain an established process for meetings and to obtain a consensus on follow-up actions and target dates.

Roles & Responsibilities of Certified Members

At least one worker member and one management member of the JHSC must undergo a two-part certification training process. The first part is Basic Certification, which provides a general understanding of how to recognize, assess and control workplace hazards. The second part is Workplace-Specific Hazard Training, which enables members to recognize, assess and control hazards that are particular to their industry and workplace.

The certification training process provides an understanding of health and safety legislation, the use of statistics and other information resources, and the fundamentals of workplace inspections and incident investigations. Persons selected for certification

should be individuals who demonstrate a commitment to health and safety. Certified members are encouraged to remain active in the Joint Health and Safety Committee for a minimum of 3 years.

Certified members provide leadership and advice to other members with respect to health and safety matters. They also have the power to investigate safety concerns that may be considered a "dangerous circumstance" according to the Occupational Health and Safety Act, Section 44(1). The Act defines a "dangerous circumstance" as one in which all of the following are true:

- the Act or the regulations are being contravened;
- the contravention poses a danger or a hazard to a worker;
- any delay in controlling the danger or hazard may seriously endanger a worker.

Certified members representing both workers and management can jointly exercise the power of a bilateral work stoppage to prevent a dangerous circumstance from injuring someone.

Role & Responsibilities of Secretary

The role of secretary can be filled by a non-member of the JHSC, can rotate among JHSC members on an annual basis, or can be confined to one person for an indefinite period. In addition to taking the minutes of meetings, the secretary's responsibilities may include compiling the agenda of upcoming JHSC meetings and notifying members of times and locations, circulating minutes, reports and other information to committee members, and noting items from past JHSC meetings that require follow-up.

Pay for Committee Activities

A committee member shall be deemed at work and be paid at regular time or overtime as appropriate in the circumstances for the following activities:

- One hour of preparation time before any regular scheduled JHSC meeting;
- Such time as is necessary to attend meetings;
- Such time as is necessary to carry out one's duties under the legislation;
- Such time as is necessary to carry out any projects assigned by the JHSC or co-chairs.

JHSC Meetings

1. *Frequency* - Meetings shall be held monthly whenever possible, but no less frequently than once every three months and there shall be at least four meetings every calendar year. A good practice is to hold the meetings on a consistent day (such as the last Friday of the month).

2. *Annual schedule* - The committee shall set a schedule of meeting dates for the next full calendar year during the last meeting of the current year.

3. *Quorum* - A minimum of four members of which at least half represent workers is required for a valid meeting to take place. In any case, at least half of the members present must represent workers.

Note: The committee should establish a quorum for meetings that is based on the minimum number of management and worker members the committee feels must be present in order to for it to carry out its function. Members who will not be able to attend a meeting should notify the chair or secretary of the JHSC in advance, so that the meeting can be rescheduled if a quorum is not available. Only JHSC members and invited guests may attend meetings.

4. *Agendas* - An agenda is to be prepared by the co-chairs for distribution by the secretary at least one week prior to the meeting. Anyone who would like to contribute information or suggestions to the JHSC must do so at least one week prior to the meeting.

5. *Minutes and records* - Minutes of meetings provide a written record of JHSC activities and can track the progress of action on recommendations the committee has made. A copy of the minutes should be kept in the JHSC file and an additional copy should be posted on the health and safety bulletin board.

6. *Distribution list* - The secretary or the co-chairs shall circulate minutes and copies of any health and safety reports or information to the following:

- JHSC permanent file;
- Every member of the JHSC,
- Senior management;
- Permanent posting locations.

Confidentiality of Information

JHSC members are required by the Occupational Health and Safety Act to keep confidential any personal medical details or other sensitive information they receive. This means paying strict attention to the security of committee records. In order for the committee to function properly, all parties must be confident and trust that no improper use will be made of the information received.

Workplace Inspections

In most cases the designated worker member of the committee must inspect the entire workplace monthly. Others may accompany the inspection team as needed. If it is not possible to inspect the entire workplace, then at least a portion is inspected every

month so that the entire workplace is reviewed over the year. A written inspection schedule with assigned inspection teams is to be set up by the JHSC for the next full calendar year during the last meeting of the current year.

The standard workplace inspection checklist form will be used during inspections to record:

- Specific hazards (existing or potential);
- Concerns reported to the inspection team by other workers;
- Hazard classification;
- Locations and/or persons affected by the hazard or concern;
- Recommended controls;
- Immediate action taken.

After the inspection tour is completed, the team supervisor reviews and finalizes its findings. A copy of the inspection report is then given to the Manager in charge of the area being inspected for their review. Worker members bring a copy of the inspection report to the next meeting for all members to review.

Responding to Unsafe Conditions and Practices

One of the most important legislated functions of the JHSC is to develop recommendations to control hazards or address safety concerns in the workplace. Certified members of the JHSC have the authority to investigate and act upon dangerous circumstances that require immediate attention (see "Roles & Responsibilities of certified members", above). Individual committee members may identify hazards during monthly inspections, incident investigations or through daily worker contacts. However, because committee members are workers under the legislation, *they first have a legal duty to report any hazard or contravention they become aware of to the employer or the supervisor*. Then, if possible, the underlying or root circumstances that led to the specific problem should be brought to the next JHSC meeting for analysis and discussion to arrive at an effective recommendation to resolve the underlying issues.

Recommendations should meet the five principles of a good control:

1. They protect the worker involved.
2. They protect all workers.
3. They apply ergonomic principles.
4. They don't create a new hazard.
5. They don't create an external environmental hazard.

Recommendations should be specific, practical and justifiable.

Consensus

Consensus will be the guiding principle in every debate as members strive to reach practical and feasible solutions that have as their ultimate goal a healthy and safe workplace for all workers.

Conflict Resolution

The co-chairs will endeavour to ensure their respective members work cooperatively at all times, and if necessary will address unacceptable behaviour. At times, however, the committee may face issues that polarize members, such that consensus is impossible to achieve. Outside professionals can be consulted for their input to help resolve the concern. Or a formal recommendation (see "Formal written recommendations", below) outlining the opposing views of members views can be submitted to the manager to be formally resolved by him/her. His/her written response is final, but can be available for review by the Ministry of Labour. After the manager gives his/her formal response, the issue should not be debated further within the committee unless the circumstances that started the conflict change significantly.

Formal Written Recommendations

Most recommendations that the JHSC makes are informal and can and should be dealt with through normal channels. Normally it will be within the supervisor's power to implement controls as soon as possible after being advised by the JHSC of the recommended corrective action. This is especially true in smaller firms where there is a direct relationship between the committee members and management and informal recommendations receive immediate attention. Formal recommendations are those that are expressly written and directed toward the employer for a written response. Concerns that might become the subject of formal recommendations are those that require:

- the establishment of new policies, programs, processes or procedures;
- the involvement of different departments;
- the allocation of significant funds;
- additional training and /or education of employees;
- a repeat item on the JHSC agenda that has not yet been resolved.

If the committee agrees that a matter needs to go to the employer for their input, a formal recommendation is drafted. Recommendation forms are addressed to the employer and should contain:

- Identification of the hazard or concern and what is required to implement corrective measures. Include supporting background information as needed.
- A recommended solution containing specific actions that will correct the problem.
- Notification that a written response is required within 21 days, as per Section 9(20) of Occupational Health and Safety Act.

- The signatures of the JHSC co-chairs.
- Space for the employer to provide a written response and signature.

Response to Recommendations

If the employer agrees with the recommendation or modifies it, they must also include a timetable for implementation. If the employer does not agree with the recommendation, he/she must give a reason for disagreeing. A JHSC co-chair should receive the written response within 21 days and bring it to the next JHSC meeting to share with all committee members. Copies will also be given to the other co-chair and to the supervisors directly responsible for implementing the recommendation.

Incident Investigation

Worker members of the JHSC designate a worker member to investigate incidents resulting in a fatality or critical injury. The company can also require a worker member to investigate incidents of a serious nature or having a high potential for a major loss. The worker member is required to report his/her findings to a Director of the Ministry of Labour and to the JHSC.

Investigations generally expand on the information in the initial reports to establish the direct and underlying causes of the incident and to develop recommendations to prevent a recurrence of the incident.

Analysis of incident investigation reports often helps to identify other hazards or concerns that need to be addressed.

Internal OHS System Audits

The Committee will develop and implement a system audit to monitor and evaluate its own effectiveness and the effectiveness of the IRS. The audit will review the implementation of all company and Committee programs and the general performance of all workplace parties to identify problem areas, analyze underlying and root causes and make recommendations to develop a strong, independent and vibrant Internal Responsibility System.

Review of Terms of Reference

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.