



# ADMINISTRATION/FINANCE & PERSONNEL REPORT

To: Council

Meeting Date: August 27, 2024

Prepared by: Courtney Cook  
Fire & Rescue Services Administrator

Date Prepared: August 22, 2024

Subject: Joint Health and Safety Committee Terms of Reference Update

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## Recommendation:

That the Council of the Township of Wellesley adopted the Township of Wellesley Joint Health and Safety Committee (JHSC) Terms of Reference as attached to report A. F. & P. 26/2024.

## Summary:

The municipality adopts the JHSC Terms of Reference included in this report to foster a safe working environment for everyone.

## Report:

**JHSC Terms of Reference:** The JHSC Terms of Reference have been updated to more clearly define the committee's purpose, roles, and responsibilities. These revisions ensure that the committee operates with a clear mandate and complies with legal and regulatory standards.

## Township Strategic Plan:

This report and initiative align with the strategic objectives of Infrastructure Improvement & Management and Health Promotion.

## Financial Implications:

Not applicable

## Other Department / Agency Comments:

Not applicable

## Legal Considerations:


Not applicable

## Attachment(s):

Joint Health and Safety Committee Terms of Reference

## Approved By:

Rik Louwagie, Chief Administrative Officer

 <b>TOWNSHIP OF WELLESLEY</b>	<b>Health &amp; Safety Policy Manual</b>	
	Section: <b>JOINT HEALTH AND SAFETY PARTICIPATION</b>	
	Policy # <b>OHS-xxx</b>	<b>Pg. 1 of 12</b>
Revision Date: July 2024	Issue Date: August 1, 2024	
Approved by: CAO	Review Date: August 2026	

**PURPOSE**

This Terms of Reference provides the basic guidelines necessary to have an effective Joint Health and Safety Committee (JHSC) at Township of Wellesley. The Occupational Health and Safety Act is built upon the principle that workers and employer work together to ensure that the working environment is safe and that provincial standards are met. This is achieved with the assistance of the Joint Health and Safety Committee member representatives.

The terms of reference define the purpose, role, powers, and responsibilities of the committee and ensure that the joint health and safety committee is functioning with a clear mandate to implement the principle of shared responsibilities of management and workers.

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**SCOPE**

The procedure applies to the Joint Health and Safety Committee of Township of Wellesley. It also applies to the construction projects where Township of Wellesley is a constructor with twenty or more regularly employed workers, and the work is expected to last more than three months.

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**DEFINITIONS**

**Competent person** means a person who,

- a) is qualified because of knowledge, training and experience to organize the work and its performance,
- b) is familiar with this Occupational Health and Safety Act and the regulations that apply to the work, and
- c) has knowledge of any potential or actual danger to health or safety in the workplace [Ref. OHSA].

**Employer:** A person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor, or subcontractor to perform work or supply services [Ref. OHSA].

**Joint Health and Safety Committee (JHSC):** An advisory body composed of worker and management representatives that are committed to improving health and safety conditions in the workplace. A joint health and safety committee is required at workplace,

- a) at which twenty or more workers are regularly employed;
- b) with respect to which an order to an employer is in effect;
- c) other than a construction project where fewer than twenty workers are regularly employed, with respect to which a regulation concerning designated substances applies.

This requirement does not apply to a constructor at a project at which work is expected to last less than three months [Ref. OHSA].

**Senior Management (CEO, Company President, etc.):** Person(s) at the highest level of an organization's structure responsible for leading, managing and /or directing an organization's day-to-day activities and/or operations. [Ref. IHSA COR 2020 Audit Handbook].

**Organization:** Company, corporation, firm, enterprise, authority or institution, or part or combination thereof, whether incorporated or not, public, or private, that has its own functions, management, and administration. [Ref. IHSA COR 2020 Audit Handbook].

**Supervisor:** A person who has charge of a workplace or authority over a worker. [Ref. IHSA COR 2020 Audit Handbook].

**Worker:** Any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program,

- a) A person who performs work or supplies services for monetary compensation.
  - b) A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
  - c) A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.
  - e) Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation
- [Ref. OHS].

**Procedure:** A documented, specified method to carry out an activity. [Ref. IHSA COR 2020 Audit Handbook].

**Process:** A set of interrelated or interacting activities that transforms inputs into outputs. [Ref. IHSA COR 2020 Audit Handbook].

**Safety Engagement:** Involving and/or encouraging employees in discussions or informing them on safety aspects of an organization, so they may have a clear understanding of the organization's safety objectives and are invested in achieving those outcomes.

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## STANDARDS AND PROCEDURES

The JHSC shall ensure that all health and safety concerns are brought forward and revisited until they have been resolved. The JHSC will meet on a quarterly basis to discuss issues including, but not limited to:

- First aid records
- Accident investigation reports
- Hazard reports
- Monthly inspection reports
- Review minutes of prior JHSC meeting
- Review training records
- Health and Safety disciplinary actions
- Ministry of Labour (MOL) orders (if any)

The specific details of the JHSC are the following:

**1. Purpose and Mission of the JHSC**

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 fulfills its essential role of identifying weaknesses in the company’s IRS and recommends solutions that enable all parties to understand, accept and carry out their individual and collective responsibilities for 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 the attention remains focused on these weaknesses until they are addressed and resolved.

**2. Selection of JHSC Member and Co-Chairs**

Worker representatives on the JHSC are to be selected by the workers who do not exercise managerial functions. The employer shall select the remaining members of a committee from persons who exercise managerial functions for the employer. Two members of the committee will co-chair the committee, one of whom will be selected by the members who represent workers and the other of whom will be selected by the members who exercise managerial function.

**3. Structure of the JHSC**

The company will have a committee with at least one management member and one worker member, to include representatives from the office outside staff.

<b>Duration</b>	<b>Workforce</b>	<b>Minimum Requirements</b>
Any	6-19	Worker representative elected (by workers)
3 months or more	20-49	Joint health and safety committee (JHSC) with one worker representative elected (by workers) or selected (by union). One management member appointed by plant management.
3 months or more	50+	JHSC with at least two workers elected (by workers) or selected (by union). At least two management members appointed by management. One management and one worker member must be certified by the Ministry of Labour.

The office JHSC shall consist of a minimum of two certified members - one member who does not exercise managerial functions, and one member who does exercise managerial functions. The term of the serving certified member will be a minimum of two years. Alternatives may be allowed; however, they shall only be used in emergency conditions and with the approval of the co-chairs. Each party will supply a list of one alternative.

The project sites with 50 or more workers, lasting 3 months or more shall consist of a minimum of two certified members; one worker representative and management representative.

The JHSC shall meet every quarter on a specific date and time, decided upon by the JHSC.

A co-chair may, with the consent of his/her counterpart, invite any additional person(s) to attend the meeting to provide additional information and comments. However, this individual(s) shall not participate in the regular business of the meeting unless asked to do so.

If a certified member resigns, steps shall be taken to ensure that the requirement for a certified member is met.

The certified member may bilaterally order the company to stop work if they agree that the work being performed is dangerous as defined in the Occupational Health and Safety Act Section 44 (1).

A list of JHSC members will be posted in a conspicuous location such as bulletin board. This list will be updated as required.

#### **4. Functions of the JHSC**

- In accordance with the Occupational Health and Safety Act, the JHSC functions are as follows:
- To conduct meetings according to an established schedule.
- To conduct monthly workplace inspections.
- 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 Safety Association representatives or MOL/Health and Safety Inspectors as required.
- To investigate incidents, injuries or occupational illnesses as required.
- To report findings of investigations to the MOL and management as required.
- To assist and promote 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 always work in compliance with legislation, company health and safety policies, programs, procedures and industry best practices.
- To assist in hazard assessment 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 encourage adequate education and training programs in order that all employees are knowledgeable in their rights, restrictions, responsibilities, and duties under the Occupational Health and Safety Act.
- To evaluate all newly introduced potential hazards (i.e. machinery and/or chemicals) and communicate the hazard potentials to respective Management, prior to their use.
- To develop and implement with Management, training programs for all newly introduced hazards and participating in the development and delivery of health and safety training programs.
- To be present during an occupational hygiene testing if required at the workplace.
- To advise the selection of the personal protective equipment.
- To address matters related to Designated Substances Regulations and WHMIS, where applicable.
- To address any workplace harassment incident, if it is brought to the committee.
- To review these terms of reference at least annually or sooner if required.
- To carry out any other duties and functions as prescribed by the legislation.

#### **5. Quorum**

Both co-chairs should be present at every meeting and the management representatives must be not more than worker members.

## **6. Health and Safety Meetings**

JHSC meetings are to be held at least quarterly on a specific date and time, which will be decided as a committee. Records of the recent meeting must be posted on the health and safety board.

Meetings shall address a number of issues including the analysis of: first aid records, accident investigation reports, hazard/near miss reports, and the hazards identified on the JHSC tour. In addition, meetings may include the review of minutes to the last JHSC meeting, applicable training records, hygiene surveys, safety/safety talk meeting minutes, health or safety related disciplinary action, repeat items, as well as any other items that may arise.

## **7. Minutes of Meetings**

The committee will designate a secretary for the meeting to take minutes and be responsible for having the minutes typed, filed and circulated within 5 working days of the meeting, or as the committee may from time to time instruct. The secretary will use the JHSC Meetings Minutes. Minutes of the meetings will be reviewed and edited, where necessary, by the co-chairs. They will then be signed and circulated to all committee members.

## **8. Payment of Attending Meetings**

All time spent in attendance at committee meetings or in activities relating to the function of the committee will be paid for at the members' current rate of pay for performing work, and the time spent shall be considered as time at work.

## **9. Meeting Agenda**

The co-chair will prepare an agenda using the JHSC Meeting Agenda Form and will forward a copy of the agenda to all committee members prior to the meeting. The committee may accept any item as proper for discussion and resolution pertaining to health and safety. All items raised from the agenda in meetings will be dealt with on the basis of consensus rather than voting. Formal motions will not be used. All items will be reported in the minutes. Unresolved items will be recorded and placed on the agenda for the next meeting.

## **10. Workplace Inspection**

The JHSC will inspect the workplace once a month on a rotation schedule. Whenever possible, the inspection should be done by a minimum of one worker and management member.

### **11. Further Required Trainings 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:

- Accident Investigation
- Workplace Inspection
- Emergency Response
- Occupational Health and Safety Responsibilities
- Hazard Analysis

### **12. 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.

### **13. Responding to Unsafe Conditions or Practices**

One of the most important legislated functions of the JHSC is to develop recommendations to control hazards or address safety concerns at the workplace. Certified members of the JHSC have the authority to investigate and act upon dangerous circumstances that require immediate attention. 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 hazards or contravention they become aware of to their supervisor.

### **14. Accident Investigation**

All accidents, injuries and incidents will be reviewed and discussed by the committee during the regular quarterly meeting to explore if anything can be done to prevent any similar occurrences in the future.

In the event of a critical injury, one of the designated members of the committee along with a member of Senior Management shall investigate the accident. Refer to the First Aid, Incident, Accident Reporting and Investigation Procedure for further details.

*Critical Injury:* For the purposes of the Act and Regulations, “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, arm, fingers and toes (but not a single finger or toe);
- (e) Involves the amputation of a leg, arm, hand, foot, fingers and toes (but not a single finger or toe);
- (f) Consists of burns to a major portion of the body; or
- (g) Causes the loss of sight to an eye.



### **15. Accompaniment**

The committee will designate certified worker members to accompany a Ministry of Labour inspector while carrying out a Ministry inspection of the workplace.

### **16. Work Refusals**

In the event of a work refusal, the designated certified worker member will investigate if possible. Please refer to the Work Refusal Procedure for further details.

### **17. Formal Written Recommendations**

The JHSC will be required to submit formal written recommendations to control hazards at the workplace. Recommendations can be based on the following:

- Workplace Inspections
- Observations
- Discussions
- Review of training programs
- Worker request or concerns

In developing recommendations, the committee must complete the ***Joint Health and Safety Committee Management Recommendation Form***, which will meet the following criteria:

1. Define the hazard
2. Collect all necessary information
  - a. Description of the process and workplace layout.
  - b. History/details of previous accident and investigations.
  - c. Comments and suggestions from supervisors and workers in the area concerned.
  - d. Maintenance schedules and manufacturers specifications.
3. Consider possible solutions, taking into account:
  - a. The actual and potential seriousness of the problem.
  - b. The range of possible solutions.
  - c. The practicality of the solution being recommended.

In submitting recommendations, the recommendation must meet the following criteria:

1. Submitted by either co-chair of the committee upon final agreement by the committee.
2. Submitted to senior management.
3. Submitted within one week of the JHSC meeting at which the recommendation was decided upon.

Senior management has to send written communication directly to the co-chairs within 21 days in regards to recommendations of the committee included in the minutes. This can be done by giving an assessment of the problem(s) and outlining who is responsible for resolving the matter, along with a timeframe in which the matter will be resolved.

### **18. General**

All workers will be encouraged to discuss their problems with their supervisor before bringing it to the attention of the committee.

- (a) Committee members will thoroughly investigate all complaints to get all the facts and will exchange these facts when searching for a resolution of the problem. All problem resolutions will be reported in the minutes.
- (b) Medical or trade secret information will be kept confidential by all committee members.

### **19. Amendments to these Guidelines**

Any amendments, deletions or additions to these guidelines must have the consensus of the total committee and shall be set out in writing and attached as an appendix to these guidelines

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## **RESPONSIBILITIES**

### **Senior Management**

- a. Providing assistance and co-operation where necessary to the committee to carry out its role.
- b. Respond to written recommendations to the committee within 21 days. The response must include corrective action time and dates, or reasons for disagreement of recommendations.
- c. Conducting a minimum of one workplace inspection annually.

### **Supervisors**

- a. All supervisors, who are not committee members, are encouraged to attend at least one JHSC meeting per year and at least one JHSC inspection per year.
- b. Set an example by being consistently safety conscious and insisting on the safe performance of work.
- c. Observe the work in progress and provide positive input to the workers.
- d. Involvement in ongoing hazard assessment.
- e. Participate in the development and review of safe work practices and procedures.
- f. Take every precaution reasonable in the circumstances for the protection of a worker.

### **Workers**

- a. All workers shall cooperate with the committee members while they perform their JHSC duties.
- b. All workers shall comply with this standard, procedures and legislative requirements.
- c. Report all accidents, injuries, first aid and near-misses immediately to the supervisor.
- d. Advise other workers of unsafe conditions or work practices.
- e. Participate in solving health and safety problems.
- f. Provide recommendations to the supervisor to improve health and safety.

### **Joint Health and Safety Committee (JHSC)**

- a. All JHSC members shall perform duties as legislated. All JHSC members shall comply with these standards, procedures and legislative requirements.

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## REFERENCES

- Duties of employers – Occupational Health and Safety Act, s. 25, 26
- Duties of constructors – Occupational Health and Safety Act, s. 23
- Duties of supervisors – Occupational Health and Safety Act, s. 27
- Duties of workers– Occupational Health and Safety Act, s. 28
- Joint Health and Safety Committee– Occupational Health and Safety Act, s. 9
- Worker Trades Committee – Occupational Health and Safety Act, s. 10