

TERMS OF REFERENCE
FOR THE STRUCTURE AND FUNCTION OF
THE TRILLIUM LAKELANDS DISTRICT SCHOOL BOARD
JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

1.0 PREAMBLE

- 1.1 The Occupational Health and Safety Act of Ontario requires the establishment of Joint Health and Safety Committees. The Trillium Lakelands District School Board and the undersigned Unions agree to the Terms of Reference described in this document.
- 1.2 The parties are jointly committed to fostering employee health and safety in the workplace through co-operation and joint efforts in the design and implementation of education programs for employees; in the investigation and resolution of safety problems; the training and support of committee members; and in the development and promotion of an increased awareness of occupational health and safety matters.
- 1.3 The parties acknowledge that the proper functioning of the Joint Occupational Health and Safety Committee can only be attained when the members chosen are committed to the fulfillment of their respective responsibilities under the Occupational Health and Safety Act and the pertinent Regulations.
- 1.4 The parties agree that in the interest of information sharing, safety concerns will be documented and circulated to all members as soon as possible. The Board will communicate annually to the committee and the unions the names of the management designates for safety responsibilities.
- 1.5 Any amendments, deletions or additions to the terms of reference must have the consensus of the workplace parties and the approval of the Ministry of Labour. These amendments will be set out in writing and attached as appendix to these terms of reference.
- 1.6 The parties adopt these terms of reference in good faith and undertake to promote and assist the Joint Occupational Health and Safety Committee.
- 1.7 The parties agree to have these Terms of Reference approved by the Minister of Labour as a Multi-workplace Joint Occupational Health and Safety Committee for the entire Board in keeping with the Occupational Health and Safety Act.

Dated this _____ day of _____, 2001

For the Employer:

Director of Education

Superintendent of Business

For the Employees:

The Ontario Secondary School
Teachers Federation

Trillium Lakelands Elementary
Teachers Local
Elementary Teachers
Federation of Ontario

Canadian Union of Public
Employees (CUPE)

2.0 JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

2.1 COMPOSITION

2.1.1 The Joint Occupational Health and Safety Committee also referred to as JOHSC or Safety Committee is the authorized committee for the entire geographical area of the Board and shall be comprised of the following employee and employer members:

Employee Members;

Three (3) members from The Ontario Secondary School Teachers' Federation.

Three (3) members from The Elementary Teachers' Federation of Ontario, Trillium Lakelands Elementary Teachers' Local.

Three (3) members from The Canadian Union of Public Employees, and Worksite members with specific duties as defined in 8.3.

Employer Members;

One (1) Superintendent Ex-Officio Member

One (1) Manager/ Supervisor Non-Teaching

One (1) Maintenance/Custodial Manager/Supervisor

One (1) Elementary School Principal/Vice Principal

One (1) Secondary School Principal/Vice Principal

2.2 CO-CHAIRPERSONS

2.2.1 The Joint Occupational Health and Safety Committee shall have two (2) Co-chairpersons; an employee member and an employer member.

2.3.0 SELECTION OF MEMBERS

2.3.1 Employee Members

Where employees are organized into one or more bargaining units, the unions which are the bargaining agents will select the person(s) from different regions, where possible, who will be the member, alternate member and the worksite member of the Joint Occupational Health and Safety Committee representing all employees of the bargaining units.

2.3.2 Members of the Joint Occupational Health and Safety Committee, who represent the employer with managerial functions will be appointed by the Director of Education.

2.3.3 One (1) co-chair representing employees will be elected for a term of one (1) year in rotation among Unions by the employee members of the Joint Occupational Health and Safety Committee while the other co-chair representing the employer will be appointed by the Director of Education.

2.4.0 CERTIFIED MEMBERS

2.4.1 All members of the Joint Occupational Health and Safety Committee shall complete the certification training and shall perform duties required by the Occupational Health and Safety Act, its regulations and these terms of reference.

3.0 FUNCTION OF THE COMMITTEE

The function of the Joint Occupational Health and Safety Committee will be;

3.1.1 To deal with safety policies, procedures and practices, advise and monitor education programs for employees and promote health and safety awareness to all employees through the entire board.

3.1.2 To review situations that may be a source of danger or hazard to employees in work sites referred to it by a member of the Joint Occupational Health and Safety Committee, and or an employee.

3.1.3 To conduct monthly and annually, workplace inspections for worksites according to a schedule determined by the worker members on the Committee.

3.1.4 To deal with any workplace health and safety matter that the committee deems appropriate, including;

(i) Investigation of work refusal

(ii) Investigation of work stoppage

(iii) Investigation of any workplace accident involving a fatality or critical injury or workplace accident/occupational illness that results in lost time away from work as determined by the committee.

(iv) Investigation of workplace conditions reported as potentially unsafe or unhealthy.

3.1.5 To recommend to employees and the Board, the establishment, maintenance and monitoring of programs, measures and/or practices respecting the health and safety of employees.

3.1.6 To obtain information from the Board respecting:

(i) the identification of potential or existing hazards.

(ii) the health and safety experience, reports and work practices and standards in similar workplaces of which the Board has knowledge

(iii) other data, such as, and not limited to, Workplace Safety and Insurance Board Summaries

(iv) the taking of any tests for the purpose of occupational health and safety

3.1.7 To ensure that appropriate training and support are provided to improve the safety performance of the Board.

3.1.8 To perform such duties and obligations as are conferred by the Occupational Health and Safety Act and pertinent regulations.

- 3.1.9 To conduct an annual review of the committee's effectiveness during the final meeting of the Joint Occupational Health and Safety Committee in each school year.

4.0 DUTIES OF CO-CHAIRPERSONS AND MEMBERS

4.1.0 CO-CHAIRPERSONS

The Co-chairpersons have official committee duties which are exercised during meetings and also continuously on a day to day basis. These include:

- 4.1.1 Presiding at the meetings of the committee. (Alternate meetings)
- 4.1.2 Jointly preparing the agenda of meetings which will be distributed to all members five working days in advance of the scheduled meeting.
- 4.1.3 Reviewing all written material for meetings and distributing copies of the documents with the agenda. (Materials that become available in the week before the meeting will be available for members on the day of scheduled meetings.)
- 4.1.4 Signing minutes of meetings, approved by the Committee, and ensuring that the approved minutes are available and posted in the workplaces and on the District School Board's web-site.
- 4.1.5 Posting at each worksite, a notice informing the workers of the name(s) of the Committee representative who will be conducting the annual Occupational Health and Safety Inspection and the date on which that person shall be conducting the inspection
- 4.1.6 Receiving and reviewing safety concerns and complaints from Joint Health and Safety Committee members and workers and include these matters in the agenda of the next meeting.
- 4.1.7 Ensuring that all workers are informed of actions taken to correct unsafe conditions.
- 4.1.8 The co-chairs may jointly invite any additional person(s) to provide information to the meeting. Such person(s) may not participate in the regular business of the meeting.

4.2.0 MEMBERS

The general duties are;

- 4.2.1 To submit safety items to the Co-chairpersons for inclusion in the agenda of the next meeting. These items will be submitted, where possible, before the agenda is prepared.
- 4.2.2 To review agendas and all written materials submitted to the committee.
- 4.2.3 To attend and participate in meetings with a view of obtaining agreement regarding recommendations to the Board.
- 4.2.4 Designated members of the Committee representing workers will, as required:
- (i) investigate work refusal
 - (ii) investigate accidents involving a fatality or critical injury

- (iii) inspect the physical condition of the workplace annually and submit a report as required by the committee,
- (iv) be present at the beginning of any tests regarding health and safety or request that the worksite representative be present at the beginning of a specific test regarding health and safety
- (v) accompany and assist the inspector from the Ministry of Labour

4.3.0 CERTIFIED MEMBERS

- 4.3.1 Certified members will perform their duties as assigned by the committee and as outlined in the Occupational Health and Safety Act for the Joint Occupational Health and Safety Committee.

5.0 MEETING PROCEDURES

- 5.1 Meetings will be held in September, November, February, April and June at a fixed time and place to be determined by the committee.
- 5.2 Special meetings will be held as required by both co-chairs.
- 5.3 The quorum of all meetings of the Joint Occupational Health and Safety Committee will exist when five (5) of the employee members and two (2) of the management members are present.
- 5.4 Agendas will be comprised of items pertaining only to Occupational Health and Safety and will be prepared jointly by the co-chairs and will be distributed five (5) working days prior to the meeting.
- 5.5 Information pertaining to the meeting will be prepared in writing and distributed to all members before the meeting, where possible.
- 5.6 Written reports will be submitted at each meeting. These include:
- (i) Incident/Accident Reports and Summary
 - (ii) Workplace inspection Reports and Summary
 - (iii) Accident Investigation involving a fatality or critical injury
 - (iv) Work refusal investigation
 - (v) Others as requested
- 5.7 Decisions of the committee will be decided by consensus rather than voting. The presiding Co-chair will call a vote to settle any issue when, after thirty minutes or more of debate, the committee, by majority vote, decides that consensus probably will not be achieved and a vote is necessary in order to make a decision.

6.0 RECORDS OF MEETINGS

- 6.1 The Committee will keep minutes of each meeting. The Board will provide secretarial support to ensure that the minutes are prepared.
- 6.2 The secretary will ensure that the minutes of the meetings are typed, proofread, signed by the Co-chairpersons and circulated to each committee member within two (2) calendar weeks of each meeting. The secretary shall file the minutes at Corporate Headquarters of the District School Board, after the minutes have been approved, by the next meeting of the Joint Occupational Health and Safety Committee.
- 6.3 Minutes, agendas of meetings, reports and correspondence of the Joint Occupational Health and Safety Committee will be kept in a permanent file provided by the Board and will be available at all times for inspection.
- 6.4 Approved minutes and recommendations of the Joint Occupational Health and Safety Committee will be posted at each site within three weeks following a meeting of the Joint Occupational Health and Safety Committee.

7.0 ALTERNATE MEMBERS

- 7.1 Three (3) alternate members from The Ontario Secondary School Teachers' Federation.
Three (3) alternate members from The Elementary Teachers' Federation of Ontario, Trillium Lakelands Elementary Teachers' Local.
Three (3) alternate members from The Canadian Union of Public Employees
- 7.2 Where employees are organized into one or more bargaining unit, the unions which are the bargaining agents will select the person(s) from different regions, where possible, who will be the alternate members of the Joint Occupational Health and Safety Committee representing all employees of the bargaining units.
- 7.3 Alternate members selected by the Unions, will attend and participate fully in meetings when the committee member is unavailable.

If a member representing workers is unable to perform his/her duties for a period exceeding thirty days, the member's union shall appoint one of its alternate members as a replacement and shall inform the parties, in writing, of the alternate member's name and the duration of the appointment. The alternate member, once appointed as a replacement, shall perform all the duties of the member he/she replaces, consistent with the terms of the Occupational Health and Safety Act and its regulations.

8.0 WORKSITE MEMBERS

- 8.1 One (1) worksite member in each school/workplace with duties as described in these terms of reference.

- 8.2 Where employees who work in a workplace are members of one or more bargaining unit, the unions, as bargaining agent(s) for the bargaining unit(s), will select one of those employees to serve as a worksite member where possible, for a term of at least three years. The name of the worksite member will be submitted to the Board's office by September 15, of each year.
- 8.3 The Worksite member representing workers in each school/workplace shall:
- (i) inspect the physical condition of the workplace, or part thereof, once a month according to the schedule approved by the Joint Occupational Health and Safety Committee
 - (ii) submit a report on the form prescribed by the Joint Occupational Health and Safety Committee to the principal, supervisor or manager on the day of the inspection and send the report to the co-chairpersons within three (3) days
 - (iii) accompany the member of the Joint Occupational Health and Safety Committee performing the annual inspection of the workplace
 - (iv) at the request of the Employee member of the Joint Occupational Health and Safety Committee assigned to the school, be present at the beginning of any tests regarding health and safety.

9.0 TRAINING

- 9.1 The Employer is obligated to ensure that new members and alternative members receive the Certification Training during the month of October each year.
- 9.2 The Employer shall ensure that all new worksite members receive training in Workplace Health and Safety Inspections prior to their completion of an inspection.

10.0 CONFIDENTIALITY

- 10.1 Members of the Joint Occupational Health and Safety Committee are bound to confidentiality in accordance with the provisions of the Occupational Health and Safety Act.

11.0 PAYMENTS

- 11.1 A member of the Joint Occupational Health and Safety Committee will be entitled to such time from work, travel and related expenses as is necessary to prepare, attend meetings of the committee and to carry out duties in accordance with the Occupational Health and Safety Act.

A member of the Joint Occupational Health and Safety Committee who performs duties in accordance with the Occupational Health and Safety Act and regulations in a time period beyond his/her normal work day, shall be entitled to lieu time scheduled for a work period to which the member and his/her immediate supervisor mutually agree.

The Employer is responsible for payment of all the expenses incurred in the operation and work of the Joint Occupational Health and Safety Committee.

12.0 AMENDMENTS

- 12.1 Any amendments, deletions or additions to these terms of reference must have consensus of the workplace parties and the approval of the Minister of Labour. These amendments will be set out in writing as appendix.
- 12.2 These terms of reference will be reviewed annually at the first meeting of the school year by the Joint Occupational Health and Safety Committee.

13.0 DISPUTE RESOLUTION

- 13.1 The parties agree that the parties to this agreement and the individual workers may refer at any time, any matter concerning the Occupational Health and Safety of the workers to an inspector from the Ministry of Labour.
- 13.2 Notwithstanding the terms of 13.1, the parties shall endeavour to resolve Occupational Health and Safety issues through the following steps:
- a) The matter has been reported by a worker to the school principal or the supervisor and is in dispute. The worker will notify the respective unions.
 - b) The matter is discussed at a meeting of the Joint Occupational Health and Safety Committee and is unresolved,
 - c) The assigned certified members of the Joint Occupational Health and Safety Committee, after an investigation, consider the matter to be in dispute.
 - d) The matter will be reported to an Inspector from the Ministry of Labour.