

Protocol for Administration of Health and Safety Concerns

“JOHSC worker member” – worker representative of the Joint Occupational Health and Safety Committee chosen by the worker representatives of JOHSC to be the representative for the specific workplace.

“JOHSC Area union member” – worker representative of the Joint Occupational Health and Safety Committee chosen by the union to be the representative for a specific workplace.

- concerns can be initiated by workers, Designated JOHSC worker member, area Union JOHSC member. Workers and members are advised to report all concerns with the school principal/supervisor.
- workers are encouraged to consult with the Designated JOHSC worker member or their Area Union JOHSC member at any stage in the process
- unresolved concerns shall be submitted in writing to the principal/supervisor on a form approved by the JOHSC. The principal/supervisor will respond in writing. If the worker accepts the response as presenting an acceptable solution to the concerns raised, the worker will signify on the form his/her acceptance or rejection of the response, sign the form and return it to the principal/supervisor
- the principal/supervisor shall send the concern form with a written response to the worker, with a copy to the office of the Superintendent of Business which will forward copies to the Designated JOHSC worker member, the area Union JOHSC member and the co-chairs. This entire process shall take place within ten (10) days.
- the office of the Superintendent of Business shall prepare a summary of all complaints that have been resolved or unresolved and send it to the joint health and safety committee.
- the Co-chairpersons shall place the concern on the agenda of the next JOHSC for discussion and possible recommendations to the Board
- the chairpersons shall inform the members in writing of the disposition of any concern referred to the JOHSC, with copies to the principal/supervisor, the Designated JOHSC worker member and the area Union JOHSC member.

Protocol for Incident, Accident Injury Reporting and Investigation

“Critical Injury” is defined by Ontario Regulation 714 as an injury of a serious nature that:

- places life in jeopardy
- produces unconsciousness
- results in substantial loss of blood
- involves the fracture of a leg or arm
- involves the amputation of a leg, arm, hand or foot
- consists of burns to a major portion of the body
- causes the loss of sight of an eye

“Incident” is defined as an unusual occurrence in the workplace that could have resulted in harm to people if circumstances had been slightly different.

“Accident” is defined as an unplanned event that causes harm to people or damage to property.

- the principal/supervisor shall inform the Management Designate of the incident, accident, injury or illness on the day of its occurrence by telephone and e-mail. The Management Designate shall inform the Area Union JOHSC member informally by telephone or e-mail of the incident, accident, injury or occupational illness by the next day and send to the area Union JOHSC member copies of the incident, accident, injury or occupational illness report by fax or E-mail within two days of its occurrence.
- in the case of a death or critical injury, the Management Designate shall inform by telephone and e-mail, the Ministry of Labour Inspector, the worker co-chairperson of the JOHSC, and the union President of the accident or death as required by Section 51 of the Occupational Health and Safety Act.
- the principal/supervisor is responsible for securing the accident scene by closing the area and relocating staff and students to other areas of the building or property
- the Area Union JOHSC member shall accompany the Ministry of Labour Inspector during his investigation of the critical injury or death.
- the Area Union JOHSC member shall investigate as required by Section 9 (31) of the Occupational Health and Safety Act

The investigation shall include:

- (a) survey of the scene at the time of the accident
- (b) examination of any equipment involved in the accident

- (c) acquisition of signed witness statements from eyewitnesses, workers, principal/supervisor, technical experts, equipment designers or suppliers
- the Area Union JOHSC member shall compose and submit to the Chairpersons of the JOHSC, a report which shall include:
 - () a description of the accident/incident
 - () background information
 - () the consequences
 - () the causes
 - () the corrective action taken
 - () recommendations for further action
 - () supporting documents, objects, photographs
- the Management designate shall file District School Board reports on the accident/incident with the JOHSC

Protocol for Refusal to Work

Section 43 (3) Refusal 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; 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.

- teachers should ensure the safety of the students assigned to them before commencing a work refusal
- worker with Union representation at the employee's request makes a "work refusal" declaration including the reasons for the work refusal to the principal/supervisor
- the principal/supervisor shall contact the area Union JOHSC member if the person is not already present, to request that the members attend the workplace immediately
- the worker will remain in a safe area in the proximity of the workplace
- the principal/supervisor may assign the first worker's task to another qualified employee provided that he/she informs the employee of the work refusal and the reasons for it
- the principal/supervisor shall conduct an investigation in the presence of the worker and the Area Union JOHSC member or another Union executive as soon as possible
- the principal/supervisor shall inform the worker and the Area Union JOHSC member
 - that the Principal/Supervisor does not believe that the situation endangers the health or safety of the worker and that the worker should return to his/her work , OR
 - that the Principal/Supervisor has taken specific corrective measures which shall be described and the Principal/Supervisor believes that the situation no longer endangers the health and safety of the worker and that the worker should return to his/her work OR

- that the Principal/Supervisor agrees that the workplace is unsafe or unhealthy and the Principal/Supervisor shall be undertaking corrective measures according to a declared timetable and that the worker is being assigned alternative work within the worker's bargaining unit and workplace
- if the worker agrees with the Principal/Supervisor's conclusions, the Area Union JOHSC member files a report for the next meeting of the JOHSC
- if the worker disagrees, then the worker or the Area Union JOHSC member or the Principal/Supervisor shall request that an inspector from the Ministry of Labour investigate the work refusal
- the Principal/Supervisor may assign the worker alternative work within the bargaining unit and the workplace
- the Principal/Supervisor may assign the worker's tasks to another employee provided that he/she informs the employee of the work refusal and the reasons for it, in the presence of the Area Union JOHSC member
- the worker and the Area Union JOHSC member have the right to be present during the Ministry of Labour Inspector's investigation
- the inspector shall provide the parties with a written report of his/her findings
- the inspector's report shall be presented to the JOHSC at its next meeting

Protocol for Occupational Health and Safety Testing

- the Management Designate shall notify the designated worker JOHSC member by telephone and by e-mail at least forty-eight hours before the beginning of the tests, of the date and time of any occupational health and safety tests that will occur in a worksite for which the designated worker JOHSC member is responsible
- the designated worker JOHSC member shall be present at the beginning of the test or will request by telephone and by e-mail that the worksite member be present at the beginning of the test
- the Management Designate shall send the reports of the testing to the principal and designated worker JOHSC member within forty-eight (48) hours of the Board's receipt of the testing reports

Protocol for Work Stoppage

BILATERAL:

the designated worker JOHSC member informs the Principal/Supervisor that the member believes that dangerous condition(s) exist and requests that the Principal/Supervisor investigate the matter

the Principal/Supervisor shall investigate the situation immediately in the presence of the designated worker JOHSC member

if the Principal/Supervisor undertakes corrective measures that make the workplace healthy and safe in the opinion of the designated worker JOHSC member, that member presents a report on the matter to the next meeting of the JOHSC

if the designated worker JOHSC member believes that dangerous condition(s) continue to exist after the investigation of the Principal/Supervisor, then that member requests that the certified management member designated for that workplace conduct an investigation

the designated management JOHSC member shall investigate the workplace in the presence of the designated worker JOHSC member

if both certified members agree that dangerous conditions exist, then they shall direct that the employer stop any work affected by the dangerous circumstances

the Principal/Supervisor shall comply with this direction

if the two designated certified members do not agree that dangerous conditions exist, then either one may request that an inspector from the Ministry of Labour investigate the situation in the presence of the two designated certified members

the inspector shall investigate promptly and will issue a written report

the inspector's written report shall be presented to the JOHSC at the next meeting

once corrective actions to make the workplace safe and healthy have been taken, either the inspector or both designated certified members jointly may cancel the work stoppage order