

Sample
<insert company name>
Joint Occupational Health and Safety Committee
Terms of Reference

Committee Mandate:

Work with staff and management to preserve and promote occupational health and safety within the <insert company name>.

Composition of the Committee:

The committee will be composed of two management representatives appointed by senior management and three employee representatives selected by <insert company name> employees.

There will be one employee alternate selected.

Each representative will remain on the committee for a two year term. Representatives may remain on the committee after their initial term providing the employees vote to allow a longer term.

There will be two co-chairs (one management and one employee). Both will be selected by the committee. Co-chairs will alternate running the committee on one year terms or fill in as required.

Quorum:

Quorum will be met if at least one management and two employee representatives attend a meeting. At least one of these must be a co-chair.

All decisions will be made by majority vote.

Frequency:

The Committee will meet one per quarter (once every three months)

Minutes:

Minutes will be recorded at each meeting. Co-chair will review minutes for accuracy and approval. Minutes will be emailed to all committee members once approved and posted on the <insert company name> safety board. Minutes will be stored electronically <insert location> in the <insert location>.

Notice of Meeting:

Upcoming meeting dates will be decided at last meeting of calendar year. Dates will be published on the Committee Calendar. Date will be noted in the minutes and notice will be sent to all members one week prior to next meeting by the minute taker.

Agenda:

All meetings will follow the same general agenda. Items may be added prior to meeting by any committee member or during the meeting.

General:

The JOHS committee will review any safety policy or procedure that is requested.

The Committee will handle complaints/work refusals as long as the proper chain of command sequence has been followed first.

Investigation reports for the previous three months will be reviewed at each meeting. Members may be asked to participate in investigations.

Workplace inspections will be completed each quarter (Once every three months) by two members of the committee (one management and one employee representative)

Co-chairs or other members of the committee will accompany and Health and Safety Officer doing a workplace inspection.

The committee will observe all requirements under the Nova Scotia Occupational Health and Safety Act.

SAMPLE ITEMS FOR “RULES OF PROCEDURE”

JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE’S

1. Committee mandate

The committee consists of employers and employees working together to improve occupational health and safety in their workplace.

In most Canadian jurisdictions a health and safety committee is mandatory. Even in workplaces where a committee is not required by law, the benefits of a committee in addressing workplace health and safety needs are widely recognized.

Ultimately, the workplace parties (the employer and employees) are responsible and accountable for decisions made regarding occupational health and safety. However, the committee has a vital role to play in workplace health and safety by providing the workplace parties with advice and recommendations on health and safety issues.

2. Composition of the committee and alternates.

The Act states,

- A committee shall consist of such number of persons as may be agreed to by the employer and the employees or their union or unions.
- ***At least half*** of the members of a committee shall be employees at the workplace who are not connected with the management of the workplace and the employer may choose ***up to one half*** of the members of the committee if the employer wishes to do so.
- The employees on the committee are to be determined by the employees they represent, or designated by the union that represents the employees.

3. Terms of Appointment

Typically, committee’s will select new members annually, however, if there are no new interested members or desire to change members, by the employee’s, the terms of appointment could be any timeframe.

4. Selection of Chair (co-chairs)

- Unless a committee determines another arrangement for chairing the committee in its rules of procedure, two of the members of the committee shall co-chair the committee, one of whom shall be selected by the members who represent employees and the other of whom shall be selected by the other members.

- The rules of procedure established shall include an annual determination of the method of selecting the person or persons who shall;
 - chair the committee; and
 - hold the position of chair for the coming year.

5. **Quorum for a meeting**

The Act does not specify the minimum number of committee members present to conduct a meeting. This is something that would be decided in the rules of procedure. However, each meeting of the committees should have at least fifty percent of the members present, with fifty percent of the employee representatives and at least one employer representative at the meeting.

Regular attendance at meetings is a must and should be encouraged and facilitated.

A quorum can also be considered during an investigation of a work refusal. In this instance the important thing to remember is that the quorum must be ***“unanimous”*** in its decision regarding the work refusal and possible orders or corrective actions to be taken.

6. **Frequency of meetings**

A committee shall meet at least once each month unless;

- a different frequency is prescribed by the regulations; or
- the committee alters the required frequency of meetings in its rules of procedure.
- Where a committee alters the required frequency of meetings by its rules of procedure and the Director is not satisfied that the frequency of meetings is sufficient to enable the committee to effectively perform its functions, the frequency of meetings shall be as determined by the Director.

7. **Recording of minutes**

The Act requires minutes of meetings to be kept. Minutes provide a permanent record of the decisions reached and a record of the committee’s activities and successes.

Minutes of meetings should:

- include the name and address of the workplace and
- employer
- state the date and time of the meeting
- list those in attendance
- include agenda items
- list agenda items not discussed or unfinished

- include a clear statement of the nature of the items discussed
- include a clear statement of the nature of all health and safety hazards discussed
- list concerns or complaints of members, if any, and a description of each
- list concerns dealt with between meetings, if any
- include a statement about any
 - inspection or investigation done
 - complaint or work refusal received
 - report of an accident or incident
- be short and factual
- indicate where action is required
- indicate who is responsible for each action to be taken
- have a deadline for the action to be taken
- explain why, if applicable, action was not taken and when the action is expected to be complete
- specify any reports that are required
- be approved by the co - chairpersons.

Minutes provide a written record of health and safety activity at the workplace and should be retained by the employer for at least five years.

8. Decision making

The committee should follow established procedures for dealing with employee health and safety concerns which should include:

- investigating the concern and making a recommendation to management
- notifying the employee of any decision or recommendation made by the committee to management with respect to the employee's concern. The majority of health and safety problems referred to the committee should be resolved by making an appropriate recommendation to management
- if the matter involves an immediate source of danger and satisfactory action is not taken by the employer, the committee should report the complaint or concern to the Occupational Health and Safety Division.

Where the employees' concern is not dealt with to their satisfaction by the committee, the employee is required by the Act to report the concern to a Department of Labour and Advanced Education Occupational Health and Safety Officer. The officer will review the situation and, if appropriate, make recommendations.

Where there has been a contravention of the Act, the officer may issue an order.

9. Accuracy of the minutes

When a committee member disputes the accuracy of the minutes of a meeting, the matter should be raised at the next meeting and corrections can be noted in the minutes.

10. Notice of Meeting

All committee members should be notified at least two days in advance of meetings and told the date, time and place of each meeting. Meetings should be scheduled with committee members work schedules in mind. This information should be included in the minutes of the previous meeting. The minutes are required to be posted by the employer.

11. Agenda

The preparation of an agenda is an important part of the effective operation of committee meetings because it establishes the format for the meetings and provides a means of organizing the meeting. The co-chair should review the minutes and post a draft agenda for the next meeting along with the minutes of the previous meeting.

All committee members should give the chairperson or co-chairpersons ample notice of items they wish to raise at the meeting. An agenda should be prepared by the chairperson(s) and be distributed to all members at least one week in advance of the meeting.

The agenda could include the following items:

- roll call
- approval of the minutes of the last meeting
- unfinished business
- workplace health and safety topic for discussion
- review of complaints
- review of incidents
- review of inspection reports
- review of reports related to occupational health and safety
- update on health and safety training
- special assignment reports by members and subcommittees
- new business
- adjournment

It's a good idea to create a calendar of occupational health and safety topics to be discussed throughout the year. Topics could be scheduled for each meeting, every other meeting, and so on. The frequency would depend on the meeting schedule of the committee.

The goal is to discuss and make recommendations regarding potential health and safety hazards before they happen.

12. Maintenance of minutes

- maintaining records and minutes of committee meetings in a form and manner approved by the Director and providing an officer with a copy of these records or minutes on request

13. Posting of minutes

The employer is required to post minutes of committee meetings.

In order to operate effectively, committees require information about workplace inspections and incidents.

The employer should notify committee members of incidents and accidents by forwarding copies of reports to committee members as soon as possible to allow time for the reports to be reviewed.

14. Review of Policy and Program

The Act requires the employer to prepare and review annually a written occupational health and safety policy and to prepare and maintain a written occupational health and safety program. Both must be done in consultation with the committee.

It is important that the committee be given a real opportunity to provide input into the development of the policy and program, and other health and safety related policies and procedures. This means the committee should be given ample time, information, and opportunity to make informed recommendations with regard to policy and program content.

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17. Complaints and Work Refusals

- receipt, investigation and prompt disposition of matters and complaints with respect to workplace health and safety;

18. Inspections and Investigations

Under the Act, the JOHSC will

- participation in inspections, inquiries and investigations concerning the occupational health and safety of the employees
- the co-operative identification of hazards to health and safety and effective systems to respond to the hazards;

19. Inspection by Health and Safety Officer

Where an officer conducts an inspection,

- the employer shall give the representative or an employee member of the committee, if any; and
- a representative of the employer shall have, the opportunity to accompany the officer during the officer's inspection

Reference material sources;

- <http://www.gov.ns.ca/lae/healthandsafety/docs/JOHCommitteeSingEmployer.pdf>
- Nova Scotia Occupational Health and Safety Act