

Joint Occupational Health and Safety Committee (JOHSC) Terms of Reference¹

1. Introduction

The Employer aims to provide a safe, healthy and secure environment in which to carry on the Employer's affairs. All possible preventative measures are taken to eliminate accidental injuries, occupational diseases, and risks to personal security.

Compliance with the *Worker's Compensation Act*, OHS Regulations, and related legislation is the minimum standard acceptable. All employees are encouraged to strive to exceed these minimum legal standards and to eliminate unnecessary risks.

2. Purpose of the JOHSC²

A JOHSC consists of Employers and employees working together to improve occupational health and safety in their workplace. The JOHSC has a mandate to advise, assist and make recommendations on policy and procedures, which will improve health, safety, and personal security of all workers.

The JOHSC is required to meet at least once each month, or more often if required:

- Monitor efforts of the Employer to comply with WorkSafeBC OHS Regulations, all applicable Provincial Legislation, as well as the Employer's own safety policies and procedures;
- Participate in identifying unsafe situations or practices and recommend solutions;
- Address health and safety complaints from workers;
- Consult on broader health and safety issues;
- Make recommendations around health and safety improvements and educational programs, and monitor the effectiveness of those programs;
- Advise on programs and policies required under the OHS Regulations and monitor their effectiveness;
- Work with all involved Parties to review and advise on proposed changes to the workplace (e.g., machinery or equipment) or work procedures that may affect the health and safety of workers;
- Monitor activities and effectiveness of health & safety programs; and,
- Monitor to ensure that accident/incident investigations and general inspections are completed.

¹ The Terms of Reference shall be reviewed at least annually. Revisions to be decided upon by fifty percent (50%) plus one. Any dispute shall be referred to a WorkSafeBC Prevention Officer.

² Nothing in this document prevents the JOHSC from having additional Site / Local / Department committees, or other committees.

3. Name and Jurisdiction of Joint Occupational Health and Safety JOHSC

The JOHSC shall be known as the () Joint Occupational Health & Safety JOHSC (JOHSC).

The JOHSC will comply with the *Workers Compensation Act (WCA)*, Occupational Health and Safety Regulations (the Regulations) and any other applicable legislation.

The JOHSC will be responsible for all health and safety issues within the locations and departments listed in Appendix A.

Any changes to Appendix A must be voted on by the JOHSC (with the vote requiring fifty percent (50%) plus one) and noted in the JOHSC meeting minutes, with changes attached to the JOHSC meeting minutes.

4. Reporting Structure

This JOHSC reports to (name). The Employer's reporting structure is as follows: ()

5. Enabling Legislation

The *WCA* states under Section 21 that:

- (1) Every employer must
 - (a) ensure the health and safety of
 - (i) all workers working for that employer, and
 - (ii) any other workers present at a workplace at which that employer's work is being carried out, and
 - (b) comply with this Part, the regulations and any applicable orders.
- (2) Without limiting subsection (1), an employer must
 - (a) remedy any workplace conditions that are hazardous to the health or safety of the employer's workers,
 - (b) ensure that the employer's workers
 - (i) are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work,
 - (ii) comply with this Part, the regulations and any applicable orders, and
 - (iii) are made aware of their rights and duties under this Part and the regulations,
 - (c) establish occupational health and safety policies and programs in accordance with the regulations,

- (d) provide and maintain in good condition protective equipment, devices and clothing as required by regulation and ensure that these are used by the employer's workers,
- (e) provide to the employer's workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace,
- (f) make a copy of this Act and the regulations readily available for review by the employer's workers and, at each workplace where workers of the employer are regularly employed, post and keep posted a notice advising where the copy is available for review,
- (g) consult and cooperate with the joint committees and worker health and safety representatives for workplaces of the employer, and
- (h) cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

This JOHSC will be structured in accordance with the WCA and OHS Regulations.

6. JOHSC Composition

Each JOHSC must have the following:

- (a) A minimum of 4 members;
- (b) Worker Representatives (workers who do not exercise managerial functions) and Employer Representatives (management workers who exercise managerial functions);
- (c) At least half of the members must be Worker Representatives; and,
- (d) Two (2) Co-Chairpersons, one selected by the Worker Representatives and one selected by the Employer Representatives.

All appointments to the JOHSC shall be for a period of (____) years. Any member may be reappointed to the JOHSC following their initial term. If a member of the JOHSC chosen by the workers is unable to complete the term of office, the worker will inform the union and employer. A new appointee will be chosen as per the union process.³ If a member of the JOHSC appointed by the Employer is unable to complete the term of office, the Employer will appoint another member.

³ As per the applicable section of the Act.

7. Quorum

Quorum for the meeting is achieved when these requirements are met: () worker representatives, () employer representatives. Quorum is required for voting within the JOHSC.

8. Guests

With the approval of the Co-Chairpersons, the JOHSC may invite guests to provide information, training or consulting; they will be considered as a non-voting resource.

There must be 7 days notice of guest attendance given to the JOHSC, other than WorkSafeBC Representatives, prior to the next regular or special JOHSC meeting.

9. Selecting Employer Representatives

The Employer shall appoint the Employer (Management) Representatives. The Representatives must exercise managerial functions at the workplace where the JOHSC is established.

Name of Employer Representative	Name of Employer Alternate	Management Area Represented

10. Selecting Worker Representatives

The selection of *Worker Representatives and Alternates* shall be completed in accordance with Section 34(1) of the WCA and the OHS Regulations.

- (1) The Worker Representatives must be selected from workers at the workplace who do not exercise managerial functions at that workplace, as follows:
 - (a) If the workers are represented by one or more Unions, the Worker Representatives are to be selected according to the procedures established or agreed on by the Union (s), including their Local Bylaws and the Collective Agreement if applicable;
 - (b) If none of the workers are represented by a Union, the Worker Representatives are to be elected by secret ballot, subject to a vote if applicable;

- (c) The Union(s) will not have less than fifty percent (50%) of the total number of JOHSC members;
- (d) If some of the workers are represented by one or more unions and some are not represented by a Union, the Worker Representatives are to be selected in accordance with paragraphs (a) and (b) in equitable proportion to their relative numbers and risks to health and safety;

Where the selection of JOHSC Representatives are written in respective Collective Agreements, defer to the process outlined.

Efforts should be made to ensure all major work groups or areas are represented on the JOHSC. Refer to the list below to ensure that Representatives are selected if they are included in your JOHSC work area.

Name of Worker Representative	Name of Worker Alternate	Area/Association/Union Represented

11. Selecting JOHSC Co-Chairpersons

When a JOHSC is formed, the Worker and Employer Representatives will each select one of their own members to act as a Co-Chairperson (for a (____) year term).

Worker and Employer Representatives may also vote on an alternate Co-Chairperson in the event that the Co-Chairperson is unable to fulfill their (____) year term.

The alternate Co-Chairperson will step in to fulfil the remainder of the term, at which point new or remaining Co-Chairpersons will be voted in. The alternate Co-Chairperson will also assume Co-Chairperson duties for monthly meetings that the current elected Co-Chairperson is unable to attend.

Name of Employer Co-Chairperson	Name of Worker Co-Chairperson
Alternate Employer Co-Chairperson	Alternate Worker Co-Chairperson

12. JOHSC Meetings

The JOHSC is required to meet at least once each month or more often if required or needed.

Special or additional meetings may be called by the Co-Chairpersons or agreed upon by the JOHSC.

Meeting dates must be set for the year; preferably on the same day of each month, at the same location.

- The JOHSC will meet monthly on the (day) of each month.
- Regularly scheduled meetings will be held from (time range) in (building and room).
- Special meetings, if required, will be held at the call of the Co-Chairpersons.
- A quorum shall consist of fifty percent (50%) plus one members on the JOHSC and must include JOHSC Worker representatives (from each Union if and as applicable).
- If quorum is not met, the JOHSC meeting can continue for discussion purposes only (no voting) but does not qualify as a regular monthly meeting. The monthly JOHSC meeting will then need to be rescheduled to another date within the same month.

The meetings should follow an agenda which contains the following topics:

- Roll call or attendance
- Determination of quorum
- Approval of previous minutes
- Additional agenda items, review of actionable items and approval of agenda
- Review of the monthly Accidents and Incidents, First Aid reports, etc.
- Review Workplace Safety Inspections (including changes to equipment, machinery or work processes that may affect the health or safety of workers)
- Review education and training
- Ongoing business
- Correspondence
- JOHSC Recommendations if any
- New and other business (including review of WorkSafeBC and any other health and safety regulatory agency inspection reports)
- Next meeting dates

Meeting minutes will be recorded by a designated clerical staff person as jointly agreed to by the Co-Chairpersons. The draft minutes should be sent out within a week of the meeting for comments and corrections. The minutes must be approved by the JOHSC at the next meeting. Approved minutes will be electronically distributed to:

- All JOHSC members.
- Posted on the OH&S Bulletin Boards.

- All minutes will be electronically posted on a central JOHSC web site ([website](#)), if applicable, and physically posted in areas where electronic access to workers is limited.

13. Duties (Obligations) of JOHSC Members

The following is a non-exhaustive list of duties of JOHSC members:

- Attend all monthly JOHSC meetings. When unable to attend, inform the JOHSC Administrator and designated alternate. Attendance shall be reviewed by the appointing entities at the request of the Co-Chairpersons.
- Participate in all activities of the JOHSC, and chair Sub-JOHSCs when requested.
- Review inspections and investigations reported to the JOHSC. Participate in inspections and investigations as requested or required.
- Recommend and participate in the development of policies and procedures for improvement of health and safety.
- Attend safety courses or seminars. Each JOHSC member is entitled to a total of eight (8) hours of additional training each year, in addition to the Employer paid eight (8) hours for new JOHSC members (in addition to any Collective Agreement entitlements).
- Promote the mutually agreed upon Employer's Safety Policy, and safety procedures of the Employer, in carrying out their work.
- Be familiar with WCB legislation and Regulations, the Employer's Safety Policy, and the JOHSC's Terms of Reference.

14. Duties (Obligations) of Co-Chairpersons

The following is a non-exhaustive list of duties of JOHSC Co-Chairpersons:

- Review previous minutes and materials prior to each meeting and prepare an agenda.
- One Co-Chairperson will chair a meeting and take a leadership role in guiding JOHSC discussions towards definite recommendations (if and as required). Co-Chairpersons should alternate each JOHSC meeting.
- Report to the JOHSC on the status of suggestions and recommendations from previous meetings.
- Appoint sub-JOHSC members and encourage active participation from members if applicable.
- Ensure that a regular time and place for a meeting has been arranged by the JOHSC Administrator.
- Ensure that the minutes are recorded at each meeting and distributed accordingly.
- Ensure that the previous minutes and proposed agenda, and pertinent information are distributed prior to the meeting.
- Write formal recommendation letters, reports and correspondence in conjunction with the JOHSC.

- Ensure that each member has access to relevant resource information, including the WorkSafeBC Occupational Health and Safety Regulation, and the JOHSC's Terms of Reference.
- When directed by the JOHSC, the Co-Chairpersons will send written recommendations to the Employer with a request for response as per WorkSafeBC legislation (a written response by the Employer is required within twenty-one (21) days of receiving the recommendation request).

15. Functions of the JOHSC

The following is a non-exhaustive list of functions of JOHSC members:

- Develop, implement and monitor the OHS component of the employee orientation.
- Identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations.
- Consider and expeditiously deal with complaints relating to the occupational health and safety of workers. This will be done after the worker has brought the complaint to their supervisor.
- Consult with workers and the Employer on issues related to occupational health and safety and occupational environment.
- Make recommendations to the Employer and the workers for the improvement of the occupational health and safety of workers and compliance with the Regulations and monitor their effectiveness.
- Make recommendations to the Employer on educational programs promoting the health and safety of workers and compliance with the OHS Regulations and monitor their effectiveness.
- Advise the Employer on programs and policies required under the OHS Regulations for the workplace and monitor their effectiveness.
- Advise the Employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers.
- Ensure that incident investigations and regular inspections are carried out as required by the Regulation.
- Jointly participate in inspections, investigations, Risk Assessments, Hazard Assessments, WHMIS reviews, Working Alone assessments, ergonomics and MSI assessments, etc.
- Analysis of information, creation and implementation of both formal and informal recommendations, identifying corrective actions, monitoring, communication of results, etc.
- Carry out any other duties and functions prescribed by the legislation, Regulations and the Collective Agreement.

16. Consultation

The OHS Regulations and the *Workers Compensation Act* require both meaningful consultation and participation between the Employer and the Worker Representatives in a number of areas e.g. the JOHSC, investigations, etc. Meaningful consultation includes:

- i. Active and equal participation in the implementation and monitoring of programs for the prevention of work place hazards.
- ii. Provision of all relevant and potentially relevant information and documentation a minimum of seven (7) days in advance of JOHSC meetings.
- iii. That the JOHSC members meet and engage in meaningful dialogue over the subject matter.
- iv. Deliberation; debate; discussion; consideration, exchanging and explaining any conflicting views or positions which is more than a perfunctory exchange or exercise.
- v. The opportunity to make representations to the decision-maker prior to a decision being made.
- vi. The decision-maker considers the recommendations in good faith with an open mind.
- vii. Reasons and justification provided by the decision-maker to the JOHSC for refusing to accept some or all of the recommendations that have been made.
- viii. Depending on the subject matter, a referral to a WCB Prevention Officer may be made to resolve any differences in the event that the Parties cannot agree on an outcome. This will occur on an expedited basis as per the Recommendations section in the Terms of Reference.

17. Decisions of the Committee

The JOHSC should attempt to reach consensus on each decision it makes. If the JOHSC cannot reach consensus, a vote may be taken and the JOHSC will go with the majority vote (fifty percent (50%) plus one).

18. Assistance in resolving disagreements within the JOHSC

If the JOHSC is unable to reach agreement on a matter relating to the health or safety of workers at the workplace, a Co-Chairpersons of the JOHSC may report this to who may investigate and attempt to resolve the matter. Unresolved issues should be referred to the appropriate Employer Representative and then WCB if not resolved unless there is an urgent or serious matter.

19. Recommendations

The JOHSC will endeavour to reach consensus on all recommendations.

When there is no consensus, or the Co-Chairpersons cannot agree on a recommendation, either Co-Chairperson may submit the recommendation to the Employer and the JOHSC.

20. Informal Recommendations

Informal recommendations are those that can be actioned by the JOHSC during a meeting.

All recommendations agreed to and put forward will be noted in the meeting minutes.

All recommendations approved by the Employer will be forwarded to the applicable party or workgroup for completion and implementation, the status of which shall be provided to the JOHSC for discussion at a future meeting.

21. Formal recommendations requiring a response from the Employer

The JOHSC must make all recommendations to the Employer in writing via email or letter with a written request for a response from the Employer within twenty-one (21) calendar days. All recommendations must be made separate from the minutes of the meeting but can be reported upon in the JOHSC meeting and should form part of the JOHSC meeting Agenda.

The Employer is required, under the OHS Regulation, to respond to the JOHSC recommendations within twenty-one (21) calendar days of receiving the written request.

The Employer must respond in writing by:

- Indicating acceptance of the recommendation, or
- Giving the Employer's written reasons for not accepting the recommendation.

If the Employer is not reasonably able to provide a response before the end of the 21-day period, the Employer will be asked by the JOHSC to provide - within the 21-day period and before it's expiry - a written explanation for the delay, together with an indication of when the response will be provided.

If the JOHSC or the Co-Chairperson is not satisfied that the explanation provided for the delay, the JOHSC or the Co-Chairperson may report this to the Employer.

If there is no action by the Employer within seven (7) days (or other mutually agreed upon time by the JOHSC or the Co-Chairpersons), the JOHSC or the Co-Chairperson may report it to WCB, who may investigate the matter and may, by Order, establish a deadline by which the Employer must respond.

When a recommendation is agreed upon by the Co-Chairpersons, the recommendation shall be accompanied by an assessment of the issue, outline who is responsible for investigating the matter, outline what process is followed for gathering and bringing back potential recommendations to the issue to the JOHSC, and a timetable for implementing the recommendations. This is in addition to any other actions agreed upon by the JOHSC.

22. Disagreement and Dispute Resolution Process

If the JOHSC or the JOHSC cannot reach agreement on an issue after two (2) consecutive JOHSC meetings, a Co-Chairperson may submit a twenty-one (21) day recommendation to the Employer and the JOHSC.

If no action occurs or if there is continued disagreement during the JOHSC meeting, the JOHSC or the Co-Chairperson may refer this to WCB.

23. Participation in Investigations, Assessments, Inspections, etc.

All members of the JOHSC will be trained in how to conduct investigations, assessments, inspections etc. These include Incident Investigations, Workplace Inspections, Violence Risk Assessments, Hazard Assessments, Working Alone Assessments, Ergonomics and MSI Assessments, etc. For the purposes of the rest of this section the term “investigation” is used.

When an investigation is required, the Co-Chairpersons will identify a trained Worker Representative (or designated alternate) from the JOHSC to participate in the investigation.

24. Employer Duties (in addition to those under the legislation and Regulation)

Under the mandate of the JOHSC, the Employer will make the following records and reports available to the JOHSC, upon request, and at minimum seven (7) consecutive days prior to the next JOHSC meeting following the request by members of the JOHSC (the following is not an exhaustive list):

- Incident and Accident investigations
- Corrective action reports
- Inspection reports
- Training records
- Employer policies and procedures
- Manufacturer specifications
- First Aid statistics
- Time loss injury statistics
- Injury statistics (non-time loss)
- Close call statistics

The Employer shall provide the administrative, clerical and whatever other resources are required for the functioning of the JOHSC to meet the requirements of this Terms of Reference, the OHS Regulations, the Act and the Guidelines, as well the applicable Collective Agreement(s). This includes clerical and / or administrative support to take minutes of JOHSC meetings and their distribution. (Meeting minutes shall include sufficient details in order to explain agenda

items, discussion, recommendations if and as applicable, follow-up, time lines, persons responsible, etc.)

25. Time from Work for Meetings and Other JOHSC Functions

Time off for JOHSC members to perform these duties and functions will be deemed to be time worked for and by the Employer.

Members of the JOHSC are entitled to Employer paid time off from work for all JOHSC functions, including, but not exclusive to:

- The Union/Worker JOHSC members shall be given one (1) hour paid time prior to the JOHSC meeting to prepare for the JOHSC meeting.
- Time required to attend meetings of the JOHSC.
- Time that is necessary to fulfill any other duties and functions of the JOHSC e.g. inspections, assessments, investigations, JOHSC annual evaluation, etc.

26. Records

The JOHSC and the Employer must keep the following records (not an exhaustive list):

- The JOHSC must keep accurate records of all matters that come before it.
- The JOHSC, under the auspices of the Employer, will maintain copies of its minutes for a period of at least two (2) years from the date of the JOHSC meeting to which they relate.
- The Employer will retain copies of the following for a minimum of ten (10) years or greater as specified by legislation and Regulation:
 - i. JOHSC Meeting Schedule
 - ii. Names of all JOHSC members
 - iii. Terms of Reference for the JOHSC(s) and Site or Local JOHSCs as applicable
 - iv. JOHSC agendas
 - v. JOHSC minutes
 - vi. Accident and Incident Investigations and Reports of Corrective Action
 - vii. Copies of Worksite Inspection Reports
 - viii. Worksite Inspection Schedules
 - ix. Employee training
 - x. JOHSC member training
 - xi. Inspections, assessments, investigations, etc. including Investigations, Workplace Inspections, Risk Assessments, Hazard Assessments, Working Alone Assessments, Ergonomics and MSI Assessments, etc.
 - xii. First Aid statistics
 - xiii. Time loss injury statistics
 - xiv. Injury statistics (non-time loss)

- xv. Close call statistics
- xvi. Any other report or document as required by legislation or Regulation

27. Confidentiality

Any medical information or personal information related to WorkSafeBC claims, incident or accident reports or any other information prohibited by legislation or Regulation will kept confidential by the JOHSC.

28. Posting of Materials in the Workplace

The JOHSC Co-Chairpersons will post the following documents in the workplace:

- i. JOHSC Minutes
- ii. Names of JOHSC members
- iii. Workplace Inspection Reports
- iv. WorkSafeBC Orders, Compliance Reports, etc.
- v. Any other report or document as required by legislation or Regulation

29. Training & Educational Leave Entitlement (in addition to any Collective Agreement Obligations)

The following applies to training for the JOHSC members:

- The Occupational Health and Safety Regulation 3.27(2) and (4) establishes mandatory minimum training and education requirements for new JOHSC members and Worker Health and Safety Representatives selected on or after April 3, 2017.
- The Employer must provide the educational leave without loss of pay or other benefits. All reasonable costs associated with the training course will be paid for or reimbursed to the worker by the Employer.
- New JOHSC members are required to be provided eight (8) hours of Employer paid training as soon as practicable but no more than six (6) months after being selected in accordance with the mandatory list of topics provided in OH&S Regulation 3.27(2) and (4).
- Additionally, all JOHSC members are entitled to eight (8) hours of Employer paid annual educational leave (Section 41, WCA) or a longer period if prescribed by legislation or Regulation, for the purposes of attending occupational health and safety training courses. This is in addition to any other Collective Agreement entitlements.
- The Union shall choose what training the Worker Representatives on the JOHSC receive.
- A member of the JOHSC may designate another member as being entitled to take all or part of the member’s educational leave.

30. Amendments and Changes to the Terms of Reference

These Terms of Reference may be amended by a majority vote (fifty percent (50%) plus one) of the JOHSC members.

Amendments must be noted in the meeting minutes and full amendments attached to the corresponding minutes.



The Terms of Reference will be reviewed annually.

Approved:

Note: approval of JOHSC Terms of Reference includes all appendices.

Signature of Employer Co-Chairperson
(Insert name of Employer Co-Chairperson)

Date

Signature of Worker Co-Chairperson
(Insert name of Worker Co-Chairperson)

Date