

JOHS COMMITTEE TERMS OF REFERENCE

Name: The Committee shall be known as the <insert centre name> Joint Occupational Health & Safety Committee (hereinafter referred to as “the Committee”).

Constituency: In accordance with section 127 of the *Workers Compensation Act (WCA)*, the Committee shall consist of the following:

- (a) it must have at least four members;
- (b) it must consist of Union representatives and Employer representatives;
- (c) at least half the members must be Union representatives;
- (d) it must have two co-chairs, one selected by the Union representatives and the other selected by the Employer representatives.

Both the BCGEU and the Employer shall appoint alternates to help ensure full attendance at meetings. Alternates do not attend meetings unless a regular member cannot attend the meeting. Appointed Union or Employer representatives in excess of an equal number shall be considered “non-voting members” at that meeting. The respective Co-Chair is responsible for ensuring their representatives attend the meetings and/or are replaced by an alternate. The Co-Chairs will endeavor to keep equal numbers of union and Employer representatives at the meetings. In accordance with section 131 of the *WCA*, the Committee must meet regularly at least once each month. It is understood that guests may attend the meeting to provide information on their area of expertise and/or responsibility; however, a committee meeting should only proceed with an equal number of “voting” Employer and Union representatives.

Purpose of the Committee: The Committee is a joint committee made up of Union and Employer representatives consulting in a cooperative spirit to identify and make recommendations to the Employer on safety and health issues in support of a planned occupational safety and health program as outlined in section 3.3 of the *Occupational Health and Safety Regulations (OHSR)*.

Duties and Functions of the Committee: In accordance with section 130 of the *WCA*, the Committee has the following duties and functions:

- (a) to identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations;
- (b) to consider and expeditiously deal with complaints relating to the health and safety of workers;
- (c) to consult with workers and the Employer on issues related to occupational health and safety and occupational environment;
- (d) to make recommendations to the Employer and the workers for the improvement of the occupational health safety and occupational environment of workers;
- (e) to make recommendations to the Employer on educational programs promoting the health and safety of workers and compliance with the *WCA* and *OHSR* and to monitor their effectiveness;
- (f) to advise the Employer on programs and policies required under the *OHSR* for the workplace and to monitor their effectiveness;
- (g) to advise the Employer on proposed changes to the workplace or the work processes that may effect the health and safety of workers;
- (h) to ensure that accident investigations and regular inspections are carried out as required by the *WCA* and *OHSR*;
- (i) to participate in inspection, investigations and inquiries as required by the *WCA* and *OHSR*;
- (j) to carry out any other duties and functions prescribed by the *WCA* and *OHSR*;

- (k) Committee members should encourage all safety complaints to be reported to and addressed first by the front line supervisor. *OHSR* section 3.10 requires workers to report the act/condition to their supervisor/employer, who is responsible to investigate and take appropriate corrective action without delay;
- (l) a Union member of the Committee is involved in the refusal of unsafe work procedure in accordance with section 3.21 of the *OHSR*;
- (m) in addition to section 130 of the *WCA*, there are duties and functions prescribed in Article 22 of the Collective Agreement, which must be carried out by the Committee members.

Records: The Recording Secretary shall record the proceedings of the Committee in a form as agreed to in Article 22.3(b) of the Master Agreement. Copies of the minutes will be made available and circulated amongst the members as soon as possible, and the minutes shall be made available promptly to the employees for whom this Committee is responsible, and copies forwarded to WorkSafeBC, if requested, and the BCGEU Area Office. The Committee will maintain copies of its minutes for a period of at least two years from the date of the joint health and safety committee to which they relate.

Meetings: In accordance with section 131 of the *WCA*, the Committee must meet regularly at least once each month. Meetings shall take place on the <insert date, e.g., third Thursday> of each month at <insert time, e.g. 1300> hours. Special meetings, if required, will be held at the mutual agreement of the Co-Chairs. A quorum shall consist of a minimum of two Union representatives, and two Employer representatives, inclusive of the Co-Chairs or alternates approved by the warden (for the Employer rep) and the BCGEU Area Staff Representative (for the Union rep). There must be an equal number of Union and Employer representatives with a minimum of four.

Co-Chairs: The Committee will be chaired, alternating months, by the Employer Co-Chair (selected by the warden) and the Union Co-Chair (selected by the BCGEU Area Staff Representative and Local BCGEU Chair). The Co-Chairs shall:

- (i) Control the meetings;
- (ii) Ensure the maintenance of an unbiased viewpoint;
- (iii) Arrange the agendas;
- (iv) Review previous meeting reports and material prior to the meetings;
- (v) Arrange for the meeting place;
- (vi) Notify members of meetings;
- (vii) Prepare meeting agendas;
- (viii) Prepare meeting reports;
- (ix) Forward a copy of meeting reports to the Employer for distribution;
- (x) Prepare recommendation(s) and forward to the Employer for a response;
- (xi) Prepare all correspondence.

Agenda: Meeting items must be submitted to either Co-Chair a minimum of seven days prior to the scheduled meeting. The Co-Chairs will consult seven days prior to the meeting and will set the agenda. The Co-Chairs will allot a time for each agenda item. The agenda will be published a minimum of five days prior to the meeting. If possible, agenda items submitted in less than seven days will be addressed.

Terms of Office: The Union representatives will be appointed to the Committee by the BCGEU Area Staff Representative, for a term normally consisting of three years. If a Union member is unable to complete the term, the BCGEU Area Staff Representative will appoint another member. Employer representatives will be appointed to the Committee by the warden, for a term normally consisting of two years. If an Employer member is unable to complete the term, the warden will appoint another member.

It is recommended that terms for both Union and Employer representatives be staggered to help ensure all committee members do not need to be replaced at the same time.

Recommendations: The following process is meant to direct the Committee to cooperative resolutions to health and safety concerns, but does not preclude a Union or Co-Chair (*WCA* s. 132) or Employer representative from contacting WorkSafeBC nor does it relieve a worker, supervisor, or Employer of the obligation to comply with the refusal of unsafe work procedures as per section 3.12 of the *OHSR*.

Recommendations of the Committee shall be by the consensus of the majority of members on any issue. Majority shall mean a simple majority of “voting members” present. Recommendations shall be submitted to the Employer by use of the Joint Health and Safety Committee Recommendation Form, and signed by both Co-Chairs. All recommendations submitted on the form must follow the following guidelines:

- (i) They should be directly related to health and safety of staff;
- (ii) They should be do-able (i.e. reasonably capable of being done);
- (iii) They should be complete (i.e. Employer will not need more information to make a decision).

If the Committee fails to reach agreement on a recommendation on an issue, and the issue is not of an immediate danger to life and health, the Union and Employer Co-Chairs may forward the issue to the warden for consideration by the Correctional and Sheriff Services Component 3.1 Committee for review by the Union and Management. Either Co-Chair may report the matter to WorkSafeBC along with the 3.1 Committee. If no consensus can be reached by the 3.1 Committee, WorkSafeBC will be contacted to investigate and resolve the issue. However, it is recognized by both the Correctional and Sheriff Services Component Executive and Corrections Branch management that working in a correctional setting presents a variety of challenging health and safety situations for staff. Both parties have a desire to maintain the safety of staff, inmates and the communities in which the correctional centres reside. It is, therefore, of paramount importance, that both the Component Executive and the Corrections Branch management work together and be committed to resolving issues of concern in a timely and effective manner. It is recognized that most of the correctional related OHS issues are unique to the correctional setting and that resolution by the parties most knowledgeable about this setting is most effective.

- (1) In accordance with section 133 of the *WCA*, if the Committee sends a written recommendation to the Employer with a written request for a response from the Employer.
- (2) Subject to subsections (4) and (5), the Employer must respond in writing to the Committee within 21 days of receiving the request, either:
 - (a) indicating acceptance of the recommendation, or;
 - (b) giving the Employer’s reasons for not accepting the recommendation.
- (3) If the Employer does not accept the Committee’s recommendation, a Co-Chair of the Committee may report the matter to the Board, which may investigate and attempt to resolve the matter.
- (4) If it is not reasonably possible to provide a response before the end of the 21 day period, the Employer must provide within that time a written explanation for the delay, together with an indication of when the response will be provided.
- (5) If the Committee is not satisfied that the explanation provided under subsection (4) is reasonable in the circumstances, a Co-Chair of the Committee may report this to the Board, which may

investigate the matter and may, by order, establish a deadline by which the Employer must respond.

- (6) Nothing in this section relieves an Employer of the obligation to comply with this Part and the regulations.

In accordance with section 132 of the *WCA*, if the Committee is unable to reach agreement on a matter relating to the health or safety of workers at the workplace, a Co-Chair of the Committee may report this to the Board, which may investigate the matter and attempt to resolve the matter.

Guest: Guests may be asked to attend the meetings from time to time as agreed to by the Co-Chairs. Onsite contractors are required to give regular reports, and as such, are regarded as standing guests. Sub groups from the Committee members will be appointed, as agreed to by the Co-Chairs, to deal with issues that need further study and may be asked to provide verbal or written reports to the Committee covering, but not exclusive to, the following areas:

- Joint Accident/Injury Investigations
- Safety Site Inspections for hazard identification and safety compliance
- Training activities for the month
- Statistical trends (accidents, injuries, threats and/or violence against workers, etc.)
- Compliance Reports
- Building Maintenance Reports
- Accident and Injury Reports, Incidents of Violence Reports.

Amendments: These terms of reference may be amended by vote of the Committee members, insofar as they continue to abide by the *Workers Compensation Act*, the *Occupational Health and Safety Regulations* and the collective agreement.

Proviso: The JOHS Committee Terms of Reference template will be reviewed in 1 year.

Approved:

Signature of Employer Co-Chair
<Name>

Date

Signature of Union Co-Chair
<Name>

Date

cc: BCGEU Area Staff Representative
Warden
Provincial Director
WorkSafeBC Local Office