

# **MULTI-WORKPLACE JOINT HEALTH AND SAFETY COMMITTEE GUIDANCE**

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# MULTI-WORKPLACE JOINT HEALTH AND SAFETY COMMITTEES GUIDANCE

## PREAMBLE

This Guidance was developed by the Ministry of Labour (MOL) to assist the workplace parties on matters relating to the establishment, operation and maintenance of Multi-workplace Joint Health and Safety Committees.

This document contains definitions, questions and answers regarding Multi-workplace Joint Health and Safety Committee (JHSC) arrangements, provisions, and implementation procedures, pursuant to subsections 9(3.1), 9(3.2) and 9(3.3) of the Occupational Health and Safety Act (OHSA), and the exercise of that authority by the Minister or his or her delegate.

Regulation 857 (Teachers) under the OHSA extends the application of the OHSA to teachers, with certain modifications and/or exemptions. We have included questions and answers specifically for school boards in Appendix B.

This Guidance has been prepared to assist the workplace parties in understanding some of their obligations under the OHSA and the regulations. It is not intended to replace the OHSA or the regulations, and reference should always be made to the official version of the legislation.

It is the responsibility of the workplace parties to ensure compliance with the legislation. This Guidance does not constitute legal advice. If you require assistance with respect to the interpretation of the legislation and its potential application in specific circumstances, please contact your legal counsel.

While this Guidance will also be available to Ministry of Labour inspectors, they will apply and enforce the OHSA and its regulations based on the facts as they may find them in the workplace. This Guidance does not affect their enforcement discretion in any way.

## GLOSSARY OF TERMS

For the purposes of this guidance document, the meanings of the following terms are described below:

**“Agreement”** – means a signed and dated statement or letter that the workplace parties agree to a multi-workplace joint health and safety committee that is submitted to the Regional Director as part of a request for an order under subsection 9(3.1) of the OHSA.

**“Designated Worker”** – a worker who does not have managerial functions or duties and who is not a member of the multi-workplace JHSC, but has been designated by the worker members of the JHSC as provided under subsection 9(3.2) of the OHSA to conduct workplace inspections and assist in the investigation of a work refusal.

**“Employer”** – in this guidance material the reference to the employer would include to either the “employer” or either the “constructor” as defined by OHSA.

**“Minister’s Order”** – is a written order of the Minister, issued under subsection 9(3.1) of the OHSA, permitting an employer or constructor to establish and maintain one joint health and safety committee for more than one workplace or parts thereof and which may provide for the composition, practice and procedure of any committee so established.

**“Multi-workplace employer”** – is a constructor or employer as defined by the OHSA, who carries on business at more than one workplace.

**“Supporting information”** – refers to additional information the employer/constructor should submit as required by the Regional Director for consideration under subsection 9(5) of the OHSA.

**“Terms of Reference”** – means a written document which outlines the proposed structure, composition and function of the multi-workplace JHSC that is co-signed by the workplace parties for the purposes of submission to the Regional Director as part of a request for a Minister’s order under subsection 9(3.1) of the OHSA.

**“Workplace parties”** – refers to the constructor or employer and worker representative(s) including any trade union(s) representing workers.

## **GENERAL QUESTIONS AND ANSWERS:**

### **MULTI-WORKPLACE JHSC DEFINITION**

#### **1. What is a multi-workplace JHSC?**

A multi-workplace JHSC is a single JHSC, established and maintained for more than one workplace, each of which would normally require its own JHSC. Generally, this arrangement must be approved by order of the Minister (or his or her delegate) under subsection 9(3.1) of the OHSA. The Minister's authority to permit a multi-workplace JHSC is currently delegated to the Regional Directors of the ministry.

#### **Examples**

- a) A city establishes a multi-workplace JHSC that represents separate work locations by a particular department in a large municipal government (e.g., multi-workplace JHSC covering parks and recreational facilities).
- b) A multi-workplace JHSC for workers belonging to the same union, working in separate schools for the same employer (e.g., unionised non-teaching staff in schools within the same school board). (Multi-workplace JHSCs in the education sector for teachers can be unique. See Appendix B for more details).

### **MINISTER'S ORDER**

#### **2. Who has the power to issue a Minister's order under subsection 9(3.1) of the OHSA?**

Subsection 9(3.1) of the OHSA (see Appendix A) empowers the Minister (or delegate) to issue an order permitting an employer or constructor to establish and maintain one joint health and safety committee for more than one workplace or parts thereof, and the Minister may, in the order, provide for the composition, practice and procedure of any committee so established. This power has been delegated to the Regional Directors.

In exercising this power, the Minister (or delegate) must consider the factors outlined in subsection 9(5) of the OHSA (Appendix A).

#### **3. How is an existing Minister's order rescinded?**

Any workplace party may write to the Regional Director to request that an existing order for a multi-workplace JHSC be rescinded. The Regional Director may contact workplace parties to discuss the rescinding of the Minister's order. If the order is

rescinded, the normal OHS requirements respecting the establishment of JHSCs would apply, e.g., a JHSC would be required at every workplace of the employer at which twenty or more workers are regularly employed.

An inspector or other ministry representative who has concerns about the functioning of a multi-workplace JHSC, may also recommend that the Regional Director review the Minister's order.

## **DEFINITION OF A WORKPLACE**

### **4. What is a “workplace” for the purposes of the OHS?**

The OHS defines a workplace as “any land, premises, location or thing at, upon, in or near which a worker works.”

Ministry of Labour policy is that “workplace” should be considered in the singular, rather than the plural. This means that geographically separate work sites, under the ownership or control of one employer, will generally be considered separate workplaces, meaning that each would be subject to the JHSC requirements of the OHS if the conditions set out in subsection 9(2) of the OHS were met. There will be cases where buildings that are separate but in very near proximity, could reasonably be considered to be one workplace for the purposes of the OHS. These would be reviewed on a case-by-case basis.

Listed below are some factors the workplace parties may consider when determining the extent of a workplace, and which could also inform a request for a Minister's order. This is not an exclusive list.

- the physical site or place where the workers work
- the nature and extent of the area that can be considered near where a worker works
- whether workers move between different buildings to perform their jobs
- how the sites are managed or supervised
- the workplace parties' views as to what the workplace comprises
- any practices of the employer/constructor to comply with the requirements to have a JHSC which go beyond the statutory minimum.

## **ESTABLISHMENT OF A MULTI-WORKPLACE JHSC**

### **5. How does an employer or constructor request a Minister's order permitting a multi-workplace JHSC?**

The employer/constructor must write to the MOL Regional Director to request approval for a multi-workplace JHSC. The employer's/constructor's request should include the following:

- Proposed terms of reference that set out the committee's structure, function and how it would operate
- A written agreement indicating that the workplace parties support both the request for a multi-workplace JHSC and the proposed terms of reference, signed by the authorized employer's/constructor's representative and each trade union representative of the workers, if applicable, and/or a representative of workers who are not represented by a union.
- Supporting information related to the points listed below, which the OHS Act requires the Minister (or delegate) to consider when determining whether to approve a multi-workplace JHSC (subsection 9(5) – see Appendix A):
  - a) the nature of the work being done
  - b) the request of a constructor, an employer, a group of the workers or the trade union or trade unions representing the workers in a workplace
  - c) the frequency of illness or injury in the workplace or in the industry of which the constructor or employer is a part
  - d) the existence of health and safety programs and procedures in the workplace and the effectiveness thereof, and
  - e) such other matters as the Minister considers advisable.

### **6. What will the MOL Regional Director do when a request to establish a multi-workplace JHSC is received?**

The Regional Director will evaluate the request by:

- reviewing all documents submitted by the employer/constructor (proposed terms of reference; signed agreement; supporting information)
- consulting the workplace parties, and parties outside the workplace (for example, the inspector, manager or regional program co-ordinator), as appropriate.

Subsection 9(5) of the OHSA sets out what factors and information the Minister (or delegate) must consider when evaluating the request. Clause 9(5)(e) is a broad authority for the Minister (or delegate) to consider any other matters, not already specified in the OHSA that he or she considers advisable (Appendix A).

After the Regional Director's review, an inspector may ask the employer/constructor to amend the request / submission, for example, by providing additional information.

All workplace parties will have a fair opportunity to make their views on the request known, and to respond to any concerns an inspector, manager or Regional Director may raise regarding the request.

## **7. How long does the Ministry's review and approval process take?**

After the Regional Director's initial review, the employer/constructor may be asked to amend the request/submission or provide additional information. The length of time for the process varies. In general, the quality of the submission to the Ministry determines how long it takes to obtain a Minister's order permitting a multi-workplace JHSC to be established.

## **8. Could several employers, operating companies independently of one another, in separate locations, establish a single multi-workplace JHSC if all companies are owned by a single corporation?**

No. Distinct employers, even if linked by a common corporate owner, cannot jointly request a single, multi-workplace JHSC. Section 9 of the OHSA is based on a single employer having the responsibility to ensure a JHSC is established and maintained at that employer's workplace.

The same would apply in the case of a group of franchisees, for example, a group of Tim Horton's' owner-operators. Each franchisee is a separate employer and each one has the employer's responsibility to ensure a JHSC is established and maintained, if one is required.

## **9. Could several employers/constructors, operating independently but in the same premises, establish a single multi-workplace JHSC for the entire facility? (Example: an office building with several medical offices, a diagnostic lab, a government office, a drug store and a coffee shop.)**

No. Every employer/constructor in the building is considered separately for the purposes of the OHSA, and has the responsibility to establish a JHSC, if required. If there are occupational health and safety issues that affect more than one employer in the same building, members of the affected JHSCs could attend one another's meetings as guests. A building committee to deal with potential cross cutting building issues can be formed to address common issues experienced by JHSCs within the building complex.

In a government building that contains many ministries, a multi-workplace JHSC cannot be established that includes different ministries. Each ministry is considered a separate employer.

**10. How can the ministry ensure workers are not coerced into supporting an application for a multi-workplace JHSC arrangement?**

The Regional Director, or someone designated by him or her, may make inquiries to ensure workers understand the implications of a multi-workplace JHSC, support the proposed terms of reference for the committee and, understand the impact of signing the statement of agreement. Such inquiries may be especially important for non-unionized workers.

**11. What is the status of multi-workplace committees that have not been approved by a Minister's order?**

As a general matter, a Minister's order permitting a multi-workplace JHSC is required for such an arrangement to be authorized under the OHSA.

Where an inspector becomes aware of a multi-workplace JHSC that has not been permitted by an order under subsection 9(3.1) of the OHSA, the employer/constructor will be advised to either apply for a multi-workplace JHSC through the Regional Director, or comply with requirements in subsections 9(2) and (4) of the OHSA to establish a JHSC at each workplace. The employer/constructor will typically be given a reasonable but short period of time to make their decision.

**12. What is the inspector's role in the processes to request, and to issue, a Minister's order permitting a multi-workplace JHSC?**

For workplace parties interested in establishing a multi-workplace JHSC, the inspector is often the first point of contact with the Ministry of Labour. An inspector who becomes aware of such an interest will refer the parties to the Regional Director, and generally advise them of the process to make a request and submission to the ministry.

During the review and approvals process, the Regional Director will consult the inspector(s), Manager and Regional Program Co-ordinator as part of evaluating the employer's submission and request for a Minister's order.

Once a multi-workplace JHSC has been set up, the inspector can ask to see a copy of the committee's terms of reference in order to ensure the workplace is adhering to points agreed to by the parties and approved by the ministry.

The employer/constructor must keep a copy of the terms of reference for the multi-workplace JHSC at every workplace covered, rather than at one central site, to ensure the terms are readily available for the inspector's review.

**13. How does distance between workplaces affect a request for a multi-workplace joint health and safety committee? Is it a limiting factor?**

Distance between workplaces can be a challenge to the effective functioning of a multi-workplace JHSC. The OHS Act does not limit the establishment of a multi-workplace JHSC based on the distance between workplaces served by the committee. However, distance is a factor that Regional Directors typically will look at when determining whether to approve a request. An important consideration for a Regional Director is whether committee members can carry out their duties effectively and respond to workplace events in a timely manner.

In general, factors a Regional Director would consider include but are not limited to:

- the locations of the workplaces to be served by the committee
- how far apart the workplaces are
- how long it would take committee members to travel to workplaces to perform their duties, such as participate in the investigation of an accident or work refusal, and,
- the arrangements for travel and related costs provided by the employer.

## **SUPPORTING DOCUMENTATION**

**14. What should the proposed terms of reference include?**

Appendix C contains a list of topics that should be included in the terms of reference for a multi-workplace JHSC. Generally speaking, the terms of reference should address all aspects of a committee's structure and function including its composition; procedures for dealing with workplace events; administration, such as meetings; member selection; dispute resolution, etc.

**15. Is the Minister's order authorizing a multi-workplace JHSC a legally binding document?**

A Minister's order permitting a multi-site JHSC provides for the composition, practice and procedure of the committee (as proposed in the terms of reference). As it replaces the usual OHS Act requirements respecting the establishment and operation of JHSCs, the employer/constructor and other workplace parties are bound by the terms of the Minister's order.

**16. Can the workplace parties amend an existing terms of reference for a multi-workplace JHSC without requesting approval from the Ministry of Labour?**

No. If changes to the Terms of Reference are wanted by any signatory party to the original Terms, the parties should jointly submit the amended Terms for review and approval by the Ministry. New or changed sections of the amended Terms should be clearly identified. The parties should request permission for their multi-workplace JHSC to function in accordance with the amended Terms. When amended Terms of Reference are being considered, the Ministry may review all of the Terms, not just the areas of amendment, to ensure the approval of the multi-workplace JHSC remains appropriate. In most cases, the approval process and the issuing of a new order should take less time than the original request.

Examples of when the ministry would require workplace parties to request an amended order include:

- expanding the arrangement to include additional workplaces
- changing of the composition, structure and function of the JHSC
- change of union representation for participation by another union
- adding or changing specific sections of terms of reference.

If an amendment to an existing order is requested, the workplace parties are expected to re-negotiate their own agreement. If neutral third party assistance is needed for this purpose, the workplace parties can seek such services from the private sector.

In very limited circumstances, it may be possible to make minor changes to terms of reference without obtaining a new order under subsection 9(3.1). The workplace parties must always contact the Regional Director in writing in advance to see if a formal approval of a change to the terms and conditions is needed.

## **MULTI-WORKPLACE JHSC COMPOSITION AND SET-UP**

**17. How many members is a multi-workplace JHSC required to have?**

Subsection 9(6) of the OHSA sets out minimum requirements for the composition of a JHSC – at least two members if the workplace has fewer than 50 workers, and at least four members if there are 50 or more workers. At least half the members of the JHSC must be workers employed at the workplace who do not exercise managerial duties and/or functions.

In practice, most Minister's orders made under subsection 9(3.1) require the committee to have more than the minimum number of worker and employer members to ensure that the committee can effectively exercise its powers and functions.

#### **18. How many certified members is a multi-workplace JHSC required to have?**

Subsection 9(12) of the OHSA requires an employer/constructor to ensure that a JHSC has at least two certified members, one representing the employer/constructor and one representing workers.

When exercising his/her discretion to determine the composition of a multi-workplace JHSC, the Minister (or Regional Director) may decide that more than two certified members are needed to ensure they can effectively exercise their powers and fulfil their roles on the committee. The size and location of workplaces served by the committee will be taken into consideration. In practice, most Minister's orders made under subsection 9(3.1) provide for more than the minimum number of certified members on a multi-workplace JHSC.

#### **19. What is a “designated worker” for the purposes of a multi-workplace JHSC?**

In an order issued under subsection 9(3.1) of the OHSA, the Minister (or Regional Director) may specify that the members of a multi-workplace JHSC who represent workers may designate a worker who is not a member of the committee, at any of the workplaces served by the committee, to do the following:

- inspect the physical condition of the workplace (subsection 9(23)); and
- participate in the investigation of a work refusal, by exercising the rights and responsibilities that a committee member would normally have under clause 43(4)(a), and subsections (7), (11) and (12).

The worker members of a multi-workplace JHSC do not give up or lose their powers to carry out the above duties if they designate a worker under subsection 9(3.2).

A worker does not become a member of the multi-workplace JHSC as a result of being designated. However, he or she must comply with section 9 of the OHSA as if he or she is a member of the committee, and certain corresponding rights and entitlements of committee members also apply to a “designated worker”.

**20. What training must an employer provide to a worker designated under subsection 9(3.2)(a) of the OHSA?**

The employer must provide training to the designated worker to enable the worker to adequately perform the tasks that the worker members of the committee may have delegated to him or her, which are limited to performing workplace inspections and exercising a committee member's rights and responsibilities with respect to work refusals.

## **MULTI-WORKPLACE JHSC FUNCTIONS**

**21. How do the responsibilities and duties of multi-workplace JHSC members differ from regular JHSC members?**

The responsibilities and duties set out in the OHSA apply equally to multi-workplace JHSC members, with the understanding that any reference to "workplace" refers to each of the individual workplaces covered by the multi-workplace JHSC agreement.

**22. What is the "workplace" with respect to required frequency of JHSC inspections for workplaces with a multi-workplace committee?**

Each workplace covered by the multi-workplace JHSC is considered "the workplace" for the purposes of inspection frequency. The existence of a multi-workplace JHSC does not convert multiple workplaces into a single workplace. Inspection frequency is mandated by subsections 9(26) and 9(27) of the OHSA, which require that the workplace be inspected at least once a month and, if that is not practical, the entire workplace must be inspected at least once a year with at least part of the workplace inspected each month.

**23. Can a multi-workplace JHSC use video conferencing or other technology to help carry out its functions?**

Video-conferencing may be an effective way for members of a multi-workplace JHSC to communicate with one another, with other workplace parties, and to reduce some travel costs. As such, it may be a reasonable option for carrying out regular committee meetings. It will be up to the workplace parties to demonstrate that the use of video conferencing or other technology meets the requirements set out in the Terms of Reference.

## OTHER REQUIREMENTS

- 24. If an employer such as a municipality has an approved multi-workplace JHSC for all of its workplaces (e.g., town hall office, public works garage, recreational facilities, etc.), is a separate JHSC or H&S representative required if the employer undertakes a construction project?**

Yes. Approval of a multi-workplace JHSC is only valid according to the terms of the Minister's order issued under subsection 9(3.1). If an employer with a functioning multi-workplace JHSC were to establish a new construction project not in the original approval, the normal requirements of the OHS Act would apply.

## **APPENDIX A**

### **Relevant Provisions of OHSA**

#### **Minister's Order**

**9(3)** Despite subsections (1) and (2), the Minister may, by order in writing, require a constructor or an employer to establish and maintain one or more joint health and safety committees for a workplace or a part thereof, and may, in such order, provide for the composition, practice and procedure of any committee so established.

**9(3.1)** Despite subsections (1) and (2), the Minister may, by order in writing, permit a constructor or an employer to establish and maintain one joint health and safety committee for more than one workplace or parts thereof, and may, in the order, provide for the composition, practice and procedure of any committee so established.

**9(3.2)** In an order under subsection (3.1), the Minister may,

- (a) provide that the members of a committee who represent workers may designate a worker at a workplace who is not a member of the committee to inspect the physical condition of the workplace under subsection 9(23) and to exercise a committee member's rights and responsibilities under clause 43(4)(a) and subsections 43(7), (11) and (12); and
- (b) require the employer to provide training to the worker to enable the worker to adequately perform the tasks or exercise the rights and responsibilities delegated by the committee.

**9(3.3)** If a worker is designated under clause (3.2)(a), the following apply:

1. The designated worker shall comply with this section as if the worker were a committee member while exercising a committee member's rights and responsibilities.
2. Subsections 9(35) and 43 (13), section 55, clauses 62(5)(a) and (b) and subsection 65(1) apply to the designated worker as if the worker were a committee member while the worker exercises a committee member's rights and responsibilities.
3. The worker does not become a member of the committee as a result of the designation.

## **What Minister Shall Consider**

**9(5)** In exercising the power conferred by subsection (3) or (3.1), the Minister shall consider,

- a) the nature of the work being done
- b) the request of a constructor, an employer, a group of the workers or the trade union or trade unions representing the workers in a workplace
- c) the frequency of illness or injury in the workplace or in the industry of which the constructor or employer is a part
- d) the existence of health and safety programs and procedures in the workplace and the effectiveness thereof, and
- e) such other matters as the Minister considers advisable.

## **APPENDIX B**

### **Questions and Answers for School Boards and Schools**

**Note:** Regulation 857 (Teachers) under the Occupational Health and Safety Act (OHSA) extends the application of the OHSA to teachers, with certain modifications and/or exemptions. The regulation is available at:

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_900857\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900857_e.htm)

**1. Is a Minister's order under subsection 9(3.1) of the OHSA required if a school board wishes to establish a multi-workplace JHSC for its entire teaching staff?**

While a school board may request an order under subsection 9(3.1) permitting a multi-workplace JHSC for teachers only, this is not required. Paragraph 2 of section 3 of Regulation 857 provides that an employer of teachers (i.e., a board) that establishes and maintains one joint health and safety committee (JHSC) for all of its teachers is deemed to have complied with subsection 9(2) of the Act – which means that the board does not require the Minister's approval under 9(3.1) to establish a multi-workplace JHSC with respect to all its teachers. However, it would be a good practice to ensure that written agreed to terms of reference and/or policies and procedures are in place to ensure that the multi-workplace JHSC functions properly and the Act is being complied with.

However, should the school board wish to establish a multi-workplace JHSC with respect to all workers (i.e., including non-teaching staff) at all of its workplaces, then a Minister's order would be required. A Terms of Reference agreed to by the workplace parties would have to be submitted with the request to the Regional Director. Where there are concerns relating to the functioning of a multi-workplace JHSC, the subsection 9(3.1) order may be rescinded or otherwise amended by the Minister or her delegate. Other options may also be available. Inspectors should consult with their RPC/Manager and Regional Director.

**2. Can a school board establish one multi-workplace JHSC with respect to both its elementary and secondary school teachers under Regulation 857?**

Paragraph 2 of section 3 of Regulation 857 refers to the establishment and maintenance of a JHSC for all *the* employer's (i.e., the board's) teachers. As such, a JHSC established under Regulation 857 must include both elementary and secondary teachers employed by the board.

**3. Does the Ministry of Labour require a Terms of Reference document for teacher multi-workplace JHSCs?**

Terms of Reference are not specifically required where a board establishes a multi-workplace JHSC for all its teachers under Regulation 857. However, it would be a good practice to ensure that written agreed to terms of reference and/or policies and procedures are in place to ensure that the multi-workplace JHSC functions properly and the Act is being complied with.

**4. Can non-teaching staff be a part of the teacher multi-workplace JHSC established under the Teachers Regulation?**

No, since paragraph 2 of section 3 of Regulation 857 (Teachers) only applies in respect of a JHSC for all teachers, not all workers employed by a school board.

MOL approval is needed when school boards wish to establish a multi-workplace JHSCs representing both non-teaching and teaching staff.

If a board wishes to establish a multi-workplace JHSC that includes both teachers and non-teaching staff, a Minister's Order under subsection 9(3.1) of the OHS Act is required with a written terms of reference agreed to by all interested parties representing both management and workers. Where there are concerns relating to the functioning of a multi-workplace JHSC, the subsection 9(3.1) order may be rescinded or otherwise amended by the Minister or her delegate. Other options may also be available. Inspectors should consult with their RPC/Manager and Regional Director.

**5. Is a minister's order under subsection 9(3.1) of the OHS Act required if a school board wishes to establish a multi-workplace JHSC for its non-teaching staff (e.g., janitors, administrative assistants)?**

Yes, a Minister's order under subsection 9(3.1) of the OHS Act would be required for a school board to establish a multi-workplace JHSC with respect to non-teaching staff only. Paragraph 2 of section 3 of Regulation 857 (Teachers) does not apply to non-teachers at schools.

**6. Does a school board have to have a multi-workplace JHSC?**

No. A school board can comply with the requirements of the OHS Act by ensuring that a JHSC is established and maintained at each of its workplaces where required by subsection 9(2) (i.e., generally at a workplace with 20 or more regularly employed workers -including teaching and non-teaching staff).

**7. If there is a separate multi-workplace JHSC set up for teaching staff under Regulation 857, who is counted at each workplace for the purpose of forming a JHSC under section 9 or the OHS?**

If a school board has a JHSC in place for all of its teachers under Regulation 857, when determining whether an additional JHSC is required at an individual school or workplace at that board for non-teaching staff, the teaching staff are not to be counted.

**8. How does paragraph 2 of section 3 of Regulation 857 (Teachers) permitting a school board to maintain one JHSC for all of its teaching staff impact on the requirements of section 9 of the OHS which sets out requirements regarding workplace inspections by the JHSC?**

A school board's decision to have just one JHSC for all of its teachers does not have the effect of converting all of the schools and other workplaces of the Board into a single workplace for the purposes of regular workplace inspections.

Subsections 9(26) and (27) of the OHS require that workplaces be inspected by a worker member of the JHSC, at least in part, once a month. In other words, even where a board has a permitted Multi-workplace JHSC, each school or other workplace (or part of it if subsection 9(27) applies) would still be required to be inspected monthly. In situations where a multi-workplace JHSC has been established under a Minister's order under subsection 9(3.1), that order may provide that the worker members of the JHSC may designate a worker who doesn't have to be a member of a Committee to conduct the monthly workplace inspections.



## **APPENDIX C**

### **Suggested Topics for Terms of Reference**

Listed below are items the workplace parties should consider for inclusion in the terms of reference for a multi-workplace JHSC. It is not a complete list.

#### **1. Structure of Committee**

- geographical workplace locations and workplace proximity to each other
- determination of number of committee members (management and workers)
- selection and replacement of committee members
- number and selection of certified members (considering geographical proximity).

#### **2. Membership**

- list of workplaces
- number of workers at each workplace
- unions represented at each workplace

#### **3. Committee Members**

- co-chairs
- certified members
- designated certified members
- designated workers under subsection 9(3.2).

#### **4. Activities and Procedures of the Committee Members**

- procedure for the co-chairs to facilitate the operations and actions of the committee
- procedure for the attendance of resource persons/guests at committee meetings;
- certified worker and worker member accessibility to workplaces in order to perform their required duties including accident investigations, workplace inspections and work refusal investigations
- procedure for workers selected under subsection 9(23) to conduct workplace inspections.

#### **5. Training of JHSC Members and Designated Workers under Subsection 9(3.2)**

- policy on the training of joint health and safety committee members including certification, workplace inspections and accident investigations
- training of designated workers under subsection 9(3.2)
- procedure for JHSC to be consulted regarding health and safety training needs.

## **6. JHSC Meetings**

- procedure for attendance at meetings – all members
- members and a protocol for their attendance at committee meetings
- meeting schedule for committee meetings setting out the frequency and place for meetings
- preparation of agenda and notice of meetings
- minutes of meetings; the responsibility of taking, reviewing, circulating and editing of the minutes
- determination of a quorum for a committee meeting and a method.

## **7. Consensus and Dispute Resolution**

- JHSC members to develop a system for achieving consensus at meetings
- JHSC members to develop a procedure for dispute resolution.

## **8. Workplace Inspections**

- schedule for monthly inspection of the workplaces
- provisions for conducting inspections including a determination of the accessibility and availability of the participant(s)
- procedure for the documentation of workplace inspections
- procedure for how the identified hazards will be communicated and resolved by the JHSC and Management.

## **9. JHSC Written Recommendations**

- arrangements with respect to the requirement to identify issues, set out recommendations and the processing of the recommendations
- procedures for management to respond to JHSC recommendations within 21 calendar days time frame.

## **10. JHSC Evaluations/Reviews**

- procedure for the referring of issues or concerns to the JHSC
- method and system for providing accident statistics and information and other health and safety information to the committee including pre-start health and safety reviews, workplace violence risk assessment, training materials, program development, workplace testing results, accident investigations, workplace inspections
- method for JHSC to communicate concerns or suggestions regarding evaluations/reviews to management
- regular review of committee and members' responsibilities including confidentiality and effectiveness.

## **11. Accident Investigations**

- procedure for accident investigations, including types and severity of accidents to be investigated
- method for selecting members to conduct the investigations
- accessibility and availability of member to conduct investigation
- method and system for reporting an accident investigation to the committee.

## **12. Work Refusal/Work Stoppages**

- procedure for the selection of a member representing workers or a designated worker in the workplace for the purposes of the statutory provisions of OHS section 43 for participating in a work refusal investigation.
- procedure for the selection of a member representing workers in the workplace for the purposes of the statutory provisions of OHS section 45 for participating in a work stoppage investigation.

## **13. Workplace Testing**

- procedure for the selection of members to attend the commencement of workplace testing
- accessibility and availability of member(s) to attend testing
- procedure for sharing workplace testing results with JHSC.

## **14. Ministry of Labour Inspections/Investigations**

- procedure for the selection of members representing workers or designated workers in the workplace to accompany Ministry of Labour inspectors during a physical inspection of the workplaces, or any part or parts thereof and for an accident investigation.

## **15. Entitlements of JHSC**

- entitlement of time from work and payment by the employer at proper rate (including travel) for members attending meetings or carrying out duties and responsibilities under the OHS or the Regulations
- procedure for the posting of relevant information to other multi-site work locations (names & locations, MOL reports, minutes, etc.).

## **16. Changes to Terms of Reference**

- how amendments will be completed
- recognition that changes must, as a general matter, be approved by Minister of Labour (or Regional Director)

## **17. Withdrawal of Minister's Order**

- acknowledgement in the terms of the Minister's right to withdraw the agreement without consultation with the workplace parties.
- any workplace party may write to the Regional Director to request that an existing order for a multi-workplace JHSC be rescinded.

## **18. Other Health and Safety Matters**

- Any other health and safety matter that relates to composition, practice and procedure of the committee that the workplace parties consider appropriate or necessary

## **19. Written Request and Agreement**

- Written request and agreement for a multi-site joint health and safety committee must be submitted to the MOL Director for the region in which your workplaces reside, along with the signed and dated Terms of Reference.



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