

Guidelines
for the Structure and Function of

A JOINT HEALTH AND SAFETY
COMMITTEE



Prepared by
Provincial Labour-Management Health and Safety Committee



Ontario Ministère
Ministry of du Travail
Labour de l'Ontario

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July 9, 1993

Mr. Joe Duffy
Chairperson
Provincial Labour-Management Health
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74 Victoria Street
Toronto, Ontario
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Dear Mr. Duffy:

Congratulations on the publication of the Guideline for the structure and function of Joint Health and Safety Committees prepared by Ontario's Construction Industry's Labour-Management Health and Safety Committee.

As you have noted, the requirements of the **Occupational Health and Safety Act** (the Act) have been put in laypersons' terms and expanded upon in the Guideline.

The Construction Health and Safety Program of the Ministry of Labour views this working document as very beneficial to employers, unions and workers interested in joint cooperative health and safety programs at construction projects.

This Guideline not only meets the minimum standards of the **Act**, it also reflects the efforts of the workplace parties in the construction industry to achieve worker and workplace safety.

Yours truly,

A handwritten signature in black ink, appearing to read "Ian Carruthers".

Ian Carruthers, C.R.S.P.
Provincial Co-Ordinator
Construction Health & Safety Program

First printing, August 1993
Second printing, February 1995
Third printing, May 1997
Fourth printing, June 1999

Additional Copies of these guidelines can be obtained from

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Mandate

The purpose of these guidelines is to provide a simplified, concise, consistent and enforceable procedure for implementing that portion of the *Occupational Health and Safety Act* R.S.O. 1990 which deals exclusively with the Joint Health and Safety Committee throughout Ontario.

It is not our mandate to change or alter the *Occupational Health and Safety Act/Regulations*, the *Ontario Labour Relations Act* R.S.O. 1990, or any Union Agreement. The language used should be in clear, simple and straightforward terms with as little ambiguity as possible. Only where necessary should we quote the written text of the *Occupational Health and Safety Act*.

Preamble

1. It is a requirement of the *Occupational Health and Safety Act* for employers to establish a policy which should encourage the active participation of all employees in the prevention of accidents and the promotion of health and safety in the workplace.
2. Through joint education programs and the joint identification, investigation and resolution of problems, enhanced health and safety will result in the workplace.
3. A Joint Health and Safety Committee will only function properly when the workplace parties are committed to their responsibilities. The Joint Health and Safety Committee can properly function only when the members representing workers and the members representing employers (management) are committed to these responsibilities. Therefore, the parties must undertake to cooperate in ensuring that these guidelines and the full intent of the *Occupational Health and Safety Act* will be carried out.
4. The parties must adopt these guidelines in good faith and agree to promote and assist the Joint Health and Safety Committee by providing such information and assistance as may reasonably be required to carry out their responsibilities. The Joint Health and Safety Committee will have the power to make recommendations to the constructor relating to the *Occupational Health and Safety Act*.

1.0 Establishment of the Joint Health and Safety Committee

- 1.1 A Joint Health and Safety Committee should be established on all construction projects where the number regularly employed exceeds twenty (20) and where the expected duration of the project is to exceed three (3) months.

2.0 Structure of the Joint Health and Safety Committee

- 2.1 The Joint Health and Safety Committee shall consist of equal numbers of members representing employers and workers. Worker members shall be selected by the workers or, if there is a trade union representing the workers, by the trade union.
- 2.2 The Joint Health and Safety Committee shall have a minimum of two (2) members on projects employing twenty (20) or more workers or a minimum of four (4) members on projects employing fifty (50) or more workers.
- 2.3 The membership of the Joint Health and Safety Committee shall be made up of workers from the different trades employed on the project. Management members shall represent the different employers on the project, as well as a designate from the constructor. Worker members shall be employed on the project and not be in a supervisory capacity. Efforts should also be made to ensure that management members of the Joint Health and Safety Committee are regularly employed on the project as well.
- 2.4 Alternates may be named to replace members of the Joint Health and Safety Committee in emergency situations. Alternate members employed on the project shall attend the Joint Health and Safety Committee meetings with the approval of the Co-chairpersons.
- 2.5 There shall be two Co-chairpersons appointed, one (1) representing management and one (1) representing workers on the project, who shall alternate the chair at the Joint Health and Safety Committee meetings.
- 2.6 A Co-chairperson may with the consent and approval of his/her counterpart invite any additional person(s) to attend a Joint Health and Safety Committee meeting to provide information, comment or expertise, but guests shall not participate in the regular business of the meeting.

- 2.7 The names and locations of the Joint Health and Safety Committee members shall be posted at designated locations determined by the Committee.
- 2.8 Certified members for a Joint Health and Safety Committee are required on projects with fifty (50) or more regularly employed persons and with an expected duration of at least three (3) months. These Joint Health and Safety Committees shall have a minimum of two (2) certified members, one (1) representing workers and one (1) representing management.

Certified members shall have the power to bilaterally stop work on the project should they consider the workplace situation hazardous to the health and safety of those employed on the project.

Note: This section of the *Occupational Health and Safety Act* will not be applicable until the training program and requirements for certification are established and approved by the Workplace Health and Safety Agency.

3.0 Frequency of Joint Health and Safety Committee Meetings

- 3.1 The Joint Health and Safety Committee shall meet on a predefined date at least once a month or more frequently as scheduled by the Committee.
- 3.2 Meetings of the Joint Health and Safety Committee shall be held at a designated place on the project.

4.0 Meeting Agenda

- 4.1 An agenda will be prepared and will contain the minutes of the previous meeting for approval and other item(s) pertaining to occupational health and safety on the project, including new business.
- 4.2 All items raised from the agenda will be dealt with on the basis of consensus. Formal motions will not be used.

5.0 Minutes of the Joint Health and Safety Committee

- 5.1 The Joint Health and Safety Committee shall maintain and keep minutes as a record of its proceedings and make the minutes available for review and examination by a Ministry of Labour inspector and/or post as required for personnel on a project to read.

- 5.2 A recording secretary shall be designated by the Joint Health and Safety Committee to record, prepare and distribute the minutes.
- 5.3 Meeting minutes will represent business transacted at the Joint Health and Safety Committee meeting. Minutes shall record situations and issues discussed and identify corrective action and recommendations to the constructor, if any.
- 5.4 The constructor shall be responsible for having the Joint Health and Safety Committee minutes typed and available to the members within a reasonable period of time following the meeting. Minutes shall be reviewed, edited, approved and signed by the Co-chairpersons prior to distribution to the Committee members.
- 5.5 Items appearing in the minutes shall be identified by a reference number. Names of the Joint Health and Safety Committee members shall not be recorded in the minutes but be referred to by title.

6.0 Quorum

- 6.1 A quorum for the Joint Health and Safety Committee meeting shall consist of at least one (1) member representing management and one (1) member representing workers, and at least 50% of those in attendance must represent workers. One Co-chairperson must be in attendance in order to conduct business.

7.0 Functions of the Joint Health and Safety Committee

- 7.1 The Joint Health and Safety Committee shall identify, evaluate and recommend resolutions with respect to matters pertaining to occupational health and safety in the workplace to constructor and/or appropriate contractor.
- 7.2 The Joint Health and Safety Committee members representing workers shall designate a member or members to inspect/audit, in the accompaniment of management representative(s), the physical condition of the workplace at least once a month or more frequently as scheduled by the Joint Health and Safety Committee. Where the Joint Health and Safety Committee requests, a member or members of a Worker Trades Committee shall assist with the inspection/audit.

- 7.3 A report documenting the date and time of the inspection/audit, and the occupational health and safety concerns raised, shall be filed and signed by the individuals conducting the inspection/audit.
- 7.4 A copy of the inspection/audit report shall be initially reviewed by the Co-chairpersons and necessary corrective action be recommended to the constructor. Following the Co-chair review and recommendations, copies of the inspection/audit report shall be posted in designated locations selected by the Joint Health and Safety Committee and forwarded to the constructor immediately.
- 7.5 The Joint Health and Safety Committee shall address concerns with respect to occupational health and safety, regulations, designated substances and WHMIS where applicable.
- 7.6 The Joint Health and Safety Committee shall cause a Worker Trades Committee to be established where there are fifty (50) or more workers on a project that is expected to last more than three (3) months. It is the responsibility of the Joint Health and Safety Committee to schedule and administer arrangements for Worker Trades Committees in accordance with the Worker Trades Committee guidelines (to be developed).

8.0 Accidents and Accompaniment

- 8.1 The Joint Health and Safety Committee may designate equally from labour and management two members and/or alternates, if required, to accompany the Ministry of Labour inspector while carrying out Ministry inspections/audits of the workplace.
- 8.2 A committee member who represents workers shall be consulted concerning proposed workplace testing strategies related to industrial hygiene.

9.0 Reporting Procedures

- 9.1 Any individual on-site who discovers a safety-related problem shall immediately report it to the supervisor or immediately correct the safety-related problem if it poses an immediate danger to the health and safety of any worker.
- 9.2 The supervisor shall take the action necessary to correct the safety-related

problem and/or inform the constructor's superintendent if assistance or direction is required.

- 9.3 The constructor shall in turn report back to the Joint Health and Safety Committee if informed of the safety-related problem.
- 9.4 All employees should discuss any occupational health and safety concern with their immediate supervisor before raising it with a member of the Joint Health and Safety Committee.

10.0 Payment for Attendance at Joint Health and Safety Committee Meetings

- 10.1 Time spent by the Joint Health and Safety Committee members attending meetings and otherwise engaged in activities related to the Joint Health and Safety Committee shall be deemed work time and payable at the member's current rate of pay by the member's employer.
- 10.2 The Joint Health and Safety Committee members shall be allowed one (1) hour preparation time prior to each meeting or longer if the Committee determines it necessary.

11.0 General

- 11.1 All members of the Joint Health and Safety Committee will carry out their duties and responsibilities under the *Occupational Health and Safety Act* R.S.O. 1990 in good faith and in accordance with the spirit of this *Act*.
- 11.2 Any amendments to these guidelines must be approved by consensus of the Joint Health and Safety Committee for recommendation to the constructor.
- 11.3 All employees are encouraged to discuss any health and safety problem with their immediate supervisor before bringing it to the attention of a committee member.
- 11.4 All problems brought to the attention of the Joint Health and Safety Committee shall be dealt with on the basis of fact. All problem resolutions will be reported in the minutes.