



## JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE TERMS OF REFERENCE

IN COMPLIANCE WITH THE WORKERS COMPENSATION ACT (MARCH 1, 2019)

Selkirk College  
2023-06-14

### Purpose

The Selkirk College Joint Occupational Health and Safety Committee (JOHSC), made up of employee (worker) representatives and employer (management) representatives, has the responsibility to work in a cooperative spirit to promote Health and Safety, to identify and help resolve health and safety issues at all Selkirk College campuses and other areas where college employees might work.

### 1. Joint Occupational Health and Safety Committees (JOHSC)

The joint committee must consist of both worker and employer representatives and will consist of:

- a) At least one PPWC Local 26 member representative
- b) At least one BCGEU member representative
- c) At least one SCFA member representative
- d) At least two management representatives
- e) The joint committee must have two co-chairs, one selected by worker representatives and one by employer representatives

Selkirk College campus with 20 or more employees shall have an active JOHSC.

Total management representation shall not exceed total worker representation on the JOHSC.

\*\* There may be times when this committee has guests in any of the representative groups. This will be for discussion or informational purposes only.

### 2. Selection of Worker Representatives

The worker representatives on a joint committee must be selected from workers at the workplace who do not exercise managerial functions. Managerial functions generally relate to the overall direction at the workplace, and may include representing management in labour relations matters, such as decisions to hire, fire, promote, demote, grant wage increases, or disciplines workers. Section 128 of the *Workers Compensation Act* sets out the process for selecting worker representatives:

- 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 or unions;
- b) if the workers do not make their own selection after being given the opportunity under paragraph A, the employer must seek out and assign persons to act as workers representatives.

### 3. Selection of Employer Representatives

Section 129 of the *Workers Compensation Act* sets out the process for selecting employer representatives. The employer representatives on a joint committee must be selected by the

employer from among persons who exercise managerial functions and, to the extent possible, do so at the workplace for which the joint committee is established. Joint committees are most effective when the employer representatives have the authority to make decisions and to speak on behalf of the employer at committee meetings. Since the committee itself does not have the power to act on its own recommendations, the committee depends on the authority of the employer representatives to finalize matters agreed upon at a meeting.

#### **4. Attendance at Meetings**

Each meeting will document attendees, absent with regrets, and absent (no notification given).

#### **5. Role of the Co-Chairs**

The Co-Chairs of the JOHSC and of the Sub-Committees shall be selected from the membership of the committee. There shall be one management Co-Chair and one worker Co-Chair.

The co-chairs have the following major responsibilities:

- a) Review previous meeting reports
- b) Keep meeting discussions on track
- c) Communicate on behalf of the committee (e.g., prepare correspondence and committee recommendations)

#### **6. Term of Appointment**

The Chairperson's or Co-Chairs' term of appointment will be reviewed annually.

#### **7. Role of the Recording Secretary**

Selkirk College will provide a recording secretary for the Joint Occupational Health and Safety Committee and the sub-committees, to:

- a) prepare the minutes; and
- b) distribute the minutes to the Health and Safety team.

#### **8. Functions of the Joint Committees**

The JOHSC should play an important role in creating a healthy and safe working environment at all Selkirk College facilities and areas where employees are engaged in work. The responsibilities of these groups include, but are not limited to, the following:

- a) Identify situations that may be unhealthy or unsafe for workers, and advise on effective systems for responding to those situations
- b) Consider, and promptly deal with complaints relating to the health and safety of workers
- c) Consult with workers and the employer on issues related to occupational health and safety, and the occupational environment
- d) Make recommendations to the employer and the workers for the improvement of the occupational health and safety, and the occupational environment of workers
- e) Make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with Part 3 of the *Workers Compensation Act* and the regulations, and to monitor their effectiveness

- f) Advise the employer on programs and policies required under the regulations for the workplace, and to monitor their effectiveness
- g) Advise the employer on proposed changes to the workplace, including significant proposed changes to equipment and machinery, or the work processes that may affect the health or safety of workers
- h) Ensure that accident investigations and regular inspections are carried out as required

Participate in inspections, investigations and inquiries as provided in Part 3 of the *Workers Compensation Act* and Section 3 of the Regulation.

## 9. Meetings

- a) The Joint Committee will meet monthly.
- b) A quorum is considered reached if there is at least four committee members with at least 2 of the the 3 union groups and one manager rep.
- c) Where management employer representatives out number workers representatives, the meetings will be postponed.
- d) Committees will add procedures it considers necessary for the meetings.

## 10. Committee Reports

- a) After each JOHSC meeting, the committee must prepare minutes of the meeting and provide a copy to the Selkirk College Leadership Team. These are posted on my.selkirk.ca.
- b) The employer must:
  - if so requested by a union representing workers at the workplace, send a copy of the reports to the union;
  - retain a copy of the reports for a least 2 years from the date of the joint committee meeting to which they relate; and
  - ensure that the retained reports are readily accessible to the Joint Committee members, workers of the employer, officers and other persons authorized by WorkSafe BC.

## 11. Employer Must Respond to Committee Recommendations

Workplace health and safety is a shared responsibility. When the committee has discussed an issue that requires resolution and has decided on the course of action the committee wants to take it can make either an informal or a formal recommendation.

Informal recommendations – a member of the committee (usually an employer representative) without further consultation or approval needed can deal with the issue. In the committee minutes, document informal recommendations and the action take.

Formal recommendations (Workers Compensation Act division 4 section 133)

The issue cannot be dealt with by the committee directly. In this case, the co-chairs or other committee members will write a proposal to the employer outlining the recommended course of action. Recommendations need to be within the scope of the joint committee, directly related to health and safety in the workplace.

- a) This section applies if a joint committee sends a written recommendation to an employer with written request for response from the employer.

- b) Subject to subsections 4 and 5 of division 4 section 133, the employer must respond in writing to the committee within 21 days of receiving the request, either
  - indicating acceptance of the recommendation, or
  - giving reasons for not accepting the recommendation.
- c) If the employer does not accept the committee's recommendations, a co-chair of the committee may report the matter to WorkSafe BC that may investigate and attempt to solve the matter.
- d) 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.
- e) If the joint 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 WorkSafe BC, which may investigate the matter and may, by order, establish a deadline by which the employer must respond.

## **12. Other Employer Obligations to Support Committee**

(Worker's Compensation Act division 4 section 136)

- a) The employer must provide the JOHSC with the equipment, premises and clerical personnel necessary for the carrying out its duties and functions.
- b) On request of the JOHSC, the employer must provide the committee with information respecting:
  - The identification of known or reasonably foreseeable health or safety hazards to which workers at the workplace are likely to be exposed;
  - Health and safety experience, work practices and standards in similar or other industries of which the employer has knowledge;
  - Orders, penalties and prosecutions under the Part of the regulation relating to health and safety at the workplace; and
  - Any other matter prescribed by regulation.

## **13. Safety Discussions**

In addition to the Committee activities, all supervisors are encouraged to hold regular "safety talks" with their workers and/or students in order to discuss any safety or health concerns and obtain input from those people who are directly involved in the activities.

## **14. Committee Training**

(Worker's Compensation Act division 4 section 135)

- a) Each member of the JOHSC or a Sub-Committee is entitled to an annual paid educational leave totalling 8 hours, or longer if prescribed by the regulation, for the purposes of attending occupational health and safety training courses conducted by, or with approval of, the board.
- b) A committee member may designate another member as being entitled to take all or part of the member's educational leave.
- c) The employer must provide the educational leave under this section without loss of pay or other benefits and must pay for or reimburse the worker for the costs of the training course and the reasonable costs of attending the course.

- d) All worker health and safety representatives selected on or after April 3, 2017 must receive four hours of training.

**15. Training and Travel Entitlements**

Members of the JOH&S Committee undertaking health and safety travel or training as required under the applicable Regulations are entitled to reimbursement for travel expenses including meals, accommodation, and mileage as specified in College Policy for any employee undertaking work related travel.

**16. Safety Steering Committee**

Items that cannot be dealt with through the individual campus JOHSC or have the potential to affect all the campuses will be brought forward to the JOHS Steering Committee. This committee will consist of at least one PPWC local 26 member, one BCGEU, one SCFA member, one health and safety department representative, one management representative. Using video conferencing or telephone is an acceptable way to join the meeting. These Steering meetings will be held on an as needed basis.

**17. Incident and Accident Investigations**

The employer is legally required to investigate certain incidents, including those that caused or could have caused serious injury, illness, death, or as requested by an employee. Employers and joint committees each have specific roles and responsibilities when it comes to responding to and investigating a workplace incident, as outlined in the following table:

<b>Employer</b>	<b>Joint committee</b>
<ul style="list-style-type: none"> <li>• Notify WorkSafeBC of incidents as required</li> <li>• Conduct a preliminary investigation within 48 hours to identify any unsafe conditions, acts, or procedures that significantly contributed to the incident</li> <li>• Conduct a full investigation immediately after completing the preliminary investigation to determine the cause(s) of the incident</li> <li>• Ensure incident investigations are carried out by persons knowledgeable in the type of work involved</li> <li>• Ensure the incident investigation includes the participation of the employer and a worker representative if reasonably available</li> <li>• Prepare and distribute the Employer Incident Investigation Report (EIIR) and associated corrective action reports to the joint committee</li> <li>• Ensure a report of the full investigation is submitted to WorkSafeBC within 30 days of the incident</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that incident investigations are carried out as required by the Act and Regulation</li> <li>• Provide meaningful participation in incident investigations, as specified by the Act and Regulation</li> <li>• Review the employer incident investigation report (EIIR) and associated corrective action reports</li> <li>• Ensure that action items are completed</li> </ul>

Members of the JOH&S Committee will receive on a timely basis information on workplace health and safety issues such as incidents, accidents, and be invited to participate in incident and accident investigations such that these investigations can be completed within the time permitted by the appropriate Regulations.

**18. Amendments**

These terms of reference may be amended by vote of the Joint Committee members. Amendments must comply with the Workers Compensation Act and the British Columbia Occupational Health and Safety Regulations.