Joint Health and Safety Committee (name)

Terms of Reference 202\_ - 202\_ (insert 3 years)

# Overview

The Terms of Reference has been organized into sections as indicated below:

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# Introduction

## Purpose

The JHSC is comprised of both worker and management representatives, who work together towards the goal of safe and healthy workplaces. The JHSC is an integral part of the Internal Responsibility System (IRS) at York University (York); the IRS means that everyone has a role to play in workplace health and safety.

The purpose of the Joint Health and Safety Committee (JHSC) is to identify hazards and make recommendations to the employer to control hazards.

The purpose of the Terms of Reference is to document the elements and expectations needed to function as an effective JHSC. It outlines the structure of the JHSC and identifies the roles and responsibilities of JHSC members.

## Legislative Requirements for the JHSC

In addition to ensuring there is common ground for working on health and safety issues, the JHSC will continue to fulfill obligations set forth under the *Occupational Health and Safety Act* (OHSA), of which include:

* Meeting at least once every three (3) months;
* Maintaining and keeping minutes of meetings;
* Posting the names, contact information and work locations of the committee members;
* Inspecting the physical condition of the workplace at least once (1) a month according to a schedule, or where it is not practical, inspect a portion of the workplace at least once a month so the entire workplace is inspected yearly;
* Forwarding the JHSC Inspection Report(s) to the appropriate area or department manager and to Health, Safety and Employee Well-Being ("HSEWB") normally within two (2) days of the inspection;
* Identifying workplace hazards;
* Making written recommendations for improvement in health and safety of workers to the employer, as needed;
* Following up on implemented recommendations;
* Being present at the beginning of workplace industrial hygiene testing;
* Being present in investigations of work refusals, critical injuries and/or fatalities;
* Initiating work stoppages as outlined in section 14 of this document: Workplace Refusal/Stoppage;
* Accompanying a Ministry of Labour, Immigration, Training and Skills Development (MLITSD) inspector during a physical inspection of the workplace and/or during investigation of a critical injury;
* Keeping confidential, any trade secrets, or personal medical information received;
* Providing input and make recommendations to the employer in regard to health and safety (e.g., policies, programs, education and training); and
* Being consulted on health and safety matters, as applicable or brought to their attention.

## Legislative Requirements for the Employer

With respect to JHSCs, the role and responsibilities of the Employer (York University) under the OHSA include:

* Establishing and maintaining a JHSC, as required;
* Allocating time for JHSC members to carry out their duties and paying JHSC members while they do committee work (Refer to section 18 of this document for more details);
* Ensuring that at least one (1) member of the committee representing the employer and one (1) member of the committee representing the worker, are Certified Members;
* Providing a written response to recommendations proposed by the JHSC within twenty-one (21) working days;
* Returning copies of completed report(s) to the inspecting representative and JHSC, in care of HSEWB, normally within fourteen (14) days of receipt of the report.
* Providing any applicable documentation or information concerning health and safety issues at York to the JHSC, as required; and
* Consulting with the JHSC during the development and review of health and safety policies and programs, including training programs where applicable.

# Area(s) Represented by this JHSC

* JHSC’s at York are formed based on a combination of hazard similarities and physical location, and in accordance with the OHSA.
* This respective JHSC will represent the following areas/buildings:

|  |  |
| --- | --- |
| Faculty / Department Name | Building Locations |
|  |  |
|  |  |
|  |  |
|  |  |

* Outdoor spaces covered by this JHSC are those in the immediate vicinity of the building(s).
* Maintenance areas (mechanical rooms, rooftops, electrical rooms, trade shops and custodial/trade storage), tunnels, parking lots, and general grounds are excluded\* from the scope of this JHSC. See the map for more details: <https://jhsc.info.yorku.ca/ppy_secure/welcome/>
\*Exceptions are Facilities Services, CUB and Glendon JHSCs.

# JHSC Composition

Based on the affiliations represented in the identified buildings / areas, this JHSC will be comprised of the following number of representatives:

|  |  |  |
| --- | --- | --- |
| **Representative** | **Group / Affiliation** | **Allotted Number** **(Not To Be Exceeded)** |
| **Primary Member(s)** | **Alternate Member(s)** |
| Management | Confidential, Professional, Managerial (CPM) |  |  |
| Worker | YUSAPUY |  |  |
| YUFA |  |  |
| CUPE 3903 |  |  |
| CUPE 1356 |  |  |
| CUPE 1356-1 |  |  |
| CUPE 1356-2 |  |  |
| IUOE |  |  |
| OHFA |  |  |
| OPSEU |  |  |
| CPM (non-management) |  |  |
| Resource | Designated Minute Taker (optional) |  |  |
| HSEWB Health & Safety Personnel |  |  |

## Composition Guidelines

* The number of allocated spots for management members may equal, but may not exceed, the number of allocated spots for worker members.
* CPM employees who do not meet the OHSA definition of supervisor will be represented by **CPM worker members**, where applicable.
* The JHSC may choose to appoint a designated **minute-taker** (e.g., a person not on the JHSC, provided by management). This individual is not considered a JHSC member for the purposes of quorum and will not have voting rights.
	+ Alternatively, the role of minute-taker may be rotated amongst JHSC members present at the meeting.
* **HSWEB Health & Safety Personnel** (e.g., HSEWB H&S Advisors) on the committees are not counted towards the number of CPM members, as they are in a consultative role to the committee. They are not considered a JHSC member for the purposes of quorum and do not have voting rights.
* For **updated membership list** including alternate members, co-chairs, certified members and designated Health and Safety personnel refer to the JHSC website: <https://jhsc.info.yorku.ca/ppy_secure/welcome/>

## Making Changes to JHSC Composition

The Committee may request to change composition of the groups/affiliations within the building / area change. All employee groups in the area should be represented equally within the JHSC. Composition changes may require a formal written recommendation be submitted to the HSEWB and will be addressed by the Health and Safety Executive Council. HSEWB personnel can assist with this process.

# Membership

JHSCs are comprised of both worker members and management members, and where applicable, alternate members. A representative from HSEWB participates on JHSCs as a resource and advisor.

## Member Appointments

JHSC membership is based on a combination of hazard similarities and location, and in accordance with the OHSA. Management members, including alternates, are appointed to the Committee by York University. Worker members, including alternates, are selected by the workers from within the work area(s) covered by the JHSC through their union (where applicable).

#### Management Members

HSEWB asks area leadership to select and appoint a management representative who meets the definition of a supervisor under OHSA. Area leadership notifies HSEWB of the appointment and HSEWB will in turn, notify the JHSC co-chairs.

#### Unionized Worker Members

HSEWB asks union leadership to select and appoint a representative. If more than one worker member is interested in a single position, the applicable union will select and appoint the member. Union leadership notifies HSEWB at hsewb@yorku.ca when a worker member has been selected and HSEWB will in turn, notify the JHSC co-chairs.

#### CPM Worker Members

HSEWB asks area leadership and/or HR People Partners to communicate the open position(s) to CPM worker members in their area. Interested individuals are instructed to contact their manager and to inform HSEWB. When a CPM worker member has been selected, HSEWB will notify the JHSC co-chairs.

#### Co-Chairs

Each JHSC will have one (1) management co-chair, selected by management members of the committee and one (1) worker co-chair, selected by worker members of the committee. The process for selecting the co-chairs is conducted by nomination and election or picked if only one person nominated. It is recommended that co-chairs have served as a JHSC member for at least one year and/or have completed certification training.

## Member Term

To provide equal opportunities for interested parties to participate, it is recommended the membership term for all committee members is three (3) years for a maximum of two (2) terms. A membership term of less than three (3) years is also acceptable.

If CUPE 3903 is represented on the JHSC: it is recommended that the membership term for all committee members is three (3) years for a maximum of two (2) terms or one (1) year for a maximum of six (6) terms (as applicable).

Wherever possible, the beginning/end of terms will be staggered to provide continuity of knowledge. Term length may be extended if approved by the group/affiliation that is responsible for the appointment.

## Vacancies / Member Replacement

If JHSC membership changes, the employer or applicable union affiliation must update membership within a reasonable time. Where vacancies result in a non-compliance issue (e.g. loss of a Certified Member or a co-chair), the JHSC co-chairs are to advise the HSEWB representative immediately, to initiate arrangements to meet compliance. While the replacement process is in progress, the employer and JHSC must take all reasonable steps to ensure the requirements of the JHSC under the OHSA is met.

#### Resignation / End of Term

JHSC member will inform JHSC co-chairs and HSEWB resource as well as their respective area leadership (for management members) / union leadership (for worker members) of their intention to step down from the committee.

If a co-chair resigns or reaches the end of their term, the remaining JHSC members are to select the next co-chair, ideally prior to the next meeting.

#### Leave of Absence

JHSC members on a sabbatical or a leave of absence for 3 months or longer will be replaced. The member appointment process will be followed. A replacement member’s term begins when they join the committee (they do not inherit the term length of their predecessor).

After returning to work, a former JHSC member may request to re-join the committee by following their union’s appointment process (for worker members) or by making a request to area leadership (for management members).

# Roles & Responsibilities

#### Health and Safety Executive Council (HSEC)

The Executive Sponsor of the Health and Safety Executive Council (SHEC) is the Vice-President, Equity, People and Culture. The Chair of the HSEC is the AVP, Human Resources. The HSEC roles and responsibilities are found in the HSEC Terms of Reference: <https://jhsc.info.yorku.ca/ppy_secure/hsec/>.

#### Vice-Presidents

* Support local area-specific occupational health and safety and JHSC activities as required.
* Provide appropriate support to the Senior Executive Officer by delegating the review of escalated issues and written recommendations from the JHSC.

#### Senior Executive Officers

* As delegated by the Divisional Vice-President, review escalated issues and written recommendations from the JHSC with a Divisional perspective for overall understanding of issues arising to provide appropriate support.

#### Local Management

This includes: “management supervisor” for staff; and “academic administrator” for faculty members, instructional and other academic employees (e.g., Chair, Director, Office of the Dean, etc.); and anyone who has charge of a workplace, or authority over a worker as defined as a supervisor under the Occupational Health and Safety Act.

Local management representatives include managers, Directors, AVPs, Associate Deans, Deans, Faculty Executive Officers, Principal, as applicable to the area. Local management responsibilities include:

* Participate in local area-specific occupational health and safety and JHSC activities, and assist with ensuring JHSC functioning;
* Appoint management members and CPM worker members to all applicable JHSCs;
* Support workers in the right to participate in health and safety matters;
* Communicate health and safety measures that have been implemented to staff/faculty in local area;
* Resolve health and safety matters in a timely manner (addressing local hazards and responding to JHSC recommendations);
* Escalate unresolved health and safety matters in increasing order of management seniority, when required.
	+ **Specific responsibilities of Faculty Executive Officer/Dean’s Office of a Faculty or Assistant Vice-President of a Department:**
* Support local area-specific occupational health and safety and JHSC activities, and assist with ensuring JHSC functioning, where required;
* Respond to escalated JHSC issues and address formal written recommendations from local JHSC, prior to being raised to the HSEC;
* Advise Divisional SEO of issues arising.

#### All JHSC Members

* Promote and maintain an active interest in health and safety;
* Discuss and recommend effective actions to prevent workplace incidents;
* Foster awareness of health and safety issues and an atmosphere of cooperation between management and workers;
* Help in identifying issues, monitoring and improving workplace health and safety.

#### Co-chairs

Act to ensure that meetings are held, run smoothly, all agenda items are addressed, and recommendations are made to the employer. Co-chairs alternate chairing the meetings.

Specific duties include:

* Scheduling meetings and notifying members;
* Preparing an agenda;
* Inviting specialists or resource persons as required;
* Guiding the meeting as per agenda;
* Ensuring that the committee carries out its function in accordance with the Terms of Reference;
* Notifying HSEWB resource and fellow committee members of member appointments and member vacancies.

#### Primary Members

Regularly attend the meetings to contribute to discussions and decision making and participate in workplace inspections. Inspection and investigation activities will be shared equitably amongst JHSC members.

Specific duties include:

* Attending all committee meetings, review and approve meeting minutes;
* Carrying out monthly workplace [inspections](https://www.ccohs.ca/oshanswers/prevention/effectiv.html), in accordance with the approved schedule;
* Supporting employees with their health and safety concerns; advise them to inform their manager of their concerns and suggestions in keeping with our IRS;
* Participating in or making recommendations about the identification and [control](https://www.ccohs.ca/oshanswers/hsprograms/hazard_control.html) of workplace hazards;
* Participating in [incident](https://www.ccohs.ca/oshanswers/hsprograms/investig.html) investigations, where required or appropriate;
* Providing input and making recommendations in regard to the health and safety program (e.g., policies, programs, education and training);
* Making recommendations regarding the effectiveness of the JHSC program;
* Being present at the beginning of workplace industrial hygiene testing;
* Participating in required training; and
* Keeping confidential, any trade secrets, or personal medical information received.

#### Alternate Members

Participate and perform the duties in the JHSC (e.g., attend meetings, conduct inspections) in the absence of primary members.

#### Certified Members

In addition to the role of general members, Certified Members also have the right to stop work where *dangerous circumstances* (as defined under the [OHSA](https://www.ontario.ca/laws/statute/90o01)) exist and participate in work refusals and critical injury investigations.

Certified Member(s) are selected with the goal of having representation from unique operational areas, the different unions and geographic work location. They are designated by management and worker members respectively;

* Being present at the beginning of workplace industrial hygiene testing;
* Being present in investigations of work refusals, critical injuries and/or fatalities;
* Initiating work stoppages as outlined in section 14 of this document: Workplace Refusal/Stoppage;
* Accompanying a Ministry of Labour, Immigration, Training and Skills Development (MLITSD) inspector during a physical inspection of the workplace and/or during investigation of a critical injury;

#### Minute Taker

The minute taker role may be assigned by management or rotated amongst individuals in the work area who are outside of the JHSC or, where unavailable, the role will be rotated amongst members of the JHSC. The minute taker records important discussion points, information, decisions, action items and circulate to the committee prior to the meeting.

#### Health, Safety and Employee Well-Being Personnel

While note a JHSC member, the Health and Safety Personnel (e.g., HSEWB HS Advisor) will act in a consultative role as a resource to the JHSC, including, attendance at meetings, review of TOR, and onboarding new JHSC members, participating in discussions, and providing advice, guidance and education on JHSC related matters. They also support the co-chairs in ensuring that all necessary minutes, reports and forms are prepared and distributed as required.

HSEWB personnel do not have voting rights and are not counted with respect to quorum.

# Training of JHSC Members

All JHSC members, including alternates, will participate in York’s JHSC onboarding training and HSEWB recommended training.

The JHSC will include a minimum of two (2) certified members; one (1) from management and one (1) representing workers. The goal will be to have 50% of the members become Certified Members.

The JHSC may request information and education sessions from HSEWB and other University partners to occur during regular meetings. Where additional and specific training is required, the JHSC is encouraged to make a recommendation to the employer outlining the purpose and learning objectives. A recommendation form can be found at: <https://jhsc.info.yorku.ca/ppy_secure/welcome/>

Further information regarding JHSC certification training requirements, please visit: [http://jhsc.info.yorku.ca/JHSC-FAQ-General-Information](http://jhsc.info.yorku.ca/files/2019/04/JHSC-FAQ-General-Information.pdf?x60843)

# Addressing & Escalating Health and Safety Concerns

1. If an employee has a concern, their manager should have the opportunity to resolve the issue before it is escalated. To support the Internal Responsibility System and to obtain a timely resolution, JHSC members are to advise employees to follow process by bringing all health and safety issues/concerns to the attention of their manager before bringing it to the JHSC.
2. If a resolution cannot be reached at the area management level, the employee and/or manager can escalate the issue to the next level of management.
3. If a resolution cannot be reached, it can then be brought to the JHSC for discussion. The issue will be added to the JHSC meeting agenda and will remain on the meeting minutes until it is resolved. The JHSC should follow the process to resolve the concern by:
4. Seeking guidance from HSEWB\*; then
5. Collaborate with local management levels on how to resolve the issue; then
6. Prepare a formal written recommendation for the Employer, if necessary (submitted to local management).

\*Workplace parties may seek guidance from HSEWB at any step of the process above.

1. If resolution is not reached by this stage, it can be referred to the HSEC.

Note: High-risk hazards should be reported immediately and appropriate action (as deemed reasonable in the circumstance) must be taken by management to ensure the safety of everyone.

## Referring Issues to the Health and Safety Executive Council (HSEC)

Items discussed by the JHSC that impact multiple areas or are pan-university in scope, may be referred to the HSEC. HSEC will consider unresolved health and safety matters only after the process in section 8 has been followed. See also section 10: Consensus and Dispute Resolution in this document.

This is completed by sending an email with background information (including the employer’s response, dates, and any correspondence which has taken place) to hsewb@yorku.ca. This will be addressed at the next meeting of the HSEC and a report back to the JHSC will take place by the appropriate person(s).

All other inquiries to the HSEC are to be made via email to hsewb@yorku.ca.

The HSEC terms of reference and meeting minutes are posted on the Joint Health and Safety Committee website ( <https://jhsc.info.yorku.ca/ppy_secure/hsec/>).

# JHSC Meetings

## Meeting Schedule & Agenda

The JHSC will meet at least once (1) every three (3) months. Additional meetings will occur as necessary as determined by the JHSC. Meetings will be scheduled in advance and the schedule will be communicated to all members. It is recommended that the meeting date and times are selected at the beginning of each year and placed in everyone’s calendars. The meeting schedule can be found online: <https://jhsc.info.yorku.ca/ppy_secure/welcome/>

Where meetings cannot be scheduled for the entire year, some general parameters are encouraged (i.e., the third Tuesday of every second month). At a minimum, meeting dates and times are to be agreed upon during the meeting prior.

JHSC co-chairs will book meeting rooms and prepare and circulate the agenda, minutes and any relevant documents by email at least one week in advance of the meeting. All members have the opportunity to suggest agenda items. The following will be included as part of the regular agenda:

* Approval of agenda
* Approval of previous minutes
* Business arising
* New business
* Standing items:
	+ Review of incidents
	+ Review of workplace inspections
	+ Outstanding JHSC recommendations
	+ Policy/Program/Procedure review

An agenda template is available at <https://jhsc.info.yorku.ca/ppy_secure/resources/>

Any guests attending JHSC meetings will be approved by the co-chairs in advance of the meeting. Guests will not be permitted to vote on matters and are expected to stay only for their portion of the discussion.

## Quorum

* Quorum is recommended to proceed with the meeting, which means that 50% of the membership, plus one, attends the meeting and at least one (1) co-chair. Reasonable efforts should be made to facilitate full attendance.
* Wherever possible, the number of management members should not exceed the number of worker members at the meeting.
* In cases where quorum is not met, the meeting may proceed with agreement by the attendees. Items that require voting or recommendations may be done electronically with all members or deferred to the next meeting.
* Members are expected to attend at least 50% of the scheduled meetings or they could be removed from the JHSC. The co-chairs will advise the respective Health and Safety personnel (e.g., HSEWB H&S Advisor). Refer to section 5, JHSC member replacement.

## Operating Principles

In order to maximize participation and promote equal voice amongst all members, which serves the overall philosophy and goals of the JHSC, the following rules of engagement are agreed upon:

* Leave our titles and affiliations at the door (i.e., work together towards a common goal);
* Meetings will begin and end on time;
* Everyone comes prepared;
* Adhere to the agenda items, other subjects that are not on the agenda should be discussed at the appropriate time if permitted by the co-chairs. Keep things focused and summarize progress along the meeting;
* No interruptions unless there’s an emergency (including cell phones);
* Only one person speaks at a time – no interrupting;
* Everyone speaks only for themselves; respect others’ thoughts and opinion;
* Disagreement is encouraged as part of honest dialogue;
* Strive for consensus; and
* Add other operating principles as discussed and agreed upon by the committee members

All members are responsible for abiding by and reminding others of these rules of engagement.

## Meeting Minutes

Minutes are to be taken at each meeting. The minutes should be brief and highlight all recommendations and decisions, while maintaining confidentiality for individuals. See also section 6, role of the minute-taker.

A minutes template is available on the JHSC website at: <https://jhsc.info.yorku.ca/ppy_secure/resources/>

It is recommended that the draft minutes be circulated to committee members within one (1) week of the meeting. Members should confirm that the minutes accurately reflect what was discussed. Items which are not resolved are to be added to the next meeting agenda. The minutes will be finalized and approved by the JHSC via email or at the subsequent meeting.

Once approved, one copy should be posted in a prominent place in the workplace and the original kept with the records of the committee. See also section 19: Record Retention.

# Consensus and Dispute Resolution

Decisions will be made by consensus wherever possible. It involves:

* Investing time to make sure each participant’s voice is heard.
* Collaboration, in which each person reviews his or her position in light of other ideas expressed.

Where consensus is not possible, a blind voting system will be used. Upon request, the Health and Safety Personnel (e.g., HSEWB H&S Advisor) may act as a facilitator or mediator to assist in decision making. Ultimately, where consensus cannot be reached, either of the co-chairs has the power to make written recommendations to the employer (e.g., local management, Executive Officer [EO], Dean).

Tips for building consensus and administering a blind vote can be found in the Effective JHSC Meetings Guide at <https://jhsc.info.yorku.ca/ppy_secure/resources/>

Any other health and safety matters will be referred to the designated Health and Safety Personnel for assistance in determining best next steps.

## Formal Dispute Resolution

When an unresolved issue is still on the agenda after two meetings, the co-chairs may escalate the issue to the HSEC. The HSEC will consider unresolved health and safety matters only after the process in section 8 has been followed.

# JHSC Written Recommendations

Written recommendations will generally be sent jointly by the co-chairs on behalf of the JHSC to the area management. In instances where consensus cannot be reached on the recommendation, either of the co-chairs will have the power to make written recommendations to area management.

Written recommendations must include a description of the concern, actions taken to date, and the solution(s) being sought. Management will respond in writing within twenty-one (21) days to ensure accordance with the OHSA.

The recommendation form is available at <https://jhsc.info.yorku.ca/ppy_secure/resources/>

# Workplace Inspections

Workplace inspections will be conducted monthly according to the schedule prepared annually by the JHSC. Depending on the size and nature of the workplaces covered by this JHSC, one of two inspections methods will be exercised:

1. the entire workplace will be inspected monthly; OR
2. a portion of the workplaces covered will be inspected monthly, and the whole workplace be inspected fully once a year.

Inspections will be conducted by up to two worker members. Area Health and Safety Officers and area management should be informed and invited to participate, but their attendance is not mandatory. If changes to the schedules are needed, the assigned member(s) are responsible for finding an alternate member to complete the inspection.

Refer to the schedule posted on the JHSC webpage: <https://jhsc.info.yorku.ca/ppy_secure/welcome/>

## Inspection Reports

Inspection Report templates are posted at: [https://jhsc.info.yorku.ca/ppy\_secure/resources*/*](https://jhsc.info.yorku.ca/ppy_secure/resources/)

The inspection report will include the nature of the hazard, a risk ranking (high, medium, or low risk), and recommended action(s) to eliminate the hazard or mitigate risk. The report will suggest the names of individuals responsible for following up on outstanding inspection items.

If possible, the JHSC member should address or control identified hazards during the inspection (e.g. moving obstructions blocking a fire exits, flattening a door mat causing a tripping hazard etc.).

The JHSC member conducting the inspection is responsible for ensuring the inspection report is completed and circulated within one (1) week of the inspection to area Management and/or Health and Safety Officer(s). Health and Safety Personnel (or hsewb@yorku.ca ) are to be copied on the notification. Area management is expected to respond in writing, to the JHSC, within 14 days of receiving the report.

Health and Safety Personnel will post the completed inspection report on the website.

## Pre-Occupancy Inspections

JHSC members are expected to participate in pre-occupancy inspections of newly constructed or newly renovated areas, that equal or exceed 5000 square feet. These inspections are coordinated through HSEWB and Facilities Services prior to any occupancy of the areas.

# Incident Investigations

The JHSC will be made aware of all incidents through the Workplace Incident Report (WIR) process, as outlined in the Incident Investigation Program and applicable Collective Agreement(s). HS Personnel share incident summaries for the areas covered by the JHSC at each meeting. Names and identifying details are redacted to maintain confidentiality.

## Critical Injury Investigations

Area management, Health and Safety Advisor, or a delegate will immediately notify the JHSC by email or telephone in the event of a critical injury. The JHSC has the right to conduct an investigation or may want to partner with the area manager conducting their investigation. The worker member will be selected based on availability and knowledge of the work area involved in the incident. Access to the area(s) involved in the incident will be granted to the JHSC member unless it is unsafe to do so (i.e. there are existing hazards, or the member does not have the required training to access the area). The employer will release from duty a JHSC member for the purposes of a critical injury investigation.

# Work Refusals/Stoppages

Additional information can be found within the University’s [Work Refusal & Bilateral Work Stoppage Program](https://yulink-new.yorku.ca/documents/20182/23942624/Work%2BRefusal%2BProgram/630af584-9ee6-4932-a6e6-769ab58b76b9).

## Work Refusals

A JHSC worker member has a right to participate in work refusals.  Wherever possible, a Certified Member will be utilized for work refusals. Collective agreements may also have additional provisions which specify entitlements.

## Bilateral Work Stoppages

In a bilateral work stoppage, it is required that two Certified Members – one worker and one management – decide if it is a “dangerous circumstance” (as defined under the OHSA) and can stop work in that circumstance.

# MLITSD Inspections/Investigations

Where the MLITSD Inspector attends a University work site for an inspection or investigation, the area Manager or Health and Safety Advisor will contact the JHSC to request a worker member attend the visit. Attendance will be based on availability and knowledge of the work area involved.

MLITSD reports will be posted on <https://jhsc.info.yorku.ca/ppy_secure/mol/>. MLITSD orders are to be posted in the workplace for a period of 3 weeks.

# Workplace Testing

Where industrial hygiene or other applicable workplace testing is scheduled, HSEWB will notify the JHSC by email at least 48 hours prior to testing. In cases where immediate testing is required (i.e., emergencies), the JHSC will be notified as soon as possible.

A JHSC worker member can attend the commencement of the testing if believed their presence is required to ensure that valid testing procedures are used or ensure test results are valid. The employer will make all reasonable efforts to release from duty the worker to attend.

The results of testing conducted will be provided to the JHSC and to those who initiated the concern/issue/request. Applicable reports are posted on the JHSC website: <https://jhsc.info.yorku.ca/ppy_secure/welcome/>

# JHSC Evaluations/Reviews

On an annual basis, the JHSC will conduct an effectiveness self-assessment, which will assist in planning for the upcoming year. This self-assessment will be submitted to HSEWB, who will compile compliance and other data that will be provided to the HSEC for review. Some of this information will be published in the annual Board of Governor’s report. Once the minimum requirements are consistently met, HSEWB will explore, in partnership with the JHSCs, additional measures of overall effectiveness.

The JHSC will be consulted on proposed changes to health and safety policies and programs, as applicable. The program consultation process and schedule are available on the JHSC website: <https://jhsc.info.yorku.ca/health-and-safety-program-reviews/>

# Entitlements of JHSC Members

All time from work towards JHSC business will be paid time. Process for release from duty and pay are outlined in collective agreements for unionized JHSC members.

Under the OHSA, Section 9 (34) A member of a committee is entitled to:

1. one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;
2. such time as is necessary to attend meetings of the committee; and
3. such time as is necessary to carry out the member’s duties under subsections (26), (27) and (31). R.S.O. 1990, c. O.1, s. 9 (34).

Collective agreements may have additional provisions which specify entitlements.

# Record Retention

Copies of meeting minutes, inspection reports, testing reports and all formal communication (e.g., recommendations) are to be sent electronically to hsewb@yorku.ca and the applicable Area Health and Safety Officer(s). The official files will be kept centrally and electronically. The JHSC should retain copies of inspection follow up communication and relevant inspection documents (for example, Microsoft Teams can be a platform where such records can be maintained by the JHSC). For knowledge sharing and transparency, HSEWB will upload minutes and reports on the website at <https://jhsc.info.yorku.ca/ppy_secure/welcome/>

As a best practice, JHSC documents on the website will be displayed for a period of two years (current year plus previous year).

# Revision History

The Terms of Reference template will be reviewed at least every three (3) years by the JHSC, or as deemed necessary by the co-chairs or HSEWB. Material changes to the Terms shall be completed in partnership with the Health and Safety personnel (e.g., HSEWB H&S Advisor) to promote an equitable and consistent approach that is applied across the University. Any conflicts will be addressed accordance with the processes outlined in section 10: Consensus and Dispute Resolution in this document.

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| --- | --- | --- | --- |
| **Version No.** | **Effective Date** | **Description** | **Author** |
| 1.0 | 2018 | Original template |  |
| 2.0 | Jan 2022 | Revised and updated | HSEWB |
| 3.0 | April 2024 | Revised and updated | HSEWB |

# Signatures

These Terms of Reference have been reviewed and approved by all current JHSC members. Co-chairs are to sign on behalf of the JHSC in the table below. Signatures may be submitted electronically. JHSC members agree that the committee’s approval is in effect until these Terms of Reference expire. Membership changes do not require additional signatures.

|  |  |  |  |
| --- | --- | --- | --- |
| Role | Name | Date | Signature |
| Worker Co-chair |  |  |  |
| Management Co-chair |  |  |  |