



## Joint Occupational Health & Safety Committee Terms of Reference for the period of 2019-2020

### A) Name and Jurisdiction of Joint Occupational Health and Safety Committee

The committee shall be known as the Education Joint Occupational Health & Safety Committee (JOHSC). The committee will identify health and safety problems and recommend solutions within the locations and departments under their scope.

### B) Reporting Structure

This committee reports to the Dean who report to the Provost & VP Academic who ultimately report to the UBC Board of Governors, and President & Vice Chancellor.

### C) Background

The *Workers Compensation Act (WCA)* requires that most employers in the province have a JOHSC.

Due to the number of staff and workers at the University of British Columbia and the diversity of occupations and relative hazards, the University (employer) has chosen to implement several JOHSCs in order to meet the requirements of the *WCA* and the safety needs on and off campus.

The JOHSCs will be implemented within all areas of the University. This committee will be structured in accordance with the *WCA* and will have employer (management) and worker representatives.

At UBC, a majority of the JOHSCs oversee either a Faculty or Department on campus. All administrative areas that don't fall within those faculties or departments are combined together to form an additional JOHSC. Despite having a multiple JOHSC structure, a JOHSC may require additional assistance with their required duties and functions. This assistance may be provided by Local Safety Teams (LST).

The LSTs are not required nor governed under the *WCA*, but will be implemented to provide assistance on safety items and issues within their mandate and provide information, recommendations and support to the JOHSC. The LSTs provide operational support for health and safety at UBC by conducting inspections, identifying and recommending corrective measures regarding unsafe working conditions, assisting with incident/accident investigations and recommending health and safety initiatives for their areas of responsibility. In the absence of an LST, the JOHSC will assume full responsibility.

Each LST will meet regularly and have their own [Terms of Reference](#).

It must be noted that the development of the LST does not absolve or transfer the responsibilities of supervisory or managerial personnel within their area.



#### D) Introduction

[UBC Policy #SC1, Occupational and Research Health and Safety](#), provides the following general statement:

2.1 UBC aims to eliminate unnecessary risks, injuries, and occupational diseases from UBC's workplace, teaching and research environments.

2.2 UBC accepts applicable standards as minimum standards and may establish and enforce more stringent standards as it deems appropriate for UBC Members.

#### E) Purpose of the Committee

A JOHSC is an advisory group consisting of workers and employers working together to improve occupational health and safety in their workplace. The JOHSC has a mandate to advise, assist and make recommendations on policy and procedures, which will improve health, safety, and personal security of all workers.

#### F) Committee Membership

Each JOHSC must have the following:

- a. A minimum of 4 members;
- b. Worker representatives (faculty and staff workers who do not exercise managerial functions) and employer representatives (management workers who exercise managerial functions);
- c. At least half of the members must be worker representatives; and,
- d. Two co-chairs, one selected by the worker representatives and one selected by the employer representatives.

*\*Quorum for the meeting is achieved when the requirements for bullets (a) to (c) above are met. Quorum is required for voting within the JOHSC.*

*NOTE: If quorum is not met, then the meeting does not qualify as a monthly meeting. The monthly meeting will need to be rescheduled within the same month.*

*\*Occasionally, with the approval of the co-chairs, the Committee may invite guests to provide information, training or consulting; they will be considered as a non-voting resource.*

*\*All appointments on the committee shall be for a minimum period of two years. It is strongly recommended that members continue their positions on the committee after the 2 years as the training and knowledge that they've acquired has made them an invaluable member.*

*\*To ensure an effective committee, succession planning must be considered after the minimum two year term to enable the committee maintain the knowledge of ongoing issues and support ongoing success of the committee.*



### Selecting Employer Representatives

The Dean or Managing Director shall appoint the employer (management) representatives and alternates. The representatives must exercise managerial functions at the workplace where the JOHSC is established.

### Selecting Worker Representatives

The selection of Faculty and Staff worker *representatives and alternates* shall be completed in accordance with Section 128(1) of the *Workers Compensation Act*.

- 1) The worker representatives on the Committee must be selected from workers at the workplace who do not exercise managerial functions at that workplace, as follows:
  - a) If the workers are represented by one or more unions or associations, the worker representatives are to be selected according to the procedures established or agreed on by the union (s) or association(s);
  - b) If none of the workers are represented by a union, the worker representatives are to be elected by secret ballot;
  - c) If some of the workers are represented by one or more unions and some are not represented by a union, the worker representatives are to be selected in accordance with paragraphs (a) and (b) in equitable proportion to their relative numbers and relative risks to health and safety;
  - d) If the workers do not make their own selection after being given the opportunity under paragraphs (a) to (c), the employer must seek out and assign persons to act as worker representatives.

Where the selection of JOHSC representatives are written in respective Collective Agreements, defer to the process outlined. Efforts should be made to ensure all major work groups or areas are represented on the JOHSC. Refer to the list below to ensure that representatives are selected if they are included in your JOHSC work area.

- BCGEU
- CUPE 116
- CUPE 2278
- CUPE 2950
- Faculty Association
- IUOE 115
- Management & Professional Staff
- Non Union Technicians & Research Assistants & Farm Workers



### Selecting Committee Co-chairs

When a JOHSC is formed, the worker and employer representatives will each select one of their own members to act as a co-chair (for a minimum commitment of two years).

In the event that a co-chair decides to step down before the 2 years, it is recommended that the co-chair provide a minimum of 2 month advance notice. To avoid disruptions in such situations, it is recommended that alternate co-chairs are voted in to support the transition phase to allow for time to formally vote in new co-chairs. The alternate co-chairs will assume co-chair duties for any monthly meetings between the time the co-chair steps down and new co-chairs are elected. The alternate co-chair will also assume co-chair duties for any monthly meetings that the current elected co-chair is unable to attend.

After the co-chair fulfills their 2 year minimum commitment:

- Current elected co-chairs will meet prior to the end of their two year term to each develop a list of potential candidates as their replacement co-chair, including themselves if they would like to be reconsidered. NOTE: All candidates must be in agreement PRIOR to submission for consideration.
- The list of potential candidates and the election of the co-chairs will be held at a time agreeable to the committee (but prior to the end of the current co-chairs' term) to provide an opportunity for transition. The newly elected co-chairs will assume responsibility on the anniversary month of the formation of the committee marking the beginning of their term.

*\*Note: Worker and employer representatives can only recommend and elect candidates for co-chairs within their own group.*

Committee members and Co-Chairs will be listed on the UBC Safety Committees website (<http://safetycommittees.ubc.ca>). The JOHSC is responsible for keeping the members list up to date by emailing any membership changes to [ubcsafety.committee@ubc.ca](mailto:ubcsafety.committee@ubc.ca) so that the changes can be reflected on the website.



### G) Committee Meetings

The JOHSC is required to meet at least once each month. Meeting dates must be set for the year; preferably on the same day of each month, at the same location.

- The committee will meet monthly on the first Thursday of each month.
- Regularly scheduled meetings will be held from 9:00 a.m. to 10:00 a.m. in Scarfe 308A.
- Special meetings, if required, will be held at the call of the co-chairs.

The meetings should follow an agenda (see template), which contains the following topics:

- Roll call or attendance
- Determination of quorum
- Approval of previous minutes
- Additional agenda items, review of actionable items from LST minutes & approval of agenda
- Review of the monthly Accidents and Incidents and first aid reports
- Review workplace safety inspections (including changes to equipment, machinery or work processes that may affect the health or safety of workers)
- Review education and training
- Ongoing business
- JOHSC formal Recommendation Letters & Regulatory Inspections (e.g. WorkSafeBC)
- New and other business
- Next meeting

Meeting minutes will be recorded by a designated JOHSC administrator. The draft minutes should be sent out within a week of the meeting for comments and corrections. The minutes must be approved by the JOHSC at the next meeting. Approved minutes will be electronically distributed to:

- Responsible Managing Director/Dean,
- All JOHSC members,
- Safety & Risk Services (SRS) (via SharePoint or [ubcsafety.committee@ubc.ca](mailto:ubcsafety.committee@ubc.ca)), and
- Posted on any Safety Bulletin Boards (if applicable).

It is recommended that the approved minutes are also distributed to:

- Responsible VP
- Internal Communications Person,

All minutes will be electronically posted on a central JOHSC web site (<http://safetycommittees.ubc.ca>) and physically posted in areas where electronic access to workers is limited.



#### H) Duties of Committee Members

- Attend all monthly Committee meetings. When unable to attend, inform the JOHSC Co-chairs, JOHSC administrator and designated alternate. Attendance shall be reviewed by the appointing entities at the request of the co-chairs.
- Review previous months minutes and meeting materials prior to each meeting
- Report to the Committee on the status of suggestions, recommendations, and action items from previous meetings.
- Participate in all activities of the Committee, and chair Sub-Committees when requested.
- Review inspections and investigations reported to the Committee, by the LSTs. Participate in inspections and investigations as requested or required.
- Recommend and participate in the development of policies and procedures for improvement of health and safety.
- Attend safety courses or seminars, which are made available to Committee members. Each Committee member is entitled to a total of 8 hours of additional training each year.
- Promote the University Occupational and Research Health and Safety Policy, and safety procedures of the University, in carrying out their work.
- Be familiar with WorkSafeBC Occupational Health and Safety Regulations, the University Occupational and Research Health and Safety Policy, and the Committee's Terms of Reference.

#### I) Duties of Co-chairs

- Review previous minutes and materials prior to each meeting, and prepare an agenda.
- One co-chair will chair a meeting; take a leadership role in guiding Committee discussions towards definite recommendations. Co-chairs should alternate.
- Appoint sub-committee members, and encourage active participation from members if applicable.
- Ensure that a regular time and place for a meeting has been arranged by the JOHSC administrator.
- Ensure that the minutes are recorded at each meeting and distributed accordingly.
- Ensure that the previous minutes and proposed agenda, and pertinent information are distributed prior to the meeting.
- Ensure that each member has access to relevant resource information, including the WCA, WorkSafeBC Occupational Health and Safety Regulation, and the Committee's Terms of Reference.
- Facilitate discussion regarding formal recommendation letters, reports and correspondence
- When agreed upon as a committee, the co-chairs will send written formal recommendations to the Unit Safety Management Team with a request for response as per WorkSafeBC legislation (a written response, by the employer, is required within 21 days of receiving the recommendation request).



## J) Duties and Functions of the Committee

The JOHSC has the following duties and functions:

- Identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations.
- Consider and expeditiously deal with complaints relating to the occupational health and safety of workers. This will be done after the worker has brought the complaint to their supervisor.
- Consult with workers and the employer on issues related to occupational health and safety and occupational environment.
- Make recommendations to the employer and the workers for the improvement of the occupational health and safety of workers and compliance with the regulations, and monitor their effectiveness.
- Make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the Regulation, and monitor their effectiveness.
- Advise the employer on programs and policies required under the Regulation for the workplace and monitor their effectiveness.
- Advise the employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers.
- Ensure that incident investigations and regular inspections are carried out as required by the Regulation.
- Participate in and review inspections, investigations and inquiries.
- Carry out any other duties and functions prescribed by the Regulation.

## K) Performing the Duties and Functions

### Decisions of the Committee

- The JOHSC should attempt to reach consensus on each decision it makes. If the Committee cannot reach consensus, a vote may be taken and the Committee will go with the majority vote.

### Assistance in resolving disagreements within the Committee

- If the JOHSC is unable to reach agreement on a matter relating to the health or safety of workers at the workplace, a co-chair of the Committee may report this to the Administrative Head or Safety Management Group, who may investigate and attempt to resolve the matter. Unresolved issues should be referred to the appropriate Vice President, SRS and then WorkSafeBC if not resolved.

### Informal Recommendations

- Informal recommendations are those that can be actioned by the Committee during a meeting.
- All recommendations agreed to and put forward will be noted in the meeting minutes.
- All recommendations approved by the employer will be forwarded to the applicable party or workgroup for completion and implementation, the status of which shall be provided to the JOHSC for discussion at a future meeting.
- Informal recommendations can be communicated by any JOHSC members



### Formal recommendations requiring a response from the employer

- The JOHSC must make all formal recommendations to the employer in writing via email from the co-chairs (refer to template) with a written request for a response from the employer within 21 calendar days. All formal recommendations must be made separate from the minutes of the meeting.
- Recommendations to the employer must be directly related to health and safety and reasonably capable of being done.
- The employer is required, under the Occupational Health and Safety Regulation, to respond to the Committee recommendations within 21 calendar days of receiving the written request. The employer must respond in writing by:
  - Indicating acceptance of the recommendation, or
  - Giving the employer's reasons for not accepting the recommendation.
- If the employer is not reasonably able to provide a response before the end of the 21-day period, the employer will be asked by the Committee to provide - within that time - a written explanation for the delay, together with an indication of when the response will be provided.
- If the JOHSC is not satisfied that the explanation provided for the delay is reasonable (in the circumstances), a co-chair may report this to Safety & Risk Services. If a reasonable result cannot be reached, the Committee may report it to WorkSafeBC, who may investigate the matter and may, by order, establish a deadline by which the employer must respond.

### Confidential Information

- Concepts or ideas discussed that promote the advancement of safety at UBC are encouraged to be shared. However, all personal, private or confidential information read or discussed at this meeting (e.g. personal information in an incident/accident report) shall not be communicated beyond the membership of this committee.

### **L) Time from Work for Meetings and Other Committee Functions**

Members of the Committee are entitled to time off from work for the:

- Time required to attend meetings of the Committee;
- Time that is reasonably necessary to prepare for meetings of the Committee; and
- Time that is reasonably necessary to fulfill the other duties and functions of the Committee.

Time off for JOHSC members to perform these duties and functions will be deemed to be time worked for the employer.





#### **M) Posting Committee Information**

The employer must promptly post and keep posted at the workplace, in a place readily accessible to employees, the following:

- The names and work locations of the Committee members,
- The reports of the 3 most recent Committee meetings, and
- Copies of any applicable orders, associated with WCA Part 3 Division 4 - Joint Committees and Worker Representatives, for the preceding 12 months. (found at <http://safetycommittees.ubc.ca/>)

SRS will post committee information on the Safety Committees webpage ([safetycommittees.ubc.ca](http://safetycommittees.ubc.ca)). It is the responsibility of the JOHSC Co-chairs and/or JOHSC Administrator to provide SRS the approved meeting minutes in a timely manner.

#### **N) Records**

- The Committee must keep accurate records of all matters that come before it. The Committee will maintain copies of its minutes for a period of at least 2 years from the date of the JOHSC meeting to which they relate. All these records can be kept on SharePoint site.
- The employer will retain all records of training, incident investigations, etc. and will provide access to the JOHSC at the request of the Committee.

#### **O) Training & Educational Leave Entitlement**

- The Occupational Health and Safety Regulation 3.27(2) and (4) establishes mandatory minimum training and education requirements for new Committee members and worker health and safety representatives selected on or after April 3, 2017.
- New JOHSC members are required to be provided 8 hours of training as soon as practicable but no more than 6 months after being selected in accordance with the mandatory list of topics provided in OH&S Regulation 3.27(2) and (4) – SRS will provide the training.
  - New members must be listed in the minutes upon confirmation of being a member as this determines their 6 month training deadline
    - A member's start date is not necessarily the first meeting they attend (this is especially important to note for alternate members)
- Additionally, all JOHSC members are entitled to 8 hours of annual educational leave (WCA Section 135) or a longer period if prescribed by regulation, for the purposes of attending occupational health and safety training courses.
- A member of the JOHSC may designate another member as being entitled to take all or part of the member's educational leave.
- The JOHSC can provide guidance on appropriate training for workplace relevance and what would qualify under the "entitled 8 hours," but it is the supervisor/employer's responsibility to approve the time off and related costs
- The employer must provide the educational leave without loss of pay or other benefits. All reasonable costs associated with the training course will be paid for or reimbursed to the worker by the employer.



**P) Annual Review**

- Each year the Employer will complete an Evaluation of the JOHSC. Evaluations will be reviewed with the Committee Co-chairs for input and feedback. The final evaluation will be reviewed by the Committee during the meeting immediately following the receipt of the evaluation and documented in the meeting minutes.
- Terms of Reference (ToR) is required to be reviewed, updated and approved by the Committee to be in effect for their anniversary month. Review of ToR will be recorded in the meeting minutes.
- Membership as listed on the <http://safetycommittees.ubc.ca/> website will need to be confirmed as part of the TOR review.

**Q) Amendments**

These terms of reference may be amended by a majority vote of the committee members. Amendments must be noted in the meeting minutes and full amendments attached to the corresponding minutes.