



## 801.1.1 AP Joint Health and Safety Committee

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### LEGAL REFERENCE:

- *Education Act Section 196, 197, 11(1), 53, 52, 222*
  - *Alberta Health Act*
  - *Emergency Medical Aid Act*
  - *Freedom of Information and Protection of Privacy Act*
  - *Health Information Act*
  - *Personal Information Protection Act Public Health Act*
  - *Workers' Compensation Act*
  - Alberta Provincial Fire Commissioner's Regulation
  - Communicable Disease Regulation 238/1985
  - Alberta Occupational Health and Safety Act, Code & Regulations
  - Alberta Safety School Kit
  - Safety Guidelines for Physical Activities in Alberta schools
  - Canadian Standards Association (CSA) Standards
  - Occupational Health and Safety Manual
  - WHMIS 20
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### BACKGROUND:

The purpose of this administrative procedure is to provide Terms of Reference (TOR) is to establish the structure, functions, operating procedures and responsibilities relating to the Joint Health and Safety Committee (JHSC) at the Buffalo Trail Public Schools (BTPS). The JHSC is intended to create an awareness of health and safety issues among all workers and to foster a collaborative relationship between management and workers by creating and maintaining an active interest in health and safety.

### DEFINITIONS:

Co-Chair Person – A committee is chaired cooperatively by a member from the worker group and a

member from management.

Worker Representative – JHSC Member(s) who represent workers but do not exercise managerial functions.

Health and Safety Representative – A person, who if required by legislation, selected from amongst the workers of a workplace to carry out the functions of a JHSC or such other functions as are prescribed by applicable legislation.

Management – Workers who exercise control over directing the work of others and who have charge of the workplace as well as the authority to manage worker performance, assign work to staff and alter work processes, procedures and policies. Management employees represent the employer.

Managerial Functions – A person is considered to exercise managerial functions when they supervise other workers, and when their recommendations to hire, fire, promote, demote, increase wages, or discipline workers are usually accepted.

## **PROCEDURES:**

The JHSC shall function according to formally documented procedures that are developed to meet or exceed the intent of the Alberta Occupational Health & Safety Act. The JHSC shall also consider all pertinent information available such as accepted industry best practices, approved standards and any other applicable legislation in the pursuit and fulfillment of its mandate.

### **1. Establishment of JHSC**

#### **1.1 Committees**

The employer shall establish and maintain a JHSC that is representative of all groups within the organization as per section 3 of the Alberta OHS act. If there exists incongruence between the mandate of this committee as captured in the TOR and any legislative requirement, the latter will supersede the TOR.

#### **1.2 Committee Representation**

The JHSC shall be representative of all departments within the BTPS and contain a constituency of employees and management for which the latter shall not exceed the former in number. Union representation shall supplement this membership and maintain a perspective to the best interests of employees' health and safety while considering the successful operation of the organization as a whole. The JHSC representatives shall be responsible to convey health and safety matters under their purview before the greater JHSC committee. Applicable provisions in collective agreements negotiated with our employee groups will also be considered in the establishment and functioning of the committees.

#### **1.3 Duties of the Committee**

The duties of a joint work site health and safety committee include the following:

- the receipt, consideration and disposition of concerns and complaints respecting the health and safety of workers;

- participation in the identification of hazards to workers or other persons arising out of or in connection with activities;
- the development and promotion of measures to protect the health and safety of employees;
- the development and promotion of programs for education and information concerning workplace health and safety;
- the making of recommendations to stakeholders respecting the health and safety of workers;
- participation in the inspection process of the work place at regular intervals;
- the participation into investigations of serious injuries and incidents at the work site;
- the maintenance of records in relation to the receipt and disposition of concerns and complaints and the attendance to other matters relating to the duties of the committee; and
- any other duties as may be specified in the Alberta OHS Act, Regulations and Code.

## 2. Selection of JHSC Members

### 2.1 Membership:

Membership to the JHSC is intended to provide equity to all employees by having no more than half of the committee composed of managers and ensuring representation on the committee is complete through a relative sampling of members.

- All Employer (ER) representatives may be appointed by the employer;
- All Employee (EE) representatives are to be selected by their peers; and
- All Union representatives are to be employees selected by the union for which they represent.

### 2.2 Representative selection for JHSC

Employer representative JHSC members shall be appointed by management while Employee representative JHSC members shall be selected by workplace employees who do not exercise managerial functions, or as otherwise required by applicable legislation.

### 2.3 Resource Members:

Resource members act as subject matter experts to the committee. Resource members to the committee will include but are not be limited to Safety Advisory Services, Risk Management, Human Resources and Legal Services. Resource members may also include union executives. Resource members will not form part of quorum and will not vote on business put forward to the committee.

## 3. Composition of the JHSC

### 3.1 Number of committee members

The total number of committee members (not including \*resource members) shall not be more than 10.

### 3.2 Balance of employer and employee members

The committee will be comprised of at least four but not more than 6 worker representatives (EE) and at least one but not more than five (5) employer (ER) representatives.

- Co-Chair (EE)
- Co-Chair (ER)

- ATA (EE)
- CUPE (EE)
- Principal (ER)
- Out of Scope (EE)

#### 4. Representation of Committee Members

- 4.1 At least half but not all of the committee members will be employees who do not exercise managerial functions. Employees employed at the work site who belong to a union or worker association may be selected among the members of that group to have their presence on the JHSC be representative of the workers at the worksite who belong to that trade union or worker association.
- 4.2 Due to the nature of an employee's responsibilities, it may not be possible for an employee representative to attend a scheduled committee meeting. If this is the case, employee representatives must be supported and encouraged to forward any OHS concerns, via the Principal, Manager or committee chairs, in order that the concern will be included on the next committee meeting agenda for discussion.
- 4.3 Quorum will be attained by having at least half of the representative members present while ensuring that ER representatives do not outnumber EE representatives.

#### 5. Chairing the Committee

- 5.1 The JHSC must have two co-chairs: one co-chair appointed by the employer and the other co-chair selected by employees.
- 5.2 The JHSC co-chairs will prepare the agenda and forward it to the members at least five (5) business days prior to the meeting.
- 5.3 Meetings will be alternately chaired by an employee or management co-chair.
- 5.4 Co-chairs will ensure that agenda items are addressed and all members are provided an opportunity to participate.

#### 6. Term of Office

- 6.1 Members of the JHSC shall hold office for a term of not less than one year and not more than 2 years; however, JHSC members may continue to hold office until their successors are elected or appointed. Members of a joint work site health and safety committee may be reelected or re-appointed for further terms.
- 6.2 Despite subsection (1), if a union exists and the union's constitution specifies a term of office for worker members of the joint work site health and safety committee or the health and safety representative, the term of office of the worker member or the health and safety representative is the term specified in the union's constitution, or if more than one union represents the workers, in accordance with an agreement among all of those unions.
- 6.3 When necessary, a member of the JHSC may be replaced at any time during that member's term of office by those persons for whom the member represents. Alternate members may be selected by the worker/union and employer as they deem appropriate so that in an event that a member is unable to attend to or fulfill their functions, the alternate may assume the role.

#### 7. Meetings

- 7.1 The committee must meet a minimum of four times per year (quarterly) and

although meetings without quorum are acceptable, such meetings shall not address any issues by a vote nor will they qualify as one of the four mandatory meetings per year.

- 7.2 The agenda must consist of matters relating to health and safety related concerns. Meeting agendas will include as a minimum a review of health and safety concerns and initiatives, review of action item status, and review of recent incidents.
  - 7.3 Every JHSC meeting will be recorded. The meeting minutes will include records of the items discussed, actions taken and the dates completed or targeted.
8. Workplace Inspections
- 8.1 Workers shall have meaningful involvement and participate in all worksite inspections that are generated and made available to the greater Joint H&S Committee. Such inspections shall occur quarterly to align with JHSC meetings.
  - 8.2 JHSC representatives shall participate in workplace inspections at the discretion of the committee.
  - 8.3 Meaningful involvement may include the occasional participation into actual workplace inspections or the oversight into inspection outcomes from a review of available documentation such as corrective action plans that are rendered from the various inspections being performed in the workplace.
  - 8.4 Copies of the A-1 inspection shall be forwarded to the JHSC with the most current posted on the Occupational Health and Safety (OHS) site.
9. Recording and Posting Minutes
- 9.1 The co-chair selected by employer members must ensure that minutes of each meeting are recorded and that copies of the minutes are given to the employer for review and sign off.
  - 9.2 Final meeting minutes shall be posted within (10) business days of the meeting.
  - 9.3 After the review of meeting minutes, workplace inspections and JHSC recommendations, management shall address issues noted in these documents as soon as reasonably practicable.
  - 9.4 The Safety Advisory Services members will provide guidance, as required, to JHSC members and management in order to ensure they carry out their legislated responsibilities effectively and assist in the provision of appropriate information for JHSC members to carry out their obligations.
10. Formal Written Recommendations
- 10.1 Many recommendations made by the JHSC are simply facilitated by employing an acceptable means of communication as identified by internal process within the BTPS.
  - 10.2 It is management's responsibility to implement hazard controls as soon as practicable after being advised by the JHSC of the recommended corrective action.
  - 10.3 Formal recommendations are those that are expressly written by the JHSC and directed toward management for a formal response. The types of concerns included in formal recommendations may include:
    - The establishment of new policies, processes, or procedures;

- The allocation of significant funds;
  - A significant health and safety concern that comes to the attention of the JHSC;
  - Additional training and/or education of employees; and
  - A recurring item on the agenda that has not yet been resolved.
11. Pay for Committee Activities
    - 11.1 Attendance at committee meetings or the time required to perform the duties prescribed by the Act will be paid at the member's current rate of pay.
  12. Confidentiality
    - 12.1 While conducting committee business, members may be privy to confidential company and/or personal information. JHSC Members have a responsibility to keep such information confidential unless required to be disclosed by law. It shall be implied that all participants in such meetings accept into agreement that any items brought forward to the committee remain confidential and are only made available to such members for the purpose of the business.
  13. Responsibility Overview
    - 13.1 Management
      - 13.1.1 Ensure that a JHSC is established, maintained and carries out the activities required by provincial legislation and this standard.
      - 13.1.2 Ensure that JHSC members are provided with the necessary time to perform committee functions.
      - 13.1.3 Review and sign-off on monthly minutes and workplace inspections.
      - 13.1.4 Review formal recommendations of the JHSC and respond in writing within (15) business days.
      - 13.1.5 Communicate high impact items arising from JHSC minutes, inspections and recommendations to the District committee.
      - 13.1.6 Ensure that action items are completed as reasonably as possible.
    - 13.2 Joint Health & Safety Committee (JHSC)
      - 13.2.1 Identify workplace hazards and unsafe work practices through regular inspections, discussions with workers, and review of information on procedures, equipment, materials, or hazards in the workplace.
      - 13.2.2 Act as an advisory body and recommend to management, practical ways to improve the workplace health and safety program and eliminate or reduce the risks associated with hazards and work practices. Assist with implementation of recommendations as required.
      - 13.2.3 Consider health and safety recommendations or concerns received from co-workers and inform co-workers of the committee's actions/decisions.
      - 13.2.4 Assist in the investigation of any workplace incident that may result in medical attention.
      - 13.2.5 Review incident investigation reports to analyze causes of the incident and to consider recommendations for further corrective actions.
      - 13.2.6 Participate in the investigation of health and safety related work refusals

in accordance with provincial legislation.

13.2.7 Co-operate with anyone exercising a duty imposed under OHS legislation.

13.3 JHSC Co-Chairs

13.3.1 Chair and guide the meetings to ensure that the JHSC fulfills its legislative requirements.

13.3.2 Ensure that all committee members have the opportunity to contribute to discussions, decisions and recommendations.

13.3.3 Follow-up on management responses to formal recommendations.

13.3.4 Record proceedings of meetings using the JHSC Meeting Minutes document.

13.3.5 Post the signed copies of both the JHSC Meeting Minutes and other pertinent information on the OHS communication forum.

13.4 Safety Advisory Services (SAS) Department

13.4.1 Ensure that JHSC members receive appropriate training as required.

13.4.2 Support JHSC and act as an advisory body to solve Occupational Health and Safety (OHS) issues.

13.5 Resource Members

13.5.1 Attend meetings at their discretion and provide subject matter expertise as required.

13.5.2 The workers at each specific school site will be empowered with selecting the Safety Contact for their particular school / site. These members will be selected by the workers from either the Alberta Teachers Association (ATA), or the Canadian Union of Provincial Employees (CUPE).

These Safety Contacts act as resource members to the greater JHSC. This position shall not be held by an administrator, or manager.

14. Required Records

14.1 JHSC meeting minutes, inspection and investigations documented for a minimum of three years.

14.2 JHSC written recommendations documented for a minimum of three years.

14.3 JHSC training records documented for a minimum of three years.