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## 9.1 Introduction

The *Occupational Health and Safety Act* (the OHS Act) gives employees the “Right to Participate”. One mechanism for participation is through the Joint Occupational Health and Safety Committee (JOHS Committee).

## 9.2 Legislative requirements for JOHS Committees

Section 29 of the OHS Act establishes the requirement of a JOHS Committee in a workplace where there are 20 or more employees who are regularly employed. This is one of the principal mechanisms for ensuring that the Internal Responsibility System for OHS is functioning at the workplace, providing an opportunity for employee participation and a mechanism for assisting management with the effective implementation and ongoing review of the OHS Program.

## 9.3 Composition of JOHS Committee and Safety Sub-committees

The OHS Act mandates that a JOHS Committee shall consist of a number of persons as agreed to by the employer and the employees and their union(s). The Saint Mary’s University JOHSC, in its Terms of Reference, has determined the composition of the JOHSC, as follows:

“At Saint Mary’s University, the Committee will be composed of a minimum of three (3) appointed voting members representing the University administration and at least an equal number of voting members appointed by non-management employee groups. The actual size and composition of the Committee may vary slightly, within those parameters. Voting members will be representative of the various departments and the diverse University workplace.

Chairperson of Departments, Directors of Divisions and Administrative Department Heads are responsible for health and safety within their respective areas. To assist in that regard, the Joint Occupational Health and Safety Committee has established two health and safety sub-committees, Facilities Management/Administration sub-committee and Science Safety sub-committee. These sub-committees are working groups that are intended to involve faculty, staff and others in the development, implementation and maintenance of an effective health and safety system.

Membership on the sub-committees will be broadly representative of the component departments and faculties, and should include individuals with both supervisory or administrative responsibilities, as well as other departmental employees. The HR Officer (OH&S and Wellness) and the Director, Facilities Management or designate will act as an advisory member on all sub-committees. The HR Officer (OHS & Wellness) and the Director, Facilities Management or designate will provide leadership and direction, as required and ensure that open channels of communication are maintained between the sub-committees and the Joint Occupational Health and Safety Committee.

The Joint Occupational Health and Safety Committee will form various ad hoc sub-committees that will serve as working groups, when needed.”

## 9.4 Functions of JOHS Committee

The OHS Act identifies the function as being, to involve employers and employees together in occupational health and safety in the workplace. This is the main vehicle for joint labour-management consultation on the identification and resolution of health and safety problems in the workplace.

Recognizing that the employer has the greatest amount of responsibility for health and safety at the University, the function of the JOHSC is to involve representatives of employees and the employer in the identification and resolution of health and safety issues in the workplace and in the production of healthy and safe work practice, including:

- The co-operative identification of hazards to health and safety, and effective systems to respond to the hazards;
- The cooperative auditing of compliance with health and safety requirements in the workplace;
- Receipt, investigation and prompt disposition of matters and complaints with respect to workplace health and safety;
- Participation in inspections, inquiries and investigations concerning health and safety; in particular, participation in an inspection referred to in Section 50 of the NS OHS Act;
- Investigating and reporting on refusals to perform work under the procedures defined in the Act under Section 43 – Right to Refuse Work
- Advising on individual protective devices, equipment and clothing that, complying with the OHS Act and the regulations, are best adapted to the needs of the employees;
- Advising the employer regarding the OHS program, including the requirements under OHS Act and its regulations and making recommendations to the employer, the employees and any person for the improvement of the health and safety of persons at the workplace;
- Maintaining records and minutes of Committee Meetings in a form and manner approved by the Department of Labour and Advanced Education and providing an OHS officer with a copy of these records or minutes upon request;
- Establish sub-committees as required;
- Advising on training requirements for all employees and Joint Occupational Health & Safety Committee Members;
- Any other related occupational health and safety function assigned by agreement between the University and the employees or the union(s).

Sections 30 and 31 of the OHS Act identify the composition, procedures and functions of the committee.

Safety Committee members are encouraged to review the Department of Labour and Advanced Education's publication: Joint Occupational Health and Safety Committees-A Practical Guide for Single Employer Workplaces,

<http://www.gov.ns.ca/lwd/healthandsafety/docs/JOHCommitteeSingEmployer.pdf> for further information.

## 9.5 Roles of JOHS Committee

JOHS Committees provide an opportunity for employees to participate in the development and maintenance of the Occupational Health and Safety Program in keeping with the requirements of the OHS Act and the University's OHS Policy. The primary role of the JOHS Committee is to provide advice and recommendations on health and safety issues within the workplace. Additional roles include cooperative identification of hazards, evaluation of the effectiveness of the systems to respond to these hazards, and auditing of compliance with legislative standards. Following is a brief summary of JOHSC roles.

### 9.5.1 Hazard assessments

The OHS Program has adopted a formal Hazard Identification, Risk Assessment and Risk Control process (see Chapter 3 of this Manual). JOHSC members and Safety Committee may participate in hazard assessments by participating in the working group performing the hazard assessment or may participate by reviewing the completed hazard assessment. Hazard assessments will be posted on SMUPOINT for JOHSC review. Copies will also be made available to the Safety Sub-committees, as required.

Where the JOHS Committee becomes aware of a hazard it shall address the hazard at the next regular meeting of the committee unless an emergency or special meeting is called to address the hazard. The JOHS Committee shall address, by recommendation to management, the elimination of the hazard or, where that is not possible, the minimization of the hazard. Such elimination or minimization shall consider all means, including engineering controls, development of safe work practices, training and supervision, administrative controls, and use of personal protective equipment to address the hazard.

### 9.5.2 Workplace Inspections

The JOHSC and Safety Subcommittees may participate in inspections by participating in the actual inspection or by reviewing the inspection report. Inspection reports will be posted on SMUPOINT for JOHSC review. Copies will also be made available to the Safety Sub-committees, as required.

Section 50 of the OHS Act requires that an employee representative of the JOHSC be allowed to accompany an OHS Officer of the OHS Division of the Department of Labour and Advanced Education as the officer undertakes an inspection of the workplace. When an employee committee member is not available, the officer may select one or more employees who shall accompany the officer during the officer's inspection. An employer representative may also accompany the officer.

Any representative of the JOHS Committee who participates in an inspection pursuant to Section 50 of the OHS Act shall report on that inspection at the next meeting of the JOHS Committee.

### **9.5.3 Incident review**

Reports of all incidents shall be forwarded to the JOHSC for review at its next meeting. Where determined to be desirable by the JOHSC, it may carry out additional investigations of any incident. A report or any such additional investigation shall be completed and filed. The review of all incidents shall be a standing item on the agenda of every safety committee meeting. The minutes must reflect the summary of any corrective action recommended by the committee, including further investigation of the incident.

### **9.5.4 Investigations**

Safety committees may recommend or undertake an investigation of any matter that may affect the health and safety of any member of the Saint Mary's Community. Where there has been an incident, including a near miss, at the workplace, that requires investigation, the incident shall be investigated using procedures described in Chapter 13 of this Manual. Normally, for a less serious incident, the investigation shall be undertaken by management with the participation of a member of the JOHS Committee. For a more serious incident, an investigation team, including members of the JOHS Committee may be established.

The JOHS Committee may wish for representatives of the committee to be more involved with the actual conduct of some investigations. If the JOHS Committee wishes additional involvement in an investigation, arrangements should be made with management, who shall facilitate their participation.

A report shall be completed and filed for each investigation.

### **9.5.5 OHS Concerns**

Where the JOHS Committee or safety sub-committee receives an employee concern with regard to a health or safety matter, the Committee shall address the concern according to the procedure laid out in Chapter 8 of this Manual. At its next meeting, the JOHS Committee or Safety Sub-committee should review the reports of all employee health and safety concerns referred to it for investigation.

### **9.5.6 Unsafe Work Refusals**

When an employee has exercised his/her right to refuse work which they believe to be unsafe to themselves or another person and the concern has not been remedied to the employee's satisfaction, the employee is instructed to refer the matter to the next level of the unsafe work refusal process which is a formal referral to the JOHS Committee (see Chapter 8.xx of this Manual).

The JOHS Committee, or a sub-committee of the JOHS Committee, shall investigate the work

refusal as soon as possible. The JOHS Committee have the right to view the workplace and observe any work in progress; interview the employee making the work refusal and any other employees involved in the work, suppliers or others relevant to the work refusal; examine documents; and make such additional enquiries as it sees fit prior to making a recommendation with regard to the work refusal.

The committee shall address the concern according to the procedure laid out in Chapter 8 of this Manual, including documentation of its involvement. Note that in order to recommend that the employee return to work, the recommendation of the JOHS Committee or the sub-committee must be unanimous.

At its next meeting, the JOHS Committee should review the reports of all unsafe work refusals referred to it for investigation.

### **9.5.7 Regulatory Role of the JOHS Committee**

Various regulations specify the regulatory role of the JOHS Committee. The WHMIS Regulations require the JOHS Committee to be consulted regarding the development and annual review of the employee education program. The First Aid Regulations require the employer to consult the JOHS Committee in the development of first aid remote location plans. The Occupational Safety General Regulations require the employer to consult the committee when developing or reviewing any written policy or procedure required by the regulation. From time to time, it may be necessary for the JOHS Committee to review Regulations that are under review, or in the process of being drafted by NS Department of Labour and Advanced Education.

## **9.6 JOHSC Terms of Reference**

Section 30 (7) of the OHS Act establishes that each JOHS Committee shall establish its own Terms of Reference. This provides the framework within which the committee functions.

The Terms of Reference for the University Joint Occupational Health and Safety Committee may be found at: <http://www.smu.ca/webfiles/TermsofReferenceJune.pdf>. The Safety Sub-committees have also developed a Terms of Reference for their committees.

## **9.7 Training**

All members of the JOHS Committee and safety sub-committees shall be provided with basic training on the fundamentals of occupational health and safety and the duties of being a safety committee member. This training shall include:

- OHS Committee Effectiveness, including Internal Responsibility System, OHS Rights and Responsibilities, and Due Diligence;
- Investigation of Employee Concerns or Unsafe Work Refusals.

Additionally, those members of the JOHS Committee dealing with the following matters shall be provided with training:

- Hazard Identification/Assessment;
- Workplace Inspections;
- Incident Investigation.

Members of ad-hoc safety sub-committees will be provided training as required.

## **9.8 Written recommendations to management**

Section 34 of the OHS Act requires that an employer shall respond in writing within 21 days to written recommendations from the JOHS Committee. The formal recommendation(s) should be reserved for the more serious issues. Routine matters should be dealt with by recording them in the minutes for action by management.

To use Section 34 of the Act, the recommendation(s) must be in writing and must ask for a written response. Simply recording in the committee minutes that a matter has been discussed does not meet this requirement. Communication regarding recommendations must be phrased as a recommendation. In order for Section 34 to take effect and the 21 day response period to be activated, the committee must consider the matter, come to a consensus as to what it wishes to recommend, and communicate the recommendation(s) to management.

At the end of this Chapter of the Manual is a Recommendation Form, which should be used to communicate the recommendation(s) of the Committee. The JOHSC will forward recommendations, regarding the overall Campus, to the Vice-President, Finance and Administration. The Science Safety Sub-committee will forward recommendations relating to the Faculty of Science to the Dean of Science. The Facilities Management/Administration will forward its recommendations to the JOHSC. Additionally, recommendations may also be addressed to the management person who is responsible for the work, location, or issue about which the recommendation(s) refer.

Management must take action to ensure that the recommendation(s) are dealt with and that a formal response is provided in a timely manner. A response to the recommendation(s) should be made as soon as possible; accepting recommendation(s) or giving reasons for not accepting them. If the matter requires more investigation or time to reach a decision or develop a plan of action, an interim response must be made to the JOHS Committee advising them of the status, the reason for the delay, and the time when they might expect the full response. The matter must be followed up and the JOHS Committee must be advised of the outcome.

## **9.9 Departmental notifications**

Section 28(2)(e)(iv) of the OHS Act requires that the Occupational Health and Safety Program identify the circumstances where hazards must be reported by the employer to the JOHS Committee and the procedure for doing so.

Pursuant to this requirement, the University shall notify the JOHS Committee within 24 hours of the occurrence of:

- an accident at the workplace where a person is killed or injured in a manner likely to prove fatal;
- a fire or explosion at the workplace whether a person is injured or not; and
- a Stop Work Order being issued by an Occupational Health and Safety Officer of the Occupational Health and Safety Division of the Department of Labour and Advanced Education (DLAE).

The University shall notify the JOHS Committee within seven days of the occurrence of:

- an accident at the workplace where a person sustains a bodily injury which requires medical treatment or which results in lost time of greater than one day, not counting the day of the injury; and
- an order of an Occupational Health and Safety Officer of the Occupational Health and Safety Division of DLAE.

The notification may initially be verbal, in order to save time, but must be confirmed in writing as soon as reasonably practicable. The written notification may take the form of the notice to the Director, Occupational Health and Safety Division of DLAE, or a copy of the order of the Occupational Health and Safety Officer. The OHS Office will prepare a monthly report of all incidents for the JOHSC and safety sub-committees.

Additionally, as required by Section 35 of the Act, the Department shall notify the JOHS Committee of the existence of reports of workplace occupational health or safety inspections or of workplace occupational health or safety monitoring or tests.

Further, pursuant to Section 39 of the Act, the Department shall notify the JOHS Committee of a compliance notice provided by the University in response to the order of an Occupational Health and Safety Officer or an appeal of the order or decision of the Officer.

## **9.10 Written request for information**

Section 35 of the Act requires an employer to notify the JOHS Committee of any occupational health and safety reports, inspections, workplace monitoring or tests. Upon request, the employer must make these reports available to the JOHS Committee. If the JOHS Committee wishes to request any of these reports, the Joint Occupational Health and Safety Committee Request for Information Form should be used to ensure a response in a timely manner. This form may be found at the end of this Chapter of the Manual.

Section 35 of the OHS Act requires that an employer shall respond in writing within 21 days to a written Request for Information from the JOHS Committee.

Please note that this section of the OHS Act applies only to the reports listed above. If the JOHS Committee wishes other information, a request can be made to the party with the information.



### 9.11 Participation in OHS Program evaluation

At least once each year, the JOHS Committee shall review and advise the University regarding:

- The OHS Policy;
- the OHS Program;
- employee awareness and training in OHS issues; and
- the Workplace Hazardous Materials Information System (WHMIS) training.

### 9.12 Annual report

The safety sub-committees will submit an Annual Report to the JOHSC. The JOHSC will include the information from the two reports in an Annual Report to the Vice-President, Finance and Administration. The following is a list of topics that should be covered in the Annual Report:

- name and membership of the Committees;
- meetings held;
- hazard assessments undertaken or reviewed;
- safe work practices developed or reviewed;
- inspections and investigations undertaken or reviewed;
- employee concerns investigated
- unsafe work refusals investigated;
- employee OHS education and training programs, including WHMIS, reviewed;
- OHS Policy review;
- recommendations made;
- employer's response to recommendations; and
- occupational injury/illness statistics.

### 9.13 Records

The JOHS Committee and safety sub-committees shall keep a full record of its activities, including preparation and maintenance of the following records:

- JOHS Committee members;
- Committee Co-Chairs and the Secretary;
- schedule of regular meetings;
- notices of emergency and special meetings;
- meeting agendas and minutes;
- reports of hazard identification and assessment activities
- reports of inspections;
- reports of concerns investigated
- reports of unsafe work refusals investigated;
- reports of incidents investigated;
- written recommendations;
- written requests for information;

- response to the written recommendations and requests for information; and
- any correspondence which is received or sent.

### Recommendation

*Pursuant to Section 34 of the OHS Act, a written response to this Recommendation is requested within 21 days.*

<b>Recommendation Number:</b>	<b>Date Submitted:</b>
<b>Re:</b>          	
<b>Recommendation:</b>          	
<b>Reason(s) for Recommendation:</b>          	
<b>Signed: Employee Co-Chair</b>	<b>Date:</b>
<b>Signed: Employer Co-Chair</b>	<b>Date:</b>

**Response by Management**

<b>Response attached:</b>	YES ___	NO ___
<b>If NO, state reason:</b>		

<b>Response by Management</b>	
<b>Response prepared by</b>	
<b>Signature</b>	
<b>Date</b>	