

**Terms of Reference,  
Rules and Procedures  
of  
Joint Occupational Health and Safety  
Committee's**

**1. Introduction:**

The following documents were used in the preparation of these terms of reference and rules of procedure and may be referred to herein:

- a. Health and Safety Act
- b. Occupational Safety General Regulations
- c. WHIMIS Regulations
- d. First Aid Regulations
- e. Fall Protection and Scaffolding Regulations
- f. Occupational Health Regulations
- g. Joint Occupational Health and Safety Committees  
and Representatives: A Practical Guide
- h. TCRSB Safety Program Manual

In Nova Scotia health and safety in the workplace is governed by the Occupational Health and Safety Act. The province also has a number of sets of regulations

working population and, while the Act provides general guidance on issues concerning health and safety, the regulations become specific when dealing with their topics.

**Section 29 of the Act** establishes the requirement for workplaces with 20 or more employees to have a Joint Occupational Health and Safety Committee (JOHSC).

*“At every workplace where twenty or more persons are regularly employed, the employer shall establish and maintain a joint occupational health and safety committee or, at the discretion of the employer, more than one such committee...”*

**Section 31 of the Act describes the function of the Committee:**

It is the function of the committee to involve the employers and employees together in Occupational Health and Safety in the workplace and, without without restricting the generality of the foregoing, includes:

- a. The co-operative identification of hazards to Health and safety and effective systems to respond to the hazards.
- b. The co-operative auditing of compliance with health and safety requirements in the workplace.
- c. Receipt, investigation and prompt disposition of matters and complaints with respect to workplace health and safety.
- d. Participation in inspections, inquiries and investigations concerning the occupational health and safety of the employees and in particular, participation in an inspection referred to in section 50.
- e. Advising on individual protective devices,

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equipment and clothing that, complying with this Act and the regulations, are best adapted to the needs of the employees.

- f. Advising the employer regarding a policy or program required pursuant to this Act or the 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.
- g. Maintaining records and minutes of Committee meetings in a form and manner approved by the director and providing an officer with a copy of these records or minutes on request; and
- h. Performing any other duties assigned to it by the Director of the NS Department of Labor, agreement between employer and employees or as is established by the regulations.

These terms of reference and rules of procedure will describe in detail, the functioning of the **Tri-County Regional School Board Office JOHSC**.

**2. Membership:**

*“A committee shall consist of such a number of persons as may be agreed to by the employer and the employees or or their unions.”*

**-Section 30 (1) OH&S Act**

Regional Office JOHSC shall be composed of one

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representative from management and one employee representative from each department. The senior administration department will be represented on the committee by those members chosen from the Human Resources Department. Each Management and employee representative will have a designated alternate in the regular member cannot attend the meeting.

The membership of the committee shall be reviewed on an annual basis for no more than 50% of the committee members in order to ensure continuity. The new members will be selected to serve on the committee as of the January meeting and thereafter annually. The normal term for the members of the committee will be for a period of two years.

A secretary shall be appointed from among the committee. Sub-committees to deal with specific occupational health and safety issues and legislative requirements will be established as required. The terms of reference for such sub-committees shall be approved by the JOHSC.

### **3. Chairing:**

The committee shall be jointly chaired by an appointed management representative and a selected employee representative. The management rep. shall be the principal or vice principal appointed by the principal. The employee co-chair shall be selected by nomination and majority vote of the other employee members of the committee. Regardless of other membership terms and appointments, the co-chairs shall be chosen annually. The co=chairs shall jointly conduct all duties as chair of the committee. In the event of the absence of one of the co-chairs from a meeting or committee activity the other will carry out the duties and responsibilities as chair.

The appointment and selection of co-chairs shall take place at

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The first regular meeting of the calendar year.

**4. Quorum:** A quorum is a fixed minimum percentage of committee members who must be present before the members can conduct valid business. In the case of this committee, 50% of all serving at the time are required to achieve a quorum. Also at least one employee rep must be present for valid business.

**5. Meetings:** Meetings shall be held on the second Wednesday of each month except August. The time of the meeting will usually be 10:00AM, however, this will be confirmed when the agenda is circulated.

Other than the above noted regular meetings, should another meeting be required it may be called by the co-chairs. In all cases, notice of the meeting will be distributed as soon as possible, but a minimum of two days notice will be given.

In the event an “emergency meeting” is required to deal with, for example a work refusal or work place accident investigation, as much notice as possible will be given considering the circumstances of the “emergency”. Emergency meetings will be called by the co-chairs, but may be called by one of the chairs should the other be unavailable.

Each scheduled meeting will have an agenda, which will be prepared by the secretary in consultation with the co-chairs of committee and be distributed at least one week prior to the meeting. Committee members who wish to have their items on the agenda must have their items to the secretary prior to the issuing of the agenda. At the discretion of the co-chairs, items may be added to the agenda at the beginning of the meeting.

**The agenda shall include the following:**

- a. Attendance/Regrets
- b. Approval of agenda
- c. Approval of minutes from last meeting
- d. Business arising from minutes
- e. Workplace health and safety topics for discussion
- f. Review of complaints/concerns
- g. Review of accidents/incidents
- h. Review of reports related to OH&S
- i. Update of health and safety training
- j. Special assignment reports by members or committees
- k. New business
- l. Adjournment

### **6. Matters the OH&S Act requires the JOHSC to be consulted on:**

The following is a list of items that the OH&S Act requires the JOHSC to be consulted on. Only a brief description of each section of the Act is included below. If more information is required then the appropriate section of the Act must be consulted.

<b><u>OH&amp;S Act / Section</u></b>	<b><u>Description</u></b>
13 (2)	The OH&S Act requires every employer to: “consult and co-operate with the Joint Occupational Health and Safety Committee.”
17 (1)	The OH&S Act requires every employee to: “consult and co-operate with the Joint Occupational Health and Safety Committee.”
17 (2)	Where an employee believes there is a Health & Safety

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- concern and the supervisor has been unable to resolve the issue, it must be reported to the JOHSC.
- 27 (1) If there is a requirement for an employer to have a Health & Safety policy, then that policy must be prepared and reviewed in consultation with the JOHSC.
- 28 (1) If there is a requirement for the employer to have a Health & Safety program, then that program must be prepared and reviewed in consultation with the JOHSC.
- 31 The function of the JOHSC is to “involve employers and employees together in OH&S in the workplace.” This includes JOHSC participation in: Hazard identification, inspections, receipt and investigation of complaints, participation in inspections and investigations (particularly when by an officer of the Department of Labor), advising on personal protective devices, equipment and clothing.
- 35 The OH&S Act states “A employer shall notify the JOHSC of the existence of reports of the workplace safety inspections and workplace Health and Safety monitoring tests.”
- 39 In the event an Officer of the Department of Labor makes an order pursuant to the OH&S Act, the employer shall post the order and deliver a copy to the committee.
- 42 (2) The OH&S Act states that: “Every employer shall permit an employee to observe workplace OH&S monitoring.”
- 43 In the event that an employee refuses work under this section and employees’ supervisor has been unable to resolve the issue the employee must report the work refusal
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to the JOHSC. **(Due to the complexity of a work refusal it is important that the TCRSB OH&S Officer be contacted if an employee exercises their right to refuse work).**

50 Where an officer of the Department of Labor conducts an inspection of a workplace, the employer shall give an employee member of the JOHSC the opportunity to accompany the officer during the inspection.

59 (3) The employer is required to provide a list of all chemical substances that may be a hazard to the health & safety of the employees to the JOHSC.

### **7. Hazard Identification:**

Section 31 (1) (a) of the OH&S Act lists as one of the functions of the JOHSC the “cooperative identification of hazards to the health and safety and effective systems to respond to the hazards.” In order to comply with this requirement this committee will conduct hazard identification on an annual basis (September). **The committee members will perform these inspections on a rotating basis.**

### **8. Inspections:**

Section 31 (1) (b) of the OH&S Act lists as another function of the JOHSC the “cooperative auditing of compliance with the health and safety requirements in the workplace.” In order to comply with this requirement the committee will conduct three workplace inspections per year **(December, March and June). These inspections will be done by committee members on a rotating basis.**

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## **9. Health and Safety Complaint Procedure and the Committee's Role:**

In order to understand the committee's role in the complaint procedure the roles of the other workplace parties will also be covered in this section. In the event that an employee has a concern or complaint about health and safety, the employee shall first report the matter to **their immediate supervisor (for TCRSB purposes, the principals)**.

If the matter is not resolved to the employee's satisfaction, the employee may then report it to the JOHSC. The committees' role is to consider the actions taken by the employee and the supervisor and make recommendations as to how the issues may be resolved at the work site. If the committees' recommendations are unable to resolve the concern or the supervisor does not follow the recommendations, then the recommendations may be forwarded to the employer (in our case they must be in writing to the Superintendent). The recommendations must be stated and ask that the Superintendent reply within 21 days. If this action fails to resolve the concern, then the **employee** is to contact the OH&S Division of the Department of Labor.

## **10. Work Refusals Due to Unsafe Conditions:**

Section 43 of the Act states:

*"An employee may refuse to do any act at the employee's place of employment where the employee has a reasonable grounds for believing that the act is likely to endanger the employee's health or safety or the health or safety of any other person..."*

That person is to report their refusal to work to their immediate Supervisor. If the supervisor does not remedy the situation to the employee's satisfaction, or refuses to attempt to remedy the situation the employee then takes the matter to the JOHSC.

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The committee's role in the work refusal is to investigate the circumstances surrounding the refusal, including inspecting the area, Equipment or work site. If the committee feels the task or job to be safe, then they must unanimously advise the employee to return to work. Should there be any result other than a unanimous vote, then the employee (or union in the workplace) must contact an officer of The Department of Labor in order to have the matter resolved. It is not the role of the committee to advise the employee not to return to work.

### **11. Accidents and Incidents:**

One of the committee functions listed in the Act is for the committee to “participate in investigations concerning workplace health and safety...” In Order to comply with this task, the committee will conduct investigations in accordance with the TCRSB Safety Program Manual. Accident Investigations will be conducted **by the committee members on a rotating basis.**

### **12. Communications:**

Official incoming and out going correspondence, such as recommendations and letters of complaint, will be handled by the co-chairs of the committee. The majority of committee correspondence will be routine nature in nature and will be handled by the committee secretary.

### **13. Recommendations:**

Recommendations from the committee shall first be directed to the Supervisor (principal) and, if necessary, the Superintendent of Schools. If the committee does not believe that their recommendations have been dealt with satisfactorily then the process outlined under section 9 should be followed.

**14. Minutes and Records Maintenance and Storage:**

Minutes will be recorded and transcribed by the committee secretary. The most recent minutes must be posted on the OH&S Bulletin Board located **in the staff room**. As required by the Act, a copy of these minutes will be maintained by the committee secretary in the official OH&S binder for a period of five years. A copy of these Minutes will be forwarded to the TCRSB OH&S Officer.

