

Ministry  
of  
Labour

Ministère  
du  
Travail

RESOURCES

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February 6, 2001

Mr. Rod Thompson  
Executive Officer  
Human Resources  
Toronto District School Board  
155 College Street  
Toronto, Ontario  
M5T 1P9

Dear Mr. Thomson:

Thank you for the additional information dated January 29, 2001 concerning your application for four multi-site Joint Health and Safety Committees to represent the four regions in the City of Toronto.

The Minister has delegated to me the power under subsection 9(3.1) of the Occupational Health and Safety Act. I would like to thank you for this information that supports the submission dated December 7, 2000 requesting approval for the multi-workplace Joint Health and Safety Committee (JHSC) arrangement developed and agreed to by the workers chosen by the workers that represent them at the sites as listed in your recent correspondence covering the four regions, North, South, East and West for the Toronto District School Board.

I am most pleased that a cooperative approach has been achieved regarding the structure and Terms of Reference for the Committees and that the arrangement satisfies the recommended criteria. The attached order indicates my approval of the arrangement.

I would like to wish the Committee members every success in their endeavours towards a fully effective health and safety program.

Yours sincerely,

A handwritten signature in blue ink that reads "Arthur Gladstone".

Arthur Gladstone  
Director

Att:  
AG/ope  
DIR 164/00

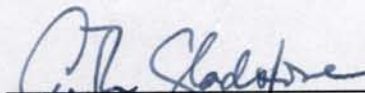
**Order under Subsection 9(3.1),  
The Occupational Health and Safety Act  
R.S.O. 1990, c.0.1**

**Whereas** subsection 9(3.1) of the Occupational Health and Safety Act provides that the Minister may, by order in writing, require a constructor or an employer to establish or maintain one or more joint health and safety committees for a work place or a part thereof, and may, in such order, provide for the composition, practice and procedure of any committee so established.

**And whereas** the Toronto District School Board (the Board) and the members chosen by the employees to represent them on the multi-workplace joint health and safety committees for each of the North, South, East and West Regions have, in an executed document between them dated December 7, 2000, stated a desire to have one Joint Health and Safety Committee represent workers at those sites as listed in the Board's correspondence dated January 29, 2001 for each region, have the Minister approve such an arrangement.

**NOW THEREFORE BE IT ORDERED** that pursuant to subsection 9(3.1) of the Occupational Health and Safety Act, the Toronto District School Board, as employer, is hereby required to establish and maintain one Joint Health and Safety Committee for each of its four regions to be governed as to composition, practice and procedure by the provisions of the executed document dated December 7, 2000 for the Board's facilities as listed in the additional correspondence dated January 29, 2001 between the members chosen by the employees to represent them on the regional joint health and safety committees.

Dated at Toronto, this 6<sup>th</sup>. day of February, 2001.



Arthur Gladstone  
Director, Central Region



# **TERMS OF REFERENCE**

## **JOINT HEALTH AND SAFETY COMMITTEES**

October 2, 2000

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# **TERMS OF REFERENCE**

## **JOINT HEALTH AND SAFETY COMMITTEES**

### **PREAMBLE**

- 1.1 It is a requirement of the Occupational Health and Safety Act [OH&S Act (S. 25 (2) (J)], that the employer shall establish a policy that encourages the active participation of all employees in the prevention of accidents and the promotion of health and safety in the workplace.
- 1.2 Both parties acknowledge that fundamental to the operation of the Occupational Health and Safety Act is what is known as the Internal Responsibility System. It is the concept that employers and workers must share the responsibility for all occupational health and safety, and that both parties must strive to identify and eliminate hazards and develop strategies for the protection of workers. Within the Internal Responsibility system workplace safety is monitored by the workers and employer through the interaction of the Joint Occupational Health and Safety Committees, Director of Education, certified members, health and safety representatives and the Ministry of Labour Inspector.
- 1.3 The parties acknowledge that an Occupational Health and Safety Program can only be successful where every person in the workplace is committed to these responsibilities. Therefore, the parties undertake to co-operate in ensuring that these Terms of Reference and the full intent of the Occupational Health and Safety Act will be carried out by their respective organizations.
- 1.4 The parties hereto adopt these Terms of Reference in good faith and agree to promote and assist the Committees, Committee members and/or alternate members by providing such information, training, and assistance required for the purpose of carrying out their responsibilities.

## **DEFINITIONS**

- 2.1 Bargaining Units as identified by each unit listed below;  
Elementary Teachers  
Elementary Occasional Teachers  
Secondary Teachers  
Secondary Occasional Teachers  
Unit A (PSSP)  
CUPE 4400 Unit B  
CUPE 4400 Unit C  
CUPE 4400 Unit D  
Unit E (MCSTC)
- 2.2 Bargaining Agent means ETFO, OSSTF, CUPE 4400, MCSTC
- 2.3 Employer means the Toronto District School Board
- 2.4 Central Committee means Joint Central Health & Safety Committee
- 2.5 Regional Committee means Joint Regional Health & Safety Committee(s)
- 2.6 Year-based on the Sept. 1st to Aug. 31st year
- 2.7 Director means the Director of Education for the Toronto District School Board
- 2.8 Regions is defined as the Facility Services Regions as of July 1, 2000
- 2.9 WIF means Workplace Inspection Form
- 2.10 WHMIS means Workplace Hazardous Materials Information System
- 2.11 Concern is a potential or existing hazard which presents risk to the Health or Safety of individuals in the workplace
- 2.12 Near Miss/Incident means occurrence(s) in the workplace that could have resulted in harm to people or property if the circumstances had been slightly different
- 2.13 Accident means an occurrence that causes harm to people or property
- 2.14 Violent Incident Reports as developed by the Central Committee

## **FUNCTION OF JOINT HEALTH & SAFETY COMMITTEES**

- 3.1 The employer's designate(s) will prepare and review annually, the written Occupational Health and Safety policy. The employer will develop and maintain a program to implement that policy [OH&S Act Section 25(2)(j)]. This will be accomplished in consultation with the Central Joint Health and Safety Committee after input from the Regional Joint Health and Safety Committees.
- 3.2 The Toronto District School Board and the Elementary Teachers, Elementary Occasional Teachers, Secondary Teachers, Secondary Occasional Teachers, Unit A (PSSP), CUPE 4400 Unit B, CUPE 4400 Unit C, CUPE 4400 Unit D, Unit E (MCSTC) have established Central and Regional Committees, as required by the Occupational Health and Safety Act and have reached an understanding as to the Terms of Reference for each Committee regarding the composition and standardized practices and procedures thereof.
- 3.3 The function of the Committees include but are not limited to [OH&S Act Section 9(18)]:
- a) Identify, evaluate, and recommend a resolution to all matters pertaining to health and safety in the workplace, and to the improvement of worker health and safety in the workplace
  - b) Recommend to the employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers;
  - c) Obtain information from the employer respecting:
    - (i) the identification of potential or existing hazards of materials, processes or equipment, and;
    - (ii) health and safety experiences and work practices and standards in similar or other industries and / or school boards of which the employer has knowledge;
  - d) Obtain information from the employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of Occupational Health and Safety, and;
  - e) Be consulted about, and have a designated member representing workers be present at the beginning of testing [referred to in clause (d)] conducted in or about the workplace if the designated member believes his or her presence is required to ensure that the test results are valid.
  - f) Designate bargaining unit representation in matters related to health and safety testing as defined in section 17 of this document.

- g) Recommend and participate in the development and ensure implementation of education and training programs in order that all Committee members and/or alternates and employees are knowledgeable in their rights, responsibilities and duties under the Occupational Health and Safety Act and Regulations
- h) To deal with matters related to Designated Substances and WHMIS where applicable, including all Material Safety Data Sheets for materials used in the workplace, and to monitor Employer compliance with the WHMIS regulations
- i) To deal with any health and safety issue within the workplace that the Joint Committees deem appropriate
- j) Recommend budget allocation for Health and Safety Joint Committees and to identify priorities for allocations in response to Health and Safety issues across the system

**CONFIDENTIALITY**

- 4.1 All health and safety representatives and alternates will keep medical or trade secret information confidential (OH&S Act Section 63).

**CENTRAL COMMITTEE**

- 5.1 There will be a Central Committee. The Committee shall work on the basis of consensus. Failing consensus, parties will refer issues to the ministry for resolution. The focus of the Committee will be to deal with system wide issues and perspectives around health and safety. The Central Committee shall meet a minimum of once per month. Additional meetings may be scheduled as required.
- 5.2 The Central Committee shall include:
  - Four (4) Regional Committee management co-chairs
  - One (1) General Manager of Facility Services
  - Four (4) Regional Committee worker co-chairs
- 5.3 Where a bargaining unit is not represented through a worker co-chair that bargaining unit shall appoint a representative from one of the Regional Committees to be on the Central Committee. There shall be a minimum of one representative of each of the bargaining units as set out below;
 

Elementary Teachers	1 Member
Elementary Occasional Teachers	1 Member
Secondary Teachers	1 Member
Secondary Occasional Teachers	1 Member
Unit A (PSSP)	1 Member
CUPE 4400 Unit B	1 Member



CUPE 4400 Unit C	1 Member
CUPE 4400 Unit D	1 Member
Unit E (MCSTC)	1 Member

The number of employer representatives on the Central Committee may be increased beyond the provisions of section 5.2 of this document to a level which does not exceed in total the number of worker representatives on the Central Committee.

5.4 Functions and Duties:

- a) To identify, evaluate and recommend and establish and review TDSB policies, procedures and protocols (including related health and safety forms) pertain to health and safety in the workplace and the improvement of worker health and safety.
- b) Provide appropriate communication links with all parties
- c) Establish and maintain statistics/database/file system/testing results/Ministry of Labour documents etc. for use and access by the committee through the resources of the Occupational Health and Safety Department
- d) Recommend and participate in the development and evaluation of the delivery of Health and Safety training programs
- e) Analyze health and safety issues, which have district wide implications
- f) Advocate for proactive change
- g) To annually recommend a budget to cover the activities of the Joint Committees with input from the Regional Committees
- h) Examine and attempt to resolve all health and safety issues referred to it
- i) Provide worker representation, as appropriate and designated by the Central Committee, for TDSB Committees whose work impacts on the health and safety of workers
- j) Review the Joint Health and Safety Committee Terms of Reference annually
- k) Organize an annual study session for all health and safety committee representatives and alternates to be scheduled on or about April 28th (Day of Mourning).
- l) Coordinate initiatives, procedures and protocols (including testing protocols) throughout the Regional Committees

**REGIONAL COMMITTEES**

6.1 There are four (4) Regional Committees, one for each of the regions of the TDSB:

EAST#1	WEST#3
NORTH #2	SOUTH #4

6.2 Each Regional Committee shall have a blended membership with representatives from the employer and from each of the bargaining units.

6.3 Each Regional Committee shall consist of a total of up to eighteen (18) members. There are up to nine (9) members selected by the employer who exercise managerial functions and nine (9) members selected by the workers of their local, as follows:

Elementary Teachers	1 Member
Elementary Occasional Teachers	1 Member
Secondary Teachers	1 Member
Secondary Occasional Teachers	1 Member
Unit A (PSSP)	1 Member
CUPE 4400 Unit B	1 Member
CUPE 4400 Unit C	1 Member
CUPE 4400 Unit D	1 Member
Unit E (MCSTC)	1 Member

6.4 Duties:

- a) To identify, evaluate and recommend a resolution to matters pertaining, but not limited to, worker concerns, near misses/incident and accident investigations.
- b) To monitor the implementation of policies, procedures and protocols throughout the region
- c) Analyze health and safety issues within the parameters of the Regional Committee
- d) Establish and implement the inspection schedule and teams
- e) To review at each regular meeting of the Committee inspection and investigation reports
- f) Liaise with site contacts and review and take appropriate action on worker concerns
- g) Monitor and participate in testing in or about the workplace as defined in Section 17 of this document
- h) Receive and review the WSIB, near miss/incident and accident reports and make appropriate recommendations
- i) Provide communication links with all appropriate parties
- j) Examine and attempt to resolve all health and safety issues referred to it
- k) Advocate for proactive change

## **ALL COMMITTEES**

### **Co-Chairs**

- 7.1 There shall be two Co-chairpersons for each Committee, one selected by the employer members and one by the worker members, who shall alternate the chair at each meeting.
- 7.2 Co-chairpersons will be appointed for a twelve (12) month term. The worker Co-chair shall rotate annually among the worker representatives from each bargaining agent unless otherwise agreed. The rotation of the chair shall occur at the first meeting of each school year. It is understood any individual may waive their rotation as Chair.
- 7.3 For clarity, the bargaining agents are ETFO, OSSTF, CUPE 4400, and MCSTC.
- 7.4 One Co-chairperson must be present to chair the meeting. If neither co-chair is present the Committee may appoint an interim chair for that meeting.

### **7.5 Ex Officio Members**

The President of each of the bargaining units, the Director of Education and the Chairperson of the Toronto District School Board are ex officio members of the Committee(s). It is understood that they shall have voice and not vote.

### **7.6 Alternates**

Designated alternates are required for the employer members and the worker members. Alternates shall only attend meetings when the regular members are unable to do so or, as a non-voting participant when requested to do so by the Committee or the Bargaining Unit. Alternates designated by their bargaining unit may perform duties as assigned by the Committee or the Bargaining Agent. Each party to this document will provide a list of alternate members to the Co-chairpersons of their Committee during September of each year and will update the list as needed.

### **7.7 Cease to be a member**

A member of the Committee who terminates or resigns from employment with the TDSB will also cease to be a member of the committee(s).

### **Meetings**

- 7.8 The Co-chairs of each Committee shall schedule meetings monthly, or more often as agreed upon by the respective Committee. Meeting frequency will be reviewed after the first twelve months, and regular meetings will be scheduled thereafter at a frequency deemed appropriate by the respective Committee. All reasonable meeting related expenses should be borne by the employer.

- 7.9 A meeting that is cancelled due to lack of a quorum shall be re-scheduled by the co-chairpersons to take place within ten (10) working days of the originally scheduled date.
- 7.10 In June of each year, each Committee will determine the meeting schedule for the year starting September.
- 7.11 The Co-chairpersons for each Committee shall approve any changes to their respective meeting schedule.

**Agenda**

- 7.12 The Co-chairpersons will jointly prepare an agenda for their respective Committee. A copy of the agenda will be forwarded to the members and alternates of their Committee at least five (5) working days in advance of the meeting. The Employer shall provide for inclusion with the agenda that month's accident, near misses/incident, and testing reports, Ministry of Labour related documents and all other pertinent documents.
- 7.13 New items of business may be added to that meeting's agenda at the meeting on approval of Committee members.
- 7.14 A Committee member, with at least five (5) working days prior notification where possible and approval of both Co-Chairs, may invite any additional person(s) to attend the meeting to provide additional information and comment, but the guest shall not participate in the regular business of the meeting.

**Minutes**

- 7.15 The employer shall provide a Recording Secretary and shall make every effort to provide consistency in this appointment.
- 7.16 The Co-Chairs shall review the draft minutes and ensure that draft minutes of the previous meeting are distributed to committee members at least (5) five working days prior to the next regularly scheduled meeting. Draft minutes of the meetings will be reviewed and amended, where necessary, by the appropriate Committee. When approved by the appropriate Committee the minutes will be signed and circulated within 5 days of approval to all Central and Regional Health and Safety Committee members and alternates, the Director of Education, each Local Union and Federation, and to the Occupational Health and Safety Department. The Committee may elect to send additional copies of the minutes to other designated parties.
- 7.17 The names of Committee members will be used in the minutes only to record attendance and for the purpose of receiving specific direction from the Committee.

7.18 Copies of the approved minutes will be posted in a conspicuous place in the workplaces represented by each Regional Committee. Central Committee minutes shall be made available to the bargaining units.

7.19 Each Committee shall exchange appropriate information with the other Joint Health and Safety Committees within the Board.

### **Quorum**

7.20 A Quorum shall be when the following three criteria are met;

- i) 50% plus 1 of the committee membership is in attendance
- ii) the number of employer representatives shall not outnumber the worker representatives
- iii) there are both employer and worker representatives in attendance

7.21 If a quorum is not achieved it must be duly noted in the next official set of minutes.

7.22 If more than two consecutive meetings are cancelled due to lack of a quorum, the Co-chairpersons from that Committee are required to submit a report to the Director of Education, or appointed designate, detailing the reasons why the agreed upon meeting schedule could not be met.

### **Decisions and Resolutions**

7.23 All items raised from the agenda in meetings will be dealt with on the basis of consensus, rather than voting. For the purposes of this section, consensus will be deemed to have been reached as long as no Committee member requests to be on record as dissenting.

7.24 Where a dispute arises as to the application of the Occupational Health and Safety Act and Regulations, or the compliance, or purported compliance, the Ministry of Labour shall decide the dispute.

7.25 All decisions and resolutions will be reported in the Committee meeting minutes.

7.26 Issues that are not resolved after one regularly scheduled meeting will be reported in the minutes by a Regional Committee and, unless mutually agreed, shall be referred by the Co-Chairs to the Central Committee and / or the Ministry of Labour. It is understood that the Regional Committee or any party within the committees may refer an issue to the Ministry of Labour at any time

### **Recommendations**

7.27 The Co-chairpersons shall submit the Committee's recommendations in writing to the Director of Education, who is responsible to take corrective action. A copy of these recommendations shall also be submitted to the Occupational Health and Safety Department.

- 7.28 The Director of Education's responses shall contain a timetable for implementing the recommendations. If the Director does not accept the recommendations, then reasons must be provided to explain why there is disagreement. A copy of these responses shall also be sent to the Occupational Health and Safety Department.
- 7.29 The Director of Education shall prepare and submit a written response to the Co-chairpersons within twenty-one (21) days of receipt.

### **Central Filing System**

- 7.30 Agenda and minute items, all reports and all other health and safety documents for each Committee will be identified by a reference number, and will be readily available in a proper filing system that will be accessible to all parties.

### **Time Spent on Work of the Committee**

- 7.31 Worker Committee members and / or alternates will be entitled to one hour or such longer period of time, as the Committee considers is necessary, to prepare for each Committee meeting, to attend meetings of the Committee, and to carry out the member's duties under the Occupational Health and Safety Act and Regulations. It is understood the TDSB shall pay the member and/or alternate their regular or applicable premium rate or allowance, including kilometrage.
- 7.32 When performing assigned or legislated duties, members and alternates shall not leave their work without first informing the appropriate supervisor as designated by the Employer. Once known, the Committee members and alternates shall provide such information with as much notification as possible. Where, due to circumstances, the immediate release of the Committee members or alternate is required, the supervisor shall ensure that the committee member or alternate is released from regular work in order to perform his/her committee duties. Members and alternates will also notify the appropriate supervisor when he/she returns to work.
- 7.33 All time spent in attendance at Committee meetings, or in duties relating to Committee functions, shall be considered as time at work. Members and alternates shall receive his/her regular or premium rate of pay, as may be proper, during such attendance at meetings or in duties relating to Committee functions. [OH&S Act Section 9 (35)]

### **7.34 No Reprisals**

There shall be no reprisals against a worker for actions taken in relationship to their role as a Health and Safety Representative as per the Occupational Health and Safety Act Section 50.

### **7.35 Collective Agreements**

The Committees shall not be empowered to alter, amend, add to or subtract from, any of the terms of Collective Bargaining Agreements.

## **CERTIFIED WORKERS**

- 8.1 Each Regional Committee shall have at least one (1) certified member representing the employer and four (4) certified members representing the workers, one (1) from each of the bargaining agents being represented. [OH&S Act Section 9 (12)]. A minimum of one committee member of each bargaining agent per region per year shall be certified until such time as all committee members are certified. The need for further certification training shall be reviewed annually by the Central Committee. The worker representatives will identify the workers to be trained from their respective bargaining unit representatives. This training shall be on work time. It is understood the initial certification training shall take place within 90 days of the signing of this agreement. All costs associated with training will be at the Board's expense.
- 8.2 The Workers' Health and Safety Centre shall provide certification training. Where possible employer and worker representatives shall attend the same certification training sessions.
- 8.3 If there is more than one certified member representing workers, the workers or the trade unions who selected the worker members, shall designate one or more alternates, who then become solely entitled to exercise the certified member rights, and will be required to perform the duties of a certified member representing workers {OH&S Act Section 9 (15)}.
- 8.4 If there is more than one certified member representing the employer, the employer shall designate one and an alternate, who then become solely entitled to exercise the certified member rights, and will be required to perform the duties of a certified member representing the employer [OH&S Act Section 9 (16)].

## **SITE CONTACTS**

- 9.1 Site contact person(s) shall be chosen/appointed at the beginning of each school year by the worker members at that site.  
The duties of the site contact shall include:
- Act as liaison/spokesperson for staff about health and/or safety issues when requested
  - Assist in completion of Concern Forms and contact the appropriate member(s) of the Regional Health and Safety Committee with concerns about the site not addressed through normal channels (refer to section 13, Concerns, Near Misses/Incidents and Accidents) .
  - Assist in the recording of near miss/incidents and injuries, which do not result in lost time. This information will be made available to staff, the inspection/investigation/testing team and forwarded to the respective Regional Health and Safety Committee.

- . Accompany the inspection/investigation/testing team as deemed necessary by the inspection/investigation/testing team.
- . Distribute or post Health and Safety materials .
- . Prepare pre-inspection form for the inspection team upon their arrival at the site

9.2 The site contact person(s) will receive all information required at the site (e.g., minutes of meetings) and ensure that it is available for all staff.

## **HEALTH AND SAFETY DEPARTMENT**

10.1 Representatives from the Occupational Health and Safety Department will act as a resource to each Committees as directed by the Co-Chairs. These representatives may attend committee meetings but shall not have a vote. The role of the Occupational Health and Safety Department Representatives is to provide information and support to both worker and employer members on the committees.

## **BULLETIN BOARDS**

11.1 Maintenance of the health and safety bulletin board(s) and the health and safety binder is the responsibility of the employer. The number of bulletin boards will be determined by the respective Regional Committee and shall be accessible to employees during their working hours in a conspicuous place or places, where they are most likely to come to the attention of the workers during their working hours [OH&S Act Section 9 (32)].

11.2 The following information is to be posted on the bulletin board:

- a) Names and contact numbers of the members of the Central Committee and appropriate Regional Joint Committee
- b) Workplace Safety and Insurance Board poster regarding “In All Cases of Injury”
- c) Excerpts from the Occupational Health and Safety Act poster
- d) Ministry of Labour Inspection Reports and Notices of Compliance forms
- e) A copy of regulation 1101 and the names and locations of qualified first aiders
- f) A copy of the Occupational Health and Safety Act
- g) The-TDSB Health and Safety policy
- h) Copy of the terms of reference for the TDSB Joint Health and Safety Committees



- i) A copy of the most recent Committee inspection report
- j) A copy of the most recent Committee approved meeting minutes
- k) WHMIS symbol poster
- l) Other items required by the Occupational Health and Safety Act and Regulations
- m) Any other information specified by the Joint Committees

**INSPECTIONS**

12.1 The Regional Committee members who represent workers shall develop the schedule to inspect the physical condition of the workplace. This schedule shall be approved by the appropriate Regional Committee. Every inspection shall be performed by a team of worker representatives. Each team shall include a CUPE Representative, Federation Representative and a MCSTC Representative designated by the respective bargaining unit. If possible, the designated member shall be a certified member [OH&S Act Section 9 (23)(24)].

12.2 The size of the inspection teams will be determined as below:

	<u># on team</u>	<u>Representation</u>
(0-150,000 sq. ft.)	3	Federation/CUPE/ MCSTC
(150,001 + sq. ft.)	6	Federation/CUPE/ MCSTC plus three other Regional Committee members or alternates

Additional inspection team members may be added by the Regional Committee. For clarification Federation representation shall be as follows;

- \* Elementary site -ETFO
- \* Secondary Site -OSSTF

Off-site inspections and non-school site inspection teams to be determined by the Regional Committee.

All team members shall be Regional Committee Members and/or Alternates.

12.3 The worker members of a Regional Committee are not required to designate the same members to perform all inspections or to perform all of a particular inspection [OH&S Act Section 9 (25)].

- 12.4 If it is not practical to inspect the workplace at least once a month, the designated members shall inspect the physical condition of the workplace at least once a year, inspecting at least a part of the workplace each month. [OH&S Act Section 9 (27)]. See Appendix A (for listing of work place locations). It is understood that there will be ongoing inspections throughout the year.
- 12.5 The workplace inspections shall be undertaken with a schedule established by each Regional Committee, for that year and provided to the Occupational Health and Safety Department.
- 12.6 Where and when possible, a management person shall accompany the worker members.
- 12.7 The Regional Committee inspector(s) shall contact the Principal/Site Manager, the Head Caretaker and Site Contact at the site to be inspected in advance of conducting the inspection whenever possible. The Regional Committee may forward a pre-inspection package as appropriate.
- 12.8 Employee groups represented in the building being inspected will if possible designate a site contact person within that building, who may accompany that inspector on the inspection of their respective area.
- 12.9 All Occupational Health and Safety concerns raised during the physical inspection will be recorded on a Workplace Inspection Form (WIF) as designed by the Central Committee.
- 12.10 The process to be followed regarding the inspection form is as follows:
  - a) The Principal/Site Manager will sign the report to acknowledge receipt of a copy of the WIF. The WIF is signed by the Regional Committee members and/or alternates performing the inspection.
  - b) The original WIF is forwarded to the central file.
  - c) The Principal or Site Manager keeps a copy of the WIF.
  - d) A copy of the WIF is posted in the work place
  - e) A copy of the WIF is sent to each of the Co-Chairs of the Regional Committee
  - f) The Principal or Site Manager shall forward copies of the original inspection form to the Occupational Health and Safety Department and the Regional Facilities Manager
  - g) All completed WIF's received by the Co-Chairs shall be distributed with the Regional Committee's next monthly agenda.

- 12.11 Issues identified by the WIF shall be responded to, in writing, by the appropriate Employer representative including the corrective action(s) that have been taken and/or corrective actions to be implemented including timelines. This response will be forwarded to the respective Regional Committee Co-Chairs within (10) ten days of receipt of the completed WIF form. Matters which create immediate risk to health or safety shall be responded to and dealt with immediately and the actions taken will be reported in writing to the Co-Chairs of the Committee within 3 days. The written reports shall be distributed with the respective Regional Committee's next monthly agenda.
- 12.12 Regional Committees shall review status and functionality of inspections at each regular meeting and amend the inspection schedule accordingly to ensure the required completion of the inspections which will then be forwarded to the Occupational Health and Safety Department. There shall be no changes to the inspection protocol unless mutually agreed by all parties to this agreement.
- 12.13 The employer shall provide safety equipment to members and/or alternates of the Committees when required for the performance of their duties.
- 12.14 Off site inspection procedures and protocol for health and safety inspections shall be developed by the Central Committee

### **CONCERNS, NEAR MISSES/INCIDENTS AND ACCIDENTS**

- 13.1 All members and alternates of the Regional Committees will encourage employees to bring to the attention of their immediate supervisor, either directly or through their union representative, their Occupational Health and Safety concerns. [OH&S Act Section 28(1)(c)(d)].
- 13.2 Copies of the Concern Form shall be made available, by the employer, in a location accessible to all workers. Concerns shall be responded to by the supervisor (including the action taken) within 5 days of receipt of the concern form. This form, including the supervisor response, will be immediately forwarded to the appropriate Regional Committee. If the item is resolved within 5 days, the Concern Form will be forwarded to the Worker Co-Chair of the appropriate Regional Committee to be logged. This does not limit the worker from exercising his/her rights under the Health and Safety Act to file complaints directly with Regional Committee and/or Ministry of Labour.
- 13.3 The Regional Committee shall designate members or alternates to investigate concerns, near misses/incidents and accidents including critical injuries and fatalities. The investigating members shall monitor that the employer ensures that the requirements prescribed in section 51, 52 and 53 of the Occupational Health and Safety Act and sections 5 and 6 of the Regulations for Industrial Establishments are carried out.

- 13.4 In the event of a critical injury a certified Regional Committee member representing the appropriate bargaining unit shall be made available to attend without delay.
- 13.5 The alternate member(s) will only perform the investigation when the designated member(s) is unable to do so.
- 13.6 A Committee member designated by each bargaining agent shall investigate any incidents of serious injury or lost time, or that have the potential for serious injury or lost time involving their own bargaining unit membership. The designated Committee representative shall be notified immediately by the employer of a near miss/incident or accident. The investigating member(s) shall report to the Regional Co-chairs.
- 13.7 Upon the Employer's receipt of WSIB and/or Violent Incident Reports involving workers, the report(s) shall be forwarded to the appropriate Bargaining Unit Representative within 4 days of it being reported. Each Bargaining Unit shall identify who shall receive these reports.

### **WORK REFUSALS**

- 14.1 Each bargaining unit shall designate a certified representative(s) who will participate in any investigation involving their bargaining unit(s) membership. A designated certified worker representative and a certified employer representative from the Regional Committee will be made available to participate in the investigation of a work refusal.
- 14.2 All involved parties shall follow the procedures in accordance with the Occupational Health and Safety Act (Section 43).

### **WORK STOPPAGE**

- 15.1 The employer and the worker certified members of each Regional Committee has the right to stop work jointly if, following consultation, they agree that dangerous circumstances exist.
- 15.2 The work stoppage procedures that will be followed shall be in accordance with the OH&S Act Sections 44, 45, 46, 47, 48, and 49.

## **MINISTRY OF LABOUR INSPECTIONS AND INVESTIGATIONS**

- 16.1 The worker members of the Regional Committee shall designate Committee member(s), or alternate(s) to accompany the Ministry of Labour inspector during inspections and investigations. The worker representation shall reflect the criteria as set out in 12.2 of this document.
- 16.2 The alternate member identified by each of the respective bargaining units will only accompany the Ministry of Labour inspector when the regular member is unable to do so or if so requested by the Committee.
- 16.3 The site contact person shall be informed about all Committee inspections and investigations and Ministry of Labour inspections, and may participate in same.

## **HEALTH AND SAFETY TESTING**

- 17.1 The Central Committee shall **be fully consulted about** proposed workplace health and safety testing strategies, equipment and protocols.
- 17.2 Each Bargaining Unit will designate one member or an alternate(s) from each Regional Committee who will be entitled to be present at health and safety testing in or about their members' workplace. They shall be notified of all testing 5 days prior to testing and are entitled to be present while that testing occurs in their region. When circumstances require immediate testing the designated worker member or alternate shall be notified immediately and shall be entitled to attend at the start of or during testing.
- 17.3 The members of the Committee shall be consulted about the testing processes and procedures used that will ensure test results are valid.
- 17.4 The alternate member will only be present at the start of testing when the designated member is unable to do so.

## **ANNUAL REVIEW**

- 18.1 Each Regional Committee shall review this document annually and propose necessary revisions to the Central Committee to be tabled at the April meeting, including those required by any new legislative changes to the Occupational Health and Safety Act and Regulations.
- 18.2 Any amendments, deletions, or additions to this document must have the consensus of the Central Committee and shall be subject to approval of their respective parties, prior to being attached as an Appendix to the document.

18.3 Upon completion of the annual review of this document which shall conclude June of each year unless otherwise agreed by the parties, any party may elect to withdraw from this agreement and negotiate separate terms of reference as per the Occupational Health and Safety Act and Regulations.

**SIGNATURES**

Signed at \_\_\_\_\_ Ontario, this \_\_\_ day of \_\_\_\_\_, 2000.

**FOR THE EMPLOYER**

R. R. Pl  
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**FOR THE WORKERS/UNION (S)**

Jay Mayata ETT.  
M.A. Macdonald O.T. ETEO  
Jim Stange PSSP  
Barry Weisleder  
John STB  
Al West  
Ken Seigel