



TERMS OF REFERENCE
JOINT HEALTH AND SAFETY COMMITTEE

June 30, 2023

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TERMS OF REFERENCE

JOINT HEALTH AND SAFETY COMMITTEE

1.0 **PREAMBLE**

- 1.1 It is a requirement of the *Occupational Health and Safety Act [OHSA (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 The parties acknowledge that fundamental to the operation of the *OHSA* is what is known as the Internal Responsibility System (IRS). It is the concept that Employers and Workers must share the responsibility for all occupational health and safety, and that the parties must strive to identify and eliminate hazards and develop strategies for the protection of Workers. Within the IRS workplace safety is monitored by the Workers and Employer through the interaction of the Joint Occupational Health and Safety Committee, Director of Education, and the Ministry of Labour, Immigration, Training and Skills Development (MLITSD).
- 1.3 The parties acknowledge that an Occupational Health and Safety Program can only be successful when 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 *OHSA* 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 Committee, Committee Members and/or Alternate Members by providing such information, training, and assistance required for the purpose of carrying out their responsibilities.

2.0 **DEFINITIONS AND ACRONYMS**

- 2.1 Accident means an occurrence that causes harm to Worker or property.
- 2.2 Bargaining Agent means ETFO, OSSTF, CUPE 4400, MCSTC.
- 2.3 Bargaining Units as identified by each unit listed below:
Elementary Teachers' Federation of Ontario - Elementary Teachers of Toronto (ETT)
Elementary Teachers' Federation of Ontario - Toronto Occasional Teachers (ETFO-TOT)
Ontario Secondary School Teachers' Federation - Toronto Teachers' Bargaining Unit (OSSTF-TTBU)

Ontario Secondary School Teachers' Federation - Occasional Teachers' Bargaining Unit (OSSTF-OTBU)

Professional Student Services Personnel (PSSP) Unit A

Canadian Union of Public Employees (CUPE 4400) Unit B

Canadian Union of Public Employees (CUPE 4400) Unit C

Canadian Union of Public Employees (CUPE 4400) Unit D

Maintenance and Construction Skilled Trades Council (MCSTC) Unit E

- 2.4 Concern means a potential or actual hazard which presents a risk to the health or safety of Workers in the workplace.
- 2.5 Consensus will be deemed to have been reached as long as no Committee Member requests to be on record as dissenting.
- 2.6 Committee means TDSB Joint Health and Safety Committee (JHSC).
- 2.7 Critical Injury means an injury of a serious nature that,
- (a) places in life in jeopardy,
 - (b) produces unconsciousness,
 - (c) results in substantial loss of blood,
 - (d) involves the fracture of a leg or arm but not a finger or toe,
 - (e) Involves the amputation of a leg, arm, hand or foot but not a finger or toe,
 - (f) consists of burns to a major portion of the body, or
 - (g) causes the loss of sight in an eye.
- 2.8 Director means the Director of Education for the Toronto District School Board.
- 2.9 Employer means the Toronto District School Board.
- 2.10 E-WIP means Electronic Workplace Inspection Program.
- 2.11 IRS means Internal Responsibility System, the underlying philosophy of the occupational health and safety legislation in all Canadian jurisdictions. Its foundation is that everyone in the workplace - both employees and Employers - is responsible for their own safety and for the safety of their co-workers.
- 2.12 Near Miss/Incident means occurrence(s) in the workplace that could have resulted in harm to Worker or property if the circumstances had been slightly different.
- 2.13 OHSA means *Occupational Health and Safety Act*, as amended.
- 2.14 Parties means the Employer and Worker(s).
- 2.15 WHMIS means Workplace Hazardous Materials Information System.

- 2.16 Worker means a person who performs work or supplies services for monetary compensation for the Employer, including other persons as defined in the *OHSA* [Section 1(1)].
- 2.17 Workplace means any land, premises, location, or thing at, upon, in or near which a Worker works, including, but not limited to, the sites identified on Schedule A.
- 2.18 Workplace Violence means (a) the exercise of physical force by a person against a Worker, in a workplace, that causes or could cause physical injury to the Worker, (b) an attempt to exercise physical force against a Worker, in a workplace, that could cause physical injury to the Worker, or (c) a statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the Worker, in a workplace, that could cause physical injury to the Worker.
- 2.19 WSIB means Workplace Safety and Insurance Board.
- 2.20 Year-based means the period from September 1 to August 31.

3.0 FUNCTIONS OF JOINT HEALTH AND SAFETY COMMITTEE

- 3.1 The Employer will prepare and review annually, the written Occupational Health and Safety policy. The Employer will develop and maintain a program to implement that policy [*OHSA* Section 25(2)U]. This will be accomplished in consultation with the Joint Health and Safety Committee.
- 3.2 The Toronto District School Board and all Bargaining Units have established a Joint Health and Safety Committee, as required by the *OHSA*, and have reached an understanding as to the Terms of Reference regarding the composition and function of the Committee.
- 3.3 The powers of the Committee includes: [*OHSA* Section 9 (18)]:
- (a) identify situations that may be a source of danger or hazard to Workers,
 - (b) make recommendations to the constructor or Employer and the Workers for the improvement of the health and safety of Workers,
 - (c) recommend to the constructor or Employer and the Workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of Workers,
 - (d) 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.
- (e) 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,
- (f) be consulted about and have a designated Member representing Workers be present for the duration of testing [referred to in clause (e)] 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,
- (g) recommend and participate in the development and ensure implementation of education and training programs in order that all Committee Members and/or Alternates are knowledgeable in their roles, rights, responsibilities, and duties under the *OHSA* Regulations, and this Terms of Reference,
- (h) to deal with matters related to Designated Substances and WHMIS where applicable, including all Safety Data Sheets (SOS) 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 Committee deems appropriate.

4.0 CONFIDENTIALITY

- 4.1** The Parties will keep medical or trade secret information confidential (*OHSA* Section 63).

5.0 JOINT HEALTH AND SAFETY COMMITTEE STRUCTURE

- 5.1 There will be a JHSC whose focus will be to address system wide issues and perspectives around health and safety. The Committee shall meet once per month from September to June. Additional meetings may be scheduled as required.
- 5.2 The Committee shall include as per the requirement of the *OHSA*:
 One (1) Management Co-Chair;
 One (1) Worker Co-Chair; and
 The Committee shall include:
 One (1) Senior Manager, Occupational Health and Safety or designate (as a resource only).
 It is understood that the Senior Manager, Occupational Health and Safety attend the meeting as a resource only to the Committee with a voice but no vote.

- 5.3 The Committee shall have a blended membership with representatives from the Employer and from each of the Bargaining Units.

The 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 Bargaining Unit 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

- 5.4 Functions and Duties:

The function, duties, and powers of the Committee are as identified in *OHSA*, including

- (a) Recommend and participate in the development and evaluation of the delivery of health and safety training programs,
- (b) Analyze reports coming out of Standing Sub Committee and make recommendations as necessary,
- (c) Advocate for proactive change,
- (d) To review and attempt to resolve all agenda items referred to it,
- (e) The Committee will determine and provide a topic annually by February for Professional Learning of the Committee Members and Alternates, where the Professional Learning session is to be held on/about the National Day of Mourning.

6.0 **JOINT HEALTH AND SAFETY COMMITTEE**

6.1 **Co-Chairs**

There shall be two Co-Chairs for the Committee, one selected by the Employer Members and one by the Worker Members, who shall alternate the chair at each meeting.

- 6.2 Co-Chairs 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 Co-Chair

- 6.3 For clarity, the Bargaining Agents are ETFO, OSSTF, CUPE 4400, AND MCSTC.

6.4 One Co-Chair must be present to chair the meeting. If neither Co-Chair is present the Committee may appoint an interim chair for that meeting.

6.5 **Ex Officio Members**

The President of each of the Bargaining Units, the Director Education and the Chairperson of the Toronto District School Board or their designate are ex officio Members of the Committee. It is understood that they shall have a voice and no vote.

6.6 **Alternates**

Each Health and Safety Inspector may have up to 4 Alternates. Alternates are selected/appointed by each Bargaining Unit

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 nonvoting participant when requested to do so by the Committee or the respective Bargaining Units. An Alternate designated by their Bargaining Unit may perform duties as assigned by the Committee or their respective Bargaining Units. Each Bargaining Unit shall provide a list of Alternate Members and/or inspectors to the Occupational Health and Safety Department in September of each year and updated as required. Said Alternate lists will be provided to the Committee Co-Chairs.

It is understood that an Alternate's scope of operation will be to perform their functions and duties as consistent with their role vis-a-vis the Committee and under the *OHSA*.

6.7 **Cease to be a Member**

A Member of the Committee who is terminated or resigns from employment with the TDSB will also cease to be a Member of the Committee.

6.8 **Meetings**

In June of each year, the Co-Chairs of the Committee and Sub-Committee will determine the meeting schedule for the year starting September. Meeting frequency will be reviewed every twelve months and regular meetings will be scheduled thereafter at a frequency deemed appropriate by the Committee, but no less than monthly. All reasonable meeting related expenses shall be borne by the Employer.

6.9 A meeting that is cancelled due to the lack of a quorum shall be re-scheduled by the Co-Chair to take place within ten (10) working days of the originally scheduled date.

6.10 The Co-Chairs for the Committee shall approve any changes to the meeting schedule.

6.11 **Agenda**

The Co-Chairs will jointly prepare an agenda for the Committee. A copy of the agenda will be forwarded by the Employer to the Members and Alternates of the Committee at least five (5) working days in advance of the meeting. The Employer shall provide for inclusion with the agenda that month's respective statistics for violent incidents, accident injury forms, near misses/incident, and testing reports, MLITSD related documents and all other pertinent documents.

6.12 Committee Members who wish to have items added to the agenda should make such requests to the Co-Chairs at least five (5) working days in advance of the meeting. New items of business may be added to that meeting's agenda at the meeting on approval of Committee Members.

6.13 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.

6.14 **Minutes**

The Employer shall provide administrative support to take minutes and shall make every effort to provide consistency in this appointment.

6.15 The Co-Chairs shall review the draft minutes and ensure that draft minutes of the previous meeting are distributed to Committee Members at least five (5) working days prior to the next regularly scheduled meeting. Draft minutes of the meetings will be reviewed and amended, as necessary during the next scheduled JHSC meeting. When approved the minutes will be signed and circulated within five (5) working days to the Committee Members and Alternate, the Director of Education, each Bargaining Unit, Agent, and to Occupational Health and Safety. The Committee may elect to send additional copies of the minutes to other designated parties.

6.16 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.

6.17 Copies of the approved minutes will be posted in a conspicuous place in every workplace.

6.18 **Quorum**

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

- 6.19 If a quorum is not achieved, it must be duly noted in the next official set of minutes.
- 6.20 If more than two consecutive meetings are cancelled due to lack of a quorum, the Co-Chairs 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.
- 6.21 **Decisions and Resolutions**
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.
- 6.22 Where a dispute arises as to the application of the *OHSA* and Regulations, or the compliance, or purported compliance, the Ministry of Labour, Immigration, Training and Skills Development (MLITSD) shall decide the dispute.
- 6.23 All decisions and resolutions will be reported in the Committee meeting minutes.
- 6.24 **Recommendations**
Recommendations are to be discussed during the JHSC meeting, prior to submitting to the Employer. If the Committee fails to reach a consensus about making a Recommendation to the Employer after trying to reach a consensus in good faith to do so, either Co-Chair of the Committee has the power to make a written Recommendation(s) to the Employer.
- 6.25 The Co-Chairs shall submit the Committee Recommendation(s) in writing to the Senior Manager of Occupational Health and Safety, who shall provide a copy to the Director of Education, who is responsible to take corrective action.
- 6.26 The Director of Education's responses shall contain a timetable for implementing the Recommendation(s). If the Director does not accept the Recommendation(s), then reasons must be provided to explain why there is disagreement. A copy of these responses shall also be sent to the Senior Manager of Occupational Health and Safety and the Co-Chairs of the Committee.
- 6.27 The Director of Education shall prepare and submit a written response to the Co-Chairs within twenty-one (21) days of receipt.
- 6.28 **Central Filing System**
Agenda and minute items, all reports, and all other health and safety documents for the Committee and Sub-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 and maintained in accordance with PR677.

6.29 Time Spent on Work of the Committee

Worker Committee Members and/or Alternates will be entitled to a minimum of one day to prepare for the Committee meeting and to attend meetings of the Committee, and to carry out member duties under the *OHSA* and Regulations. Should a longer period of time be required to carry out these duties, this shall be determined by the Committee and agreed based on consensus. It is understood the Employer shall pay the Member and/or Alternate their regular or applicable premium rate or allowance, including mileage.

6.30 When performing assigned or legislated duties, JHSC Members or 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 Member or Alternate is required, the supervisor shall ensure that the Committee Member or Alternate is released from regular work in order to perform their Committee duties. JHSC Members or Alternates will also notify the appropriate supervisor when they return to work.

6.31 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 their regular or premium rate of pay, as may be proper, during such attendance at meetings or in duties relating to Committee functions. [*OHSA* Section 9 (35)].

6.32 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 *OHSA* Section 50.

6.33 Collective Agreements

The Committee shall respect and adhere to the terms of all Collective Bargaining Agreements.

7.0 STANDING SUB-COMMITTEE OF THE JHSC

7.1 There shall be a standing Sub-Committee of the JHSC with the following duties:

- (a) Review all data provided by the Employer, and the Health and Safety Concern/Near Miss forms, Parklane Reports, Employee's Report of a Workplace Violent Incident form (ERWVI), Supervisor's Workplace Violent Incident Investigation Report (SWVIIR), hazard analysis from E-WIP, workplace violence risk assessments,
- (b) Present trend analysis to JHSC,
- (c) Co-Chairs of Sub-Committee will present recommendations to JHSC,
- (d) Any other tasks as assigned by the JHSC,

- (e) Upon review of items laid out in (a), should further investigation be required it will be brought forth to JHSC for discussion and necessary action.

7.2 The Sub-Committee shall select one (1) Worker and one (1) Management Co-Chair.

Committee shall have a blended membership with representatives from the Employee and from each of the Bargaining Units.

Committee shall consist of a total of up to eighteen (18) Members including at least one (1) non-voting representative from the Occupational Health and Safety Department. There are up to nine (9) Members selected by the Employer who exercise managerial functions and nine (9) Members selected by their respective Bargaining Units from the existing complement at the JHSC, 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

7.3 Once a month, the Workers will be provided a half-day in the morning for Sub-Committee preparation, and a half-day in the afternoon for the Sub-Committee meeting. Additional meetings during July and August will be determined by the JHSC based on need.

7.4 For the purposes of the Sub-Committee, the responsibilities of minute taking will be shared among the Sub-Committee Members, where responsibilities of minute taking will be alternated by the Co-Chairs. Minutes will be shared with the JHSC, along with the agenda and minutes, five (5) days prior to JHSC meetings for review and discussion. 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.

8.0 **CERTIFIED MEMBERS**

8.1 The 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 Units being represented [OHS Section 9 (12)]. One (1) Committee Member of each Bargaining Unit shall be certified until such time as all Committee Members are certified. The need for further certification training shall be reviewed

annually each September by the Committee. The JHSC Worker representatives will identify the Workers to be trained from their respective Bargaining Unit representatives.

- 8.2 The Employer shall arrange certification training/recertification training for the selected Committee Members as required by the Ministry of Labour, Immigration, Training and Skills Development. Worker Committee Members shall be trained by a MLITSD approved provider. This training shall be on work time. All costs associated with training will be at the Employer's expense. The Workers' Health and Safety Centre shall be the preferred choice to provide certification training. When 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 certified Members or certified 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 [OHSa Section 9 (15)].
- 8.4 If there is more than one certified Member representing the Employer, the Employer shall designate one or more of them, who then becomes solely entitled to exercise the certified Member rights and will be required to perform the duties of a certified Member representing the Employer [OHSa Section 9 (16)].

9.0 OCCUPATIONAL HEALTH AND SAFETY DEPARTMENT

- 9.1** The Occupational Health and Safety Department will act as a resource to the Committee as directed by the Co-Chairs. A representative may attend Committee meetings but shall not have a vote. The role of the Occupational Health and Safety Department Representative is to provide information and support to both Worker and Employer Members on the Committee.

10.0 WORKER ACCESS TO INFORMATION

- 10.1 Maintenance of the Health and Safety Bulletin Board or the Health and Safety Binder (off-sites) including any electronic version(s) is the responsibility of the Employer. The Health and Safety Bulletin Board shall be accessible to all employees during their working hours in a conspicuous place, where it is most likely to come to the attention of the Workers during their working hours [OHSa Section 9 (32)].
- 10.2 The following information is to be posted on the Health and Safety Bulletin Board/Binder:
- (a) Names and contact numbers of the Committee Members,

- (b) Workplace Safety and Insurance Board poster regarding "In case of injury or illness at work",
- (c) Health and Safety at Work: Prevention Starts Here (Poster),
- (d) Employment Standards in Ontario (Poster),
- (e) Ministry of Labour, Immigration, Training and Skills Development Inspection Reports, Notices of Compliance forms and hygiene testing results,
- (f) A copy of Regulation 1101 and the names and locations of qualified first aider(s),
- (g) A copy of the *Occupational Health and Safety Act*,
- (h) TDSB Health and Safety Policy P048
- (i) TDSB Workplace Violence Prevention Policy, P072,
- U) TDSB Harassment Policy, P034,
- (k) Copy of the Terms of Reference for the TDSB Joint Health and Safety Committee,
- (l) A copy of the most recent workplace inspection report,
- (m) A copy of the most recent approved Committee meeting minutes,
- (n) WHMIS symbol poster,
- (o) A copy of the Health and Safety Concern/Near Miss Form,
- (p) Wherever the TDSB requires a form to be completed electronically, the TDSB will ensure instructions are posted,
- (q) Employee's Report of Accident Injury form,
- (r) Guide to Occupational Health and Safety Reporting,
- (s) Any other information specified by the Committee.

11.0 WORKPLACE INSPECTIONS

- 11.1 The Bargaining Units who represent Workers, shall designate full-time Health and Safety Inspector(s) as per Section 11.2 representing Workers, to inspect the physical condition of the workplace.
- 11.2 Full-time Health and Safety Inspectors representing Bargaining Units are allocated as follows:

CUPE 4400-6
 ETT-3
 ETT-TOT -1
 OSSTF TTBU - 3
 OSSTF - OTBU - 1
 OSSTF PSSP - 2
 MCSTC-4

The Parties agree and acknowledge that full-time Inspectors and designated Alternates report to and are supervised by the Senior Manager of Occupational Health and Safety.

The Parties agree that the Unions shall adhere to the principles of equity in their selection of the Health and Safety Inspectors.

11.3 Duties and Functions of Inspectors:

- (a) Conduct the physical inspection of the workplace on a monthly basis,
- (b) Shall be assigned or designated duties of the Committee, such as following up on Health and Safety forms/paperwork, work refusals, and incidents (including violence, critical injuries, etc.),
- (c) Attend hygiene testing,
- (d) Health and Safety Inspectors' primary responsibilities are to perform the duties as outlined within the TOR and *OHS*A as an extension of the JHSC Worker Members. Union business that is not covered within this TOR and *OHS*A, is to be conducted by Union representatives who are not full time Health and Safety Inspectors,
- (e) Permission for any Union/Federation leave should be sought in advance of the leave and shall not be unreasonably denied. Health and Safety Inspectors are not to be utilised through the course of their work for any other union business that is outside of this TOR and *OHS*A without prior approval,
- (f) The term of the Health and Safety Inspector shall be September 1 through to August 31,
- (g) Should JHSC Members or Health and Safety Inspectors be unavailable due to vacation, illness, personal reasons or engaged in other investigations that does not allow for them to carry out their other duties as per the TOR and *OHS*A, then an Alternate can be designated by the JHSC Worker Co-Chair, subject to approval of the Senior Manager of Occupational Health and Safety or designate,
- (h) Health and Safety Inspectors shall use Employer issued devices and email address for all work pertaining to health and safety and duties outlined within the TOR and *OHS*A.

11.4 There shall be a monthly check-in meeting between full-time Health and Safety Inspectors and the Senior Manager of Occupational Health and Safety or Designate. These meetings will normally occur between September and June. Meetings may be scheduled in July and August.

11.5 There shall be two meetings per year scheduled by the Occupational Health and Safety Department, between a Member of each Bargaining Unit Executive and the Senior Manager of Occupational Health and Safety or designate, and other Employer officials.

11.6 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. Monthly inspections shall include all high-risk areas such as technical shops, science chemical storage rooms,

boiler rooms, fan rooms and pool filter room [OHSa Section 9 (27)]. See Schedule A (for listing of workplace locations). It is understood that there will be ongoing inspections throughout the calendar year.

- 11.7 A management person may accompany the Health and Safety Inspector or designated Alternate during the inspection.
- 11.8 All Occupational Health and Safety hazards identified during the physical inspection will be recorded through the Electronic Workplace Inspection Program (E-WIP).

Health and Safety Inspectors/Alternates shall enter each school/site's monthly inspection on the day of the inspection, or at most one (1) working day from the time of inspection. If the inspection cannot be submitted within one working day, then the Senior Manager of Occupational Health and Safety, or designate, must be informed.

Inspections are to be recorded within E-WIP using the Employer device provided.

- 11.9 The process to be followed post workplace inspection is as follows:
 - (a) The Principal/Site Supervisor shall receive notification that the monthly inspection has been completed,
 - (b) The Principal/Site Supervisor must respond to all hazards identified during the inspection within 21 calendar days except the months of July and August when the Principal/Site Supervisor is not available. Where appropriate, the Head Caretaker or designate shall receive the E-WIP form and follow up with the necessary work orders,
 - (c) The Principal/Site Supervisor shall post a copy of the most recent completed inspection on the Health and Safety Bulletin Board or in the health and safety binder (off sites),
 - (d) All data pertaining to hazards that are identified, and the action(s) taken will be maintained in a database for the purposes of review and analysis by the Occupational Health and Safety Department and Committee Members. All Inspectors have access to review previous workplace inspections,
 - (e) The Principal/Site Supervisor is responsible for ensuring the work is completed,
 - (f) All missed workplace inspections shall be reported by the Occupational Health and Safety Department to the Committee and to be included in the agenda on a bi-monthly basis.
- 11.10 The JHSC Worker Members and/or the Health and Safety Inspectors shall develop an inspection schedule and provide the schedule to JHSC prior to the start of the next inspection cycle. Should the JHSC Worker Members not be able to provide a schedule to JHSC, then the Employer will develop the inspection schedule. Altered schedules shall be approved by JHSC, where approval shall not be unreasonably denied.

The schedule may be modified by the Senior Manager of Occupational Health and Safety, in the event of a Health and Safety Inspector resignation, retirement or missed inspections to ensure compliance with the *OHSA*.

- 11.11 The Employer shall provide safety equipment to Members and/or Alternates of the Committee when required for the performance of their duties.
- 11.12 Off-site workplace inspections and schedules shall be conducted by CUPE 4400 Inspectors/Alternates and approved by Committee.

12.0 VIOLENT INCIDENTS. CONCERN/NEAR MISSES INCIDENTS AND ACCIDENTS

- 12.1 All Members and Alternates of the Committee will encourage employees to report any hazard in the workplace to the attention of their immediate Supervisor. The Health and Safety Concern/Near Miss form (Concern Form) may be used if necessary [*OHSA* Section 28(l)(c)(d)].
- 12.2 Copies of the Concern Form shall be made available, by the Employer, on the Health and Safety Bulletin Board. Concern Form(s) shall be responded to by the Supervisor (including the action taken) to the Worker within five (5) business days of receipt. The completed Concern Form, including the Supervisor response, will be forwarded to Occupational Health and Safety Department who will forward a copy to the appropriate JHSC Worker representative. This does not limit the Worker from exercising their rights under the *OHSA* to file complaints directly with the Committee and/or Ministry of Labour, Immigration, Training and Skills Development.
- 12.3 The Committee shall determine and designate a Member(s) or Alternate(s) to investigate Health and Safety Concern/Near Miss Forms, Employee's Report of Workplace Violent Incident, accidents and/or a Notification of Occurrence through Park Lane reports, and report findings back to the Committee as deemed necessary.
- 12.4 The Employer shall ensure that the requirements prescribed in Section 51(1), 52(1), (2) and 53(1) of the *OHSA* and Regulation 420/21 are carried out.
- 12.5 In the event of a critical injury or fatality, a certified Committee Member representing the appropriate Bargaining Unit shall be contacted and made available to attend without delay.

An Alternate Member will only perform the investigation when the designated Member is unable to do so. The Bargaining Unit Committee Member shall report their findings to the Committee and Director of the Ministry of Labour, Immigration, Training and Skills Development [per *OHSA* Section 9 (31)].

12.6 Upon the Employers receipt of Employee's Report of Accident/Injury (ERAI) which initiates the WSIB process, the Park Lane summary report(s) shall be forwarded to the appropriate Bargaining Unit Representative within four (4) days of it being reported. Each Bargaining Unit shall identify who shall receive these reports. The Employee's Report of a Workplace Violent Incident involving Workers, shall be forwarded electronically to the appropriate JHSC Worker Member, upon Workers submission.

13.0 WORK REFUSALS

13.1 Each Bargaining Unit shall designate a certified representative who will participate in any investigation involving their Bargaining Unit(s) membership. A designated certified Worker representative and a certified Employer representative will be made available to participate in the investigation of a work refusal.

13.2 All involved parties shall follow the procedures in accordance with the *OHSA* (Section 43).

14.0 WORK STOPPAGE

14.1 The Employer and the Worker certified Members of the Committee has the right to stop work jointly if, following consultation, they agree that dangerous circumstances exist.

14.2 The work stoppage procedures that will be followed shall be in accordance with the *OHSA* Sections 44, 45, 46, 47, 48, and 49.

15.0 MINISTRY OF LABOUR. IMMIGRATION. TRAINING AND SKILLS DEVELOPMENT INSPECTIONS AND INVESTIGATIONS

15.1 The Employer shall notify the JHSC Co-Chairs upon notification of a MLITSD Inspection/Investigation/Work Refusal. JHSC Co-Chairs shall notify the Worker Member whose Bargaining Unit is impacted. The Worker Members of the Committee shall designate Committee Member(s), or Alternate(s) to accompany the MLITSD Inspector during inspections and investigations.

15.2 The Alternate Member identified by each of the respective Bargaining Units will only accompany the MLITSD Inspector when the regular Member is unable to do so, or if, requested by the Committee.

16.0 HYGIENE TESTING

16.1 The Committee shall be fully consulted about proposed workplace hygiene testing strategies, equipment, and protocols.

- 16.2 The Committee shall select one (1) designated Member representing Workers, who shall be entitled to be present at the beginning of hygiene testing of the Worker's workplace. Occupational Health and Safety Department will notify the JHSC Worker Co-Chair five (5) days prior to hygiene testing or as soon as they become aware of hygiene testing. When circumstances require immediate testing the designated Worker Member shall be notified immediately and shall be entitled to attend at the start of or during testing.
- 16.3 The Members of the Committee shall be informed about the testing and may inquire about the processes and procedures used that will ensure test results are valid.

17.0 ANNUAL REVIEW

- 17.1 The Committee shall review this document annually and proposed revisions will be submitted at the April meeting and finalized at the June meeting (including those required by any new legislative changes to the *Occupational Health and Safety Act* and Regulations).
- 17.2 Any amendments, deletions, or additions to this document must be discussed, by the Committee, be minuted, and have consensus. Amendments, deletions and/or additions shall be subject to approval of the Bargaining Units and the Employer, and sent to the Ministry of Labour, Immigration, Training and Skills Development prior to being implemented and attached as an Appendix to the document.
- 17.3 The annual review of this document shall conclude by June of each year, unless otherwise agreed to by the Committee.
- 17.4 Any workplace party may write to the Regional Director, Ministry of Labour, Immigration, Training and Skills Development, requesting the Minister's Order be revoked. The Regional Director will follow up with the workplace parties to consider the factors supporting the request.

SIGNATURES

Signed at Toronto Ontario, this 28th day of September, 2023.

FOR THE EMPLOYER



Abe Nasirzadeh, Senior Manager, Labour Relations



Patrick Mohammed, Senior Manager, Occupational Health and Safety



Maia Puccetti, Executive Officer, Facilities and Planning



Lorraine Linton, Executive Superintendent, Employee Services



Stacey Zucker, Associate Director, Modernization and Strategic Resource Alignment

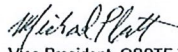
FOR THE WORKERS/UNION (S)



President, Elementary Teachers of Toronto Union



President, Toronto Education Workers/Local 4400



Vice-President, OSSTF-TTBU



President, ETFO - TOT



President, OSSTF - OTBU



President, MCSTC



Vice-President, OSSTF-PSSP