

Cape Breton University – Occupational Health and Safety Manual

Section 3	Objective and Terms of Reference
Version	May 2015
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3. JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE (“Committee”)

3.1 Objective

The highest levels of workplace occupational health and safety can only be achieved when employers, employees and self-employed individuals cooperate to identify and resolve concerns. Keeping a workplace healthy and safe is a major responsibility shared by all workplace parties.

These guidelines impose specific duties on the employer. These duties require consultation with the Committee. Where consultation has occurred and the Committee is not able to agree or where the employer does not accept the recommendation from the Committee, the employer still has the responsibility to act to ensure the operation of the Committee.

The Committee provides a vehicle to assist the workplace parties to meet their responsibilities.

3.2 Terms of Reference

3.2.1 Purpose

To provide an employee/employer a forum to address issues related to prevention of illness and injury, promotion of health and safety of employees and protection of employees from hazards in the workplace.

3.2.2 Functions of the Committee

- a) The cooperative identification of hazards to health and safety and effective systems to respond to the hazards.
- b) The cooperative 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) Participating in inspections and/or monitoring of completion of inspections, inquiries and investigations concerning the occupational health and safety of the employees. Participating in inspections may also include accompaniment where the Safety Officer conducts an inspection.
- e) Advising on individual protective devices, equipment and clothing that,

complying with the *Occupational Health and Safety 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 the *Occupational Health and Safety 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 the form and manner as stated under the *Occupational Health and Safety Act*.
- h) Performing any other duties assigned to it by the Executive Director of the Occupational Health and Safety Division (NSDEL) or any person designated by the Director to act on behalf of the Director or other duties as established by the regulations pursuant to the *Occupational Health and Safety Act*.

3.2.3 **Composition of the Committee**

The committee shall consist of members representing the following:

(a) Employee Representatives:

- 2 - CBUFA
- 1 - NSGEU MOS
- 1 - NSGEU Teachers
- 1 - CUPE
- 1 - Non-unionized employee
- 1 – Commissionaire
- 1 – Student (if employed at CBU)

(b) Employer Representatives:

- 1 - Human Resources
- 1 - Facilities Management
- 1- Manager
- 1 – Student (if not employed at CBU)

(c) Regular Invited Guests:

- 1 - Housekeeping Services
- 1 - Food Services

(d) Technical Advisers:

- Safety Officer
- Fire Marshall
- Registered Nurse – Max Bell Health Centre

- (e) 1 Student – A student may be considered an employee representative if employed by the University and represents the student employee group. If the student is not an employee, s/he may sit as an Employer Representative. Selection of students will be made in accordance with the process outlined

below. At no time may a student Employer Representative be the only Employer Representative at the meeting.

At least half of the committee members shall be employees at the workplace who are not connected with the management of the workplace. Additional members can

be requested by the group they represent. The request will be considered by the Committee and upon unanimous approval, the additional member can join the Committee.

Regular invited guests and technical advisers are valued Committee members and are encouraged to attend and participate in all meetings. However, they are not counted when determining a quorum and are not permitted to make motions or vote on motions.

3.2.3.1 Procedure for Student Selection

A student representative for the Committee will be selected as follows:

- A general broadcast email is to be sent by Human Resources to all employees, to the CBU Students' Union, and to all students asking for student nominations. This will be done in the second week of September.
- Faculty will be asked to make an announcement in all classes asking for student nominations.
- Student names will be submitted to Human Resources by September 30.
- A list of nominations will be sent to the CBU Students' Union to be approved by the Student Union. If there are more than 2 names on the list, a vote will be held by the CBU Students' Union. Two names will allow for 1 student representative, with 1 alternate.
- Once vetted by the CBU Students' Union, the student will become a member of the Committee either as a management representative or as an employee representative (if employed).
- The duty of the student will be to represent two student bodies - those employed and those enrolled at the University. The name of the student will be posted on the Occupational Health & Safety bulletin board, on the electronic board in the cafeteria and the name announced in Caper Times. The student will be responsible to get input from the general student body, employed students and the CBU Students' Union prior to each meeting.

3.2.4 Frequency of Meetings

The Committee shall normally meet once each month, excluding July and August. The Committee can meet less or more frequently upon unanimous agreement of the Committee. Emergency meetings may be called by any member of the Committee by calling or emailing representatives in order to achieve quorum.

3.2.5 Quorum

A quorum must be achieved prior to the commencement of any meeting. A quorum is determined (at that time) to be 50% attendance of the Committee membership, i.e. 50% of employee representatives and at least one employer representative (not including the student employer representative).

Once a quorum has been established, it is presumed to exist, despite the departure of Committee members from the meeting. Unless a member makes a point of order indicating that an absence of quorum exists, the meeting can proceed.

A point of order to “terminate the meeting due to loss of quorum” must be called when a minimum representation of three employee representatives and one employer representative remain in attendance.

Until a point of order is called, all prior business of the meeting, i.e. motions and discussions, is unaffected until such a time and shall be reported in the minutes.

3.2.6 Committee Chair

Two members of the Committee shall co-chair the committee - one of whom shall be selected by the members who represent employees and the other who shall be selected by the other members who occupy employer seats. Each co-chair is responsible for chairing alternate meetings as mutually agreed upon.

3.2.6.1 Co-Chair Responsibilities

- The co-chair shall assure that the member speaking is heard by insisting members listen and not permit irrelevant discussion.
- The co-chair is responsible for conducting a well organized and effective meeting of the Committee in accordance with the “Rules of Procedure” noted below.
- The co-chair shall conduct a meeting in a fair and impartial manner and give every member an opportunity to participate and speak at a meeting.

3.2.7 Appointment of Officers

- a) During the September meeting, the position of secretary, management co-chair and employee co-chair will be reviewed by the Committee.
- b) The co-chairs will be selected by the Committee members present at the

- meeting, with one selected by management and one by employees.
- c) The secretary will be selected on a monthly basis from the general membership and could represent either management or employees.
- d) The regular terms for each position are as follows:

Co-chair - 1 year

- e) The meeting at which the selection occurs shall be announced in the Agenda two weeks prior to the date of the meeting.
- f) Should a co-chair or secretary resign, the alternate will be asked to assume the role as an interim co-chair or interim secretary. If the alternate is unable to fulfil the role, the Committee will be asked to elect a replacement in the same manner as described above. Normal elections will take place the following September.

3.3 Rules of Procedure

The employer shall ensure that the Committee adopts rules of procedure which include provisions for:

- a) the size, composition and operation of the Committee;
- b) meetings (see section 3.2.4 above);
- c) recording minutes, record keeping and their maintenance;
The elected secretary will keep minutes of the meetings. They will be posted on bulletin boards throughout campus. They will also be available in a binder in the Human Resources Department.
- d) communications;
Notice of meetings is sent via email to all members. The Human Resources Department is responsible for this communication.
- e) conducting inspections;
Inspections may be conducted by Public Health Students under the supervision of the Safety Officer.
- f) establishment of ad hoc sub-committees to investigate a topic or issue and formulate recommendations for JOHSC;
Any such sub-committee will be disbanded upon completion of the task so assigned.
- g) conducting investigations, including responding to concerns and work refusals.
The Safety Officer will investigate any incident determined to require such investigation. The report will be brought to the Committee for discussion and recommendations.

If a member cannot attend a meeting, the member should find an alternate to attend in his/her place. This ensures continuity of items on the agenda and ensures action items are completed.

3.4 Training

Training for Committee members can be requested at any time by any of the members. Additional training may be provided by the Safety Officer or other invited guest. Members may also attend external training sessions.

3.5 Minutes

The elected secretary of the Committee will ensure that minutes are taken at each Committee meeting. If the secretary is not present, a volunteer will be selected to ensure minutes are taken. The minutes of the Committee meetings shall include:

- a) the name and address of the workplace and employer;
- b) the meeting date;
- c) the name of the person chairing the meeting;
- d) the name of the alternate co-chair;
- e) the names of the members present;
- f) the agenda items discussed;
- g) a list of unfinished business;
- h) a list of concerns with a clear statement of the nature of each concern;
- i) a unique numeric identification for each concern so that it can be tracked individually;
- j) a clear identification of the action proposed or taken and person(s) responsible for the action in relation to each concern;
- k) an identified target date for completion of the action, if possible;
- l) a list of concerns that have been dealt with prior to the meeting;
- m) a record of inspections conducted, complaints received, investigations conducted, work refusals and accidents/incidents reported;
- n) other business that could include, a list of any proposed educational presentations, and the date of the next scheduled meeting;
- o) a list of correspondence;
- p) amendments to the prior month's minutes;
- q) motions proposed and seconded as well as those that are not brought to a vote; and
- r) a clear statement of the nature of all health and safety hazards discussed at meetings.

The secretary will:

- a) distribute the minutes to Committee members (normally by email but may be by regular mail);
- b) ensure that Human Resources receives a copy to maintain the minutes on file for a five year period;
- c) post the minutes on the bulletin boards in the workplace. The eight bulletin boards are as follows:
 - Near Caper Convenience;
 - Boiler room, C wing;

- Hallway between Verschuren Centre and the Shannon School of Business (C wing hallway);
 - CE wing, near Royal Bank Lecture Theatre;
 - Marvin Harvey Building, across from Student Services (B wing);
 - Arseneau-Britten Science Building, 2nd floor between Nursing and Chemistry) (A wing);
 - Canada Games Complex (across from Max Bell Health Centre),
 - Tech Centre (ITEC); and
- d) keep track of Committee and Safety Officer recommendations to be reviewed at the annual policy review meeting.

A copy of the *Occupational Health and Safety Act* will also be posted on the same bulletin boards, along with fire drill information, evacuation routes, and fire warden names.

3.6 Communications

- a) The Committee will hold a special meeting in May of each year to review the adequacy of the following:
- i) the Occupational Health and Safety Policy;
 - ii) the WHMIS training program; and
 - iii) the Occupational Health and Safety program in the workplace.
- b) The employer will provide information to persons in the workplace on an annual basis in the form of an on-line quiz or by seminar provided by the Safety Officer or other outside resource.
- c) The employer will ensure that management, and in particular, supervisors are aware of the Committee, its functions, and the supervisors' responsibility to cooperate with the Committee.
- d) The employer will establish a process for the provision of accident and incident information to the Committee at its regularly scheduled meetings.
- e) The Committee will establish process for providing its recommendations in writing to the employer.
- f) In the event of a vacancy on the Committee, the Human Resources Department shall send letters to the respective union or groups asking for nominations. Selection of student(s) will be made in September as per the process outlined for student selection.

3.7 Inspections

The University is committed to identifying and correcting unsafe practices and

conditions. All workplaces will be inspected on a regular basis. Inspections will include general inspections, inspections under the Canadian Nuclear Safety Commission and fume hood inspections.

Science labs will be inspected by an inspection method agreed upon by the Dean of the School of Science & Technology. All other labs will be inspected by an

inspection method agreed to by the appropriate Dean. Other areas will be inspected by students in the Public Health Program under the supervision of the Safety Officer.

3.7.1 General Inspections

- (a) The University will require periodic inspections of the facilities and work areas at least annually. Inspections may be conducted more frequently if deemed necessary by the Committee. See the schedule below of areas to be inspected.

AREAS FOR INSPECTION	FREQUENCY OF INSPECTIONS
Arseneau-Britten Science Building – A Wing (Labs)	Nov/Mar
Arseneau-Britten Science Building – A Wing (Other)	Nov
Marvin Harvey Building – B Wing	Mar
C Wing – Maintenance and Boiler Room	Mar/Nov
Shannon School of Business	Nov
Verschuren Centre for Sustainability and the Environment	Nov
Campus Centre (offices, classrooms)	Mar
Student Culture & Heritage - CE	Mar
Library	Mar
Cafeteria (Campus Centre & Residence)	Mar/Nov
Playhouse	Nov
Students Union	Nov
Field House	Nov

Canada Games (other)	Mar
Canada Games (ice plant)	Nov/Mar
Residences	Nov
Cape Breton Health Recreation Complex – Fitness Centre	Nov

- b) In the event of a temporary change in the defined inspection schedule, the change shall be reviewed and recorded by the Committee.
- c) The employer will ensure that the rules of procedure adopted by the Committee establish a process for the Committee or subcommittee of its members to participate in inspections.
- d) These inspections, other than in labs, shall be conducted under the direction of the Committee and under the supervision of the Safety Officer. Students will perform the inspections as part of their course work in the Public Health Program under the supervision of the instructor.
- e) The reports shall be reviewed by the Safety Officer who will provide a summary report to the Committee and will forward the original reports to the Dean or department head of each area who shall review the report and respond to the Committee indicating corrective action taken.
- f) The response shall be forwarded to the Committee within 30 days. Problems of a highly urgent nature will be reported to the manager immediately (verbally) during the inspection process with written follow-up on the report.
- g) An approved inspection form shall be used and shall include hazard classification. See Appendix 1.
- h) Reports of inspection shall be posted in all areas upon completion of process and after being reviewed by the Committee and made available to all employees upon request. A complete copy of inspection reports and follow-up actions will be kept on file in the Human Resources Department for a period of five (5) years.

3.7.2 As part of the Canadian Nuclear Safety Commission requirements for a site which contains radioactive devices, inspections in accordance with licensing requirements may be carried out from time-to-time by the Radiation Safety Officer or the CNSC inspector. These inspection reports will be posted on the Occupational Health & Safety Bulletin boards and will be made available to any interested member of the Committee.

3.7.3 Fume Hood Inspections - As part of the requirements for the safe operation of fume hoods, annual inspections are performed by the Facilities Management by hiring an outside consultant. Copies of these inspections and a summary of the fume hoods that did not meet the certification requirements will be sent to the Safety Officer and to the Dean of the School

of Science & Technology and made available to any member of the Committee as required.

3.8 Committee Involvement in Investigations

- a) The employer will ensure that the Safety Officer carries out an investigation of any incident where an investigation becomes necessary.
- b) The Safety Officer will report back to the Committee with any recommendations for improvement.
- c) The employer will ensure that the Committee has the authority to participate in investigations. The rules of procedure will establish criteria to be used by the Committee in its decision making to initiate an investigation.
- d) Where there is disagreement within the Committee regarding initiating an investigation, the employer will provide direction to the Committee.
- e) Where a worker identifies a complaint to the Committee or a member of the Committee, the employer will ensure that there is an assessment of the complaint and a response. Where reasonably practicable, the response to the complainant will be within one shift worked by the complainant. The response must indicate what the Committee or member has done and the process that will be used to follow up on the complaint if not resolved at the time.

3.9 Rules of Conduct

Members' remarks shall:

- pertain to the question being debated. If the member wanders off the subject, the co-chair must request remarks to be confined to the pending question.
- be impersonal and addressed to the motion/subject being considered; and
- be orderly and courteous; otherwise, the co-chair may refuse the offending member the right to speak.

3.9.1 Role of Committee Members

Role of Committee members in dealing with employee concerns should take place as follows:

When a matter has been reported to a member, the member should:

- determine the facts of the situation;
- direct the employee to take the matter to a first line supervisor (chair, dean, director);
- if the matter is not resolved, the member should raise the issue at the next committee meeting or consider calling an emergency meeting;
- respond to the employee who initiated the complaint or concern within one day of the Committee meeting where possible and advise him/her of how the concern is being handled;
- if the matter has not been dealt with, have the employee call Nova Scotia

Department of Labour (NSDEL).

3.9.2 **Role of Committee**

If the matter is not resolved to the satisfaction of the employee, the Committee shall:

- investigate the concern and make a recommendation to management;
- notify the employee, in writing, of any decision or recommendation made by the Committee to management with respect to the employee's concern. The majority of health and safety problems brought to the Committee should be resolved by making an appropriate recommendation to management;
- address issues as soon as possible and explain the reasons for any delay to the employee(s);
- report the complaint to NSDEL if the concern involves an immediate source of danger and satisfactory action is not taken by the employer;

3.10 **Guests**

The Committee may, on occasion, request or require additional parties other than the membership to attend meetings, e.g. to provide information to the Committee. The Committee member making the request shall inform the Committee at the meeting prior to the proposed date of the visit, explaining the purpose behind the request. The Committee can vote at the time as to the acceptability of the request. At least 50% of the membership must agree as to the acceptability of the guest. If the need is more urgent, the member requesting the visitor can either email or send voicemail to Committee members requesting the presence of the guest at the next meeting. So long as 50% of the membership agrees to the attendance of the guest, it will be accepted. The guest may participate in the meeting, but does not count in the quorum and does not vote.

3.11 **Alternates**

A member who is an alternate can attend at any time, but will not be given a vote or considered part of a quorum, unless the person they alternate with is not present.

3.12 **Observers**

The Committee may, on occasion, welcome additional parties other than the membership to attend meetings. An observer may be invited by any sitting member of the Committee. The member should give at least 48 hours notice by email that an observer has been invited and the reason for the invitation. The observer does not participate in the proceedings, does not count as part of the quorum and does not vote.

3.13 **Procedures for Changing Terms of Reference, Policies or Other Related**

Documents for the Committee

Written notice of a motion to amend or revise the terms of reference of the Committee, policies, or other related documents must be given to all members of the Committee at least two weeks prior to the meeting where the amendments or revisions will be formally moved. The placing of said notice in members' mailboxes within the specified time limit shall fulfil this requirement.

Amendments and revisions of the terms of reference of the Committee must be approved by two-thirds majority of the Committee members and shall then be forwarded to the President's Office for approval.

3.14 Evaluating the Committee

When employees regularly make suggestions to Committee members, it indicates that communication channels are open and operating the way they should and that employees have confidence in their members. In order to ensure this continues, any employee who raises a health and safety concern should be given a prompt response.

3.15 Program Effectiveness Monitoring

JOHSC will have an annual program review meeting each year. During this meeting, the effectiveness of the OHS program will be reviewed by a number of methods. Discussions will be held to determine future goals and directions, and new initiatives or policies that require development. Some of the methods for review will include, but are not limited to the following:

- a. Review of internal safety work orders, % complete, time to completion, etc.
- b. Review of # of complaints received, time to resolution/recommendation/escalation.
- c. Review of OH&S education sessions offered in past year as well as attendance at same.
- d. Review of on-line testing and results.
- e. Review of new employee OH&S orientation materials.
- f. Review of survey results (given to employees from time to time) to assess understanding of OHS roles, responsibilities and other issues.
- g. Review of incident data.
- h. Review of accident data.
- i. Review of lost time data.
- j. Review of WCB data.
- k. Review of # and type of issues/complaints dealt with by JOHSC members prior to reaching committee.
- l. Review of # and type of issues/complaints dealt with by safety officer prior to reaching committee.

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