

Sagamok Anishnawbek



Joint Health and Safety Committee

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INTRODUCTION

A Joint Health and Safety Committee at Sagamok Anishnawbek, is required according to the Occupational Health and Safety Act of Ontario.

Section 9 (2) A joint health and safety committee is required,

- (a) at a workplace at which twenty or more workers are regularly employed.

The committee is comprised of employee and management representatives.

LEGISLATION

Sagamok Anishnawbek is bound by and must comply with the Occupational Health and Safety Act of Ontario. This Act is referenced throughout this document.

POLICY STATEMENT

Sagamok Anishnawbek is committed to providing a safe and healthy work environment and supports all its employees to act jointly to achieve this goal.

The purpose of the Sagamok Anishnawbek Joint Health and Safety Committee is to promote a health and safety culture, cooperatively with the Sagamok Anishnawbek to ensure a safe and healthy workplace. This will be achieved by effectively conducting monthly workplace inspections, providing practiced recommendations for corrective action, and acting as a supportive liaison between workers and management for health and safety concerns.

ROLE

The Sagamok Anishnawbek Joint Health and Safety Committee is an advisory body that takes a preventative approach to the health and safety needs within the workplace. The committee also helps to stimulate awareness of safety issues, recognizes workplace risks and provides recommendations for those risks.

The committee identifies potential health and safety problems and brings them to the employer's attention. As well, members must be kept informed on the health and safety developments within the workplace.

FUNCTIONS

The committee has five primary functions:

1. To conduct monthly workplace inspections;
2. To identify and evaluate potential hazards;
3. To recommend and communicate with workers and management, the corrective action or improvements;
4. To participate in workplace testing and accident/incident investigations;
5. To follow-up on action plans and work orders received from a Ministry of Labour Inspector.

Section 9

(18) It is the function of a committee and it has power to, identify situations that may be a source of danger or hazard to workers;

- (a) make recommendations to the constructor or employer and the workers for the improvement of the health and safety of workers;
- (b) recommend to the constructor or employer and workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of workers;
- (c) obtain information from the constructor or employer respecting –

- (i) the identification of potential or existing hazards of materials, processes or equipment, and;
- (ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge;
- (d) obtain information from the constructor or employer concerning the conduction 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 (e) conducted in or about the workplace if the designated member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

COMPOSITION OF A COMMITTEE

The Sagamok Anishnawbek must ensure that a Joint Health and Safety Committee is established. The following guidelines determine the number of committee members required for each workplace:

Section 9

- (6) A committee shall consist of,
- (b) At least four persons or such greater number of people as may be prescribed, for a workplace where fifty or more workers are regularly employed.
- (7) At least half the members of a committee shall be workers employed at the workplace who do not exercise managerial functions.
- (8) The members of a committee who represent workers shall be selected by the workers they are to represent, or if a trade union or unions represent the workers, by the trade union or unions.
- (9) The constructor or employer shall select the remaining members of a committee from among persons who exercise managerial functions for the constructor or employer and, to the extent possible, who do so at the workplace.
- (30) A constructor or an employer required to establish a committee under this section shall post and keep posted at the workplace the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of the workers.

MEMBERSHIP AND RECRUITMENT

SELECTION OF COMMITTEE MEMBERS

Where there is no union representing the workers, the Occupational Health and Safety Act states that the worker members shall be elected by the workers they are to represent.

Where there is a union present representing the workers, employee members are selected by the union.

The members of the committee who represent management are selected by the employer. The Act requires that these members be chosen from among the persons who exercise “managerial functions” in the workplace.

The committee must be in agreement that a Joint Health and Safety Committee member who has “occasional supervisory duties” remains on the committee as a “worker member.”

RESIGNATION

Members, who wish to resign from the Committee, should do so in writing, if leaving during their term. All resignations must be communicated to both members of the Joint Health and Safety Committee and employees alike, in a timely fashion.

DISMISSAL OF A MEMBER

In the event that a member is not fulfilling his/her obligations as a member of the committee, e.g., poor attendance, a formal process is in place to address this issue. Verbal communication between both co-chair and the member should take place initially. If the problems continue to arise, a written notice prepared by either/both co-chairs should then be presented. As a last resort, the member may be dismissed.

POSTING OF COMMITTEE MEMBER NAMES

All committee members' names and work locations must be posted. The committee members' names are posted on the Staff Area Bulletin Boards, on each floor where Sagamok Anishnawbek employees are stationed.

Section 9

(32) An employer required to establish a committee under this section shall post and keep posted at the workplace, names and work locations of the committee members in a conspicuous place or places where they are more likely to come to the attention of the workers.

ROLES OF COMMITTEE MEMBERS

CO-CHAIR PERSONS

Two co-chair persons must be selected. Worker representatives of the Joint Health and Safety Committee will select one worker member, and management representatives will select one management member to act as the co-chairs.

Section 9

- (1) Two of the members of a committee shall co-chair the committee, some of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions.

APPOINTMENT OF ALTERNATIVE MEMBERS

The role of the Alternate is to attend meetings and functions in the absence of the designated member. Worker members shall appoint a worker who they feel would best represent them on the committee; likewise, management members must appoint a manager to represent them on the committee.

The Alternate member remains in place throughout the term of the member they represent, however, in the event the members' term come to an end, the Alternate member reserves the right to run for election to fulfill the vacant position.

CERTIFIED MEMBERS

The Committee must have equal members of Certified Members representing workers and management.

Section 9

(12) Unless otherwise prescribed, a constructor or employer shall ensure that at least one member of the committee representing the constructor or employer and at least one member representing workers are certified members.

(15) If there is more than one certified member representing workers, the work or the trade union who selected the members representing workers shall designate one or more certified members who then become solely entitled to exercise the rights and required to perform the duties under the Act of a certified member representing workers.

(16) If there is more than one certified member representing the constructor or employer, the constructor or employer shall designate one or more of them who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing a constructor or an employer.

(17) If a certified member resigns or is unable to act, the constructor or employer shall, within a reasonable time, take all steps necessary to ensure that the requirement set out in subsection (12) is met.

As certified members receive special training in workplace health and safety, they are given added responsibilities.

For example, the certified constructor or employer and employee representatives can, under certain circumstances, act together and order the constructor or employer to stop work that is dangerous to a worker.

DESIGNATED MEMBERS

The Committee will follow the direct guidelines of the Act:

Section 9

(18) The members of the Committee who represent workers shall designate one of them who is entitled to be present at the beginning of testing described in clause (18)(f).

(31) The members of the Committee who represent workers shall designate one or more such members to investigate cases where a worker is killed or critically injured at a workplace where the accident occurred and any machine, device or thing, and shall report his or her findings to a Director and to the Committee.

Section 54

(3) Where an inspector makes an inspection of a workplace under the powers conferred upon him or her under subsection (1), the constructor, employer or group of employees shall afford a committee member representing workers or a health and safety representative, if any, or a worker selected by a trade union or trained unions, if any, because of knowledge, experience and training, to represent it or them and, where there is no trade union, a worker selected by workers because of knowledge, training and experience to represent them, the opportunity to accompany the inspector during his or her physical inspection of a workplace or any part or parts thereof.

MEETINGS

To carry out its function, the Committee is required to hold meetings and carry out regular inspections of the workplace.

Generally speaking, however, all committee members should be available to receive employee concerns, complaints and recommendations; to discuss problems and recommend solutions, and to provide input into existing and proposed health and safety programs.

Meetings are held on a monthly basis. During the summer months, the Committee members will decide if and when meetings will be held.

Section 9

(33) A committee shall meet at least once every three months at the workplace and may be required to meet by order of the Minister.

(34) A member of a committee is entitled to,

(a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;

(b) such time as is necessary to attend meetings of the committee; and

(c) such time as is necessary to carry out the members' duties under subsections (26), (27) and (31).

(35) A member of a committee shall be deemed to be at work during the times described in subsection (34) and the members' employer shall pay the member for those times at the members' regular or premium rate as may be proper.

The worker and management co-chairs will alternate the responsibility of chairing the meetings.

Meeting dates will be scheduled in advance at the beginning of each year and confirmed at the end of each meeting. This date will be recorded in the minutes of the meeting.

CONFIDENTIALITY

All committee members are reminded to keep employee names and issues confidential. Committee members and representatives are responsible for maintaining the rules of confidentiality, except where disclosure of the information is specifically required by the Act or by another law (section 63 (1)).

In this regard, committee members must not disclose any information about any workplace tests or inquiries conducted under the Act or regulations, or the name of any person from whom information is received. Information obtained from medical examinations and tests may be disclosed only in a manner that does not identify anyone (section 63 (1)(f)).

QUORUM

A quorum for the meeting will be 50% plus 1 with at least 1 employer representative. There must always be equal or more worker representation than management at each meeting. A meeting may still be conducted if a quorum is not met; however, no voting final decisions can be made.

AGENDA

The agenda is prepared by both co-chairs and is distributed to committee members a minimum of five working days prior to the meeting. Members who wish to have an item(s) added to the agenda should contact the co-chairs.

MINUTES

Minutes are taken by the recording secretary. They are distributed to committee members, their alternate and to Human Resources. The original document must be signed by both co-chairs, and will be kept by the recording secretary and/or Human Resources. A copy of the minutes must be provided to a Ministry of Labour Inspector upon request.

A copy of the minutes is to be posted in a conspicuous area, visible for all Sagamok Anishnawbek employees to read.

Section 9

(22) A committee shall maintain and keep minutes of its proceedings and make the same available for examination and review by an inspector.

WORKPLACE INSPECTIONS

Workplace inspections have to be conducted on a monthly basis by a Health and Safety Committee member, preferably, one certified worker and one certified management member.

Section 9

(23) Subject to subsection (24) the members of a committee who represent workers shall designate members representing workers to inspect the physical condition of the workplace.

(24) If possible, the member designated under subsection (23) shall be a certified member.

(25) The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection.

(26) Unless otherwise required by the regulations or by an order by an inspector, a member designated under subsection (23) shall inspect the physical condition of the workplace at least once per month.

(27) If it is not practical to inspect the workplace at least once per month, the member designated under subsection (23) shall inspect the physical condition of the workplace at least once a year, inspecting at least part of the workplace in each month.

WORKPLACE INSPECTIONS – SCHEDULE

A yearly schedule must be established.

Section 9

(28) The inspection required by subsection (27) shall be undertaken in accordance with a schedule established by the committee.

WORKPLACE INSPECTIONS – WRITTEN REPORT

The workplace inspectors must report to the committee.

Section 9

(32) The member shall inform the committee of situations that may be a source of danger or hazard to workers and the committee shall consider such information within a reasonable period of time.

The workplace inspectors will provide the concerns and recommendations in writing, no later than ten working days from the date of inspection to the supervisor/manager in the area of concern. The supervisor/manager will have 21 (twenty-one) days to respond. The response would include a timetable for implementing the recommendations if the supervisor/manager agrees or the details of why the supervisor/manager disagrees.

Section 9

(20) A constructor or employer who receives written recommendations from a committee shall respond in writing within 21 (twenty-one) days.

(21) A response of a constructor or employer under subsection (20) shall contain a timetable for implementing the recommendations that the constructor or employer agrees with and give reasons why the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

TRAINING

Committee members will be provided with ongoing, skills enhancement training that will allow them to adequately and competently perform their required duties as a Joint Health and Safety Committee member.