



TERMS OF REFERENCE FOR (JOINT) HEALTH AND SAFETY COMMITTEES

Explanation and Sample texts

What are Terms of Reference?

Terms of reference (TOR) also known as “Rules of Procedure” are an essential component of a functional health and safety committee¹. They provide the framework which guides the committee members in how to carry out their duties in their particular workplace. In a way, they are like a mini collective agreement for the health and safety committee.

What should they cover?

The terms of reference must, at a minimum, fulfil the requirements of the province or territories’ Act or Regulation and requirements and the Collective Agreement (if applicable). This usually includes the process that will be used to comply with all the legal requirements and duties of the committee, such as conducting meetings and inspections submitting recommendations. However, to ensure a well functioning committee, comprehensive rules should go beyond the basic legal requirements. While the legislation will establish **what** your committee does, your terms of reference establish **how** your committee will fulfill this mandate.

Where are they legally required?

The Federal jurisdiction, British Columbia, Manitoba, Nova Scotia and PEI jurisdictions require by law that health and safety committees create their own terms of reference. Other than some basic requirements of what must be included, most jurisdictions that require TOR’s do not explicitly spell out all the items that will need to be covered for a committee to function effectively. Nor do they limit what can be included, as long as it doesn’t violate or contradict existing H&S legislation.

The remaining jurisdictions do not specifically require TOR’s. Québec is an exemption in that. The OHS law require that if JHSCs don’t create their own rules of procedure, they must use the ones set out in the regulations. The rest make no mention the requirements of TOR’s, but some (like New Brunswick and Saskatchewan) recommend the creation of a TOR or operating rules.

While TOR requirements are not covered explicitly in the OHS Act in Ontario, the items that must be covered in the TOR are those that are outlined in the relevant section of the Act (section 9). However, if an employer with many workplaces wants to have a committee to oversee all workplaces (multi-site committee), the contents of the TOR must be approved by the Ministry of Labour.

Regardless of what your jurisdiction states, having an agreed upon terms of reference is a leading practice and will help your committee do its work by predetermining the roles and responsibilities of the committee members.

¹ For this guideline, health and safety committee will refer to the legislatively required committees or committees required by collective agreements. Other names for these committees include Joint Occupational Health and Safety committees (JOHS) or workplace committees (WPC) etc.

What is the purpose of this document?

On the following pages, member can find two tools:

- The first is a simple checklist that will allow members to quickly review existing terms of reference to determine if there are gaps
- The second, longer document provides sample terms of reference language. Depending on your workplace, not all sections may be required, and the language may have to be modified. Please contact your CUPE National Service Representative or Regional Health and Safety Specialist for more information if you plan to undertake the process of introducing or re-writing your terms of reference.

Note that the role of the committee around the “Right to Refuse” process has not been included in the language of the terms of reference. This has been by design. Each jurisdiction has a legal process for dealing with the Right to Refuse. Including language that varies from legislation can cause legal issues, and at this time, CUPE’s Health and Safety Branch is recommending against the practice. For further information, please refer to the Right to Refuse fact sheet including in the Committee H&S Kit, or contact your CUPE National Servicing Rep or Regional Health and Safety Specialist.

Terms of Reference Checklist

	Yes	No	N/A	Comments
I. Mission Statement				
Committee's goals				
II. Committee Membership				
Composition of the committee, including number of members				
Term of appointment of members				
Chairs, including number, selection process and length of term				
Secretary, including selection process and length of term				
Alternates, including number, selection process and length of term				
Resignation of members				
III. Meetings				
Frequency of meetings				
Location of meetings				
Notice to be given for regular meetings				
How special or emergency meetings are to be called				
Conditions under which special or emergency meetings will be called				
Who can call a meeting				
Setting the agenda, including the order of items				
Quorum				
Conduct of meetings				
Guests				
Method of reaching decisions				
Method of resolving disagreements				
Minutes/record maintenance and storage				
Communication of minutes				
IV. Recommendations to Employer				
Process to be used				
Non- Consensus Process				
V. Inspections				
Frequency				
Scope				
Additional participants				
Hazard identification				
Documentation				
Communication of results				

VI. Investigations				
Participants				
Process				
Documentation of results				
Communication of results				
VII. Training				
Training required for new committee members				
Refresher training				

JOINT HEALTH & SAFETY COMMITTEE

SAMPLE TERMS OF REFERENCE LANGUAGE

NOTE 1: This document has been set up to provide sample language and guidance. Guidance language will be found in text boxes like this one. The sample language is for example purposes only and should not be simply 'copy and pasted' without ensuring its relevance to your committee situation.

NOTE 2: Text found in [square parenthesis] will need additional information related to your workplace.

NOTE 3: This sample refers to several forms. If a workplace does not have the forms, it may be a good idea to develop them so that everyone at the workplace works in a consistent manner. Otherwise remove the form references.

NOTE 4: There is one topic that should not be in the terms of reference; the size and composition of the committee. This should be an agreement (ideally in writing such as CA) between the employer and union(s) in the workplace. Some jurisdictions specifically require that these details are agreed by the parties outside the format of the committee.

1. Mission Statement

It is the goal of the health and safety committee to ensure the health and safety of workers at [EMPLOYER] through the reduction of injuries and illness.

All clauses of this terms of references should be interpreted with that goal as the leading principle.

NOTE: There is no right or wrong in the mission statement. It may be that the committee chooses to align their mission with the stated goals of the employers H&S policy, but it is not necessary.

2. ROLE AND DUTIES OF THE JOINT HEALTH & SAFETY COMMITTEE (JH&SC)

2.1. The JH&SC

- is an advisory group of worker and management employees who have been chosen to perform this role by Union Representatives (Worker Members) and Senior Management (Management Members) for a facility;
- identifies potential or actual hazards and recommends solutions to line management; and
- has the powers and duties outlined under the Occupational Health and Safety Act (OH&S Act).

2.2. Duties

The JH&SC will perform the following duties:

- meet once per month (as a minimum) _____ - for example every third Wednesday;
- perform monthly workplace inspections of the facility;
- participate in investigations of work refusals;

- accompany Government Inspectors during inspections, investigations or inquiries;
- be consulted about workplace testing and may be present to ensure test results are valid;
- all other duties as prescribed in the OH&S Act and Regulations.

3. STRUCTURE OF THE COMMITTEE

3.1. Membership

The Joint Health and Safety Committee (referred to hereafter as the “Joint Committee” or the “Committee”), shall consist of equal numbers (e.g. eight (8) members: four (4) members selected by the employer and four (4) members selected by the local). Should a union vacancy occur on the Committee, a Co-Chairperson will advise the union. Alternates will be permissible; however, all efforts should be made to ensure that the actual committee members are provided with the time and resources to attend the meeting.

3.2. Selection of Joint Committee Members

- Director [insert proper title] will select Management Members.
- All unions will select representatives to the Committee according to their [local bylaws or internal processes].
- The same process will be used to replace members who resign from the Committee.
- This Committee will normally be comprised of [X] member(s), with [X] selected by the [union 1], [X] member(s) selected by the [union 2], and [X] member(s), selected by the non-union employees.
- The [union local 1] will not have less than 50% of the total number of Committee members.

NOTE 1: All law that require Health and safety committees mandate that the Committee be of a make-up that includes at least equal numbers from the worker and management side of the workplace, however worker members can outnumber the employer members.

NOTE 2: If your organization has a position similar in title to Health and Safety Officer, or H&S Coordinator, they should be counted as a management position, as they mostly function as managerial, or out of scope positions.

NOTE 3: Some positions that are not thought of as management, act as supervisors to our members. Positions such as teachers and registered nurses are frequently supervisors to CUPE members. This must be taken into consideration when determining the makeup of a committee.

NOTE 4: All workers should be represented at the committee. Where multiple unions (or mixed union and non-union) are represented, the size of the committees are usually reflective of the reflective size of the workforce by population. That is, 2 times as many workers, twice as many committee representatives.

3.2.1. Committee Term

Each member will be appointed for a term of two years.
Committee members may be reappointed.

3.2.2. Selection of Alternate Joint Committee Members

Director (insert proper title) will select alternate Management Members [a maximum of one (1)].

Each union will select alternate worker members [a maximum of one (1) per union], according to the process described in their by-laws.

NOTE: The number of alternates required to maintain committee function will depend on the size and nature of the workplace and meeting schedule.

3.3. Selection of a Co-Chair

There shall be two Co-Chairpersons; one (1) from the employer and one (1) from the workers: appointed for [a one-year period], who shall alternate as chair at meetings. Each Co-Chair will be selected by the members they represent.

3.4. Term of a Co-Chair

The term of the Co-Chairs shall be [1] year.

NOTE: The term of the Co-Chairs will depend on the make-up of the committee and number of unions involved. It is recommended that the terms of reference include a fixed election date (such as the first meeting in January)

3.5. Selection of a committee secretary.

The Committee will select one member from the worker group to act as committee secretary.

OR

The employer shall provide time and resources for a staff person with the skills to perform the task of the committee secretary.

NOTE: The designation or selection of the committee recorder or minute taker is very diverse across CUPE. Some OH&S committees choose a secretary from among their members. In other cases, the employer appoints a person to carry out the secretarial duties. If appointed by the employer, the secretary is not considered a member of the OH&S committee and, therefore, is not involved in the decision-making processes.

Regardless of how minutes are taken, the local should ensure that notes are taken and that the minutes accurately reflect the discussion and views of the committee members.

3.6. New Training

Each committee member will be trained on the aspects and functions they are expected to carry out as described in the duties of committee section of this TOR. Training will be selected with consultation of the committee.

OR

One Worker Member of the Committee will be sent to the CUPE weeklong course per year, during which time they will continue to receive normal pay and benefits as appropriate.

NOTE: This is difficult language to achieve. The above language will be very dependent on the workplace. Depending on the workplace, you might be able to get them pay for shifts that they normally would not be working, since this is a work-related function, but they should at least get paid for the time that they would normally be at work.

3.7. Ongoing Training

Every member of the Committee is entitled to [3 days, annually] education leave. For this Committee, individual members can request their entitlement training during regular meetings. Individual members must provide the following information about the training program or seminar selected:

- Length of the program
- Topic and learning outcomes (if applicable)
- Fees
- Rationale for selection.

If the Committee agrees with the member, the request will be forwarded to the employer. If the Committee does not agree with the training selected, the co-chairs will hold a special meeting with the member to assist in identifying a training program or seminar that supports the duties and functions of this Committee.

3.8. Certified Members

The Committee should have a minimum of two specially trained members, one representing management. Certified members shall have the power to make a mutual decision to stop work that they consider to be dangerous to the health or safety of workers.

NOTE: "Certified Members" is language that applies to Ontario. In workplaces that have several unions, CUPE must ensure that they are represented by a certified worker (where applicable) to properly represent their members in circumstances of refusal, complaints, and accompaniment.

4. MEETINGS

4.1. Resources

The employer will supply the resources required to facilitate a meeting.

4.2. Meeting Schedule

The Committee shall meet on a regular established schedule (based on a calendar year) as follows: On the last Friday of the month at 9:00 a.m. The location to be predetermined by the Committee (changes will be approved by the Co-Chairpersons).

OR

4.2. Scheduling of Meetings

- The Joint Committee will meet at least once per month. As required, the Committee Co-Chairs will deal with developing health and safety issues between meetings.
- At the year-end meeting, the Joint Committee Co-Chairs will prepare a meeting schedule for the following year using the "*JH&SC Meeting Schedule*" form.

NOTE: The most effective Committee will meet monthly with a set time, date and location. This ensures that the recommendations, inspections and reports are not pushed aside and forgotten.

4.2.1. Special meetings

When required by events, either Co-Chair may call a special meeting.

NOTE: The process for special meetings is more important the more time between regular meetings

4.3. Guests

A Co-Chairperson may, with the consent and approval of his/her counterpart, may invite any additional persons(s) to attend the meeting to provide training, making a presentation, or consultation, but they shall not participate in the regular business of the meeting. The Co-Chairpersons shall make a concerted effort to honour each other's request to allow a guest to provide additional information and comment.

OR

Any Committee Co-Chair may invite persons with specialized health and safety knowledge or experience to attend as technical advisors (i.e. Senior HSE Advisors/HSE Coordinators, Union health & safety staff). However, guests are not permitted to participate in the regular business of the meeting (i.e. act strictly in an advisory capacity to the Committee).

NOTE: The Committee must ensure that no "outside" influence interferes with the decisions made by the Committee. The Act requires equal representation from the workplace, but does not include "ex-officio members" (e.g. Health Nurse, Human Resources, Health & Safety Officer) to attend meetings unless the above protocol is followed.

4.4. Chairing of Meetings

The Co-Chairs will alternate chairing of Joint Committee meetings each meeting

4.5. Joint Committee Member Conduct

- All Joint Committee members will have an opportunity to participate in meetings and conflicting opinions will be treated with respect.
- Committee members will not disclose any (i) confidential business or trade information, (ii) the name of any person from whom information is received, and/or (iii) confidential medical information.
- The limitations on disclosure of information does not include the distribution of information on new hazards discovered by the Committee.

5. FUNCTIONS OF THE JOINT COMMITTEE

5.1. Committee Duties

To attain the spirit of the Occupational Health and Safety Act, the functions of the Joint Committee shall:

- Identify hazards, conditions and situations that may be unhealthy or unsafe for workers
- Advise on effective systems for responding to identified hazards.
- Consider and expeditiously deal with complaints relating to the occupational health and safety of workers.
- Identify, evaluate and recommend a resolution of all matters pertaining to health and safety in the workplace to the [Top management title] or designate.
- Monitor and provide guidance towards adequate education and training programs in order that all employees are knowledgeable in their rights, restrictions, responsibilities and duties under the Occupational Health and Safety Act.
- Address matters related to all regulations (e.g. designated substances and WHMIS)
- Receive all reports as it relates to health and safety.
- Deal with any occupational health and safety matter that the Committee deems appropriate.
- Attend and participate in investigations to incidents
- Attend inspections and visits by [jurisdictional H&S inspectors]
- Advise the employer on policies and procedures that affect health and safety of the workers represented by the committee members.
- Advise the employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers.
- Make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the Regulation, and monitor the recommendations' effectiveness.
- Consult with workers and the employer on issues related to occupational health and safety and occupational environment.

- Review and provide feedback on any corrective action reports resulting from incident investigations.
- When necessary, request information from the employer about:
 - Known or reasonably foreseeable health or safety hazards to which workers at the workplace are likely to be exposed
 - Health and safety experience and work practices and standards in similar or other industries of which the employer has knowledge
- Carry out any other duties and functions prescribed by the OHS laws.

5.2. Co-chairs Duties

The Co-Chairs will:

- work together to plan meetings
- follow up on recommendations
- ensure recommendations are presented to the employer in writing
- inform members of the employer's response to recommendations
- ensure recommendations to those other than the employer are followed up
- two weeks before each OH&S meeting, encouraging all workers to submit items for discussion at the meetings
- review, prioritize and decide on agenda items
- distribute the agenda to members at least one week before meetings
- keep the meeting on track
- ensure all members of the Committee have the opportunity to contribute
- invite guests
- ensure meetings start on time and that all items are carefully and fully considered before moving to the next item.
- review minutes and give members the opportunity to indicate any errors or omissions at the start of each meeting
- Sign off minutes after review to indicate accuracy.

All items whether resolved or not will be reported in the minutes. Unresolved items will be formally recorded and placed on the agenda for the next meeting.

5.3. Employer Duties

Under the mandate of this Committee, the employer will make the following records and reports available to the Committee upon request:

- Incident investigations reports
- Corrective action reports
- Inspection reports
- OHS-related training records
- Company health and safety program
- Safe work policies and procedures
- Manufacturers' specifications
- First aid statistics
- Time-loss injury statistics.

The employer will consider all requests made for documentation not specified within the rules of procedure.

5.4. Committee Secretary Duties

The secretary will:

- record all minutes and activities carried out by the Committee.
- ensure corrections are made and minutes are signed by co-chairs before they are distributed to the workplace
- promptly prepare, distribute and post minutes of committee meetings
- promptly circulate reports and information to members
- send the minutes to the Commission using the prescribed form
- prepare the agenda as set by the co-chairs
- issue notice of meeting times and locations
- ensure all necessary documents, correspondence and information are available for meetings
- maintain records by ensuring a copy is retained for the Committee's and company's records.

NOTE: Some of the duties listed above may be duties performed by the Co-chairs

6. INSPECTIONS

6.1. Member Selection

The members of the Committee who represent workers shall designate one of the members representing workers to inspect the physical condition of the workplace, accompanied by a Management Member of the Committee where possible, at least once a month. The workplace inspection shall be conducted during the week preceding the Committee meeting, or as otherwise agreed to by the Committee.

NOTE: Some Acts require or allow the Worker Member of the Committee to inspect the workplace. To have Management present is not required. There are benefits of doing the inspection without management, in that workers may be more likely to engage in the inspection when intimidation is not a factor. However, having management on some inspection will allow them to see issues first hand.

6.2. Inspection Process

All health and safety concerns raised during the physical inspection will be recorded on an appropriate workplace inspection form and signed by the member(s) performing the inspection.

6.3. Inspection Results

The workplace inspection form will be forwarded to the Co-Chairpersons on the Joint Committee and the **[Top Management Title]** or designate within [two (2)] days of the completion of the workplace inspection. Management will inform the Co-Chairpersons of the status of the outstanding items two (2) days before the next Committee meeting.

This allows for all parties responsible to ensure that a response is back in time for the following Committee meeting.

NOTE: The Acts are frequently silent on "Inspection Forms". Most workplaces have already developed their own forms. If one does not exist in the workplace, the Committee can develop one. Please refer to the CUPE H&S Committee Kit for examples. By being signed, it allows others reviewing the form to know who did the inspections. If additional data is required, a ready source of information is available. A form that contains a block diagram can also be useful for some workers.

OR for larger workplaces

6. WORPLACE INSPECTIONS

6.1. Inspection planning

By December 31st of each year, Joint Committee members will prepare a workplace inspection schedule using the "*JH&SC/H&S Representative Annual Workplace Inspection Schedule*" form.

OR

Inspection Planning

For the purposes of inspections, investigations and accompaniment the **(Employer Name)** shall be divided into (e.g., four) areas with a Worker Member of the Joint Committee and alternates assigned to each area.

NOTE: The above is for large workplaces. By dividing the workplace into the same number of areas as you have of workers on the Committee allows each worker member to be responsible for inspections, investigations and accompaniment. The resulting information would then come back first hand, not second or third.

6.2. Inspections

Worker Members will inspect the entire facility monthly, accompanied by the appropriate Manager(s)/Supervisor(s).

OR

If it is not practical to inspect an entire facility monthly, the facility will be inspected annually, with at least a part of the facility inspected monthly.

6.3. Inspection Steps

Assigned Worker Members will:

- (i) inspect facilities in accordance with this schedule,
- (ii) use the applicable workplace inspection checklist to assist in identifying potential hazards in the workplace,
- (iii) document deficiencies using the “*Health and Safety Committee/H&S Representative Workplace Inspection Report*²” form, and
- (iv) forward completed reports to the Management Co-Chair within one week. Committee members should solicit from employees (if available) any health and safety hazards/issues they may be aware of, in conjunction with their inspections to assist in identifying hazards/issues.

6.4. Post inspection

The Management Co-Chair will:

- (i) complete the corrective action section of the “*JH&SC/H&S Representative Workplace Inspection Report*”, and
- (ii) (ii) return copy to the inspector(s) within thirty days. The Management Co-Chair may need to forward copies of the inspection report to one or more Accountable Managers/Supervisors and collate responses.

7. RECOMMENDATIONS OF THE JOINT COMMITTEE

7.1. Recommendation Development

The Committee will endeavor to reach consensus on all recommendations

7.2. Single chair Recommendations

When the Committee is not able to reach consensus on whether a recommendation should be made, rather than by voting, or what should be including in the recommendation, either Co-chair can submit a recommendation. This recommendation will be treated the same as if the committee developed and submitted it.

NOTE: The above language is the requirement in Ontario, but is rarely practiced outside of Ontario. If the employer will not agree to this, ensure that all objections and recommendations are requests for recommendations are recorded in the minutes.

7.3. Response to recommendations

The [Required Management Title] or designate will communicate in writing, within [twenty-one (21)] calendar days to the Co-Chairpersons regarding recommendations of the Committee. When the employer agrees, they shall provide an assessment of the problem, outlining who is responsible for resolving the matter, along with a timetable for implementing the recommendation(s). If the employer disagrees with or does not accept any recommendation, the reasons for the disagreement will be stated.

² Sample form found in CUPE’s Health and Safety Committee Resource Kit

NOTE: Usually, a response by Management within 21 or 30 days is required. If the Committee does not agree with the response or receives no response, the next step is to contact a government inspector.

7.4. Dispute Resolution Process

It is the intent that all hazards/issues brought before the Joint Committee are discussed and a mutually agreeable resolution is reached. Resolution means complete agreement among all parties. If complete agreement cannot be reached among all Committee members, the Co-Chairs shall attempt to reach a resolution binding on the Committee. If the Committee or the Co-Chairs cannot reach agreement after two regular scheduled meetings and the unresolved hazard/issue:

NOTE: This may be covered if the Committee already has language around a single co-chair submitting recommendations.

- is local in nature (e.g. unresolved hazards from a “Hazard Reporting Form”, repeat workplace inspection findings, or outstanding corrective actions from local accident investigations), and for unresolved hazards/issues outside the authority of Management Committee members (e.g. facilities related hazard/issue), one of the co-chairs shall submit a 21-Day Recommendation (see Section 5.1), or
- has an impact across the business (e.g. known to exist in other locations or an outstanding corrective action from an accident investigation that applies to other locations), ask for it to be added to the agenda of the next meeting of the Provincial Committee.

NOTE: The second bullet is only for workplaces that may also have larger health and safety committees that deal with multiple worksites (such as a very large school board that covers half a province)

8. ACCIDENTS AND ACCOMPANIMENT

8.1. Pre-Planning

The Joint Committee will designate members and alternates if required, chosen by those they represent, to physically investigate all workplace incidents (where incidents are defined as “an occurrence arising in the course of work that resulted in or could have resulted in an injury, illness, adverse effect to health, or fatality”). The investigation team will be responsible for overseeing that the requirements prescribed in [the Act or Regulations]. To properly represent their members, a Worker Member must ensure that they are present during an investigation of either a fatality or injury and participate in the forming of any reports that may be requested by the [Governmental H&S].

8.2. Inspectorate Visits

The Joint Committee will designate two members and alternates, chosen by those they represent, to accompany the [Governmental H&S] Inspector while carrying out regulated inspections of the workplace.

NOTE: The Worker Member usually has the right under the Act to be present when an inspector makes any visit to the workplace, but regardless, ensure that this language is included.

8.3 Testing

The members of the Committee representing workers shall designate a member and alternates(s) to be present at the beginning of occupational hygiene testing.

NOTE: Under the Act, a Worker Member is usually entitled, if they so choose, to be present at the beginning of hygiene testing. In most cases, the worker member is the one who has received the complaint that has resulted in the need for testing. By being present, she/he can indicate the time and location for the testing.

9. QUORUM

9.1. Requirements

The Joint Committee shall have a quorum of 50% plus one of the members present to conduct business. One Co-Chairperson must be present to conduct business. If a Co-Chairperson is absent, the other Co-Chairperson will chair the meeting.

The number of employer members shall not be greater than the number of worker members.

OR

Prior to proceeding with a meeting, the Presiding Co-Chair will confirm a quorum will exist. A quorum exists when the following individuals are present:

- at least half of all Committee members (excluding alternates)
- at least half of the Worker Members
- the Management Co-Chair, or an appointment made in advance of the meeting
- at least one Worker Co-Chair or an appointment made in advance of the meeting

If a quorum will not exist, the meeting will be rescheduled. The Presiding Co-Chair will ensure all attendees are notified of

- (i) the postponed meeting,
- (ii) the importance of attending the rescheduled meeting, and
- (iii) the time, date and place of the rescheduled meeting.

10. PAYMENT FOR ATTENDANCE AT MEETINGS

10.1. General

All time spent in attendance at Committee meetings or in activities relating to the function of the Joint Committee will be paid for at the member's appropriate rate of pay for performing work, and the time spent is to be considered as time at work.

NOTE: Most Acts clearly ensures that the activities related to a Worker Member's responsibilities e.g., inspections, preparation time, investigation, accompaniment, and training is considered work, but not all have strong language. This is paid work, ensure that this is captured.

10.2. Preparation

A member of the Committee is entitled to one (1) hour or such longer period of time as the Committee determines is necessary to prepare for each Committee meeting.

NOTE: Some OH&S Acts entitle worker members on the Committee to one hour or longer to prepare for their Joint Committee meeting.

This time should NOT be used for other responsibilities, e.g. investigating accidents and complaints, inspections. Preparation time allows workers the time to review and discuss issues without the influence of their employer and allows workers to organize their thoughts when facing the employer on the Committee. This is especially important if you have a multi-union Committee.

10.3. Supervisor Notification and Support

Committee members will notify their supervisor prior to initiating committee activities (i.e. attending meetings, inspecting the workplace, etc.). The employer shall ensure that supervisors are aware that activities of the health and safety committee are considered work duties, and accommodations, time and resources shall be provided for the workers to complete their committee duties

10.4. Outside of work hours

When meetings are held outside of regular work hours for members of the Committee they shall be paid a minimum of 4 hours for their participation in the meeting.

11. RECORDS

11.1. Management of files

The Management Co-Chair will file the following documents in the local Joint Committee file/binder or electronically on a shared drive:

- H&SC/H&S Representative 21-Day Recommendation (current + 10 years);
- H&SC Meeting Agenda (3 years);
- H&SC/H&S Representative Annual Workplace Inspection Schedule (3 years);
- H&SC/H&S Representative Effectiveness Review (3 years);
- H&SC/H&S Representative Workplace Inspection Report (current + 10 years);
- *H&SC Meeting Minutes* (current + 10 years);

- H&SC Meeting Schedule (1 year);
- Names of H&SC Members/H&S Representative (3 years);
- Standalone H&SC Terms of Reference (signed); and,
- Workplace Testing Reports (e.g. industrial hygiene survey reports, indoor air quality reports, etc.).

11.2. Posting to general workplace

The Management Co-Chair will post the following documents on the health and safety board:

- *JH&SC/H&S Representative Workplace Inspection Reports* for permanently staffed facilities (previous inspection report);
- *JH&SC Meeting Minutes* (previous minutes as a minimum);
- Names of JH&SC Members/H&S Representative (current); and,
- Workplace Testing Reports (e.g. industrial hygiene survey reports, indoor air quality reports, etc.) (1 year).

12. CHANGES TO THE TERMS OF REFERENCE

12.1. Review

These Terms of Reference will be reviewed every two years, or when necessary

12.2. Modifications

Any recommendations for amendments, deletions or additions to these Terms of Reference must have the consensus of the total Committee and shall be forwarded to the local president and the [Top Management Title] for comment and approval prior to being sent out in writing and attached as an Appendix to these Guidelines.

13. GENERAL

NOTE: The following are additional clauses that are useful, and may need to be included based on your jurisdiction and what else is included in the rest of your terms of reference.

13.1. Proactive health and safety reporting

All employees will be encouraged to discuss occupational health and safety problems with their immediate supervisor before bringing it to the attention of the Committee.

NOTE: In MOST health and safety legislation, this step is required under the Act before involving a worker member of the Committee. But if a worker feels that it would be addressed more effectively through a Worker Committee Member, then it should be considered.

13.2. Investigations

Committee members will thoroughly investigate all complaints to get all the facts and will exchange these facts when searching for a resolution to the problem. All problem resolutions will be reported in the minutes.

NOTE: This follows the Committee responsibilities under the Act.

13.3. Confidentiality

Except when there is a need to know by specific Union leadership (i.e. Union executive or National service representative) medical or trade secret information will be kept confidential by all Committee members.

The Act usually restricts member of a Joint Committee from discussing or distributing confidential information (supplied to the Committee) to others not on the Committee. It is important that all committee members know their responsibility and what they are allowed to discuss with their executive and staff resource person.