
Issue Date:	January 31, 2019	Doc. No:	OHS-4.1.4
Employer Review:	January 16, 2020	Approved By:	VP, Human Resources
JHSC Review:	January 30, 2020	Approval Date:	February 10, 2020
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1.0 PURPOSE

This document outlines the Terms of Reference for the University's Joint Health and Safety Committee for the downtown campus ("Downtown Safety Committee"). The Terms of Reference guide the committee's operations and provide a summary of the functions and responsibilities.

2.0 SCOPE

This document applies to the Downtown Safety Committee (DSC). The downtown campus includes the following buildings: Windsor Hall, Armouries, Alan Wildeman Centre for Creative Arts, and Legal Aid of Windsor.

3.0 DEFINITIONS

Certified Member: a DSC member who is certified in accordance with the Occupational Health and Safety Act and criteria set out by the Ontario Ministry of Labour

DSC: Downtown Safety Committee

Inspection: an examination of the physical condition of the workplace to identify situations that may be a source of danger or hazard to workers

Managerial Functions: the authority to discipline, hire, fire or recommend discipline, hiring or firing is considered a managerial function

MOL: Ministry of Labour

OHS: Occupational Health & Safety

4.0 RESPONSIBILITIES

All responsibilities of the DSC are outlined in the Terms of Reference below.

5.0 REFERENCE DOCUMENTS

Occupational Health & Safety Act

OHS-4.1.1 Responsibilities of University of Windsor Members and Visitors

OHS-4.1.1b Internal Responsibility System Flowchart

OHS-4.5.2 Right to Refuse Unsafe Work

OHS-4.5.2a Work Refusal Form

OHS-5.1.1 Workplace Inspections

OHS-5.1.1a Workplace Inspection Reporting Form

OHS-5.1.1b Joint Health and Safety Committee Recommendations to Management Form

OHS-5.2.2 Accident/Incident Reporting

OHS-5.2.2a Accident/Incident Report Form

Collective Agreements of relevant bargaining units at the University of Windsor

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6.0 TERMS OF REFERENCE

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Introduction

It is the firm belief of the University of Windsor Senior Administrators and their staff that only through the joint efforts of all parties can the University maintain a safe and healthful environment in which to work and study. A major vehicle for the accomplishment of this objective is the University of Windsor's Joint Health and Safety Committees, established pursuant to the Occupational Health & Safety Act. The University's Central Safety Committee (CSC) is established for its main campus, and the Downtown Safety Committee (DSC) has been established for the University's downtown campus.

In accordance with the intent of the Internal Responsibility System (IRS), the DSC will provide a forum where representatives of employees and the employer may identify workplace health and safety hazards and recommend strategies to eliminate or minimize such hazards. The Internal Responsibility System must be followed to ensure everyone in the workplace has a role in safety (Reference OHS-4.1.1b Internal Responsibility System Flowchart).

The DSC, as an advisory body, reports to the Vice-President, Human Resources.

Purpose of the DSC

The purpose of the DSC is to address occupational health and safety (OHS) concerns that affect downtown campus operations, that cannot be resolved at the department level.

These concerns will normally involve decisions by senior administrative officials or may require changes in procedures that will affect the downtown campus.

Role of the Health & Safety Office

The Health & Safety office will guide and assist the committee with respect to health and safety legislation and best practices.

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The Health & Safety office is responsible for the coordinated administration of the University's OHS program. The Health & Safety office is the University's representative in official communications with the Health & Safety division of the Ministry of Labour, the Workplace Safety and Insurance Board, the Fire Prevention division of the City of Windsor Fire Department and similar agencies.

University departments requiring routine contact with external agencies are not precluded from doing so; however, University departments are encouraged to maintain a dialogue with the Office of Health & Safety in matters of mutual interest.

Composition of the Committee

DSC Members

The DSC shall consist of six (6) voting members; three (3) members of the committee shall represent the workers and three (3) shall represent management who exercise managerial functions. A minimum of one worker member and one management member will be certified.

Worker members shall provide information to members of their bargaining unit(s) on health and safety matters as appropriate.

Where possible, an alternate member shall be designated for each voting member.

Two members of the committee shall Co-Chair the committee, one being a worker representative and the other a management representative.

Resource Members

Resource members shall be non-voting members of the DSC and shall provide information and recommendations to the committee on health and safety matters as appropriate.

The following positions are considered Resource members of the DSC by virtue of their position:

Health & Safety Coordinator

Director, Student Health Services

Chief Operating Engineer, Facility Services

Selection of Committee Members

Selection process for members

Worker members of the committee shall be selected by the bargaining groups representing faculty and staff. There will be one representative from each of the following bargaining units: Unifor, CUPE, and WUFA. The worker Co-Chair shall be a certified DSC representative.

The Vice-President, Human Resources shall select the remaining three members of the committee from among persons who exercise managerial functions for the employer. The management Co-Chair shall be a certified DSC representative.

Selection process for certified members

If no committee member representing workers is a certified member, the worker (or bargaining unit) members on the committee shall select from among them the appropriate member to become certified.

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Replacement of certified members / alternates

If a certified worker representative needs replacing or an alternate is necessary, the worker members shall select from among them one or more who are to become certified.

If a certified management representative needs replacing or an alternate is necessary, the management members shall select from among them one or more who are to become certified.

Selection of Co-Chairs

One Co-Chair will be selected by the worker members of the committee and one will be appointed by the Vice-President, Human Resources. The Co-Chairs will be selected from those members who volunteer for the position and are certified. The Co-Chair will hold their position as long as they are a member of the committee. If the Co-Chair steps down, a new Co-Chair will be selected through the process noted. Among other things, Co-Chairs are chosen to run DSC meetings, assist in accident investigations when necessary and attend any Ministry of Labour visits.

Alternate Co-Chairs for management and worker representatives will be selected by the process noted above.

Committee Member Tenure

University employees who exercise management functions and University employees selected by workers to represent them will be expected to serve as a committee member until the earliest of:

- a) the committee member wishes to resign from the committee; or
- b) the DSC/union/management determines that a new member should be elected.

Each bargaining unit shall designate an alternate DSC member, the names of these persons will be posted along with the names and work locations of all regular standing DSC members.

If a Certified Member or other member resigns or is removed from the DSC, the Certified Member will be replaced as soon as reasonably practicable.

Functions of the Committee

With respect to the operation of the University's downtown campus, the functions of the DSC include:

1. reviewing and recommending OHS training programs applicable jointly to workers and supervisors;
2. promoting OHS throughout the University by word, deed and by example;
3. reviewing summary accident statistics from the Workplace Safety and Insurance Board and making recommendations to prevent future accidents;
4. reviewing reports of occupational injuries and illnesses reported by faculty and staff and making recommendations to prevent recurrences;
5. recommending programs to address occupational illnesses and injuries;
6. reviewing reports of inspections conducted by worker representatives and department representatives, the Ministry of Labour or other governmental bodies;
7. considering items referred to it by either Senior Administration or by a specific department or individual.

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Rights and Responsibilities of the Committee

The DSC has several rights and responsibilities under the Occupational Health & Safety Act (S.9(18)):

Rights

- 1) To obtain information from the University of Windsor about:
 - a. any existing or potential hazards in the workplace (Sec. 9(30) of the Occupational Health & Safety Act), including the right to receive copies of MOL orders or MOL reports about the workplace as listed in Sec. 57(10)(a).
 - b. the health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge (Sec. 9(18)(d)(ii)).
 - c. any workplace testing of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about the workplace that is being carried out for occupational OHS purposes and have a DSC member representing workers present at the beginning of testing to validate the procedures and/or the results (Sec. 9(18)(e)(f) & 9(19)).;
 - d. any other information that is mandated for the University of Windsor to disclose in accordance with the Act;
- 2) To obtain the WSIB annual summary.

Responsibilities

- 1) To identify situations that may be a source of danger or hazard to workers;
- 2) To make recommendations to the employer respecting the health and safety of workers;
- 3) To investigate work refusals; and
- 4) To investigate critical injuries.

Rights and Responsibilities of Certified Members

Certified members of the DSC have the following rights & responsibilities:

Rights

- Stop work that is dangerous to workers in certain circumstances
- Paid by the employer while exercising their rights and duties under the Act

Responsibilities

- Be present at investigation of a work refusal
- Investigate complaints of dangerous circumstances
- Conduct monthly workplace inspections

Workplace Inspections

Worker members of the DSC shall conduct the workplace inspections as required by the OHS Act and procedure OHS-5.1.1 Workplace Inspections. A pre-determined schedule of the downtown campus building inspections will be set at the beginning of each year. Representatives from the department shall accompany the worker member on the inspection, where applicable or assigned.

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The DSC shall review the inspection reports and shall take appropriate actions. Such actions may include recommendations to management to take corrective action to eliminate or minimize a hazard and/or recommendation to the department to assist them in their efforts to deal with hazards.

DSC Recommendations to the Vice-President, Human Resources

Recommendations related to well-defined problems that are practical and supported by facts, are the recommendations that are most likely to be acted upon by the employer (i.e. the University). The DSC is responsible to ensure the proper recommendations are provided to the employer. The reason for making recommendations is to ensure that there is a vehicle to relay important details to the employer for action. These recommendations should be done as soon as possible.

To achieve this, the DSC Co-Chairs should follow a sequential procedure in developing recommendations. This procedure is:

- a) Define the problem, and underlying cause of the problem;
- b) Ask questions such as:
 - Are work procedures defined and communicated properly?
 - Is the proper safety equipment available and used?
 - Is adequate training and information for employees made available?
- c) Consider the possible solutions:
 - Solutions must relate directly to the problem identified
 - The range of possible solutions, sometimes actions being proposed may be urgent, but practicality and cost difficulties may obstruct the immediate implementation. In these cases, the DSC may wish to recommend interim solutions.

The nature and reason for the recommendation should be clearly stated. The person who must address the recommendation will have the benefit of the DSC deliberations.

The recommendations should include:

1. The subject of the recommendation;
2. The date of the recommendations. This is important because the employer must respond to these recommendations within 21 days;
3. The recommendation, including any option;
4. The reasons to support the recommendation;
5. The recommendations will be submitted to a management member who has the necessary authority to take action.

Recommendations of the DSC concerning health and safety matters shall be made in writing to the Vice-President, Human Resources using form OHS-5.1.1b (Joint Health and Safety Committee Recommendations to Management Form). The recording secretary shall prepare the recommendation as directed by the committee and the Co-Chairs will approve it with their signatures. The recording secretary shall retain a copy of the recommendation and forward it to the Vice-President, Human Resources. The Vice-President, Human Resources shall provide a written response to these recommendations within twenty-one (21) calendar days. This response will detail the corrective action, if any, that will or has been taken.

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DSC Meetings

The DSC shall meet quarterly, unless otherwise agreed to by the Co-Chairs, provided that the period of time between DSC meetings will not exceed three months. Additional meetings will be held as necessary. Meetings will be held at the downtown campus, and in-camera. Guests shall be pre-approved by both Co-Chairs in advance.

Management and worker Co-Chairs shall chair alternate DSC meetings.

The agenda will be prepared by the Co-Chairs and distributed to the members at least one week in advance of the meeting.

The Department of Human Resources will arrange for meeting minutes to be taken. Such minutes will be reviewed and edited by the Co-Chairs and shall be kept a minimum of three (3) years. The Office of Health & Safety shall be responsible for the retention of such records.

Minutes of meetings shall be approved at the subsequent meeting before being distributed to persons other than DSC members.

Approved minutes of DSC meetings shall be provided to:

- members of the DSC,
- resource members,
- Vice-President, Human Resources,
- Provost and Vice-President Academic; and
- Central Safety Committee.

Items will remain on the agenda until they are removed by agreement of the DSC members. Such items will also include the date that the issue became an agenda item at the DSC.

The DSC will strive for consensus in all issues that come before it. In the event that consensus is not achieved, it shall be so noted in the minutes.

Quorum

In order to satisfy voting quorum requirements for a DSC meeting, the DSC shall consist of at least:

- one (1) Co-Chair (either worker or management member)
- minimum of one certified member (either worker or management member)
- minimum of two (2) worker members
- minimum of two (2) management members
- a total of four (4) members (including the Co-Chair)

Generally, the DSC follows Roberts Rules of Order in conducting meetings.

Discussion on individual agenda items shall be limited to fifteen (15) minutes or as deemed appropriate by the Co-Chair. If the topic exceeds the time limit, the Co-Chair will table the item until the next meeting or schedule a separate meeting for the item of discussion.

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Meeting Attendance

DSC members or their designated alternates must attend a minimum of 3 meetings for the year to remain on the committee.

Training

In addition to the legislated requirement that at least one worker member and one management member of the DSC receive Certification Training, DSC Members should also receive training pertaining to their legislated responsibilities:

1. DSC Terms of Reference and Responsibilities Orientation
2. Critical Injury Accident/Incident Investigation
3. Planned Workplace Inspections & Hazard Recognition

Communication

Communication will occur between DSC members at DSC meetings, by e-mail, by telephone, and through electronic document postings.

Communication between the DSC and the university community will be posted on the OHS website if needed (www.uwindsor.ca/safety).

Joint Health and Safety Committee for the University's Main Campus, "Central Safety Committee"

The DSC will provide meeting minutes to the JHSC for the University's main campus, Central Safety Committee, to keep them updated on safety matters at the downtown campus.

If there is a requirement for a certified DSC member at the downtown campus and no such member is available, a certified member from the CSC will be contacted to serve as the certified member in their absence. The CSC certified worker member for that employee group would first be contacted to serve as the representative. If that member is unavailable, the CSC worker co-chair would be contacted next, followed by the remaining certified members on the CSC.

Payment for Committee Members

All time spent by Downtown Safety Committee members in connection with attending Committee meetings or performing duties pursuant to membership in the Committee will be considered time at work for which committee members will be paid at the appropriate rate of pay.

Committee meetings are normally held during the University's regular business hours of 8:30 am – 4:30 pm, Monday – Friday. Worker representatives on an "off shift" should ensure arrangements have been made to have a DSC approved alternate member attend the meeting in his or her place.

Confidentiality of Information

DSC members often have access to confidential information. The Act requires committee members to observe some basic rules of confidentiality [Section 63]. Except where allowed under the Act or as required by another law, committee members **MUST NOT**:

- Disclose any information about any workplace tests or inquiries conducted under the Act or regulations;
- Reveal the name of any person from whom information is received;
- Disclose any secret manufacturing process or trade information; or

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- Identify anyone when disclosing results of any medical examinations or tests of workers.

Additional legislation, such as the Freedom of Information and Protection of Privacy Act (FIPPA) and the Personal Health Information Protection Act (PHIPA) also require confidentiality regarding worker information. All DSC members should be well versed in confidentiality requirements and exercise caution when in conversation with any person outside the DSC. Where required, references to information in committee minutes must be done in a manner that prevents any identification of an individual's personal or medical information.

No information provided to the DSC (medical reports, consultant's reports, results of hygiene sampling, etc.) shall leave the purview of the DSC without written consent of the DSC Co-Chairs and/or the Health & Safety Office.

Immunity

Section 65 of the OHS Act states that no action shall be taken as a result of an act done in good faith in the execution of a person's duties or powers under the Act for any alleged neglect or default in the person's duties or powers if the person is a committee member or union representative.

Decertification and Removal from Committee

Under certain conditions Certified Members of JHSCs (DSC) can be decertified. If an employer, worker, or union representative has reasonable grounds to believe that a Certified Member "acted recklessly or in bad faith exercised or failed to exercise a power" under Section 45 or Section 47, he or she may file a complaint with the Ontario Labour Relations Board.

The complaint must be filed no later than 30 days after the event to which it relates. The Ontario Labour Relations Board can make an order, including the decertification of a certified member. This decision is final.

DSC members are required to be bound by and abide with the DSC Terms of Reference, the Workplace Inspection procedure OHS-5.1.1, the Occupational Health and Safety Act, and other applicable regulations and procedures as prescribed, at all times.

7.0 REVISION HISTORY

Date (yyyy/mm/dd)	Revision