



Joint Occupational Health & Safety Committee Terms of Reference

A) Name and Jurisdiction of Joint Occupational Health and Safety Committee

The Committee shall be known as the Allard School of Law Joint Occupational Health & Safety Committee (JOHSC). The Committee will be responsible for all health and safety issues within the locations and departments listed in Appendix A. Any changes to Appendix A must be voted in by the Committee and noted in the meeting minutes, with changes attached to the meeting minutes.

B) Reporting Structure

This committee reports to the Dean, Allard School of Law who reports to the the Provost who ultimately reports to the UBC Board of Governors, and President & Vice Chancellor.

C) Background

The *Workers Compensation Act (WC Act)* requires that most employers in the Province have a JOHSC.

Due to the number of staff and workers at the University of British Columbia and the diversity of occupations and relative hazards, the University (employer) has chosen to implement several JOHSCs in order to meet the requirements of the *WC Act* and the safety needs on and off Campus.

The JOHSCs will be implemented within all areas of the University. This Committee will be structured in accordance with the *WC Act* and will have employer (management) and worker representatives.

Each Department has a variety of work groups and workplaces within its portfolio which have a diverse set of functions and related hazard potential. It is felt that one JOHSC within the Department would be overwhelmed in this diverse workplace, so the decision has been taken to organize and implement Local Safety Teams (LSTs) to provide site specific safety support and information to JOHSCs.

The LSTs are not required nor governed under the *WC Act*, but will be implemented to provide assistance on safety items and issues within their mandate and provide information, recommendations and support to the JOHSC.

Each LST will meet monthly and have their own Terms of Reference.

It must be noted that the development of the LST does not absolve or transfer the responsibilities of supervisory or managerial personnel within their area.

D) Introduction

Safety Policy SC1 (formerly Policy #7), provides the following general statement of objectives:

1.1 The University aims to provide a safe, healthy and secure environment in which to carry on the University's affairs. All possible preventative measures are taken to eliminate accidental injuries, occupational diseases and risks to personal security.



1.2 Compliance with the *Workers Compensation Act*, WHMIS and related legislation is the minimum standard acceptable. All students and members of faculty and staff are encouraged to strive to exceed these minimum legal standards and to eliminate unnecessary risks.

E) Purpose of the Committee

A JOHSC is an advisory group consisting of employers and employees working together to improve occupational health and safety in their workplace. The JOHSC has a mandate to advise, assist and make recommendations on policy and procedures, which will improve health, safety, and personal security of all workers. The JOHSCs work with LSTs by providing support for health and safety issues that may not be rectified at the local level.

The LSTs provide operational support for health and safety at UBC by conducting inspections, identifying and recommending corrective measures regarding unsafe working conditions, assisting with incident/accident investigations and recommending health and safety initiatives for their areas of responsibility. In the absence of an LST, the JOHSC will assume full responsibility.

The JOHSC is required to meet at least once each month to:

- Monitor efforts of the University to comply with WorkSafeBC regulations, all applicable Provincial and Federal Safety Legislation, as well as UBC's own safety policies and procedures;
- Participate in identifying unsafe situations or practices and recommend solutions;
- Address health and safety complaints from workers brought forward;
- Consult on broader health and safety issues;
- Make recommendations around health and safety improvements and educational programs, and monitor the effectiveness of those programs;
- Advise on programs and policies required under the OHSR and monitor their effectiveness;
- Work with all involved parties to review and advise on proposed changes to the workplace (e.g., machinery or equipment) or work procedures that may affect the health and safety of workers;
- Monitor activities and effectiveness of University health & safety programs; and,
- Monitor to ensure that accident/incident investigations and general inspections are completed.

F) Committee Membership

Each JOHSC must have the following:

- a. A minimum of 4 members;
- b. Worker representatives (faculty and staff workers who do not exercise managerial functions) and employer representatives (management workers who exercise managerial functions);
- c. At least half of the members must be worker representatives; and,
- d. Two co-chairs, one selected by the worker representatives and one selected by the employer representatives.

**Quorum for the meeting is achieved when the requirements for bullets (a) to (c) above are met. Quorum is required for voting within the JOHSC.*

**Occasionally, with the approval of the co-chairs, the Committee may invite guests to provide information, training or consulting; they will be considered as a non-voting resource.*



**All appointments to the Committee shall be for a period of two (2) years. Any member may be reappointed to the Committee following their initial term. If a member of the committee chosen by the workers is unable to complete the term of office, the workers will choose another member. If a member of the committee appointed by the employer is unable to complete the term of office, the employer will appoint another member.*

Selecting Employer Representatives

The Dean or Managing Director shall appoint the employer (management) representatives and alternates. The representatives must exercise managerial functions at the workplace where the JOHSC is established.

Selecting Worker Representatives

The selection of Faculty and Staff worker **representatives and alternates** shall be completed in accordance with Section 128(1) of the *Workers Compensation Act*.

- 1) The worker representatives on the Committee must be selected from workers at the workplace who do not exercise managerial functions at that workplace, as follows:
 - a) If the workers are represented by one or more unions or associations, the worker representatives are to be selected according to the procedures established or agreed on by the union (s) or association(s);
 - b) If none of the workers are represented by a union, the worker representatives are to be elected by secret ballot;
 - c) If some of the workers are represented by one or more unions and some are not represented by a union, the worker representatives are to be selected in accordance with paragraphs (a) and (b) in equitable proportion to their relative numbers and relative risks to health and safety;
 - d) If the workers do not make their own selection after being given the opportunity under paragraphs (a) to (c), the employer must seek out and assign persons to act as worker representatives.

Where the selection of JOHSC representatives are written in respective Collective Agreements, defer to the process outlined. Efforts should be made to ensure all major work groups or areas are represented on the JOHSC. Refer to the list below to ensure that representatives are selected if they are included in your JOHSC work area.

- AAPS
- BCGEU
- CUPE 116
- CUPE 2278
- CUPE 2950
- Faculty Association
- IUOE 882
- Non Union Technicians & Research Assistants & Farm Workers



Selecting Committee Co-chairs

When a JOHSC is formed, the worker and employer representatives will each select one of their own members to act as a co-chair (for a 2-year term). Worker and employer representatives must also vote on an alternate co-chair in the event that the co-chair is unable to fulfill their 2 year term. The alternate co-chair will step in to fulfill the remainder of the term, at which point new or remaining co-chairs will be voted in. The alternate co-chair will also assume co-chair duties for any monthly meetings that the current elected co-chair is unable to attend.

For subsequent co-chair elections:

- Current elected co-chairs will meet one (1) month prior to the end of their 2-year term to each develop a list of potential candidates as their replacement co-chair, including themselves if they would like to be reconsidered. This list will be presented at the last Committee meeting of their term.
- Additional candidates for each of the groups can be added by the floor at the meeting. NOTE: All candidates must be in agreement PRIOR to submission for consideration.
- The election of the co-chairs will be held at the beginning of the last Committee meeting with the newly elected co-chairs assuming the responsibility immediately, marking the beginning of their term.

**Note: Worker and employer representatives can only recommend and elect candidates for co-chairs within their own group.*

Committee members and Co-Chairs will be listed on the UBC Safety Committees website (<http://safetycommittees.ubc.ca>). The JOHSC is responsible for keeping the members list up to date by emailing any membership changes to ubcsafety.committee@ubc.ca so that the changes can be reflected on the website.

G) Committee Meetings

The Law JOHSC is required to meet at least once each month. Meeting dates must be set for the year; preferably on the same day of each month, at the same location.

- The Law JOHSC will meet monthly on the third Thursday of each month.
- Regularly scheduled meetings will be held from 11:00 am – 12:00 pm in Allard Hall Room 415.
- Special meetings, if required, will be held at the call of the co-chairs.
- A quorum shall consist of a majority of members on the committee (see Committee Membership Section above). NOTE: *If quorum is not met, then the meeting does not qualify as a monthly meeting. The monthly meeting will need to be rescheduled within the same month.*

The meetings should follow an agenda (see template), which contains the following topics:

- Roll call or attendance
- Determination of quorum
- Approval of previous minutes
- Additional agenda items, review of actionable items from LST minutes & approval of agenda



- Review of the monthly Accidents and Incidents and first aid reports
- Review workplace safety inspections (including changes to equipment, machinery or work processes that may affect the health or safety of workers)
- Review education and training
- Ongoing business
- Correspondence: JOHSC formal Recommendation Letters
- New and other business (including review of WorkSafeBC and any other health and safety regulatory agency inspection reports)
- Next meeting

Meeting minutes will be recorded by a designated JOHSC administrator. The draft minutes should be sent out within a week of the meeting for comments and corrections. The minutes must be approved by the JOHSC at the next meeting. Approved minutes will be electronically distributed to:

- Responsible VP,
- Responsible Managing Director/Dean,
- All JOHSC members,
- Internal Communications Person,
- Safety and Risk Services (ubcsafety.committee@ubc.ca), and
- Posted on any Safety Bulletin Boards (if applicable).

All minutes will be electronically posted on a central JOHSC web site (<http://safetycommittees.ubc.ca>) and physically posted in areas where electronic access to workers is limited.

H) Duties of Committee Members

- Attend all monthly Committee meetings. When unable to attend, inform the JOHSC administrator and designated alternate. Attendance shall be reviewed by the appointing entities at the request of the co-chairs.
- Participate in all activities of the Committee, and chair Sub-Committees when requested.
- Review inspections and investigations reported to the Committee, by the LSTs. Participate in inspections and investigations as requested or required.
- Recommend and participate in the development of policies and procedures for improvement of health and safety.
- Attend safety courses or seminars, which are made available to Committee members. Each Committee member is entitled to a total of 8 hours of additional training each year.
- Promote the University Safety Policy, and safety procedures of the University, in carrying out their work.
- Be familiar with WorkSafeBC Occupational Health and Safety Regulations, the University Safety Policy, and the Committee's Terms of Reference.



I) Duties of Co-chairs

- Review previous minutes and materials prior to each meeting, and prepare an agenda.
- One co-chair will chair a meeting; take a leadership role in guiding Committee discussions towards definite recommendations. Co-chairs should alternate.
- Report to the Committee on the status of suggestions and recommendations from previous meetings.
- Appoint sub-committee members, and encourage active participation from members if applicable.
- Ensure that a regular time and place for a meeting has been arranged by the JOHSC administrator.
- Ensure that the minutes are recorded at each meeting and distributed accordingly.
- Ensure that the previous minutes and proposed agenda, and pertinent information are distributed prior to the meeting.
- Write formal recommendation letters, reports and correspondence.
- Ensure that each member has access to relevant resource information, including the WorkSafeBC Occupational Health and Safety Regulation, and the Committee's Terms of Reference.
- When directed by the Committee, the co-chairs will send written recommendations to the Unit Safety Management Team with a request for response as per WorkSafeBC legislation (a written response, by the employer, is required within 21 days of receiving the recommendation request).

J) Duties and Functions of the Committee

The JOHSC has the following duties and functions:

- Identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations.
- Consider and expeditiously deal with complaints relating to the occupational health and safety of workers. This will be done after the worker has brought the complaint to their supervisor.
- Consult with workers and the employer on issues related to occupational health and safety and occupational environment.
- Make recommendations to the employer and the workers for the improvement of the occupational health and safety of workers and compliance with the regulations, and monitor their effectiveness.
- Make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the Regulation, and monitor their effectiveness.
- Advise the employer on programs and policies required under the Regulation for the workplace and monitor their effectiveness.
- Advise the employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers.
- Ensure that incident investigations and regular inspections are carried out as required by the Regulation.
- Participate in and review inspections, investigations and inquiries.
- Carry out any other duties and functions prescribed by the Regulation.



K) Performing the Duties and Functions

Decisions of the Committee

- The JOHSC should attempt to reach consensus on each decision it makes. If the Committee cannot reach consensus, a vote may be taken and the Committee will go with the majority vote.

Assistance in resolving disagreements within the Committee

- If the JOHSC is unable to reach agreement on a matter relating to the health or safety of workers at the workplace, a co-chair of the Committee may report this to the Administrative Head or Safety Management Group, who may investigate and attempt to resolve the matter. Unresolved issues should be referred to the appropriate Vice President, RMS and then WorkSafeBC if not resolved.

Informal Recommendations

- Informal recommendations are those that can be actioned by the Committee during a meeting.
- All recommendations agreed to and put forward will be noted in the meeting minutes.
- All recommendations approved by the employer will be forwarded to the applicable party or workgroup for completion and implementation, the status of which shall be provided to the JOHSC for discussion at a future meeting.

Formal recommendations requiring a response from the employer

- The JOHSC must make all recommendations to the employer in writing via email (refer to template) with a written request for a response from the employer within 21 calendar days. All recommendations must be made separate from the minutes of the meeting.
- Recommendations to the employer must be directly related to health and safety and reasonably capable of being done.
- The employer is required, under the Occupational Health and Safety Regulation, to respond to the Committee recommendations within 21 calendar days of receiving the written request. The employer must respond in writing by:
 - Indicating acceptance of the recommendation, or
 - Giving the employer's reasons for not accepting the recommendation.
- If the employer is not reasonably able to provide a response before the end of the 21-day period, the employer will be asked by the Committee to provide - within that time - a written explanation for the delay, together with an indication of when the response will be provided.
- If the JOHSC is not satisfied that the explanation provided for the delay is reasonable (in the circumstances), a co-chair may report this to Safety and Risk Services. If a reasonable result cannot be reached, the Committee may report it to WorkSafeBC, who may investigate the matter and may, by order, establish a deadline by which the employer must respond.



L) Time from Work for Meetings and Other Committee Functions

Members of the Committee are entitled to time off from work for the:

- Time required to attend meetings of the Committee;
- Time that is reasonably necessary to prepare for meetings of the Committee; and
- Time that is reasonably necessary to fulfill the other duties and functions of the Committee.

Time off for JOHSC members to perform these duties and functions will be deemed to be time worked for the employer.

M) Posting Committee Information

The employer must promptly post and keep posted at the workplace, in a place readily accessible to employees, the following:

- The names and work locations of the Committee members,
- The reports of the 3 most recent Committee meetings, and
- Copies of any applicable orders, associated with *WC Act* Part 3 Division 4 - Joint Committees and Worker Representatives, for the preceding 12 months.

RMS will post committee information on the Safety Committees webpage (safetycommittees.ubc.ca)

N) Records

- The Committee must keep accurate records of all matters that come before it. The Committee will maintain copies of its minutes for a period of at least 2 years from the date of the JOHSC meeting to which they relate.
- The employer will retain all records of training, incident investigations, etc. and will provide access to the JOHSC at the request of the Committee.

O) Training & Educational Leave Entitlement

- The Occupational Health and Safety Regulation 3.27(2) and (4) establishes mandatory minimum training and education requirements for new Committee members and worker health and safety representatives selected on or after April 3, 2017.
- New JOHSC members are required to be provided 8 hours of training as soon as practicable but no more than 6 months after being selected in accordance with the mandatory list of topics provided in OH&S Regulation 3.27(2) and (4) – RMS will provide the training.
- Additionally, all JOHSC members are entitled to 8 hours of annual educational leave (Section 135, WCA) or a longer period if prescribed by regulation, for the purposes of attending occupational health and safety training courses.
- A member of the JOHSC may designate another member as being entitled to take all or part of the member's educational leave.
- Training is subject to approval by the JOHSC as well as employer approval for workplace relevance, training dates and associated cost.
- The employer must provide the educational leave without loss of pay or other benefits. All reasonable costs associated with the training course will be paid for or reimbursed to the worker by the employer.



P) Annual Review

- Each year the Employer will complete an Evaluation of the JOHSC. Evaluations will be reviewed with the Committee Co-chairs for input and feedback. The final evaluation will be reviewed by the Committee during the next meeting and documented in the meeting minutes.
- Terms of Reference (ToR) is required to be reviewed, updated and approved by the Committee within 12 months of previous approval. Review of ToR will be recorded in the meeting minutes.

Q) Amendments

These terms of reference may be amended by a majority vote of the committee members. Amendments must be noted in the meeting minutes and full amendments attached to the corresponding minutes.

Approved through vote at the JOHSC meeting and recorded in minutes.

Note: approval of JOHSC Terms of Reference includes all appendices.



Appendix A – Departments, Locations and Local Safety Teams

Department/Division	Location	Local Safety Team
Law JOHSC	Allard School of Law	N/A