



Occupational Health and Safety

JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE/HEALTH AND SAFETY REPRESENTATIVE

A PRACTICAL GUIDE



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1. Introduction

Purpose of the Guide

The guide addresses the establishment and operation of Joint Occupational Health and Safety Committees (JOHSC) and the role of a Health and Safety Representative. This guide is designed to help employers and employees to understand the requirements to implement a JOHSC or a Health and Safety Representative.

This guide provides general information for educational purposes only. The wording may differ from the actual laws and regulations. Use official sources when interpreting the law. This document is not intended to replace the Occupational Health and Safety (OHS) Act or the Regulations.

Occupational Health and Safety (OHS) Act and Internal Responsibility System

The OHS Act provides a framework for the protection of employees in the workplace. The Act is based on one of the principles of the Internal Responsibility System (IRS); that employees and employers share the responsibility for creating and maintaining a healthy and safe workplace. The creation of a JOHSC or appointment of a Health and Safety Representative is the responsibility of the employer and part of the employees' right to participate.

The role of the Occupational Health and Safety Division (OHS Division) is to establish and clarify the responsibilities of workplace parties and to support them in carrying out their duties. When workplace parties do not carry out their duties, the OHS Division may intervene to ensure compliance with the OHS Act and the Regulations.

2. Roles and Responsibilities

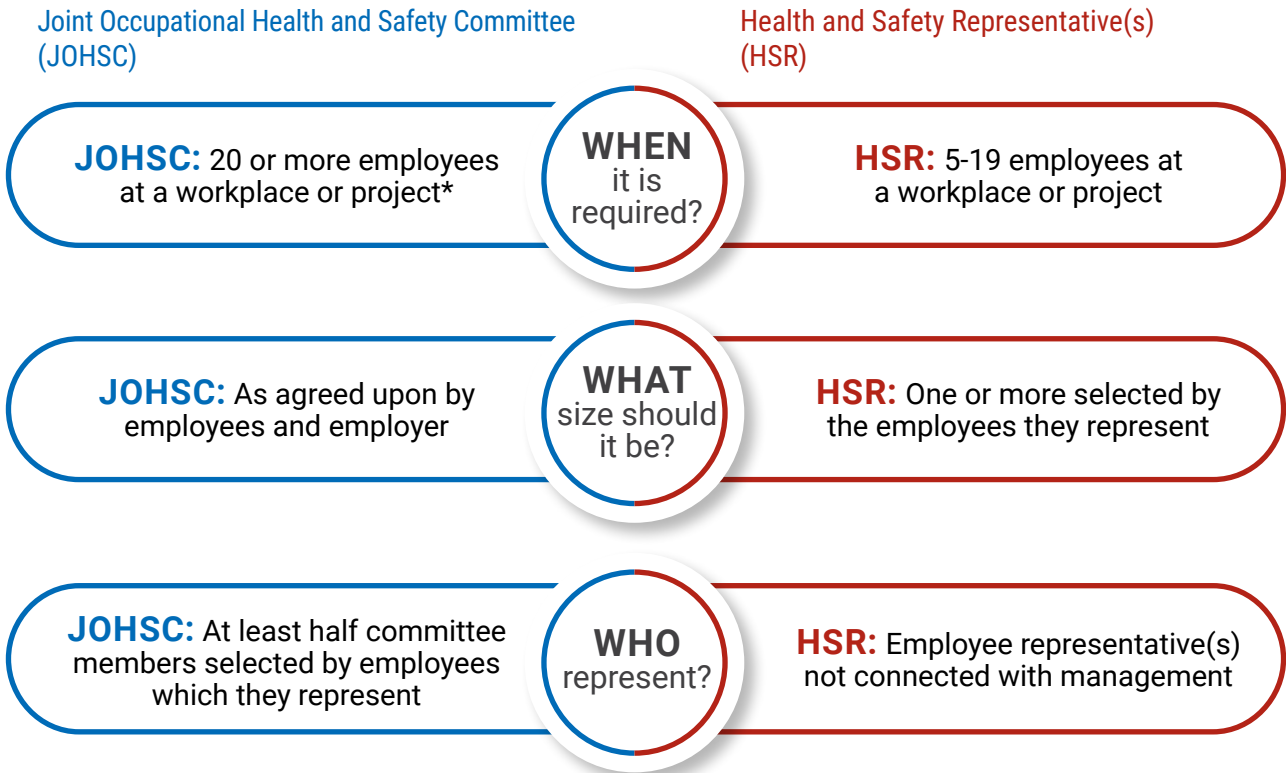
Joint Occupational Health and Safety Committee/ Health and Safety Representative

A JOHSC consists of employers and employees working together to improve occupational health and safety in workplaces, to proactively identify health and safety concerns and hazards, and promptly work together to address issues with corrective actions. A JOHSC is required where the number of persons regularly employed is 20 or more. Ultimately, the workplace parties (the employer and employees) are responsible and accountable for decisions made regarding occupational health and safety. The committee provides the workplace parties, at all levels, with advice and guidance on health and safety issues.

In a workplace where the number of persons employed is 5-19, the employer must have the employees select a Health and Safety Representative from among the employees in the workplace. This representative must not be in a management role in any capacity in the workplace. It is the role of the Health and Safety Representative to bring employee concerns to management for resolution.



Requirement for a Joint Occupational Health and Safety Committee or a Health and Safety Representative



**In any workplace where 20 or more persons regularly work, the employer shall establish and maintain a JOHSC or more than one such committee if the employer deems it appropriate.*

If the workplace has 20 or more people who are **regularly employed** by one or more constructors on a project, a constructor must establish and maintain a JOHSC for the project.

A JOHSC is required for workplaces of 20 employees and more

Minimum functions for JOHSC/Health and Safety Representative

- Promote workplace health and safety
- Advise and consult employees on occupational health and safety issues and advise the employer on occupational health and safety (OHS) programs and policies.
- Ensure that identified health and safety hazards are investigated and dealt with promptly and cooperatively
- Critically review incident investigations and provide additional recommendations when necessary.
- Audit the workplace Health and Safety Program to ensure compliance with OHS Act and Regulations
- Receive and cooperate with the employer in the investigation and resolution of OHS issues, and complaints, and incidents.
- Participate in OHS inspections, inquiries, and incident investigations of an OHS Officer
- Investigate work refusal
- Make recommendations to improve occupational health and safety programs and policies
- Advise on personal protective devices, equipment, and clothing.
- Perform any other assigned functions as directed by the Director



Employers' Duties

The employer must:

- when an employer has more than 20 employees they must establish and maintain a written workplace-specific occupational health and safety program, in consultation with the JOHSC/ Health and Safety Representative. The OHS program must have a provision for the JOHSC / Health and Safety Representative including:
 - JOHSC membership records
 - the rules of procedures of the JOHSC
 - management commitment to actively cooperate with the JOHSC/Health and Safety Representative
- provide a hazard identification system with procedures for when and how hazards are reported
- provide a list of all hazardous or potentially hazardous chemical substances regularly used, handled, produced, or present at the workplace The employer must also notify the JOHSC/ Health and Safety Representative of any changes to this list
- consult and cooperate with the JOHSC/Health and Safety Representative on specific programs and policies
- provide employees with information about OHS reports and statistics
- inform the JOHSC/Health and Safety Representative if any condition, device, equipment, machine, material or thing or any aspect of the workplace is or may be hazardous, if it has not been fixed to the workers' satisfaction by the supervisor
- respond in writing within twenty-one days to a written request or recommendation from the JOHSC/Health and Safety Representative for information related to health and safety in the workplace. The employer's response must either provide the requested information/actions or give reasons why the employer cannot provide what is being recommended
- notify the Director of workplace accidents, fire and explosion when required
- provide a copy of their application for a deviation, which allows the employer to alter workplace practices in a way that would otherwise violate occupational health and safety legislation
- provide any required health and safety training to JOHSC members/Health and Safety Representative and the time to take the training within working hours

Roles of Employees

- Consult with the JOHSC/Health and Safety Representative when it is necessary or advisable to share information with them.
- Cooperate with the JOHSC/Health and Safety Representative in the performance of their duties.
- Report health and safety issues and incidents to their supervisor first and then, if not remedied to their satisfaction, to the JOHSC/Health and Safety Representative.
- May join an OHS Officer or the JOHSC/Health and Safety Representative during a physical inspection of the workplace to assess hazardous conditions.



Cooperate with the
JOHSC/Health and
Safety Representative
in the performance of
their duties.

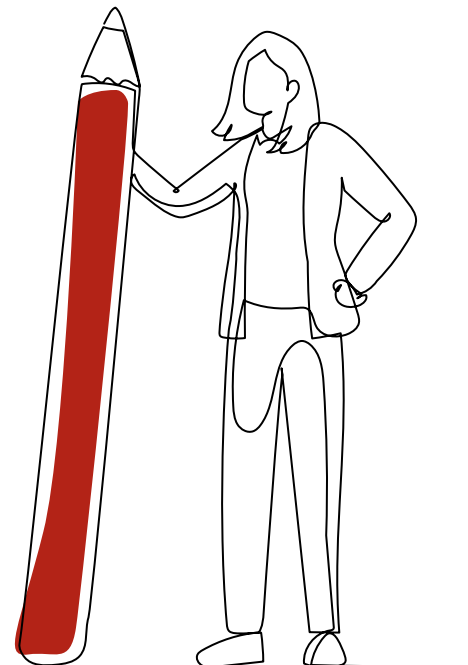
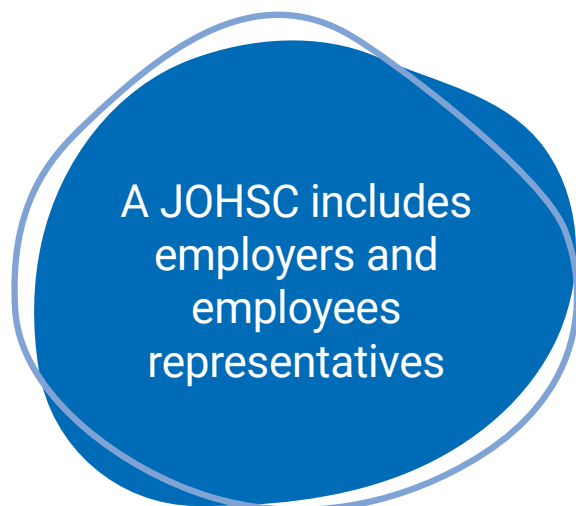
3. Structure and Membership

Committee Composition and Structure

The size of the committee should be large enough to fairly represent groups of employees who have significantly different occupational health and safety concerns, but not so large that it is unmanageable. In a large workplace, it may be helpful to establish subcommittees, which report to the main committee.

The points to consider when determining the size and structure of the committee will depend on:

- the complexity of the organization
- the number of employees involved
- the different job classifications involved
- if they have employee organizations or unions
- the number of different operations or processes involved
- the geographical location of the employees
- types of hazards in the workplace
- the effectiveness of accident prevention measures
- existing health and safety issues
- the existence of a formal occupational health and safety program
- the need to participate in inspections and investigations



Members participation

The committee is made up of both employee and employer representatives. The composition of the members of the committee will be:



Employee's Representative

Selected among the employees and who do not exercise management functions. If there is a union, the employees can be selected by the union or unions that represent the employees.



Employer's Representative

Selected among employees who perform managerial functions that are related to the general direction in the workplace and include matters such as hiring, promotion, granting of salary increases, etc.

The following factors should be considered when choosing committee members:

- strong commitment to health and safety
- comfortable interacting with other employees
- communication skills
- types of work performed
- hazards associated with the work performed
- health and safety training

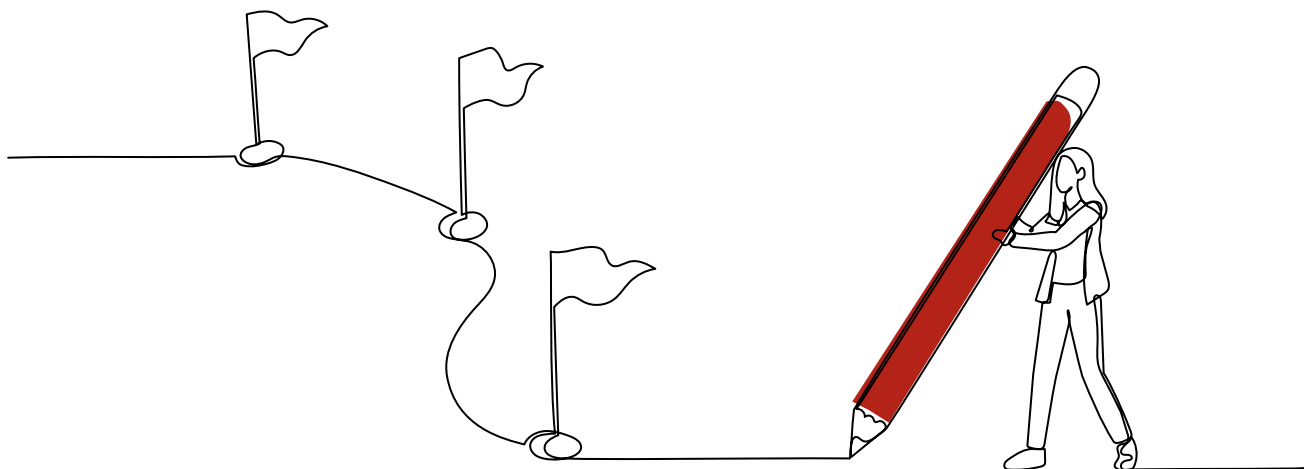
JOHSC members and Health and Safety Representative are entitled to take time off from their regular work to carry out their duties and must be paid their regular pay, as applicable.

Training

JOHSC members and Health and Safety Representatives must be properly trained to fulfill their roles effectively and efficiently. The employer is responsible to provide workplace-specific training and instruction on matters around JOHSC and Health and Safety Representative responsibilities. Depending on the type of workplace, employers should consider providing training and instruction to the committee/representative on the following subjects:

- the Internal Responsibility System
- the Occupational Health and Safety Act and Regulations
- the role of a JOHSC/Health and Safety Representative including:
 - hazard identification assessment and control
 - performing workplace inspections
 - incident investigation
 - addressing complaints
 - work refusals
- OHS Health and Safety Policy and Program
- hazard identification training
- JOHSC Rules of Procedure

[APPENDIX 1: Sample Rules of Procedure](#)



4. Meetings

Purpose

The purpose of the meeting is for the JOHSC to exchange information and make recommendations to the employer regarding health and safety concerns in the workplace.

Frequency

A committee shall meet at least once each month unless different frequency is prescribed by the regulations, or the committee alters the required frequency of meetings in its rules of procedure.

If the frequency of meetings established in the rules of procedure is not sufficient to ensure the proper functioning of the committee, they may require a different frequency.

Quorum

The quorum for a regular meeting of the JOHSC is one-half of the members with at least one representative of the employer and the rest representing the employees. Attendance at meetings should be encouraged and facilitated. The committee should defer meetings if quorum is not met, or if the number of employer representatives is greater than the number of employee representatives.

Agenda

The preparation of an agenda is an important part of the committee meetings. The co-chairs should draft an agenda for the next meeting and include the minutes of the previous meeting. All committee members should be notified in advance of the meeting, indicating the date, time, and place. Committee members should give sufficient advance notice of items they wish to raise at the meeting and have it included in the agenda.

[APPENDIX 2: Sample Agenda](#)

Conducting a Meeting

Committee co-chairs should keep the meeting moving forward by redirecting irrelevant discussions, completing the agenda, and closing the meeting on a positive note. Each agenda item should be reviewed during the meeting and briefly discussed to confirm that all members understand the item. Members can discuss whether any action needs to be taken and assign responsibilities, including deadlines and include in the meeting minutes. For decision-making, committee members should reach an agreement by consensus rather than by majority vote.

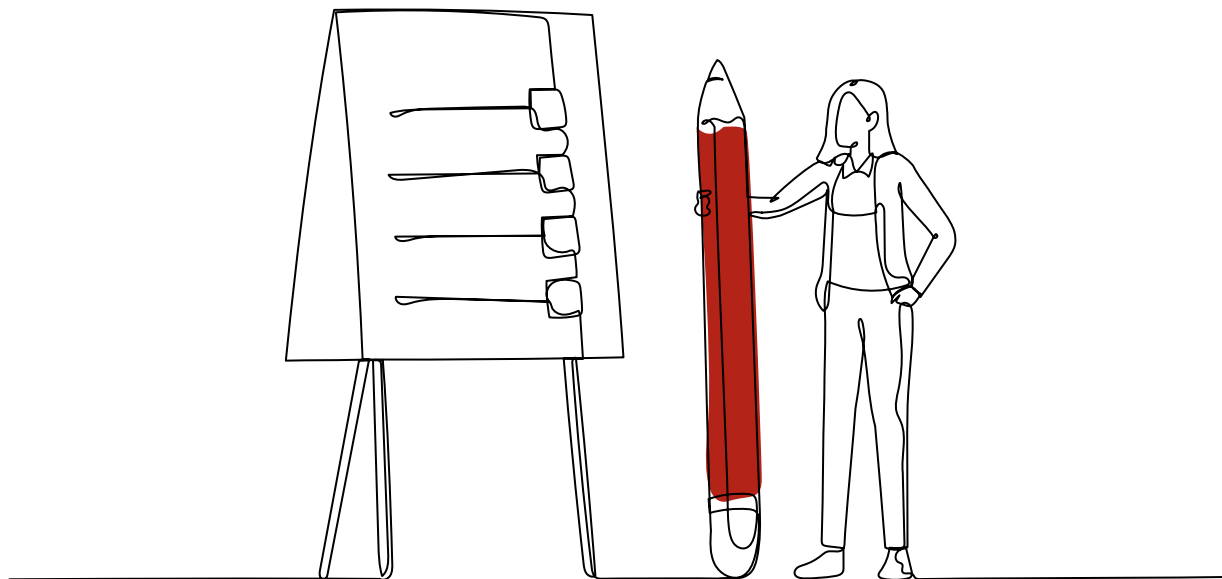
Minutes

Meeting minutes provide a permanent record of the decisions reached and a record of the committee's activities and successes. Minutes should record and track actions including the target date for completion and who will be responsible.

The employer must promptly post the most recent JOHSC meeting minutes and make sure they remain posted until the next committee meeting minutes are posted.

Minutes should be retained by the employer for at least five years.


[APPENDIX 3: Sample of Committee Minutes](#)



Posting Requirements

The employer must post the following information:

- the names and contact information of the current JOHSC members or the Health and Safety Representative
- the most recent minutes for all JOHSC meetings, where applicable, until the next meeting minutes are posted
- the most up-to-date version of the Occupational Health and Safety Act
- the current telephone number (1-800-9LABOUR or 902-424-5400) for reporting any occupational health or safety concerns to the Occupational Health and Safety Division of the government of Nova Scotia
- a copy of an occupational health and safety policy where is one required
- any code of practice required by the Act or the regulations
- any order, compliance notice, notice of appeal, deviation or decision relating to the workplace and employer



The Occupational Health and Safety Act must be posted.

Communication

Communication plays a key role in a JOHSC/Health and Safety Representative. Committee members and representative must be able to communicate effectively with the employer and employees in general. Effective communication is key to being able to convey important safety information.

For effective communication, the following is recommended:

- encourage direct and honest communication
- deal with OHS issues and maintain non-judgmental communication, focus on the situation and not the person, without rushing a response, advising, or dismissing ideas
- must respond promptly and appropriately to inquiries
- be proactive in identifying potential barriers to communication

Records and Reports

Consideration should be given to the best means of sharing this information so that all employees have access to it, such as on a bulletin board in the staff room, during workplace health and safety activities, or on a dedicated webpage on the company internal website.

The JOHSC must keep records to show due diligence. The records should include, at minimum, the following:



JOHSC/Health and Safety Representative Records

- ▶ Recommendations made to the employer and the employer's responses
- ▶ Investigation details for all incidents, including the corrective actions
- ▶ Records of committee members and representatives training
- ▶ Documentation of any employees' refusal to perform unsafe work.

The employer, upon request from the JOHSC/Health and Safety Representative, must also provide reports on:



Employer Reports

- ▶ Workplace Occupational Health and Safety inspections
- ▶ Workplace Occupational Health and Safety monitoring or tests

The employer is also required to provide the JOHSC/Health and Safety Representative, with a copy of:

- any/all orders issued by an OHS Officer against the employer
- a compliance notice required of the employer
- notice that an appeal has been initiated or disposed of
- notice of accidents required to be reported to the Director of the OHS Division
- an application for an authorized deviation from regulations
- the Director's decision regarding the application for deviation from regulations



For the JOHSC/Health and Safety Representative, records and statistics are very useful tools to:

- identify where there is greater exposure to risk and guide prevention recommendations
- verify if the scheduled activities are being carried out in a timely manner, such as equipment inspections, hearing tests, respirator fit tests, occupational hygiene monitoring, among others
- verify if incident investigations have been carried out when necessary and the recommended actions have been complied with
- identify opportunities for OHS training for employees

The JOHSC/Health and Safety Representative should request the annual summary of data from the Workers' Compensation Board (WCB) where the Workplace Compensation Act applies to their workplace.

5. Activities

Workplace Inspection for Hazards Identification


An inspection is a planned walkthrough of the workplace to identify safety or health hazards that may be present. An inspection may examine a selected work area or a particular hazard, certain types of machinery, tools or equipment, or specific work practices.

Workplace inspections help identify hazards and prevent accidents. The number and frequency of inspections depend upon a few factors which include:

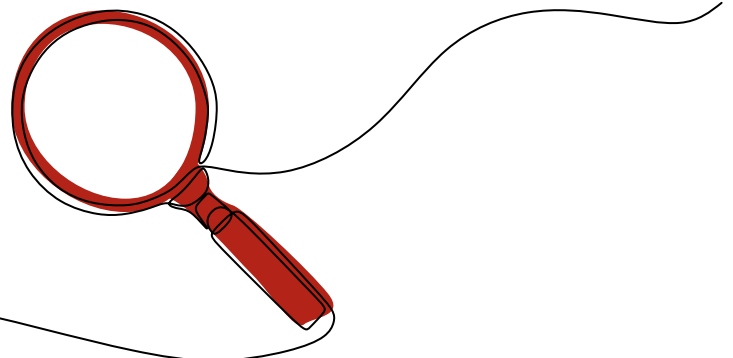
- number and size of different work operations
- type of equipment and work processes - those that are hazardous or potentially hazardous may require more frequent inspections
- number of shifts – the activity on each shift may vary
- new processes or machinery
- size and complexity of the work area

Depending on the size of the workplace it is the function of the JOHSC/Health and Safety Representative to participate in workplace inspections. Employers must allow the JOHSC/Health and Safety Representative to carry out this function.

[APPENDIX 4 Sample Workplace Inspection Checklist](#)




Workplace inspection
help identify safety or
health hazards.




Workplace Monitoring, Measurements and Tests

The employer must allow an employee representative selected by the JOHSC/Health and Safety Representative to observe workplace occupational health or safety monitoring and the taking of samples, tests, or measurements. In cases where the monitoring is done continuously, regularly, or frequently, the employer must allow the employee selected by the committee or representative to observe:



The initial setup of the monitoring process



Monitoring and sampling where there has been a malfunction of the monitor, or an alteration in the process.

However, an employee may not participate in these circumstances:

- situations that would violate an employee's personal privacy
- when the location is remote and is part of the regular task of a person employed at the location
- during an emergency

The committee or health and safety representatives must be notified enough in advance of the monitoring to allow the committee or health and safety representatives sufficient time to choose an employee to observe the monitoring or sampling.

The employer must also:

- provide reasonable notice of the time when the monitoring, measurements, or tests will take place to the employee selected to observe
- ensure an explanation of the monitoring and sampling is provided to the employee if requested
- pay the employee chosen to observe monitoring or testing at the regular rate they would be paid
- participate in inspections with Occupational Health and Safety (OHS) Officers

The OHS Officers play a key role in promoting workplace health and safety across Nova Scotia by verifying compliance with the OHS Act and Regulations, and any orders made under the Act. They inspect workplaces, investigate hazardous situations, accidents, and work refusals. An OHS Officer may issue orders where there is a violation of the OHS Act or Regulations. In addition, OHS Officers are available to provide advice where there are workplace concerns which could benefit from their participation.

Participate in Incident Investigation

Employers and JOHSC/Health and Safety Representative have specific roles and responsibilities when it comes to responding to and investigating a workplace incident. These roles and responsibilities should be clearly outlined. Written procedures should identify the necessary personnel, required training, and resources required to conduct an effective investigation.

Employers

- Notify the Director as soon as possible, but in no case later than 24 hours, after the incident.
- Identify any unsafe conditions, acts or procedures that may have contributed to the incident.
- Gather an investigation team that includes personnel with knowledge of the investigation process, type of work involved, JOHSC or Health and Safety Representative, and personnel involved in the event.
- Conduct a full investigation to determine the root cause(s) of the incident and what controls are needed.
- Prepare, approve, and disseminate the report on the results of the investigation.
- Must notify WCB and the Director of incidents when required.

JOHSC/Health and Safety Representative

- Ensure that incident investigations are carried out as required by OHS Act and Regulations.
- Ensure meaningful participation of committee members in incident investigations, as specified by OHS Act and Regulations.
- Review the incident investigation report and monitor compliance with the proposed corrective actions.
- Make recommendations for additional controls to be put in place.

An investigation is a process that identifies hazards or problems that can be eliminated so that a similar event, including near miss events, will not happen in the future.

Prior to an investigation, JOHSC/Health and Safety Representative should consider the following:



Gather the information

Examine the worksite, preserve evidence, identify and interview witnesses, review any related health and safety documents, etc.



Analyze the information

Review the facts about what happened, why it happened and how it happened.



Draw conclusions

Write a step-by-step account of what happened.



Make recommendations

Any recommendations should be realistic, concise and identify contributing factors and what controls are needed.

Once the investigation is complete, findings and recommendations should be communicated to employees, supervisors, and the employer. Communication is important and everyone should understand how the incident occurred and the corrective actions and controls necessary to prevent it from happening again.

[APPENDIX 5: Sample Investigation Report Template](#)

Address Employee Concerns

Employees may report safety concerns to the JOHSC/Health and Safety Representative. The JOHSC/Health and Safety Representative will:

- determine the facts of the situation
- encourage resolution of the matter by a supervisor or another person with designated responsibility in the area involved
- if the issue is not resolved, and there is a JOHSC at the workplace, the member should raise the matter at the next committee meeting or consider calling an emergency meeting
- respond to the employee who initiated the complaint or concern, when possible, within one shift and inform them how the concern is being handled. The employee may choose to contact the OHS Division if the concern is not handled to their satisfaction
- if the matter involves an immediate source of danger and the employer does not take satisfactory action, the JOHSC/Health and Safety Representative shall report the complaint or concern to the OHS Division

Address Work Refusal

Any employee may refuse to perform any work if they have reasonable grounds to believe that the work is likely to endanger their health or safety of any other person. All work refusals must be reported to the JOHSC/Health and Safety Representative and reviewed.

All work refusals must be reported to the JOHSC/Health and Safety Representative and reviewed.



STEP 1: Reporting unsafe work

If an employee believes a task or situation is dangerous, they should immediately report the concern to the supervisor.

The employee then goes to a safe place, but stays at the workplace, as he or she may be assigned to do other work.

STEP 2: Supervisor Investigation

The supervisor should investigate the work refusal promptly and in the presence of the employee.

- If the supervisor agrees with the employee and finds it unsafe, the problem must be fixed before any more work can be carried out.
- If the supervisor disagrees with the employee and believes the task is safe, but the employee still feels unsafe, the concern is reported to the JOHSC/Health and Safety Representative. The supervisor may ask another employee to do the job and must inform the other person of the reasons for the work refusal.

STEP 3: If necessary, JOHSC/Health and Safety Representative investigate

The JOHSC/Health and Safety Representative must investigate the refusal to work. The refusing employee may accompany the JOHSC/Health and Safety Representative during a physical inspection related to the refusal.

If they agree with the work refusal, they will recommend that the problem be fixed. If they disagree, the employee will be advised to return to work.

- The decision to advise the employee to return to work must be made by a quorum of the entire JOHSC. If JOHSC advises the employee to return to work, the employee's right to pay during the refusal to work ends.
- If the JOHSC/Health and Safety Representative consider that the work is unsafe or unhealthy, they will make a recommendation to the employer to solve the problem. If the problem is resolved, they will advise the employee to return to work.
- If the JOHSC cannot reach a unanimous decision on a recommendation to return to work, or if the issue is not resolved to the satisfaction of the employee, the JOHSC/Health and Safety Representative or the employee should contact the OHS Division and indicate that they have refused to work.

STEP 4: If necessary, contact an OHS Officer.

The employee may remain unsatisfied after completing the first three steps of the work refusal process. In this case, the work refusal must be submitted to the Occupational Health and Safety Division.

An OHS Officer will respond to the situation and will speak with the supervisor and/or a representative from the JOHSC/Health and Safety Representative as part of their investigation.

Advise on Personal Protective Equipment (PPE) and clothing.

JOHSC/Health and Safety Representative advise on personal protective equipment and clothing employees may need or are currently using. As part of the hazard assessment, the employer must ensure that employees use the appropriate PPE for the specific hazards in their workplace i.e., gloves, protective headwear.

Regardless of who provides the basic PPE, the Occupational Safety General Regulations requires the employer to provide some specific devices including respiratory equipment, personal flotation devices, work clothes, where contamination may adversely affect the health or safety of a person; and PPE associated with rechargeable storage batteries, energized electrical installations, and confined space entry.

An employer and employees who perform the task must together conduct a hazard assessment to determine the appropriate PPE required by employees based on the nature of the task, workplace conditions, and location. It is part of the functions of the JOHSC/Health and Safety Representative to verify the PPE meets the legal requirements and applicable standards.

Advise on Occupational Health and Safety Policy and Program

An OHS Policy is the statement of an employer's commitment to preventing injuries and illness in the workplace. It describes how the employees and employer can work together to prevent workplace injuries and illness. The Occupational Health and Safety Act requires that employers with five or more employees have an occupational health and safety policy.

An occupational health and safety program helps employers, and their employees meet their responsibilities as defined in the OHS Act and Regulations. It is good practice for companies of any size to establish a health and safety program. For companies with 20 or more employees, it is a legal requirement. An effective health and safety program will reduce incidents and losses, while helping employers and employees perform and demonstrate due diligence.

It is important that the JOHSC/Health and Safety Representative be given a real opportunity to provide input into the development of health and safety policies and program and to make informed recommendations about OHS activities.

Prepare and Make Recommendations.

JOHSC/Health and Safety Representative is responsible to prepare and make recommendations to improve safety and health at work. The employer should carefully consider all recommendations from the JOHSC/Health and Safety Representative.

Considerations to prepare a recommendation:

Statement of concern

Explain the problem. Indicate the level of severity and importance.

Describe the background

Include any information related to the problem, you must ensure that the information is objective, not based on opinions.

Legal requirements involved

Indicate that non-compliance with the law and regulations are affected.

Approach of solutions or control actions

These actions must have deadlines and responsible parties.

Where a written recommendation is made and the JOHSC/Health and Safety Representative requests a response to the recommendation in writing, the employer must respond within 21 days with an indication that the recommendation will be accepted or the reason it will not be accepted.

If the JOHSC/Health and Safety Representative has requested a response to a recommendation and is not satisfied with the response or believes that any proposed delay is not reasonable, the chair(s) of JOHSC/ Health and Safety Representative must report this to the OHS Division.

An OHS Officer may offer advice to the workplace or may issue an order where there are contraventions of the OHS Act or Regulations.

[APPENDIX 6: Sample Recommendations Form](#)

JOHSC/Health and Safety Representative is responsible to prepare and make recommendations to improve safety and health at work

6. Evaluation


Evaluating the Effectiveness of the JOHSC/Health and Safety Representative

The JOHSC/Health and Safety Representative must have some measures of its performance to improve its efforts. Suggested topics to evaluate the effectiveness of the committee:

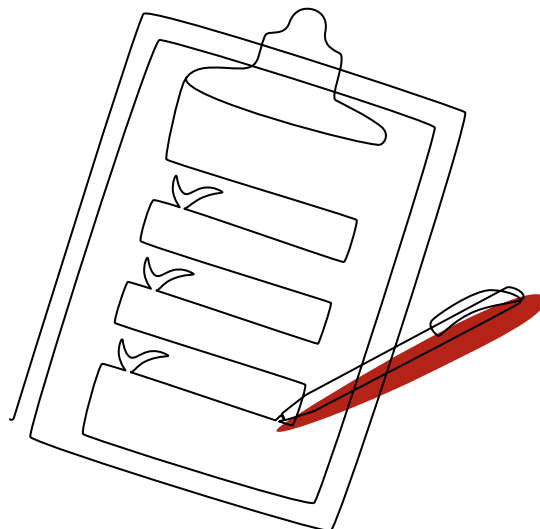
- membership requirements and selection process
- regular meetings and meeting reports
- education and training for members/representative
- process for making recommendations to the employer
- fulfilment of duties and functions of the committee /representative
- employer support for the committee/representative
- overall effectiveness of the committee /representative

More detailed questions are available in Appendix 7.

[APPENDIX 7: Questions to Ask to Evaluate the Effectiveness of JOHSC/Health and Safety Representative](#)



JOHSC/Health and Safety Representative must have some measures of its performance to improve its efforts.



7. Definitions

Committee: means a joint occupational health and safety committee established pursuant to this Act

Compliance notice: means a response, in writing, to an order of an officer, describing the extent to which the person against whom the order was made has complied with each item identified in the order

Constructor: means a person who contracts for work on a project or who undertakes work on a project himself or herself

Contractor: means a person who contracts for work to be performed at the premises of the person contracting to have the work performed, but does not include a dependent contractor or a constructor

Director: means the Executive Director of Occupational Health and Safety or any person designated by the Executive Director pursuant to this Act to act on behalf of the Executive Director

Division: means the Occupational Health and Safety Division of the Department of Labour, Skills and Immigration

Employee: means a person who is employed to do work and includes a dependent contractor

Employer: means a person who employs one or more employees or contracts for the services of one or more employees, and includes a constructor, contractor or subcontractor

Officer: means an occupational health and safety officer appointed pursuant to this Act and includes the Director

Policy: means an occupational health and safety policy made pursuant to this Act

Program: means an occupational health and safety program required pursuant to this Act, unless the context otherwise requires

Project: means a construction project, and includes (i) the construction, erection, excavation, renovation, repair, alteration or demolition of any structure, building, tunnel or work and the preparatory work of land clearing or earth moving, and (ii) work of any nature or kind designated by the Director as a project

Regularly employed: includes seasonal employment with a predictably recurring period of employment that exceeds four weeks, unless otherwise established by regulation or ordered by an officer

Representative: means a health and safety representative selected pursuant to this Act

Union: includes a trade union as defined in the Trade Union Act that has the status of bargaining agent under that Act in respect of any bargaining unit at a workplace, and includes an organization representing employees where the organization has exclusive bargaining rights under any other Act in respect of the employees

Workplace: means any place where an employee or a selfemployed person is or is likely to be engaged in any occupation and includes any vehicle or mobile equipment used or likely to be used by an employee or a self-employed person in an occupation

NOTE: *These definitions are found in Part 3 of the Occupational Health and Safety Act.*

8. Appendices

Appendix 1 - Sample Rules of procedure

Appendix 2 - Sample Agenda

Appendix 3 - Sample Minutes

Appendix 4 - Sample Workplace Inspection Checklist

Appendix 5 - Sample Investigation Report Template

Appendix 6 - Sample Recommendations Letter

Appendix 7 - Questions to Ask to Evaluate the Effectiveness of
JOHSC/Health and Safety Representative

Appendix 1

Sample Rules of Procedure

Introduction

The Rules of Procedure is an essential element for the functioning of a Joint Occupational Health and Safety Committee. It is an agreement between the parties that sets out what the JOHSC is supposed to do and how to do it.

The rules of procedure specify the constituency and membership, quorum requirements, functions of the committee roles, the responsibilities of committee members, the rules for calling and conducting meetings, meeting frequency, and the records to be kept.

A copy of the rules of procedure should be provided to each member of the committee and be available at every meeting. New or replacement members should review the rules of procedure as part of their orientation. The Rules of Procedure should be reviewed annually by the JOHSC for updates.

The JOHSC members actively participate in the development of the health and safety program and provide input on the workplace policy and the annual review of the workplace policy. The JOHSC members work with the employer and employees to:

- participate in the hazard identification and control process
- audit workplace program effectiveness
- investigate incidents/accidents
- participate in planned inspections
- advise management on personal protective equipment requirements
- advise management on ways and means to improve the health and safety program
- participate in other health and safety related initiatives as requested by management

Functions and Responsibilities

JOHSC members will:

- promote health and safety in the workplace
- attend regularly scheduled meetings and send regrets to the Chair(s) if unable to attend
- obtain the details of any complaint from an employee and report it to the JOHSC
- provide ideas and suggestions to address safety and health concerns
- participate actively at each meeting
- maintain confidentiality, as appropriate, if the information obtained at or through the JOHSC meeting
- participate in JOHSC activities as requested
- review the minutes of the most recent meeting as circulated, making appropriate comments

Structure and Membership

The JOHSC consists of:

- management and non-management representatives. Ideally, these would represent the different business lines (e.g. administration, maintenance, etc.) of the workplace

Management appoints the members who will represent management. Non management JOHSC members will be selected through a call for volunteers. In the event the number of volunteers exceeds the needs of the JOHSC, an election will be held to determine which non-management employees will be members of the JOHSC.

JOHSC members should serve a minimum of a two-year term with alternating terms of service.

JOHSC members are entitled to take time off from their regular work to carry out their duties and must be paid their regular pay, as applicable.

Chairing Meetings

Unless a committee determines another arrangement for chairing the committee in its rules of procedure, two of the members of the committee shall co-chair the committee, one of whom shall be selected by the members who represent employees and the other of whom shall be selected by the other members.

The Chair(s) will:

- alternate as the Chair at JOHSC meetings
- conduct the meeting in an orderly manner using democratic principles
- arrange for a suitable meeting place, prepare and distribute an agenda at least five working days in advance of each meeting; stating time, date and location
- liaise with management
- review any amended minutes before circulating to members
- ensure that the JOHSC members approve/amend the most recent minutes within the time frames set out below
- provide the JOHSC with current correspondence by attaching it to the agenda for the meeting
- maintain an outstanding list of items for the committee members to review at the meeting
- prepare summaries of non-consensus issues
- arrange special meetings as required

JOHSC Training

Committee members must be properly trained to ensure an effective and efficient committee. The employer is responsible to provide workplace-specific training and instruction on matters around committee health and safety responsibilities. Depending on the type of workplace, employers should consider providing training and instruction to the committee on the following:

- the Internal Responsibility System
- the Occupational Health and Safety Act and Regulations
- JOHSC Rules of Procedure
- the role of a JOHSC including:
 - hazard identification, assessment and control,
 - performing workplace inspections
 - incident investigation
 - addressing complaints
 - work refusals
- OHS Health and Safety Policy and Program
- hazard identification training

Meetings

Purpose

The purpose of the meeting is to exchange information and make recommendations to the employer regarding health and safety concerns in the workplace.

Frequency

The JOHSC will hold regular meetings as often as required but no less than once every month unless the committee alters the required frequency of meetings and is outlined in the Rules of Procedure.

The JOHSC should meet before the regular meetings of management to allow the opportunity to present JOHSC recommendations at management meetings.

Special meetings

A special meeting may be called by the Chair(s) at any time to handle extraordinary issues.

Quorum

The quorum for a regular meeting of the JOHSC should be at least one-half of the members.

There is no specific quorum for a special meeting. However, the Chair(s) will try, within the constraints of the extraordinary issue requiring the meeting, to ensure as many members as possible attend.

Meeting Location

- JOHSC meetings may be held at any location.
- JOHSC meetings may be held using electronic means such as teleconference, video conference or similar systems.

Agenda

The preparation of an agenda is an important part of the effective operation of committee meetings because it establishes the format of the meetings and provides a means of organizing them.

All committee members should be notified in advance of the meeting, indicating the date, time, and place.

Committee members should give sufficient advance notice of items they wish to raise at the meeting so it can be included in the agenda.

Conducting a Meeting – Decision Making

JOHSC decisions will generally be by consensus, with no recorded votes. If consensus cannot be reached, the Chair(s) will prepare a summary of the various positions for inclusion in the minutes.

In the event of non-consensus on a recommendation to management, the Chair(s) will prepare a summary of the various positions for inclusion with any written recommendation.

In the special case of work refusal investigations, the decision of the JOHSC will be by a recorded vote of each member present at the meeting.

Minutes

The JOHSC will create minutes of all meetings in the format set out by the JOHSC. Draft minutes should be provided to all JOHSC members within 4 working days of the meeting.

Members should respond within 2 working days of receiving the draft minutes, indicating agreement with the minutes or any proposed changes. Members who do not respond will be assumed to be in full agreement with the minutes.

If a member requests a change in the minutes, the Chair(s) will assess the requested change. If the Chair(s) deem the change to be minor, they may direct the minutes be changed with no further review.

If the Chair(s) deem the change to be major, but an accurate description of events at the meeting, they will direct the minutes be changed with no further review.

If the Chair(s) deem the change to be major, but is uncertain about its accuracy, the Chair(s) will send the requested change to all JOHSC members for comment.

Upon finalization, the minute taker will enter the "Date Finalized" on the first page of the minutes and provide the minutes to members.

Minute taker

The JOHSC will appoint a minute taker for each meeting.

The minute taker will:

- record and prepare the minutes of all meetings
- send the draft minutes to the JOHSC members on the timeline above
- make any required changes to the minutes based on JOHSC comments and the Chair(s) decisions
- forward approved minutes to management for posting and filing

Communication

Communication plays an important role in a JOHSC. Committee members must be able to communicate effectively with each other, with the employer and with employees in general. Effective communication is key to being able to convey important safety information.

Records and Reports

The committee must keep accurate records of all activities and items addressed.

Records may include:

- meeting agendas
- meeting minutes
- list of committee members
- recommendations

The employer, upon request from the committee, must also provide reports on:

- incident and hazard reports
- risk assessment results
- recommendations or corrective actions
- training records
- annual report
- establish how long records will be kept and how these records will be posted and made available to workers in the organization

JOHSC Activities

Workplace Inspection and Hazards Identification

Workplace Inspection at regular intervals is a function of the JOHSC to prevent workplace injury and illness. The entire workplace must be inspected at a frequency determined by the hazard identification provision of the workplace OHS program. Employers must allow the JOHSC to carry out this function.

Workplace Monitoring, Measurements and Tests

The JOHSC will select an employee representative to observe workplace occupational health or safety monitoring and the taking of samples, tests, or measurements. In cases where the monitoring is done continuously, regularly, or frequently, the employer must allow the employee selected by the committee or representative to observe.

The Chair(s) will select the employee on behalf of the JOHSC to observe workplace occupational health or safety monitoring and the taking of samples or measurements.

The Chair(s) will inform the JOHSC of their choice. The selected employee will report to the JOHSC on their observations at the JOHSC meeting.

Inspections with OHS Officers

JOHSC member(s) may participate in OHS inspections and inquiries conducted by an OHS Officer. The OHS Officers play an important role in promoting workplace health and safety across Nova Scotia by verifying compliance with the OHS Act and Regulations, and any Orders made under the Act. They inspect workplaces, investigate hazardous situations, accidents and work refusals. An OHS Officer may issue orders where there is a violation of the OHS Act or Regulations. In addition, OHS Officers are available to provide advice where there are workplace concerns which could benefit from their participation.

Incident Investigations

Employers and JOHSC have specific roles and responsibilities when it comes to responding to and investigating a workplace incident.

JOHSC will ensure that incident investigations are carried out as required by OHS Act and Regulations. They will also ensure that meaningful participation of committee members in incident investigations, as specified by OHS Act and Regulations. They will review the incident investigation and report and monitor compliance with the proposed corrective actions. They will also make recommendations for additional controls to be put in place.

When the designated members have completed their investigation, the designated members will prepare an investigation report and present it to the JOHSC at their next meeting.

Employee Concerns

Where the JOHSC or a JOHSC member becomes aware of a concern regarding a health or safety matter, the JOHSC shall address the employee concern at its next regular meeting, unless the Chair(s) deems that a special meeting is needed to address the concern.

If necessary, the JOHSC or a sub-committee may investigate to determine the nature of the employee concern and gather information for its resolution.

All employee concerns and resulting JOHSC decisions and actions will be recorded in the minutes.

Work Refusal

Any employee may refuse to perform any work if they have reasonable grounds to believe that the work is likely to endanger their health or safety of any other person. All work refusals must be reported to the JOHSC and reviewed.

The JOHSC must investigate the refusal to work. The refusing employee may accompany the JOHSC during a physical inspection related to the refusal. If they agree with the work refusal, they will recommend that the problem be fixed. If they disagree, the employee will be advised to return to work.

The decision to advise the employee to return to work must be made by a quorum of the entire JOHSC. If JOHSC advises the employee to return to work, the employee's right to pay during the refusal to work ends.

If the JOHSC consider that the work is unsafe or unhealthy, they will make a recommendation to the employer to solve the problem. If the problem is resolved, they will advise the employee to return to work.

If the committee cannot reach a unanimous decision on a recommendation to return to work, or if the issue is not resolved to the satisfaction of the employee, the committee or the employee should contact the OHS Division and indicate that they have refused to work.

Advice on PPE and Clothing

JOHSC advises on personal protective equipment and clothing employees may need or are currently wearing. As part of the risk assessment, the employer must ensure that workers use the appropriate PPE for the specific hazards in their workplace i.e., gloves, head protection, footwear, respirators, personal flotation devices, etc.

Advise OHS Policy and Program

JOHSC must provide input into the development of the OHS policy and program, to make informed recommendations about OHS activities.

Prepare and Make Recommendations

JOHSC is responsible to prepare and make recommendations to improve safety and health at work. The employer should carefully consider all recommendations from the JOHSC.

Evaluation

JOHSC needs to have some measure of its performance. Although an improved health and safety record might be considered the most important measure, there are other aspects to consider. For example, by having clearly defined its purpose and identified specific duties, the committee can audit its work against those parameters.

Amending the Rules of Procedure

The JOHSC should review the Rules of Procedure each year.

Appendix 2



Sample Agenda

Committee:

Date:

Time:

Location:

Member(s) Attending:

Member(s) Regrets:

Ex-officio Attending

Ex-officio Regrets

Guest(s)

Minute Taker

AGENDA ITEMS

1. Welcome

2. Call to Order/Review of Quorum

3. Approval of Previous Minutes

4. Approval of/Changes to Agenda

5. Items Arising from Previous Minutes

6. Standing Agenda Items

7. New Business

8. Round Table

9. Next Meeting

Appendix 3



Sample Minutes

Committee:

Date:

Time:

Minutes By:

Member(s) Attending:

Member(s) Regrets:

Ex-officio Attending

Ex-officio Regrets

Guest(s)

Secretary (non-member)

Minutes

AGENDA ITEM	DISCUSSION	ACTION/RESPONSIBLE
1. Call to Order/Review of Quorum		
2. Approval of Previous Minutes		
3. Approval of Agenda		
4. Items Arising from Previous Minutes		
5. Standing Agenda Items		
6. New Business		
7. Round Table		
8. Adjournment		

Next Meeting

Date:

Time:

Location:

Signatures

Employee Co-Chair

Employee Co-Chair

Appendix 4



Sample Workplace Inspection Checklist

GUIDELINES

- Workplace inspections are to be completed by a team of a manager representative from the management group, an employee representative from the workplace, a member of their respective JOHSC/Health and Safety Representative (if available).
- This workplace inspection form is fillable. You can print a hard copy of the inspection form and write on manually during the inspection. Before submitting for review, all information **MUST** be entered in the fillable form and signed by all participants using digital signatures.
- Signed copies are to be sent via email to _____

Address: _____

Date of Inspection: _____

Manager Representative: _____

Employee Representative: _____

JOHSC/Health and Safety
Representative (*if applicable*): _____

All hazards identified during inspections will be reviewed with the JOHSC/Health and Safety Representative. Corrective actions will be responded to accordingly and reported to

PART I. INSPECTION CHECKLIST

PLEASE CHECK ON THE FOLLOWING ITEMS FOR ANY ISSUES/HAZARDS	YES	NO	N/A	NOTES COMMENTS
--	-----	----	-----	----------------

Floors, Aisles and Stairways. Are the aisle ways and passageways clear and unobstructed?

If there are stairways, are the stair treads and handrails in good condition?

Electrical Equipment. Are cables, electric cords, and power bars free of damage/dust and located out of walkways?

Controlled Products. Is there an inventory of all controlled products used at the workplace, including up to date material safety data sheets for each?

First Aid. First aid kits and AED (where applicable) are in an employee accessible area and clearly marked?

Is there a list of first aid responders (AED-trained, where applicable) posted?

Bulletin Board. Is there an OHS bulletin board in this office (where JOHSC meeting minutes, the OHS Act, and internal programs, etc. are posted)?

Housekeeping and Storage. Are file boxes stacked less than 5 high and in good stable condition?

Faulty desks, chairs, or other damaged equipment are taken out of service?

Emergency Preparedness. Does the building have a fire safety plan?

Are the emergency doors/exits clear and properly marked?

Are the fire evacuation procedures communicated adequately?

Are the names of floor emergency wardens posted?

Do sprinkler heads have a 0.5-meter clearance?

Are the portable fire extinguishers properly mounted and inspected? Date of inspection:

Was there a fire drill within the last 12 months? Date of last fire drill:

PART II. CORRECTIVE ACTIONS

IMPORTANT NOTES

- Please list all action items identified during the inspection, including items addressed during the inspection. You may also indicate the level of urgency of the corrective action required.
- You may include items not completed from previous inspections noting that it is outstanding.
- Please attach additional pages if needed.

IDENTIFIED ISSUES/HAZARDS	EXACT LOCATION	CORRECTIVE ACTION REQUIRED	RESPONSIBLE PERSON
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Manager Signature: _____

Employee Signature: _____

JOHSC/Health and Safety Representative Signature: _____

Appendix 5



Sample Investigation Report

Investigation Report

Company:	Date:	Time:
Supervisor:	Incident Reported By:	Investigated By:

Injury

Person injured:	Phone Number:	Experience:
Date of Birth:	Address:	Type of Injury:
Location of Injury:	Source of the Injury:	Treatment Required:

Description of the Incident:

Corrective Actions

Actions Taken:	Person Performing Actions:	Due Date:
Employee Performing Actions Print Name:	Employee Performing Actions Signature:	Date:
Manager Print Name:	ManagerSignature:	Date:

Follow up Date:

Appendix 6



Sample Recommendation Letter

Dated:

To:

From: Joint Occupational Health and Safety Committee/Health and Safety Representative

Re: Recommendation

The Joint Occupational Health and Safety Committee (JOHSC)/Health and Safety Representative is requesting the (Company/Department/) response to the enclosed written recommendation. The committee's /representative's recommendation is based on the issue noted below.

As per Section 34 (1) of the Nova Scotia Occupational Health and Safety Act (NS OHS Act), the Department shall provide a written response to the JOHSC:

- (a) indicating acceptance of the recommendations; or
- (b) give reasons for the disagreement with any recommendations that the employer does not accept, or, where it is not reasonably possible to provide a response before the expiry of the twenty-one-day period, provide within that time a reasonable explanation for the delay, indicate to the committee or representative when the response will be forthcoming, and provide the response as soon as it is available.

OHandS Issue:

(Give a short, clear and complete description of the issue. Describe what, why, who, where and when.)

Committee /Representative Recommendation:

(Make sure the recommendation deals with workplace health and safety. Include reasons for your recommendation. For complex issues, list options, steps involved and suggested time frame for implementation/completion.)

(attach a separate sheet if necessary)

Please provide a written response no later than (insert date) as per Section 34(1) of the NS OHS Act list above.

Kind Regards,

Employer Co-Chair (where applicable)

Employee Co-Chair (where applicable)
Joint Occupational Health and Safety Committee

Health and Safety Representative (where applicable)

Appendix 7



Questions to Ask to evaluate the Effectiveness of Joint Occupational Health and Safety Committees/ Health and Safety Representative

- Do the employees know who are the members of the committee/is the health and safety representative?
- Are the duties and authority of JOHSC members/health and safety representative known to the employees?
- Is the committee/health and safety representative seen by employees as being useful in providing leadership in safety?
- Is the committee/health and safety representative perceived by management as correctly meeting its responsibilities and authority?
- Do supervisors see JOHSC members/health and safety representative as a barrier to employee/supervisor communication in safety?
- Do employees perceive the committee/health and safety representative as reducing management's responsibility for maintaining a safe workplace?
- Are JOHSC members/health and safety representative perceived as enforcers or advisors?
- Do employees make suggestions to JOHSC members/health and safety representative?
- Does management representation on the JOHSC reflect its strong commitment to health and safety?
- Does management fully support committee/health and safety representative activities by providing comprehensive information, time, facilities, and training?
- Which resources which should be made available to JOHSC members/health and safety representative?
- In a unionized workplace, what support does the union provide to its members on the committee/health and safety representative?
- What proportion of JOHSC members'/health and safety representative's time during paid work hours is spent on health and safety activities?
- How many committee/health and safety representative recommendations have been implemented?
- When a recommendation is not implemented, are the full reasons given to the committee/health and safety representative?
- Is the full record of committee/health and safety representative recommendations, their implementation, and reasons for non-implementation available to all employees?

For more information

Occupational Health and Safety Division
Department of Labour, Skills and Immigration

Telephone: 902-424-5400 or

Toll-free: 1-800-9-LABOUR
(1-800-952-2687)

Fax: 902-424-5640

safetybranch@novascotia.ca

novascotia.ca/lae/healthandsafety/

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