

## Sample Terms of Reference for BC Parks Regional Occupational Safety and Health Committees

### 1. Name of Joint Health and Safety Committee

The committee shall be known as the BC Parks {insert name of BC Parks Region} Region Joint Health and Safety Committee.

### 2. Purpose of the Committee

The purpose of the joint committee is for BC Parks workers and the employer to cooperate to identify and resolve safety and health issues in support of a planned occupational safety and health program and to prevent occupational injuries and diseases in the workplace.

Both workers and the employer are committed to providing a safe work environment, and this Committee is a key part of achieving that aim. The safety of all stakeholders will be improved through:

- Joint investigation.
- Discussion of health and safety issues.
- Joint resolution of health and safety issues.

BC Parks, and all Committee members will allocate the time and resources necessary to ensure the Committee is able to operate effectively.

### 3. Committee Membership

- The committee must consist of worker representatives and employer representatives
- At least half of the members must be worker representatives. The committee will include:
  - At least one worker representative from each BC Parks work location in the region; and
  - At least two auxiliary employees (when there are auxiliaries employed in the Region)
- The worker representatives must be selected by the workers from workers at the workplace and appointed by the BCGEU as per the Union's process. The Union should be notified by the employer of any vacancies that arise on the committee, and of any workers interested to fill the vacancy, so that worker representatives can be appointed as per the union's process. The BCGEU can be contacted at [ohs@bcgeu.ca](mailto:ohs@bcgeu.ca).
- The employer representatives must be selected by the employer from among persons who exercise managerial functions for the employer and, to the extent possible, who do so at the workplace for which the joint committee is established. {List the names of the members below along with the area/work location they represent}

Name of Employer Representatives	Area/ Work Location
Name of Worker Representatives	Area/ Work Location


- (e) The committee must have two co-chairs, one selected by the worker representatives, and the other selected by the employer representatives.
- (f) All members will arrange to have an alternate member to attend meetings in their place, when they are unavailable to attend.

#### 4. Co-chair Duties

- (a) Facilitate the meetings.
  - The employer co-chair and the worker co-chair will alternate as chair of meetings.
- (b) Review previous meeting reports and material prior to the meetings
- (c) Ensure that a meeting place is arranged.
- (d) Ensure members are notified of meeting dates, times and locations
- (e) Ensure meeting agenda is prepared and distributed when possible one week prior to the next meeting to Committee members and attending guests
- (f) Ensure meeting reports are prepared and distributed.
- (g) Ensure that a copy of meeting reports is forwarded to the employer for distribution.
- (h) Prepare recommendation(s) and forward to the employer for a response
- (i) Prepare all correspondence on behalf of the committee
- (j) Notify the Regional Manager or the Executive Director of BC Parks (as appropriate) when there is a lack of representation on the committee. Where this is a vacancy for a worker representative, the union should also be notified.

#### 5. Duties of All Committee Members

- (a) Attend all Committee meetings or, where absence is anticipated, arrange for their alternate to attend.
  - It is expected that all committee members will prioritize their participation on the Committee, and that absences will be unusual.
- (b) Review Committee reports and materials, and prepare in advance for meetings.
- (c) Help to raise awareness of the Committee and its functions in the workplace
- (d) Promote safe work practices and support BC Parks safety programs
- (e) Promote compliance with the OH&S legislation and regulations, and work to raise health and safety standards in the workplace above legal requirements wherever possible.
- (f) Inform their supervisor when attending to Committee business.
- (g) New members will complete their 2-day initial OHS committee education within the first 6 months of joining the committee.
- (h) Take annual educational leave totaling 8 hours for the purposes of attending approved occupational health and safety training. New members are entitled to receive this education in addition to the education in section (g).
- (i) Be committed to effective meeting function by:
  - staying focused and on topic
  - keeping communication constructive, clear and respectful
  - encouraging participation from all members of the committee

- discouraging side conversations
- adhering to prompt start and finish times
- unless needed for the meeting, putting away distracting technology like cell phones, tablets and laptops

## 6. Terms of Office

- Committee members will sit on the committee for at least two years. (Note that committees are more effective if terms of office overlap for committee members. This allows a mix of new and experienced committee members on the committee).
- If a member of the committee chosen by the workers is unable to complete the term of office, the workers must choose another member as soon as possible. The union should be notified by contacting [ohs@bcgeu.ca](mailto:ohs@bcgeu.ca).
- If a member of the committee appointed by the employer is unable to complete the term of office, the employer must appoint another member as soon as possible.
- All members must arrange to have an alternate member to attend meetings in their place, when they are unavailable to attend.

## 7. Who does this Committee Report to?

This committee will report to the BC Parks Regional Manager for the {insert name of BC Parks Region}, {Insert name of BC Parks Regional Manager}

## 8. Duties and Functions of the Committee

The duties and functions of a Joint Health and Safety Committee are those identified in Division 5, Section 36, of the Workers' Compensation Act:

- 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.
- 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 inspections, investigations and inquiries as provided by the Regulation.
- Carry out any other duties and functions prescribed by the Regulation.

For additional clarity, the Committee's role includes:

- Reviewing reports and addressing unresolved BC Parks issues forwarded by local health and safety committees in the region.
- Sharing information and providing reports to the BC Parks Provincial Joint Health and Safety Committee.
- As appropriate, referring health and safety issues to the BC Parks Provincial Joint Health and Safety Committee.

## 9. Committee Decisions

The committee will attempt to reach consensus on each decision it makes. If the committee cannot reach consensus, then a vote may be taken. The committee will go with the majority vote, when a vote is needed. The acceptance of decisions will be reflected in the minutes.

## 10. Assistance in resolving disagreements within committee

If the joint safety and health committee 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 a senior manager (i.e. the Executive Director of BC Parks), who may investigate and attempt to resolve the matter.
- Report this to the BC Parks Provincial Joint Health and Safety Committee, which may investigate and attempt to resolve the matter, and/or may refer the matter to the Ministry of Environment Article 29 Committee.
- Report this to WorkSafeBC, which may investigate and attempt to resolve the matter

## 11. Recommendations to the Employer

Some health and safety matters discussed by the Committee may be resolved quickly and informally by verbal or email communication with an employer representative and/or another manager. These situations must be documented in the Committee minutes.

In other instances, the Committee must make recommendations to the employer in a written request for a response, according to the process outlined in section 39 of the Workers' Compensation Act. The Committee will draft a written recommendation letter (often called a "21-day letter") to the employer outlining the background, the issue, and the Committee's recommendation(s). The recommendation letter must be:

- Directly related to health and safety.
- As comprehensive as possible.

Both the employer and worker co-chairs must sign the recommendations before they are forwarded to the employer, and these recommendations must be made separate from the minutes of the meeting. The employer is required to respond to the letter within 21 calendar days of receiving the letter, as per section 39 of the Workers' Compensation Act.

The employer must respond to the Committee in writing by:

- Indicating acceptance of the recommendation, or
- Giving the employer's reasons for not accepting the recommendation, or

- If the employer is not reasonably able to provide a response before the end of the 21-day period, a written explanation for the delay, together with an indication of when the response will be provided.

If the employer does not accept the Committee's recommendations, a co-chair of the committee may:

- Refer the matter to the BC Parks Provincial Joint Health and Safety Committee, which may investigate and attempt to resolve the matter.
- Report the matter to the WorkSafeBC, which may investigate and attempt to resolve the matter

If the Committee is not satisfied that the explanation provided by the employer for a delay is reasonable in the circumstances, a co-chair of the Committee may:

- Report this to WorkSafeBC. WorkSafeBC may investigate the matter and may, by order, establish a deadline by which the employer must respond.

## 12. Support for the Committee

At the request of the joint committee, the employer is required by section 39 of the Act to provide the reasonable equipment, space and clerical support (including for recording and preparing minutes or other committee reports) necessary for the joint committee to carry out its duties and functions.

The joint committee may request the following information from the employer, as needed:

- (a) The identification of known or reasonably foreseeable health or safety hazards which workers are likely to be exposed to in the workplace,
- (b) Health and safety experience, work practices and standards in similar or other industries of which the employer has knowledge,
- (c) Orders, penalties and prosecutions under the Workers' Compensation Act or the OHS Regulation relating to health and safety at the workplace, and
- (d) Any other matter prescribed by OHS Regulation.

## 13. Meetings

- (a) The committee will meet monthly on the (\_\_\_\_\_) working day of each month.
- (b) Meetings of the committee will primarily be held via conference call or other virtual means. At least one meeting per year will be held in person.
- (c) Regularly scheduled meetings will be held from {insert time range} in the {insert name of room}.
- (d) Special meetings, if required, will be held at the call of the co-chairs.
- (e) A quorum shall consist of a majority of members on the committee.

## 14. Time from work for meetings and other committee functions

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

- (a) The time required to attend meetings of the committee
- (b) Other time that is reasonably necessary to prepare for meetings of the committee, and
- (c) Other time that is reasonably necessary to fulfill the other duties and functions of the committee.

Time off for joint committee members to perform these duties and functions will be deemed to be time worked for the employer, and the employer will pay for that time consistent with the provisions of the collective agreement(s).

## **15. Agendas and Reports of the Committee**

- (a) An agenda will be prepared by the co-chairs and distributed to members prior to the meeting.
- (b) A report of the meeting will be prepared as soon as possible after the meeting with a copy provided to the employer.
- (c) The employer will distribute meeting reports via email to all BC Parks staff in the region, post at all BC Parks worksites in the region, post in an electronic location that is accessible to BC Parks staff working in other regions, and forward to the BC Parks Provincial Joint Health and Safety Committee.
- (d) The employer will be responsible for sending a copy of the report of the meeting to the union if requested by any union representing workers at the workplace.
- (e) The employer will retain a copy of the reports for at least 2 years from the date of the joint committee meeting to which they relate.
- (f) The employer will be responsible for ensuring that the retained reports are readily accessible to the joint committee members, workers of the employer, officers and other persons authorized by WorkSafeBC.

## **16. Posting Committee Information**

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

- a) The names and work locations of the joint committee members
- b) The reports of the 3 most recent joint committee meetings, and
- c) Copies of any applicable WorkSafeBC orders for the preceding 12 months.

## **17. 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 two years from the date of the joint health and safety committee meeting to which they relate.

## **18. Educational Leave Entitlement**

Each member of the joint committee is entitled to an annual educational leave totaling 8 hours (see section 41 of the Act), or a longer period if prescribed by regulation, for the purposes of attending occupational health and safety training courses.

A member of the joint committee may designate another member as being entitled to take all or part of the member's educational leave.

The employer must provide the educational leave without loss of pay or other benefits and must pay for, or reimburse the worker for, the costs of the training course and the reasonable costs of attending the course. For committee members that are auxiliary employees, particular effort will be made to ensure these workers receive their initial training as soon as possible after being appointed.

## 19. Committee Evaluation

As per section 3.26 of the OHS regulation, an annual evaluation of committee effectiveness is required. The evaluation should be completed using the approved [JOHS Committee Annual Evaluation Tool](#), which was developed jointly by the BCGEU and the BC Public Service Agency.

## 20. Amendments

These terms of reference will be reviewed annually, and may be amended at any time by a vote of the committee members.

Approved:

Signature of Employer Co-Chair Date {Insert name of Employer Co-Chair}

Signature of Worker Co-Chair Date {Insert name of Worker Co-Chair}