



HANDBOOK FOR
HEALTH & SAFETY
REPRESENTATIVES

IN BARGAINING UNITS
 AND DISTRICTS



Prepared by
The Health and Safety/Workplace Safety and Insurance Act Committee

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1. PURPOSE OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

The purpose of the *Occupational Health and Safety Act* (“the Act”), www.ontario.ca/laws/statute/90o01, is to define the roles of workers, supervisors, employers and the Ministry of Labour in the prevention of injury and occupational illness in the workplace. The Act requires employers to take responsible action for the health and safety of their employees and provides a minimum standard for safe and healthy workplaces. It is the intention of the Act to develop an internal responsibility system within the workplace, which involves an atmosphere of communication and co-operation between employers and employees, making them active partners in protecting workers from hazards to their health and safety.

2. OSSTF/FEESO HEALTH AND SAFETY STRUCTURES

A. Provincial Organization (www.osstf.on.ca)

- a. Health and Safety/Workplace Safety and Insurance Act Committee (HS/WSIAC) is comprised of:
 - 9 members appointed by Provincial Council
 - 1 non-voting member appointed by the Provincial Council from its members
 - 1 non-voting member from the Provincial Executive appointed by the President
 - Up to 2 members who may be co-opted
 - 1 non-voting member from the Secretariat assigned by the General Secretary
- b. OSSTF/FEESO members trained as instructors through Workers Health and Safety Centre which assists the Committee in delivering Health and Safety education.
- c. OSSTF/FEESO members trained as instructors through the OFL Prevention Link/ Occupational Disease Response Team, which assists the Committee in delivering education related to WSIB.
- d. OSSTF/FEESO negotiating policy states, “All negotiations shall ensure that the employer preserve or establish a multi-site joint health and safety committee.”

B. District Organization (Refer to your local District Constitution)

- a. District Health and Safety Officer

In a District **with one** Bargaining Unit—the Health and Safety Officer selected by the Bargaining Unit may also be referred to as the District Health and Safety Officer.

In a District **with more than one** Bargaining Unit, one of the Bargaining Unit Health and Safety Officers should be selected to also serve as the District Health and Safety Officer.

Note: If challenged, legal standing defers to the one representing a Bargaining Unit, unless a District Health and Safety Officer also represents a Bargaining Unit, he/she is vulnerable to a challenge through the Ministry of Labour regarding legal responsibilities and rights under the Act, eligibility to serve on the Joint Health and Safety Committee, and eligibility to exercise the particular powers of a “certified worker”, regardless of training or qualifications.

Avoid this problem by selecting a Bargaining Unit Health and Safety Officer to also serve as the District Health and Safety Officer.

SUGGESTED ROLES OF A DISTRICT HEALTH AND SAFETY OFFICER

- Advise and take direction from the District Executive and Council on matters concerning occupational health and safety,
- Represent members’ interests in occupational health and safety with the employer and its agents,
- Co-ordinate matters concerning occupational health and safety among the District’s Bargaining Units (if more than one exists),
- Chair the District’s Health and Safety Committee composed of all Bargaining Unit Health and Safety Officers, and other designated members,
- Provide advice and assistance to Bargaining Unit Health and Safety Officers and members, as required,
- Provide information and training to members, as required,
- Assist the Provincial Office on matters concerning the health and safety of members, and
- Consult the Provincial Office if your employer is considering, or proposing, amendments to your Terms of Reference (TOR) document.

C. Bargaining Unit Organization

(Refer to your local Bargaining Unit Constitution)

D. Work Sites

It may assist in dealing with Health and Safety issues to elect/appoint Health and Safety reps at each worksite.

3. JOINT HEALTH AND SAFETY COMMITTEE (JHSC) [Section 9 of the Act]

A. JHSC Guidelines for Educational Workplaces

The *Occupational Health and Safety Act* mandates that an employer establish a Joint Health and Safety Committee in a workplace where twenty or more workers are regularly employed. **This joint committee is truly bipartite with labour and management equally empowered by the Act.**

The Ministry of Labour may consider some employers to be “Multi-Site Workplaces” where all workplaces (i.e. all schools, lands, premises and buildings under the jurisdiction of an employer) constitutes one workplace for the purpose of establishing the required central Joint Health and Safety Committee (see OHS Act Section 9. [3]). A guideline for such multi-site workplaces has been published by the Ministry and is available from the HS/WSIA Committee at OSSTF/FEESO Provincial Office. Employers may apply to the Minister of Labour for approval to establish more than one JHSC. However, the Terms of Reference of any JHSC must be negotiated with the Bargaining Units representing the workers, signed by the Bargaining Unit President and must be submitted to the Minister of Labour for approval.

The most effective JHSC represents all employee groups/Bargaining Units working together with the Employer’s management members on the same joint committee.

B. Structure and Function of the JHSC

a. Structure

In a workplace where twenty or more people are regularly employed, the Joint Health and Safety Committee must be comprised of a minimum of four (4) persons, with at least 50 per cent representation from workers. Worker representatives are appointed/elected by their Bargaining Units. OSSTF/FEESO should seek representation for each of its Bargaining Units on the JHSC but, as a minimum, the District Health and Safety Officer should be a worker representative of the JHSC. It is the position of OSSTF/FEESO that an OSSTF/FEESO representative on the JHSC should be trained as a “certified worker” (See Sec. 9 [12]-[17]).

This Act provides for co-chairpersons, one representing the employer and one representing the workers. The JHSC must meet at least once every three months; however, it is the position of OSSTF/FEESO that meetings should be held monthly.

b. Functions

Some of the functions of the JHSC outlined in Section 9 are to:

- I. Identify situations which would be dangerous or hazardous to workers;
- II. Make recommendations for the improvement of worker health and safety;
- III. Recommend to the employer the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of members;

- IV. Obtain information from the employer about:
 - Identification of potential or existing hazards connected with materials, processes or equipment;
 - Health and safety experience and work practices and standards in related industries of which the employer is, or should be aware;
 - Results of testing and procedures for conducting tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety;
- V. Maintain minutes of meetings (available for review by Ministry of Labour inspectors);
- VI. Designate a worker member(s) of the JHSC or designate to inspect the physical condition of the workplace monthly, or at intervals established by the JHSC such that entire workplace (all worksites) is annually inspected. It is preferable to have a certified member do the inspection;
- VII. Designate one or more worker committee members to investigate fatalities and critical injuries and one member to investigate the scene of the incident and report his/her findings to the Minister of Labour and the JHSC;
- VIII. Meet at least once every three months (OSSTF/FEESO position is monthly meetings);
- IX. Consult with management on any hygienic testing and have a worker member, designated by the worker members, present during the testing;
- X. Perform any additional functions or duties arising from a Collective Agreement;
- XI. Participate in the design and implementation of training as prescribed under the Act in its Regulations; and perform other duties as outlined in Section 9 of the Act.

C. Compensation for JHSC Members

[Section 9]

(34) A member of a committee is entitled to,

- (a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;
- (b) such time as is necessary to attend meetings of the committee; and
- (c) such time as is necessary to carry out the member's duties under subsections (26), (27) and (31). R.S.O. 1990, c. O.1, s. 9 (34).

(35) A member of a committee shall be deemed to be at work during the times described in subsection (34) and the member's employer shall pay the member for those times at the member's regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 9 (35).

(36) A member of a committee shall be deemed to be at work while the member is fulfilling the requirements for becoming a certified member and the member's employer shall pay the member for the time spent at the member's regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 9 (36); 1998, c. 8, s. 50 (1); 2011, c. 11, s. 7 (3).

4. “CERTIFIED WORKERS”

A. Definition

A “certified worker” means a worker member of the JHSC who is certified by the Workplace Safety and Insurance Board (WSIB).

B. Selection

A “certified worker” is to be selected by the workers from among the worker members of the JHSC in accordance with Section 9 (12).

5. RIGHT TO REFUSE UNSAFE WORK

Under Section 43 of the *Occupational Health and Safety Act*, Ontario, you have the right to refuse unsafe work if you have reason to believe the work is likely to endanger you or someone else.

- OSSTF/FEESO link to the Right to Refuse Unsafe Work:
www.osstf.on.ca/services/health-safety/information-bulletins/the-right-to-refuse-it-s-law-use-it.aspx
www.osstf.on.ca/services/health-safety/information-bulletins/right-to-refuse-work-for-teacher-members-only.aspx
- OHS link to the Right to Refuse or to Stop Work Where Health or Safety in Danger – Part V – 43: www.ontario.ca/laws/statute/90o01#BK81

RESOURCE ORGANIZATIONS

Primary Resources for OSSTF/FEESO: Workers Health & Safety Centre

675 Cochrane Drive, Suite 710, East Tower
 Markham, Ontario, L3R 0B8
 Tel: (416) 441-1939
 Toll free: 1-888-869-7950
www.whsc.on.ca

The **Workers Health & Safety Centre** has offices in the following cities:

Hamilton	905-545-5433	Sarnia	519-541-9333	Thunder Bay	807-473-3634
Ottawa	613-232-7866	Sudbury	705-522-8200	Toronto	416-441-1939

Canadian Centre for Occupational Health and Safety (CCOHS)

135 Hunter Street East
 Hamilton, Ontario, L8N 1M5
 Tel: 905-572-2981 or 1-800-668-4284
www.ccohs.ca

Occupational Health Clinic for Ontario Workers—www.ohcow.on.ca

Provincial Office
 1090 Don Mills Road, Suite 606
 Toronto, Ontario, M3C 3R6
 Tel: 416-510-8713 1-877-817-0336
ask@ohcow.on.ca

Sudbury Clinic
 84 Cedar Street, 2nd Floor
 Sudbury, Ontario, P3E 1A5
 Tel: 705-523-2330 or 1-877-817-0336
sudbury@ohcow.on.ca

Hamilton Clinic
 848 Main Street East
 Hamilton, Ontario, L8M 1L9
 Tel: 905-549-2552 or 1-877-817-0336
hamilton@ohcow.on.ca

Thunder Bay Clinic
 1151 Barton Street, Suite 103B
 Thunder Bay, Ontario, P7B 5N3
 Tel: 807-623-3566 or 1-877-817-0336
thunderbay@ohcow.on.ca

Ottawa Clinic
 1545 Carling Avenue, Suite 110
 Ottawa, Ontario, K1Z 8P9
 Tel: 613-725-6999 or 1-877-817-0336
ottawa@ohcow.on.ca

Toronto Clinic
 970 Lawrence Avenue West, Suite 110
 Toronto, Ontario, M6A 3B6
 Tel: 416-449-0009 1-877-817-0336
toronto@ohcow.on.ca

Sarnia Clinic
 171 Kendall Street
 Point Edward, Ontario, N7V 4G6
 Tel: 519-337-4627 or 1-877-817-0336
sarnia@ohcow.on.ca

Windsor Clinic
 3129 Marentette Avenue, Unit #1
 Windsor, Ontario, N8X 4G1
 Tel: 519-973-4800 or 1-877-817-0336
windsor@ohcow.on.ca

Prevention Link

15 Gervais Drive, Suite 202
Toronto, Ontario, M3C 1Y8
Tel: 416-441-2731 or 1-800-668-9138
www.preventionlink.ca

Ontario Ministry of Labour

400 University Avenue
14th Floor
Toronto, Ontario, M7A 1T7
Tel: 416-326-7600 or 1-866-932-7229
www.labour.gov.on.ca

Policy and Regulations	416-326-9293
Occupational Health and Safety Division	1-877-202-0008

The Ministry of Labour Occupational Health and Safety Division has District Offices in the following cities:

Hamilton	North Bay	Timmins
Kingston	Ottawa	Toronto (2 offices)
London	Peterborough	Waterloo
Mississauga	Sault Ste Marie	Windsor
Newmarket	Sudbury	
Niagara	Thunder Bay	

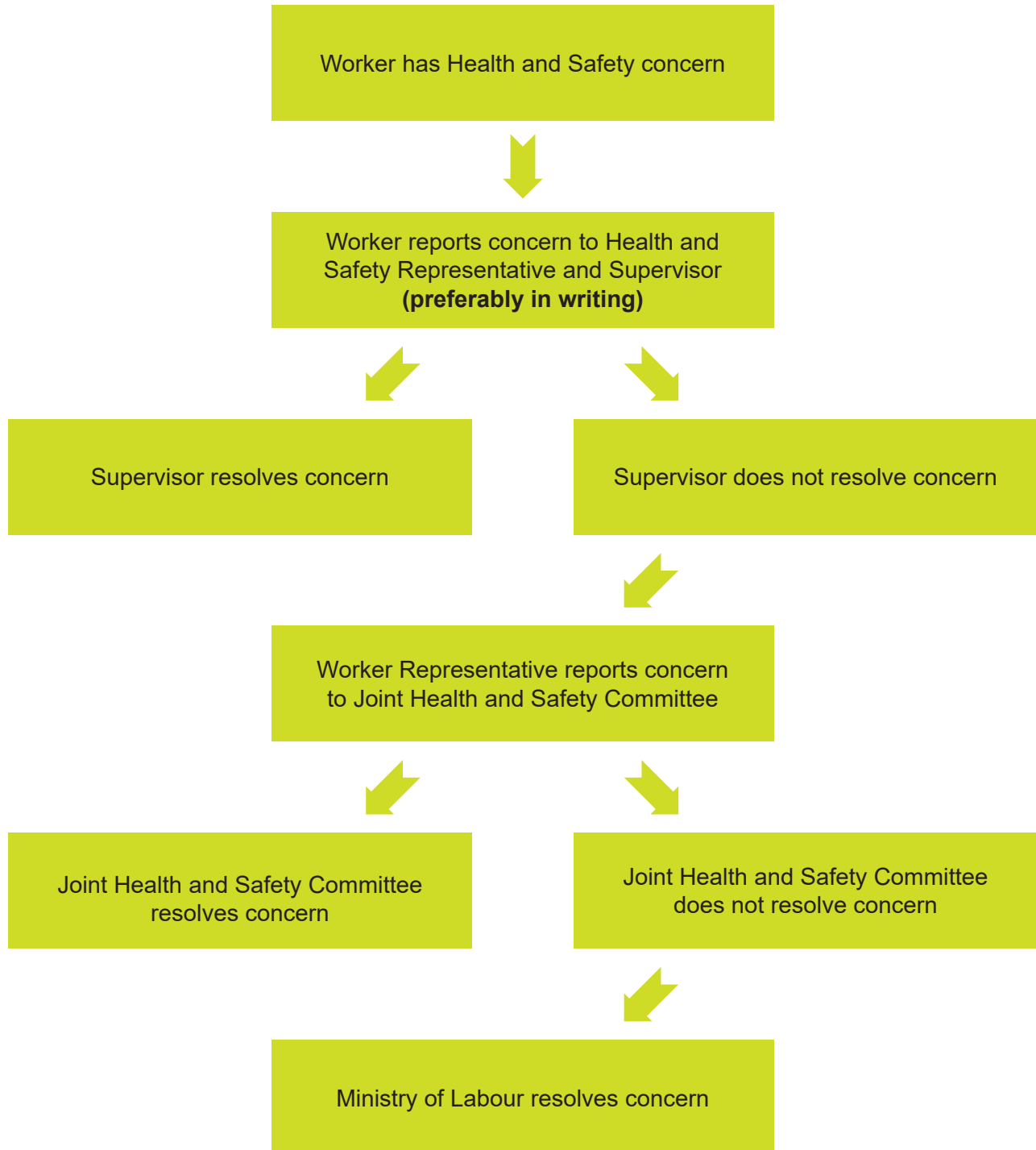
Windsor Occupational Health Information Services

3129 Marentette Avenue
Windsor Ontario, N8X 4G1
Tel: 519-254-5157
www.wohis.org

Workplace Safety and Insurance Board

200 Front Street West
Toronto, Ontario, M5V 3J1
Tel: 416-344-1000 or 1-800-387-0750
www.wsib.on.ca

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HANDBOOK FOR HEALTH & SAFETY REPRESENTATIVES

IN BARGAINING UNITS AND DISTRICTS

Ontario Secondary School Teachers' Federation
Fédération des enseignantes-enseignants
des écoles secondaires de l'Ontario
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