

TERMS OF REFERENCE FOR THE JOINT HEALTH AND SAFETY COMMITTEE

As agreed between

The St. Clair Catholic District School Board

and

All Workers Employed by the St. Clair Catholic District School Board

June, 2016

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PREAMBLE

1. The Occupational Health and Safety Act requires the establishment and maintenance of a Joint Health and Safety Committee where twenty or more employees are regularly employed.
2. It is our firm belief that through joint health and safety education programs, joint investigation and resolution of health and safety issues, the workplace shall be made safe and healthy for all employees.
3. The parties acknowledge that the proper functioning of the Joint Health and Safety Committee can only occur where employer and worker representatives are committed to working together in the spirit of harmony and cooperation towards the goal of achieving a healthy and safe workplace.
4. It is acknowledged that staff and the St. Clair Catholic District School Board share the responsibility for occupational health and safety through the internal responsibility system. This is based on the principle that the workplace parties themselves are in the best position to identify and correct health and safety hazards in the workplace.
5. The St. Clair Catholic District School Board demonstrates its commitment to health and safety through its Health and Safety Policy.
6. The St. Clair Catholic District School Board recognizes that as an employer, it is ultimately responsible for the health and safety of all its employees, and its worksites.

SECTION ONE: DEFINITIONS

The following definitions shall include the definitions as set out in the Occupational Health and Safety Act Section 1(1).

- 1.1 "The Act" shall mean the Occupational Health and Safety Act.
- 1.2 "Certified Employer Member" shall mean any person selected by the Employer to become certified.
- 1.3 "Certified Worker Member" shall mean any worker selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions, who is to become certified.
- 1.4 "Committee" shall mean the Joint Health and Safety Committee for the St. Clair Catholic District School Board.
- 1.5 "Site-based Worker Representative" shall mean the designated worker who has been selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions, for each worksite.
- 1.6 "Site-based Employer Representative" shall mean the designated Employer representative appointed for each worksite.
- 1.7 "Worksite" shall mean all of the schools and locations within the St. Clair Catholic District School Board as listed in Appendix 1.
- 1.8 "Employer" shall mean the St. Clair Catholic District School Board.
- 1.9 "Supervisor" shall mean any person who has charge over a worksite and authority over a worker.
- 1.10 "Worker" shall mean any person who is employed by the St. Clair Catholic District School Board. Appendix 2 includes a list of bargaining units and number of members employed with the Employer.
- 1.11 "Regulations" shall mean the Revised Regulations of Ontario, which are prescribed under the Occupational Health and Safety Act.

1.12 "Critical Injury" shall mean any work-related injury that:

- places life in jeopardy
- produces unconsciousness
- results in substantial loss of blood
- involves the fracture of a leg or arm but not finger or toe
- involves the amputation of a leg, arm, hand or foot but not a finger or toe
- consists of burns to a major portion of the body
- causes the loss of sight in an eye

SECTION TWO: COMMITTEE STRUCTURE

- 2.1 The Joint Health and Safety Committee shall be comprised of two tiers: the Central Joint Health and Safety Committee and the Site-based Representatives.
- 2.2 The Central Joint Health and Safety Committee (hereafter known as the "Committee") shall represent all employees, covered by this agreement, located at all worksites within the St. Clair Catholic District School Board.
- 2.3 The St. Clair Catholic District School Board shall be an employer as defined by the Act, who carries on business at more than one workplace, as stated by the Joint Health and Safety Committee Multi-workplace Guidelines of the Ministry of Labour (April 2012).
- 2.4 A copy of the Minister's Order approving a Multi-workplace Joint Health and Safety Committee at St. Clair Catholic District School Board and a copy of the Terms of Reference shall be maintained at each worksite and will be made available for inspection by Ministry of Labour inspectors. The Minister has the right to revoke the above noted Order. Additionally, any workplace party may write to the Regional Director requesting the Minister's Order be revoked. The Regional Director would follow up with the workplace parties to consider the factors supporting this request.

Committee

- 2.5 The Committee shall consist of Worker and Employer Members. The Members shall be as follows:

Worker Members

C.U.P.E. (4)
O.E.C.T.A. (5)
Non-union (1)
A.P.S.S.P. (1)

Employer Members

Trustee (1)
Management (5)
Principal (4)
Vice Principal (1)

- 2.6 Worker Members shall be selected/elected by the respective trade unions. Non-union members shall be selected/elected from among the workers they are to represent.
- 2.7 The Employer shall select/elect Members that equal the number of Worker Members.
- 2.8 At least half of the Committee shall be workers who do not exercise managerial functions.
- 2.9 Members and Site-based Representatives' term of office shall be for a minimum of two (2) years. The term of office shall begin at the start of the Committee's year, which is September 1 to August 31. Notwithstanding the above, management reserves the right to replace its Members and Representatives before the term is completed. Notwithstanding the above, the trade union or unions, or where no trade union exists, by the workers, reserve the right to replace its Members and Representatives before the term is complete.
- 2.10 Vacancies shall be filled as quickly as possible.
- 2.11 Co-chairpersons shall chair the Committee. Employer Members of the Committee shall select/elect a Co-chairperson selected by nomination and majority vote of the other Employer Members of the Committee. The Worker Members of the Committee shall select/elect a Co-chairperson, selected by nomination and majority vote of the other Worker Members of the Committee. A Co-chairperson should have at least one year of experience as a Member of the Committee and will ideally serve a three (3) year term with the possibility of renewal.
- 2.12 The Committee shall have a minimum of four (4) Certified Members, two (2) representing Workers and two (2) representing the Employer.
- 2.13 Where possible, Employer and Worker Members shall be certified in pairs and ideally within three (3) months from the start of their term.
- 2.14 Alternate members may be selected by the appropriate parties to represent Committee Members when such Members are unable to attend the meeting. The Committee Member shall advise the Co-chairs in advance of the meeting that an alternate member will be attending on his/her behalf.
- 2.15 In the event that both Co-chairs are unable to attend the meeting, the Co-chairs will agree upon and notify a Committee Member to chair the meeting.
- 2.16 Presidents of the trade union and the Director of Education may attend any Committee meeting as an ex-officio member.

Site-based Representatives

- 2.17 Each school or location within the St. Clair Catholic District School Board shall have one (1) Site-based Worker Representative. The Site-based Worker Representative shall represent all workers at the school or location.
- 2.18 The Worker Representative shall be selected/elected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions. The Representative shall represent all workers at the school or location, regardless of union affiliation.
- 2.19 Each school or location within the St. Clair Catholic District School Board shall have a minimum of one (1) Site-based Employer Representative, who will be appointed by the Employer, at the start of the Committee's year.

SECTION THREE: COMMITTEE MEMBERS

Duties of Co-chairpersons

- 3.1 Emergency or urgent issues requiring immediate consideration may be added to the agenda with the approval of the majority of the Joint Health and Safety Committee.
- 3.2 Worker and Employer Co-chairpersons shall alternately chair meetings.
- 3.3 One Co-chairperson must be present in order to conduct a meeting. Where a Co-chairperson is absent, the other Co-chairperson shall chair the meeting.
- 3.4 The Co-chairs shall approve the attendance of additional persons or guests where their attendance at a meeting is deemed appropriate. The invited person/guest shall not participate in the regular business of the meeting.
- 3.5 Unscheduled or emergency meetings may be scheduled as required, at the discretion of the Co-chairpersons.

Duties of Management

- 3.6 The management person responsible for health and safety, or designate, shall canvass members of the Committee one (1) week in advance of the meeting for agenda items.
- 3.7 The agenda and draft minutes from the previous meeting will be sent electronically to Committee Members prior to the next meeting.

- 3.8 All outstanding items from the last meeting shall be listed under Business Arising and any new agenda item shall be listed as New Business.
- 3.9 The agenda and meeting package shall be distributed by the management person responsible for health and safety to the Committee Members.
- 3.10 The management person responsible for health and safety shall provide a Recording Secretary, who shall not be a member of the Committee.
- 3.11 The Recording Secretary shall be responsible for recording the minutes. Draft minutes will be reviewed, amended if necessary, and approved by the Committee at the beginning of the next meeting. Once approved by the Committee, the minutes will be submitted to the Director of Education or designate for receipt by the Board of Trustees. Thereafter the minutes will be posted on the Board website.
- 3.12 The names and affiliation of Members shall not be used except for recording attendance at the meetings, or when requested by the individual member.

Duties of Worksite Supervisor

- 3.13 The Worksite Supervisor shall ensure that the following items are posted in a designated location:
- Occupational Health and Safety Act and Regulations;
 - Names and work locations of Members and Site-based Representatives;
 - Ministry of Labour inspection reports;
 - Workplace Inspection Reports;
 - A copy of the Terms of Reference; and
 - A copy of the Minister's Order approving a Multi-workplace Joint Health and Safety Committee.

Duties of Committee Members

- 3.14 Members shall prepare for meetings. Minutes shall be approved by the Committee, at which time errors, omissions or additions shall be noted and appropriate revisions made. The approved minutes will be forwarded to the Director for inclusion in the agenda for the Board's meetings.
- 3.15 Site-based Representatives shall liaise with the Committee Members. Such assignments shall be determined by the Committee at the commencement of each Committee year.

3.16 The powers and duties of the Committee include:

- Identifying situations that may be a source of danger or hazard.
- Recommending the establishment, maintenance and monitoring of programs, measures and procedures respecting health and safety.
- Obtaining information pertaining to health and safety hazard identification and control.
- Providing consultation and recommendations relative to WHMIS worker education programs.
- Providing consultation and recommendations relative to designated substance control programs. Appendix 3 outlines a list of designated substances that may be used at worksites within the St. Clair Catholic District School Board as per Ontario Regulation 490/09.
- Coordinating the approved activities of Site-based Representatives.
- Sharing and providing health and safety information and assistance to the worksites.
- Providing consultation and recommendations to Site-based Representatives for health and safety training.
- Obtaining information on the conducting or taking of tests of equipment, machine, device, article, thing, material, biological, chemical or physical agent in or about a workplace.
- Be consulted about, and have a designated Member representing workers, be present at the beginning of testing of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of Occupational Health and Safety, if the designated Member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

The Committee shall obtain information noted above through the management person responsible for health and safety.

Duties of Site-based Representatives

- 3.17 Site-based Representatives may attend Committee meetings as required, to discuss items relating to their specific worksite. The Representative must notify the Co-chairpersons within two (2) weeks of their plan to attend a meeting. Where possible, documentation relating to the item, which the Representative wishes to address, shall be provided by the Representative.
- 3.18 Site-based Representatives shall be invited to attend a meeting with Joint Committee Members not later than October 31 each year. The purpose of the meeting is for Site-based Representatives to be oriented to their duties and the operation of the Joint Health and Safety Committee. They will meet with their Mentors and will arrange for approximate dates for Mentor visits/inspections of their sites. Site-based Representatives may attend one

(1) meeting of the Joint Committee with the giving of notice to the management person responsible for health and safety. However where there are significant matters of health and safety outstanding at the site, attendance at additional meeting may be arranged as circumstance dictate.

3.19 The powers and duties of Site-based Representatives include:

- Inspect the physical condition of the workplace (subsection 9(23)) of the Act.
- Participate in the investigation of a work refusal, by exercising the rights and responsibilities that a committee member would normally have under clause 43(4)(a), and subsections (7), (11) and (12) of the Act.

Quorum

3.19 In order to hold a meeting, the Committee shall have a quorum of at least half of the Worker Members and at least half of the Employer Members; and in any case, the number of Employer Members shall not exceed the number of Worker Members.

In the event that a quorum is not achieved, the Committee would continue to hold the scheduled meeting provided at least 3 Worker Members and at least 3 Employer Members are present and the number of Employer Members does not exceed the number of Worker Members. However, in this case, the Committee would not vote and/or make recommendations on any matters.

Consensus

3.20 All items raised in the meetings shall be dealt with on the basis of consensus. Where agreement cannot be reached, the item shall be tabled, unless the Committee deems the item to be in the nature of an emergency. Resolution of the tabled item shall be re-attempted. If resolution by consensus is still not achieved, then the item will be voted on, using a simple majority voting process. If resolution is still not achieved using a simple majority voting process, the Committee may seek the assistance of a third party mediator. The mediator shall be selected by the Co-chairpersons.

Frequency

3.21 The Committee shall meet a minimum five (5) times per year. Additional meetings may be scheduled if required. Meeting duration may be up to a full day.

Location

3.22 The Committee shall determine the location for the meeting.

Recommendations

3.23 Recommendations shall be fully discussed by the Committee prior to submission.

3.24 Recommendations made by the Committee shall be communicated in writing to the appropriate management person, If the Committee fails to reach consensus, after attempting in good faith, a single co-chairperson of the Committee may make written recommendations directly to the appropriate management person.

3.25 The appropriate management person shall provide a written response to the recommendation. The response shall be communicated to the Committee Co-chairpersons within twenty-one (21) calendar days of receipt of the written Committee recommendation in accordance with Section 9 (20)(21) of the Occupational Health and Safety Act.

SECTION FOUR: INSPECTIONS

Duties of Site-based Representatives

4.1 Each worksite shall have an inspection team comprised of one Site-based Employer Representative and one Site-based Worker Representative. Where workers are not represented by a trade union, the Site-based Worker Representative, who has been selected by the workers, will inspect the worksite.

4.2 Site-based Representatives shall inspect the following areas of Secondary Schools on a monthly basis, from September to June.

- Service rooms
- Science storage rooms and classrooms
- Technological studies storage rooms and classrooms
- Art and drama storage rooms and classrooms
- Cafeteria
- Corridors
- Gymnasium and gym storage rooms
- Rooftop areas
- Outdoor storage areas

4.3 Site-based Representatives shall conduct inspections of Secondary Schools, at least every three (3) months, from September to June:

- Classrooms
 - Classroom closets
 - All other areas not included in Section 4.2
- 4.4 Site-based Representatives shall conduct inspections of Elementary Schools, Plant Department Facilities and School Board Administration Office Facilities, once per month, from September to June.
 - 4.5 Site-based Representatives shall conduct inspections of all elementary and secondary schools, Plant Department Facilities and School Board Administration Office Facilities, once per month, in July and August. If the regular Site-based Representative is not available to conduct the inspection, a trained worker designate shall be assigned. The Committee shall review the July and August inspection plan prior to the end of the school year.
 - 4.6 Operators of Board issued vehicles shall conduct circle checks of their vehicles daily and shall ensure a fire extinguisher and first aid kit are in the vehicle and in good working order.
 - 4.7 The Representatives who conduct the inspection shall complete the appropriate Inspection Report which shall be submitted electronically before the end of the month to the management person responsible for health and safety.
 - 4.8 The Site-based Representatives, may at any time, forward their concerns to the Committee for review and discussion.
 - 4.9 The Site-based Employer and Worker Representatives or alternates must accompany a Ministry of Labour Inspector during the inspection of the worksite.

Duties of Worksite Supervisor

- 4.10 Inspection Reports shall be electronically archived by the Board and made available on request, for a period of seven (7) years.
- 4.11 If, during the course of an inspection, it is determined that action is needed, the Worksite Supervisor is responsible for implementing an appropriate action or response in order to effectively control the hazard.

Duties of Management

- 4.12 Inspection Reports and unresolved items shall be submitted before the end of each month to the management person responsible for health and safety, who shall ensure that copies are communicated to the appropriate Committee members.

- 4.13 The Employer will maintain minutes of meetings and Inspection Reports at a central location, for a period of seven (7) years. These documents will be made available to members of the Committee and Site-based Representatives upon request.

Unresolved Inspection Items

- 4.14 Where the Worksite Supervisor cannot satisfactorily address an item within fifteen (15) days, the Worksite Supervisor and Site-based Worker Representative shall refer the item in writing to the management person responsible for health and safety. The management person responsible for health and safety shall provide a written response to the Worksite Supervisor and Site-based Representative. The response shall include actual and planned corrective actions.

Duties of the Committee

- 4.15 Members of the Committee may accompany the Site-based Representative during their inspections.
- 4.16 Committee members shall determine the scheduling of a minimum of two (2) worksite (mentor) inspections with Site-based Representatives to worksites for which they are responsible, at the start of the Committee's year or as needed. In developing the schedule, consideration shall be given to worksite size and location. Committee members shall also determine the scheduling of worksite inspections during July and August.
- 4.17 Inspection schedule shall be coordinated with, and communicated to, Site-based Representatives and the Worksite Supervisor.

SECTION FIVE: INVESTIGATIONS AND TESTING

Duties of Committee

- 5.1 Where a work related fatal or critical injury occurs, the Certified Worker Member and an Employer Committee Member shall investigate the accident.
- 5.2 The investigation findings shall be reported in writing consistent with Ministry of Labour guidelines.
- 5.3 The Investigation Report completed by the Certified Members shall be presented to the Committee at the next Committee meeting.

5.4 Two (2) Certified Employer Committee Members, and two (2) Certified Worker Committee Members, shall be designated at the start of the Committee's year, to carry out the following:

- investigations of dangerous circumstances
- unilateral and bilateral work stoppages (see Appendix 4)
- work refusal investigations (see Appendix 5)
- critical or fatal work-related accidents (see Appendix 6)
- incidents and near misses (as needed)
- commencement of occupational health and safety testing
- air quality testing

Duties of Site-based Representatives

5.5 Site-based Employer and Worker Representatives shall be selected at each worksite for the purpose of attending the following:

- Investigations of minor work-related lost time excluding critical injury, medical attention, and first aid accidents (where indicated);
- Investigation of worksite health and safety.

SECTION SIX: TRAINING

6.1 In order to effectively carry out their duties, Site-based Representatives and Committee Members shall receive training, developed in consultation with the Committee. Training includes, but is not limited to the following: work refusal; workplace inspections; hazard identification; and WHMIS training. The time spent at training shall be deemed as work time for which payment will be made at the regular or premium rate as may be proper.

6.2 Other legislated health and safety training programs shall be developed, in consultation with the Committee.

6.3 All training of Site-based Representatives and Committee Members shall be scheduled between 8:00a.m. and 4:30p.m.

6.4 Committee Members and Secondary School Site-based Representatives shall be certified. Basic certification, designated substance management, asbestos awareness training, and WHMIS training shall be provided by a training provider that is selected after considering the consultation and recommendations from the Committee. The decision will be made by the Employer.

SECTION SEVEN: GENERAL

- 7.1 Workers shall report hazards and concerns to their worksite supervisor, and may involve the Site-based Worker Representative. If the hazard or concern is unresolved, it may then be submitted to the Committee for consideration.
- 7.2 Management's response to a recommendation of the Committee or of a Co-Chairperson as the case may be shall be provided to the Co-chairpersons within twenty-one (21) days. Other reports respecting occupational health and safety shall be presented to the Committee at the next Committee meeting.
- 7.3 Site-based Representatives and Committee Members shall keep personal, trade secret, medical, or otherwise sensitive information, confidential.
- 7.4 Amendments, deletions or additions to the Terms of Reference will require a quorum of at least two-thirds of the Committee Members. Amendments, deletions or additions must be set out in writing, attached as an Appendix to these guidelines, and copies shall be forwarded to the Employer and the Ministry of Labour for approval.
- 7.5 The Committee shall conduct a review of the Terms of Reference on an annual basis during a regularly scheduled Committee meeting.
- 7.6 The Committee shall conduct an evaluation of the Multi-workplace Joint Health and Safety Committee on an annual basis during a regularly scheduled Committee meeting. Any findings and actions taken will be recorded in the meeting minutes.

SECTION EIGHT: ENTITLEMENT TO TIME FROM WORK

8.1 Committee Members are entitled to:

- One (1) hour or such longer period of time as the Committee determines is necessary to prepare for each meeting.
- Such time as is necessary to attend meetings of the Committee, in particular where there are designated and hazardous substances.
- Such time as is necessary to carry out inspections.
- Such time as is necessary to provide consultation regarding designated substance control programs.
- Such time as is necessary to carry out investigations of critical or fatal accidents.
- Such time as is necessary to carry out powers and duties pertaining to a work refusal.
- Such time as is necessary to be present at the commencement of occupational health and safety testing.

8.2 Certified Committee Members are entitled to:

- Such time as is necessary to exercise the powers and duties pertaining to a bilateral or unilateral work stoppage.
- Such time as is necessary to investigate a dangerous circumstance.
- Such time as is necessary to investigate accidents and incidents described in Section 5.4.
- Such time as is necessary to investigate health and safety hazards and concerns.

8.3 Site-based Representatives are entitled to:

- Such time as is necessary to carry out inspections.
- Such time as is necessary to attend meetings of the Committee.
- Such time as is necessary to investigate worksite concerns.

8.4 The Employer shall provide for release time of Worker Site-based Representatives and Worker Committee Members for the purpose of carrying out the duties defined in sections 8.2 and 8.3.

8.5 The release time for workplace inspections of Elementary School, Maintenance and Board Administration Office worksites shall not be less than half ($\frac{1}{2}$) day and may be up to one (1) day.

8.6 The release time for workplace inspections of Secondary School worksites shall not be less and one and one half ($1\frac{1}{2}$) days and may be up to two (2) days.

APPENDIX 2: BARGAINING UNITS AND NUMBER OF EMPLOYEES

List of bargaining units and approximate number of employees:

- Association of Professional Student Services Personnel (A.P.S.S.P.), St. Clair Chapter - approximately 18 employees
- The Canadian Union of Public Employees (C.U.P.E.), Local 4168 - approximately 530 employees
- Ontario English Catholic Teachers' Association (O.E.C.T.A.), St. Clair Elementary Unit - approximately 380 employees
- Ontario English Catholic Teachers' Association (O.E.C.T.A.), St. Clair Occasional - approximately 285 employees
- Ontario English Catholic Teachers' Association (O.E.C.T.A.), St. Clair Secondary Unit - approximately 168 employees

The St. Clair Catholic District School Board employs approximately 1,600 employees.

APPENDIX 3: DESIGNATED SUBSTANCES

"Designated Substance" as defined by the Ontario Occupational Health & Safety Act (OHSA) means "a biological, chemical or physical agent or combination thereof prescribed as a Designated Substance to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled."

Under the Occupational Health & Safety Act (OSHA), an owner must determine whether any Designated Substances are present at a site and is required to prepare a list of all Designated Substances that are present. These substances may require special handling procedures. The current OHSA regulation lists the following eleven (11) substances as Designated Substances in the workplace: acrylonitrile, arsenic, asbestos, benzene, coke oven emissions, ethylene oxide, isocyanates, lead, mercury, silica and vinyl chloride.

All schools and locations in The St. Clair Catholic District School Board have Designated Substance Surveys specific to each location. They identify any designated substance which may be present within each location. These surveys are reassessed and provided to each location annually. The surveys are also available on the Board website.

APPENDIX 4: BILATERAL AND UNILATERAL WORK STOPPAGES

BILATERAL WORK STOPPAGE

Work can only be stopped in “dangerous circumstances” The term “dangerous circumstances” has been specifically defined in section 44 of the OHSA. This means a situation in which **all** of the following are true:

- The OSHA or the regulations are being contravened; and
- The contravention poses a danger or hazard to a worker; and
- Any delay in controlling the danger or hazard may seriously endanger a worker.

A certified member of the Joint Health and Safety Committee may request that a supervisor investigate a matter that the member believes constitutes a dangerous circumstance.

The Bilateral Work Stoppage process is as follows:

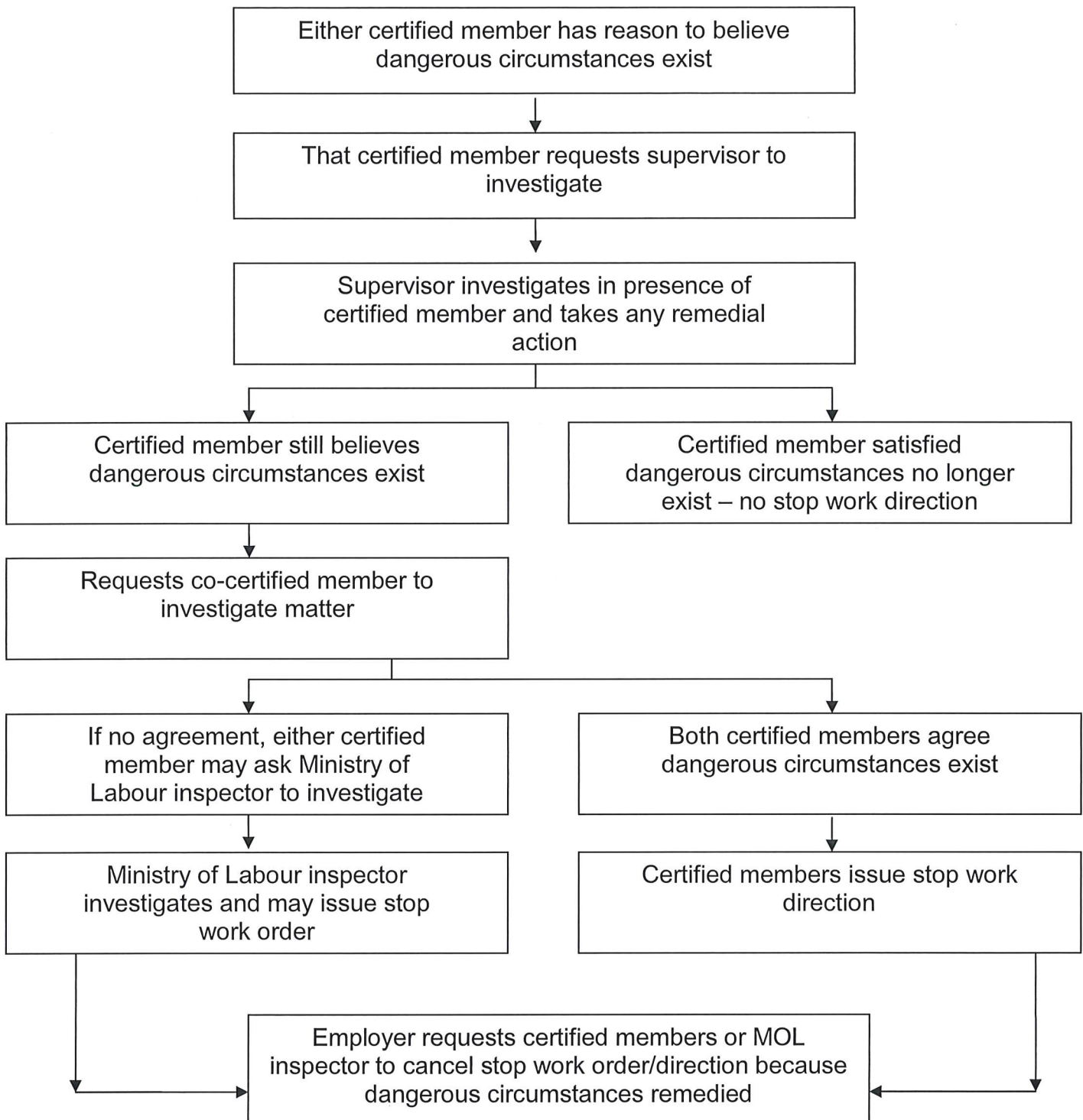
- When a certified member has reason to believe that “dangerous circumstances” exist, he or she may request that a supervisor investigate. The supervisor shall promptly do so in the presence of the certified member;

If the certified member believes the matter still constitutes a dangerous circumstance after the supervisor’s investigation and any remedial actions, the certified member may request a second certified member representing the other party to investigate.

- The second certified member shall promptly investigate in the presence of the first certified member (For the Employer: Supervisor and Safety and Disability Administrator.
- If both certified members find that a dangerous circumstance exists, the certified members may direct the employer to address the risk that they believe constitutes a dangerous circumstance. In order for a bilateral work stoppage to occur under the OHSA, both certified members must find that “dangerous circumstances” exist.
- If the certified members do not agree, either may request a Ministry of Labour Inspector to investigate the matter.
- The Inspector shall investigate the matter and provide the certified members with a written decision.
- Once a bilateral work stoppage has been directed by the certified members, the employer must immediately act on the direction and ensure that compliance is effected in a way that does not endanger any person.

- After taking steps to remedy the dangerous circumstance that resulted in the work stoppage, the employer may request that the certified members or an inspector cancel the direction to stop work. The certified members who initiated the bilateral work stoppage may jointly cancel that direction. However if a certified member refuses to consent to the cancellation, the employer may call in a Ministry of Labour inspector and ask the inspector to cancel the direction.

Bilateral Work Stoppage Process



UNILATERAL WORK STOPPAGE

The process of unilateral work stoppage is rarely used in Ontario. There are only two conditions that may result in a workplace being subject to a unilateral work stoppage: (1) The Ontario Labour Relations Board (OLRB) has issued a declaration under section 46 of the Occupational Health and Safety Act (OHSA) regarding unilateral work stoppages, and (2) on consent.

The first condition (1) requires that a rather complex procedure be followed which results in a formal hearing and a decision by the Ontario Labour Relations Board (OLRB). The OLRB has to find that the usual bilateral process available for possible stop work will not be sufficient to protect the health and safety of workers.

The second (2) condition requires that the employer advise the health and safety committee in writing that it adopts the procedures set out in the OHSA regarding unilateral work stoppages on consent. This requires providing the committee with written notice of the employer's decision and consent.

APPENDIX 5: WORK REFUSALS

The Occupational Health and Safety Act gives a worker the right to refuse work that he or she believes is unsafe. A worker who exercises his or her right to refuse to perform unsafe work must follow the correct procedure set out in the Occupational Health and Safety Act (OHSA). At the first stage of the refusal, the employee must have a reason to believe that either some machinery he or she operates or the actual work situation is likely to endanger the worker or another employee.

In the case of teachers, Regulation 857 made under the Occupational Health and Safety Act limits this right such that teachers may not refuse work where the circumstances are such that the life, health or safety of a pupil is in imminent jeopardy.

The refusal process is as follows:

FIRST STAGE:

- The work refusal must be promptly reported to the worker's supervisor and the worker must communicate the reason for refusing to perform the work.
- The supervisor must investigate the situation immediately, in the presence of the worker **and**, an employee member of the Joint Health and Safety Committee **or** a worker selected by the Union/Association to represent the worker.
- The supervisor shall notify the Safety and Disability Administrator of the refusal. The Safety and Disability Administrator to notify the Executive Manager – Human Resource Services and the Superintendent of schools
- Pending the results of the investigation, in the presence of the worker representative another worker can be asked to do the work that was refused:
 - The other worker must be notified of the work refusal
 - The other worker has the right to his/her own work refusal
- A work refusal concerning a student will invoke discussion rather than a supervisor examining a piece of machinery or work site. Therefore in such situations, the supervisor (Principal or Vice Principal) shall select an employee member of the health and safety committee and in the case of a secondary teacher shall also select the respective school OECTA certified member and discuss with them and the worker who initiated the work

refusal any information relevant to the complaint such as transition plan, risk factors, safety plan etc.

- After the investigation is completed, a point of decision is reached by the refusing worker. The investigation may either resolve the refusal to work or result in a continuing refusal by the same worker.
- The Safety and Disability Administrator shall ensure that the president of the Union/Association is called and notified that a member had initiated a work refusal and explain the outcome of the investigation

SECOND STAGE:

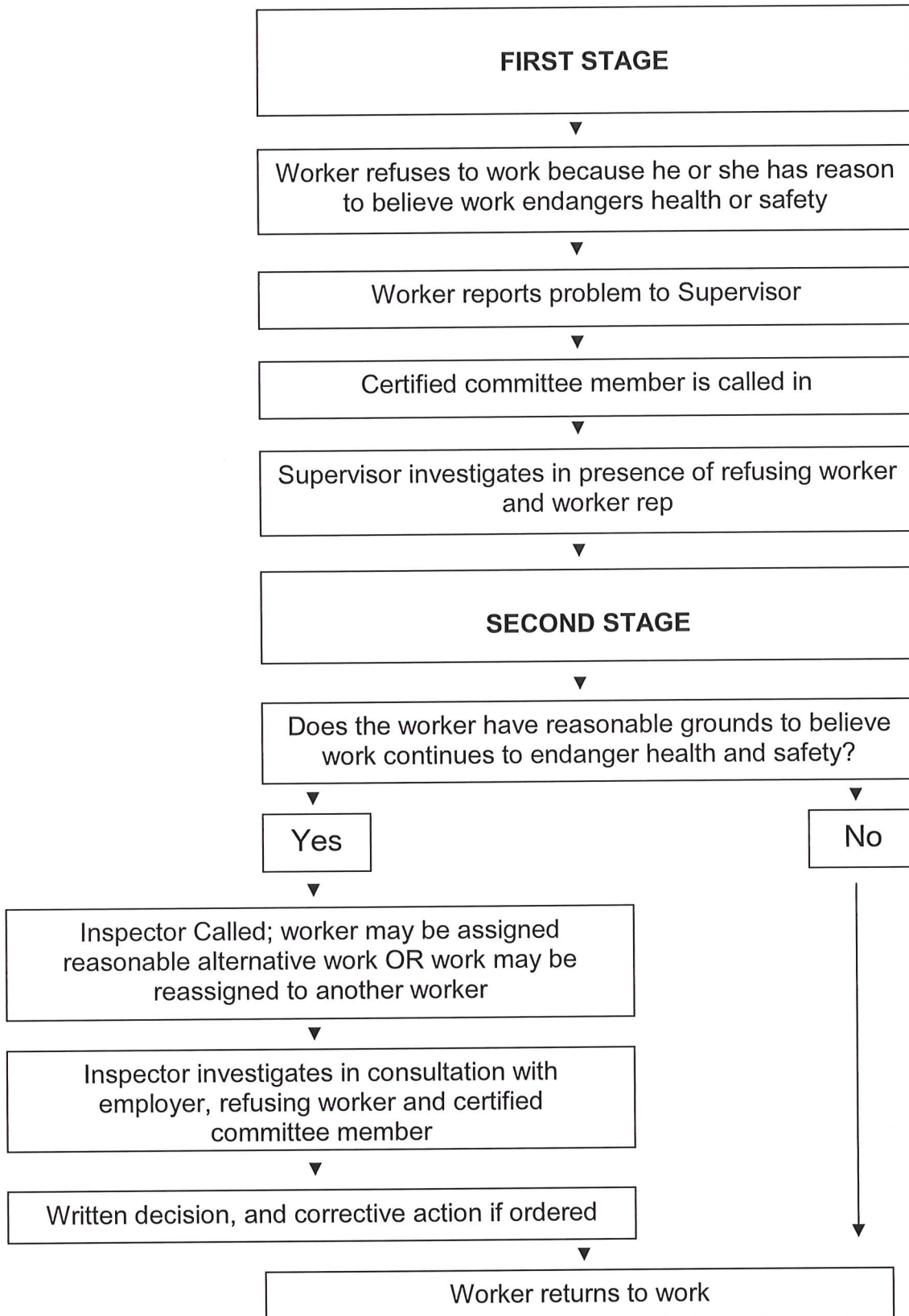
Where following the first stage investigation and any steps taken to deal with the circumstances that caused the worker to refuse the work, the worker has reasonable grounds to believe the alleged risk that was the cause of the refusal to work continues to likely to endanger himself, herself or another worker:

- A Ministry of Labour Inspector must be notified by the employer, the worker or a person on behalf of the employer or worker Supervisor to notify the Safety and Disability Administrator who will notify the Ministry of Labour Inspector

(The Safety and Disability Administrator to notify the Executive Manager – Human Resource Services and the Superintendent of schools)

- Pending the results of the Inspector's investigation, in the presence of the worker representative another worker can be asked to do the work that was refused
 - The other worker must be notified of the work refusal
 - The other worker has the right to his/her own work refusal
- The Inspector shall investigate the work refusal in consultation with a person representing the employer, (*Supervisor and Safety and Disability Administrator or the Principal – Special Education if refusal involves student*) the worker and the employee representative who participated in the first stage investigation.
- The Inspector shall determine whether the alleged risk is likely to endanger the worker or another person.
- The Inspector shall give his or her decision in writing as soon as practicable to the employer, the worker and the employee representative who participated in the first stage investigation.
- Pending the results of the investigation the employer shall assign the worker reasonable alternative work (*Teacher to be assigned other duties by the Principal or Vice Principal*).

Work Refusal Process



APPENDIX 6: CRITICAL INJURY REPORTING

Critical Injuries

Section 51.1 of The Occupational Health and Safety Act (OHSA) requires employers to notify the Ministry of Labour (MOL) immediately if a worker or non-worker ("any person") critically injured.

A critical injury is reportable when the incident causing injury is at a place where a worker is working or might be expected to be working as part of his or her employment, and where there is some reasonable connection between the hazard causing the injury and a realistic risk to a worker safety issue.

Regulation 834 made under the Occupational Health and Safety Act defines a Critical Injury as an injury that:

- places life in jeopardy;
- produces unconsciousness;
- results in substantial loss of blood;
- involves the fracture of a leg or arm but not a finger or toe;
- involves the amputation of a leg, arm, hand or foot, but not a finger or toe;
- consists of burns to a major portion of the body; or
- causes the loss of sight in an eye.

Failure to report a critical injury and failure to secure the accident scene can result in fines for the Board and fines and/or imprisonment for the immediate Supervisor.

In the unfortunate event of a critical injury to worker or non-worker:

- Immediately respond to the medical needs of the accident victim. Call 9-1-1 and request medical attention.
- Secure the accident scene as best as possible; do not clean or remove anything from the site until released by the MOL. The Supervisor and or staff on scene must preserve all relevant evidence by keeping the integrity of the scene and not allowing anyone to:
 - alter or remove evidence, except for the purpose of saving a life or relieving human suffering: maintaining an essential public utility service or preventing unnecessary damage to equipment or property
 - interfere with, disturb, destroy, alter or carry away any wreckage article or thing at the scene connected with the occurrence until permission has been given by the MOL

- when it is necessary for the reasons mentioned above, to disturb the accident scene, record the details of the original scene as soon as possible.
- Immediately contact the Safety and Disability Administrator for counsel at 519-627-6762 ext. 412. If not available contact the Executive Manager - Human Resource Services at 519-627-6762 ext. 231 (do not rely on voicemail). Once this notification is complete contact your site health and safety representative to attend the scene.
- Safety and Disability Administrator or designate will contact the appropriate MOL office on your behalf to report the accident. Do not attempt to deal with reporting duties or MOL officials without first attempting to contact the Safety and Disability Administrator or Executive Manager – Human resources Services.
- If the Safety and Disability Administrator and the Executive Manager - Human Resource Services are unavailable, contact the MOL directly and report the accident as either a critical injury or a possible critical injury. If it cannot be determined immediately if the injury falls within the definition of a “critical injury”, but there is a reasonable belief that it will, contact the MOL and report it as a possible “critical injury”. If in doubt, call the Ministry of Labour, Southwestern Regional Office at 1-877-202-0008.
- Begin completing the Employee Accident/Incident Report form.
- Follow the direction of the Safety and Disability Administrator, Executive Manager - Human Resource Services or the MOL as required.
- Complete the Employee Accident/Incident Report form and forward to the Safety and Disability Administrator.
- Maintain and secure the accident scene until you have been given notice otherwise.
- An accident investigation will be conducted by a certified worker member and a certified management member of the Joint Health and Safety Committee. An investigation report will be submitted to the MOL and Joint Health and Safety Committee.

SECTION NINE: ACCEPTANCE AGREEMENT

The parties hereto adopt these guidelines in good faith.

Signed at WALLACEBURG, Ontario, this 21ST day of JUNE, 2016.

Dan Parr

Director of Education
DAN PARR

John Van Heck

Chairperson of the Board
JOHN VAN HECK

Suzanne Mills

C.U.P.E. General President
SUZANNE MILLS

Chad Coene

O.E.C.T.A. President, Secondary
CHAD COENE

Wayne Bechard

O.E.C.T.A. President, Elementary
WAYNE BECHARD

Janice Manton Burns

O.E.C.T.A President, Occasional
JANICE MANTON-BURNS

Heather Carron-Doyle

A.P.S.S.P. President
HEATHER CARRON-DOYLE

Len Fera

CHAIRPERSONS OF THE JHSC
LEN FERA &

Dave Geroux

DAVE GEROUX

APPENDIX 1: BOARD LOCATIONS

List of all schools and locations within the St. Clair Catholic District School Board:

Location	Distance from Catholic Education Centre (KM)	Travel Time
Catholic Education Centre (Head Office)	N/A	N/A
Christ the King Catholic Elementary School, Wallaceburg	1.8	4 min
Georges P. Vanier Catholic Elementary School, Chatham	30.1	32 min
Good Shepherd Catholic Elementary School, Thamesville	36.1	29 min
Gregory A. Hogan Catholic Elementary School, Sarnia	50.7	43 min
Holy Family Catholic Elementary School, Wallaceburg	1.7	4 min
Holy Rosary Catholic Elementary School, Wyoming	61.2	47 min
Holy Trinity Catholic Elementary School, Sarnia	48.6	39 min
Monsignor Uyen Catholic Elementary School, Chatham	28.4	25 min
Our Lady of Fatima Catholic Elementary School, Chatham	26.8	23 min
Sacred Heart Catholic Elementary School, Port Lambton	16.0	15 min
Sacred Heart Catholic Elementary School, Sarnia	50.9	45 min
St. Agnes Catholic Elementary School, Chatham	27.8	26 min
St. Anne Catholic Elementary School, Blenheim	49.2	42 min
St. Anne Catholic Elementary School, Sarnia	47.5	39 min
St. Elizabeth Catholic Elementary School, Wallaceburg	1.3	3 min
St. John Fisher Catholic Elementary School, Forest	87.1	1 hr 3 min
St. Joseph Catholic Elementary School, Chatham	27.8	27 min
St. Joseph Catholic Elementary School, Corunna	39.5	32 min
St. Joseph Catholic Elementary School, Tilbury	54.6	47 min
St. Matthew Catholic Elementary School, Sarnia	48.9	39 min
St. Michael Catholic Elementary School, Bright's Grove	56.3	47 min
St. Michael Catholic Elementary School, Ridgetown	52.0	42 min
St. Patrick's Catholic High School, Sarnia	47.5	39 min
St. Philip Catholic Elementary School, Petrolia	50.6	39 min
St. Ursula Catholic Elementary School, Chatham	30.0	31 min
St. Vincent Catholic Elementary School, Chatham	29.9	25 min
Ursuline College Catholic Secondary School, Chatham	27.6	26 min
Maintenance Office, Chatham	26.8	23 min
Maintenance Office, Sarnia	45.4	36 min