

TERMS OF REFERENCE

LOCAL COMMITTEES ON OCCUPATIONAL SAFETY AND HEALTH (COSH)

1.0 ESTABLISHMENT

In accordance with Section 135 and 135.1 of the *Canada Labour Code*, Part II, and the *Policy Committees, Work Place Committees and Health and Safety Representatives Regulations* issued pursuant to it and, as a commitment by NRC senior management, workplace Committees on Occupational Safety and Health (COSH) have been established to serve all NRC workplace locations with twenty or more NRC employees. The NRC Corporate OSH Team provides coordination and oversight to the COSHs.

2.0 PURPOSE

The Committee on Occupational Safety and Health is an integral part of the internal responsibility system as set forth in legislation. Its purpose is to ensure that all parties in the workplace collaborate to address matters relating to the safety and health of all employees and that of others in the workplace.

A Committee on Occupational Safety and Health strengthens the corporate safety program by making recommendations, promoting occupational safety and health through increased communications and, assisting in resolving health and safety issues and concerns.

These terms of reference are established in accordance with the provisions put forth in the *Canada Labour Code*, Part II, and contain the *minimum* measures as required by law. They are provided to facilitate consistent application across NRC.

3.0 COMMITTEE STRUCTURE

3.1 Membership

A committee will consist of employee members representing PIPSC, RCEA and, unrepresented employees and, of employer members, at least one of whom must occupy a management category. The number of employee members must be at least equal to (or greater than) the number of employer members.

Management may send out electronic communications to solicit volunteers interested in participating on the Committee. However, employee committee members must be selected by their respective bargaining agents or, in the case of unrepresented employees, by employees of the building the committee represents.

RCEA – Augmented Nomination/Membership Process

RCEA members interested in becoming committee members are to indicate their interest to the President of RCEA via e-mail (office@rcea.ca). The candidate and the nominators must be an RCEA member. COSH appointment acknowledgements will be provided to the member from the RCEA.

PIPSC – Augmented Nomination/Membership Process

PIPSC members interested in becoming committee members are required to complete the nomination form provided on the PIPSC website: (<http://www.pipsc.ca/portal/page/portal/website/groups/nrc-ro-ro/co/pdfs/coshform.en.pdf>). Completed forms will be forwarded to the NRC RO/RCO, IS, LS or TR Group Executive for approval depending on the classification of the candidate. The candidate and the nominators must be PIPSC members.

Employer members are defined as unrepresented persons who exercise managerial functions and, are selected by senior management. At locations with no such persons, excluded or unrepresented employees who do not exercise managerial functions may be appointed as employer members.

All committee members will be trained in their duties, roles and responsibilities which include, but may not be limited to, the internal complaint resolution process (ICRP), workplace inspections, and accident investigations.

3.2 Alternates

Alternates for regular committee members must be selected, particularly for the two co-chairs, to ensure a quorum and avoid the postponement of meetings. These alternates will have the same authority, responsibilities and rights as those they are replacing. The alternates will be confirmed in writing to the Committee. Alternates for employee members shall be selected as set out in 3.1; alternates for employer members shall meet the criteria identified in 3.1. Alternate employer members are not required to be portfolio- or branch-specific.

3.3 Terms of Office

The term of office for members and alternates will be two years. PIPSC and RCEA members' term of office will end on March 31 of the second fiscal year. Members and their alternates may be re-appointed/selected (as per 3.1) for consecutive terms pending approval from their respective bargaining agent. Membership status should be reviewed annually. It is a legislated requirement to record the term of office for members and alternate members of the Committee within the terms of reference.

Terms of Office			
<i>Member Name</i>	<i>Alternate</i>	<i>Membership (PIPSC/RCEA)</i>	<i>Start Date</i>

The Corporate Occupational Safety and Health Team is responsible for maintaining a national list of committee Co-Chairs; as such, the committees co-chairs are asked to notify the Corporate Occupational Safety and Health Team when membership of their respective committee changes. The Corporate Occupational Safety and Health Team will provide bargaining agents an updated list of Co-Chairs annually.

3.4 Method of Appointment/Re-appointment (Selection/Re-selection)

The committee co-chairs will notify senior management of the requirement for the appointment/selection of a new or alternate member, and for the re-appointment/re-selection of a member. Senior management will initiate a request to the bargaining agent/employee association for the selection of a member, as per section 3.1.

3.5 Vacancy of Office

Should a committee member resign or cease to be a member for any reason, the vacancy shall be filled within 30 days after the next regularly scheduled meeting. The vacating member should inform the co-chairs in writing. The alternate for the vacating member will not be deemed to be an automatic replacement. The appointment/selection process shall be followed as per 3.1.

3.6 Chairs

The Committee shall select two (2) chairs from among the committee members. One chair shall be selected from among and by the employee members and the other shall be selected from among and by the employer members.

3.7 Authority of Co-Chairs

The co-chairs shall jointly designate committee members to perform any functions of the Committee. These functions should be shared between employee and employer members. Where this is not possible, an employee member shall be chosen to perform functions which can include work place inspections, accident investigations, secretarial duties and any other committee business as necessary.

The co-chairs shall alternate in chairing committee meetings.

The committee members must establish the responsibilities of the chairpersons, including the following:

- (a) scheduling the committee meetings and notifying the members of those meetings;
- (b) preparing the agenda of each committee meeting;
- (c) ensuring that each item under discussion at a committee meeting concludes with a decision; and
- (d) ensuring that the committee carries out its functions.

3.8 Secretary

The employer shall provide a person to perform the secretarial duties noted in Section 6.0. Alternatively, one employee committee member may volunteer to take on the duties of secretary provided it is reached by consensus

3.9 Advisors

Advisors are encouraged to attend committee meetings. Co-chairs will determine how many advisors they require and may invite:

- The local Occupational Safety and Health Advisor;
- The NRC Corporate Occupational Safety and Health Team Advisor(s);
- Building Coordinators or maintenance representative(s);
- CBEOs or Building Authorities, to discuss emergency evacuation matters;
- Any others the co-chairs may deem necessary as resources or for subject matter expertise in areas that require further input.

4.0 DUTIES AND RESPONSIBILITIES

The Committee on Occupational Safety and Health is the principal forum for ensuring that safety and health matters are addressed in the work place in support of the internal responsibility system.

4.1 Among its duties and responsibilities, the Committee shall:

- consider and investigate occupational safety and health complaints in accordance with the Internal Complaint Resolution Process [ICRP, subsection 127(1) of the *Canada Labour Code*, Part II]. The Committee shall inform the employee and his/her manager in writing of the investigation results and recommendations, and shall follow up to ensure that the manager responds to the Committee in writing; The Committee should nominate one employee member and one employer member to participate in the ICRP
- make recommendations relating to workplace health and safety to the responsible director general, general manager or building authority;
- participate in the implementation and monitoring of the workplace hazard prevention program that also provides for the education of employees in safety and health matters;
- where the program, referred to in the previous point, does not cover hazards unique to the workplace, participate in the development, implementation and monitoring of a program for the prevention of those hazards that also provides for the education of employees in safety and health matters related to those hazards;

- participate in all inquiries, investigations, studies and inspections pertaining to the health and safety of employees and others in the workplace, including any consultations that may be necessary with persons who are professionally or technically qualified to advise the Committee on those matters. The Committee must decide how they are going to participate in investigations and nominate one employee member to participate in the HOIR Process.
 - participate in the implementation and monitoring of a program for the provision of personal protective equipment, clothing, devices or materials;
 - ensure that adequate records are maintained on work accidents, injuries and health hazards related to the safety and health of employees and regularly monitor data relating to those accidents, injuries and hazards;
 - cooperate with Health and Safety Officers, Labour Program;
 - participate in the implementation of changes that may affect occupational safety and health, including work processes and procedures;
 - assist the employer in investigating and assessing the exposure of employees to hazardous substances; and
 - inspect each month all or part of the workplace, so that every part of the workplace is inspected at least once each year.
- 4.2** The Committee, with respect to the workplace for which it is established, may request from an employer any information that the Committee considers necessary to identify existing or potential hazards with respect to materials, processes, equipment or activities.
- 4.3** The Committee, with respect to the workplace for which it is established, shall have full access to all government and employer reports, studies and tests relating to the safety and health of the employees, or to the parts of those reports, studies and tests that relate to the safety and health of employees, but shall not have access to the medical records of any person except with the person's consent.
- 4.4** Members of a Committee are entitled to take the time required during their regular working hours to attend committee meetings or to perform any of their other functions and, for the purposes of preparation and travel, as authorized by both co-chairs of the Committee.
- 4.5** Members shall be compensated by the employer for the functions performed, whether performed during or outside the member's regular working hours, at the member's regular rate of pay or premium rate of pay, as specified in a collective agreement, or if there is no collective agreement, in accordance with the employer's policy.
- 4.6** No person serving as a member of a Committee is personally liable for anything done or omitted to be done by the person in good faith under the authority or purported authority of the *Canada Labour Code*, Part II.

5.0 MEETINGS

5.1 Regular Meetings

The Committee shall meet regularly (and must record a scheduled time, date and place to hold the meetings) at least nine (9) times a year during normal working hours, in accordance with the *Canada Labour Code*, Part II and the *Policy Committees, Work Place Committees and Health and Safety Representatives Regulations* issued pursuant to it.

5.2 Emergency or Special Circumstance Meetings

If additional meetings are required as a result of an emergency or other extenuating circumstance, the Committee shall meet as required either during or outside normal working hours.

5.3 Quorum

A quorum shall consist of a majority of the members, of which at least half are employee members (or their alternates) and at least one is an employer member.

6.0 RECORD KEEPING

The Committee shall ensure accurate records are kept of all matters that come before it.

6.1 Agenda

The secretary shall prepare an agenda under the guidance of the co-chairs and provide a copy to all members before each regularly scheduled meeting. (It is suggested that the agenda and meeting information be provided to committee members sufficiently in advance to allow for preparation.)

6.2 Minutes

The secretary shall prepare the minutes of the meeting as soon as possible following a meeting, and shall have them reviewed and approved by the committee members at the next meeting and then signed by the co-chairpersons within five (5) working days following that meeting.

The employer is required to post meeting minutes for one month, and shall keep a copy for two years. This posting must be made for the workplace (location/building) which the Committee represents. The Committee may indicate the manner and language of the initial posting of minutes and when the translation will be available, where required in bilingual regions. The secretary shall send an electronic copy of the signed meeting minutes to:

- The NRC Corporate OSH Team at NRC.COSH-CLSS.CNRC@nrc-cnrc.gc.ca

- The Professional Institute of the Public Service (PIPSC) at NRC-COSH@pipsc.ca, and
- The Research Council Employees' Association (RCEA) at office@rcea.ca.

Committee records and minutes shall also be made available to health and safety officers of the ESDC Labour Program, upon request.

6.3 Annual Reports

No later than January 31 of each year, the annual Work Place Committee Report summarizing the committee's activities and the Employer's Annual Hazardous Occurrence Report for the twelve (12)-month period ending December 31 of the preceding year shall be completed and forwarded by the employer co-chair to the NRC Corporate Occupational Safety and Health Team at NRC.COSH-CLSS.CNRC@nrc-cnrc.gc.ca, Human Resources Branch, at M19. The reports will then be forwarded to the requesting legislative authority, ESDC-Labour. The report shall be posted for two (2) months in every workplace the Committee represents, and a copy kept with the Committee files.

The co-chairs shall also provide the NRC Corporate OSH Team an updated list of their members annually in May at NRC.COSH-CLSS.CNRC@nrc-cnrc.gc.ca.

7.0 CONFIDENTIALITY

As incident and accident reports may contain medical and other personal information, references to these reports in COSH minutes must not include any such personal information. COSH members must respect employees' privacy and not discuss or disclose this type of information outside COSH meetings without the written consent of the individuals to whom such personal information relates. However, it is understood that this does not prevent COSH members from disclosing personal information contained in these reports to management, to the extent such disclosure is necessary for discussing and deciding on corrective and preventive measures arising from the hazardous occurrences concerned by these reports.

8.0 TERMS OF REFERENCE

These terms of reference are established in accordance with the provisions put forth in subsections 135(1) and 135.1(1) of the *Canada Labour Code*, Part II, and contain the *minimum* measures as required by law. The Committee on Occupational Safety and Health is responsible for implementing these terms of reference and will review them annually.

An individual Committee may establish additional standard operating procedures that it considers advisable as addenda to these terms of reference.