Terms of reference

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 management and the Bargaining Agents to work in a collaborative manner, work place Committees on Occupational Safety and Health (COSH) are established in each NRC work place where 20 NRC employees or more normally work.

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 as a template to facilitate consistent application across the NRC.

2.0 Purpose

The Workplace COSH is an integral part of the internal responsibility system as set forth in the *Canada Labour Code*, Part II. Its purpose is to ensure that all parties in the work place collaborate to address matters relating to the health and safety of all employees and that of others in the work place.

3.0 Committee structure

3.1 Membership

A committee consists of employees represented by the Professional Institute of the Public Service (PIPSC), of employees represented by the Research Council Employees' Association (RCEA), of unrepresented employees (if applicable), and of at least one person occupying a position in the management category. (Note: "Rand members" are unsigned members, represented by bargaining agents. "Unrepresented employees" are not Rand members of either PIPSC or RCEA.)

The number of employee committee members must be equal to, or greater than, the number of management committee members.

Management may send out electronic communications to solicit volunteers interested in participating on the COSH as a member. Employee committee members must be selected by their respective bargaining agents. Unrepresented employees must be selected/appointed by other unrepresented employees in their building.

Members must have been selected by the bargaining agents or employees at the work place. As per subsection (4) of section 135.1 of the *Canada Labour Code* if the committee is unable to select an employee member, NRC management shall appoint a person who exercises

managerial functions to perform the member functions of the COSH, until such a person is selected.

Rand members are represented by the Bargaining Agent, but are unsigned members. Therefore, a Rand member cannot be appointed as a Bargaining Agent representative, nor are they considered unrepresented employees.

Management 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 management members.

RCEA – nomination Process

RCEA members interested in becoming committee members must complete the nomination form provided on the RCEA website. Completed forms will be reviewed by the RCEA. The candidate and the nominators must be RCEA members.

PIPSC – nomination Process

PIPSC members interested in becoming committee members must complete the nomination form provided on the PIPSC website. 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.

3.2 Training

COSH members and any alternates must be trained in their duties, roles, and responsibilities which must include; their duties and responsibilities under the *Canada Labour Code* Part II and the means that allow the committee members to fulfill their duties and responsibilities under the *Code.* COSH members are required to complete the following trainings, available on SuccessFactors:

- Module 1: Legal Requirements
- Module 2: Effective COSH Meetings
- Module 3: Effective Complaint Resolution
- Module 4: Effective Investigations
- Module 5: Effective Workplace Inspections
- Preventing Harassment and Violence in the Workplace for Managers and Health and Safety Committee (CSPS-WMT102) or an equivalent provided by the Corporate Secretariat

Training is to be completed within 120 days after accepting membership.

COSH members remaining on the committee for multiple terms of office must complete refresher training at the beginning of each new term.

3.3 Alternates

Alternate COSH members are recommended, particularly for the Co-Chairs, to ensure quorum and avoid the postponement of meetings. Alternates will have the same authority,

responsibilities and rights as those they are replacing. The alternates will be confirmed in writing to the COSH. Alternates for employee and management members shall be selected as set out in 3.1.

3.4 Term of Office

The term of office for COSH members and alternates will be two years, and end on the last day of the second fiscal year. COSH members and alternates may be re-appointed/selected (as per 3.1) for consecutive terms pending approval from their respective bargaining agent. The COSH records and maintains membership status, and the Co-Chairs must review membership status annually.

Address:	Buildinf M-2, 1200 Montreal Road		
City:	Ottawa		
Prov.:	Ontario		
COSH Membership Status:			
Name	Member or Alternate	Management, RCEA, or PIPSC	Most Recent Appointment Date

As determined by the NRC, the Co-Chairs provide an up to date list of their membership, using the table above to the HSE Branch at NRC.COSH-CLSS.CNRC@nrc-cnrc.gc.ca no later than May 31st every year.

The Health, Safety, and Environment (HSE) Branch is responsible for maintaining a list of COSH members. COSHs must notify HSE when a new Co-Chair is appointed. HSE provides an updated list of COSH members and alternates to both bargaining agents annually.

3.5 Method of appointment/re-appointment (selection/re-selection)

The COSH Co-Chairs will notify NRC management and the bargaining agents of the requirement to select and appoint new or alternate COSH members, or if there is a need to re-appoint existing COSH members. Specific appointment and re-appointment procedures are outlined in Section 3.1.

3.6 Vacancy of Office

Should a COSH member resign or cease to be a member for any reason, the vacancy shall be filled within 30 days after the day on which the vacancy occurred. The vacating member should inform the Co-Chairs, and their bargaining agent in writing.

3.7 Co-Chairs

The COSH shall select 2 Chairs from among the committee members. The employee members select an employee Co-Chair and the management members select an employer Co-Chair.

The Co-Chairs shall jointly designate members to perform any functions of the COSH, including functions for inspections and investigations (refer to training requirements in Section 3.2). If 2 or more members are designated, at least half the members shall be employee members. If only 1 member is designated, they shall be an employee member.

The Co-Chairs alternate in chairing COSH meetings.

Responsibilities of the Co-Chairs include:

- scheduling at least 9 COSH meetings annually and notifying the members of those meetings
- preparing the meeting agenda
- ensuring that each item under discussion at a COSH meeting concludes with a decision or delegated action item, and that all action items are closed in a timely manner
- ensuring that the COSH carries out all its functions
- ensuring all COSH recommendations to management receive a response within 30 days
- review the COSH Terms of Reference annually
- maintain their membership list.
- Ensure that the committee inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year.

3.8 Secretary

The management Co-Chair shall ensure a person is assigned to perform the secretarial duties noted in Section 7.0.

3.9 HSE Advisors

HSE Advisors are to attend COSH meetings, whenever possible. Co-Chairs will determine how many advisors they require.

3.10 Resource Persons

Co-Chairs will determine whether they require any resource persons and may invite:

- Building Coordinator or maintenance representatives
- Chief Building Emergency Officer or Deputy

- any others deemed necessary as resource persons or subject matter experts

4.0 Duties and responsibilities

4.1 Among its duties and responsibilities, with respect to the work place for which it is established, the COSH shall:

- Consider and investigate occupational health and safety complaints in accordance with the Internal Complaint Resolution Process (ICRP, subsection 127(1) of the *Canada Labour Code*, Part II).
- Review the recommendations of violence and harassment investigation reports with the Senior Ethics Officer and determine which recommendations set out in the reports will be implemented in the workplace.
- Inform the employee and their manager in writing of the investigation results and recommendations
- Nominate one employee member and one employer member to participate in the Internal Complaint Resolution Process
- Consider and expeditiously take action regarding health and safety complaints.
- Review the applicable elements of the work place hazard prevention program annually.
- Participate in all inquiries, investigations, studies and inspections pertaining to the health and safety of employees and others granted access to the work place.
- Participate in the implementation and monitoring of a program for the provision of personal protective equipment, clothing, devices or materials.
- Ensure adequate records are maintained on work place accidents, injuries and health hazards relating to the health and safety of employees and regularly monitor data relating to those accidents, injuries and hazards.
- Cooperate with Employment and Social Development Canada’s (ESDC) Labour Program Health and Safety Officers in the implementation of any required corrective actions.
- Participate in the planning and implementation of changes that may affect occupational safety and health, including work processes and procedures
- Assist management in investigating and assessing the exposure of employees to hazardous substances.
- Inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year.
- Follow the roles and responsibilities outlined in the Workplace harassment and violence prevention and resolution policy.
- Ensure all action items are closed in a timely manner.
- Ensure all recommendations to management receive a response within 30 days.
- Record and maintain Membership status. Co-Chairs must review membership status annually and provide an up-to-date list of their membership to the HSE Branch no later than May 31st every year.

- Track the completion of corrective actions from HOIRs, and review the report to make sure it is compliant and complete.
- Complete the annual Work Place Committee Report no later than January 31st each year.
- Monitor and update the Occupational Health and Safety Board(s) in the building under the COSH responsibility (i.e., printing and posting documents, removing older versions). It is recommended that the board be placed in a prominent location that is easily accessible to all employees and that it be reviewed as part of the COSH monthly inspection. Please refer to the Tools for local COSHs for the Occupational Health and Safety board posting requirement list.
- Review the ergonomics program annually.

4.2 The COSH, with respect to the work place for which it is established, may request from management any information they consider necessary to identify existing or potential hazards with respect to materials, processes, equipment or activities.

4.3 The COSH, with respect to the work place 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 COSH must meet at least 9 times a year and are entitled to take the time required during their regular working hours to attend meetings or to perform any of their other functions and, for the purposes of preparation and travel, as authorized by their direct supervisor and both COSH Co-Chairs.

4.5 Members of a COSH shall be compensated for the functions performed, whether performed during or outside regular working hours, at their 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 NRC policy.

4.6 No person serving as a member of a COSH 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 Work place inspections

Monthly work place inspections are a minimum requirement of the *Canada Labour Code*, Part II and the *Canada Occupational Health and Safety Regulations*.

The following elements are required for workplace inspections:

- The COSH shall designate a team that will inspect each month all or part of the work place for which it is established, so that every part of the work place is inspected at least once each year. If the COSH team encounters restrictions in accessing a specific area within their workplace, it is their responsibility to contact the owner of the respective area to acquire the work place inspection of that area (See section 5.2).

- Planned inspections are to be conducted by a team that includes a member of COSH, the manager or supervisor responsible for the area being inspected, and an employee familiar with the hazards and work processes.

- Any perceived imminent danger must be addressed immediately, and reported to the manager or supervisor responsible for the area so that corrective actions may be taken.

- The inspection report must be reviewed at a COSH meeting and have COSH approval, it must be fully completed and accurate, and provided to the manager or supervisor responsible for the work place area. It shall identify the work place area(s) inspected, the hazard(s) observed, the recommended action(s) and responsible person(s), and immediate corrective action(s) taken, if any.

Option: Section 5.1 outlines best-practices for conducting workplace inspections.

5.1 Best practices for work place inspections

- **Planning**
  - Planning out when and where to do inspections may be facilitated by involving a representative for each CBI located in the building to ensure every space is covered

- **Inspecting**
  - Those conducting inspections may use any applicable and up-to-date checklists that identify hazards in the work place
  - Inspections should not unnecessarily disrupt work activities nor attach blame for any hazards or situations observed during the inspection

- **Monitoring**
  - Information obtained from work place inspections should be reviewed carefully to determine where additional corrective action is needed. COSH members may make recommendations but management is responsible for implementing corrective actions
  - It should also serve to identify trends as part of overall monitoring of the health and safety program effectiveness
  - COSH should track the Activity Report

5.2 Restricted areas in the work place

The COSH team is responsible for inspecting all areas of their work place. If they have restrictions in accessing a specific area within their workplace, they will collaborate with (e.g., RPPM, owner(s) of the area) by:

- ☐ Requesting a completed inspection form from the restricted area's owner, or
- ☐ Inviting the restricted area's owner(s) to join them during their inspection of the restricted area.

6.0 Hazardous occurrence investigations

6.1 Investigations

Management is responsible for the investigation of hazardous occurrences and for the subsequent reporting of such events. However, once notified of an event occurring in the work place for which it is established, the COSH shall decide how they are going to participate in the investigation, and as needed, nominate at least one employee member to take part in the process by:

- providing assistance during the hazardous occurrences' investigation
- reviewing the hazardous occurrence investigation report (HOIR) to determine whether the report is comprehensive and that adequate and effective corrective actions are selected to prevent reoccurrences
- making recommendations to management regarding control measures, practices, and training that will reduce or prevent hazardous situations and occurrences

The COSH Co-Chairs shall provide HOIR reports to the committee so they may review HOIRs during subsequent monthly meetings and may propose additional preventive measures to management. These reports are to be treated as Protected B documents.

COSH members do not participate in investigations related to harassment and violence in the workplace, however they may have access to anonymized investigation results on a need-to-know basis. All information is held in strict confidence, as referenced in the Policy on workplace harassment and violence prevention and resolution.

6.2 Corrective Tracking

COSH is responsible for tracking the completion of corrective actions from HOIRs, and reviewing the report to make sure it is compliant and complete. The COSH must track the Activity Report as part of the meeting minutes.

7.0 Meetings

7.1 Regular Meetings

The COSH shall meet (and must record a scheduled time, date and place to hold the meetings) at least 9 times a year during normal working hours.

COSH members are not financially responsible for travel and accommodation costs incurred to attend COSH meetings, and may request reimbursement for these costs.

Refer to Section 10.1 below for requirements and recommendations for virtual meetings.

7.2 Agenda

The secretary shall prepare an agenda under the guidance of the Co-Chairs and provide a copy to all members in advance of each regularly scheduled meeting.

7.3 Quorum

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

7.4 Minutes

The secretary shall prepare the minutes of the meeting as soon as possible following a meeting and provide them to the Co-Chairs for review. The minutes will be reviewed and approved by the COSH members at the next meeting and then signed by the Co-Chairs.

Management is required to post meeting minutes provided by the COSH for three months. This posting must be made in a manner to be readily available to all employees who normally work in the work place for which the COSH is established. The COSH may indicate the manner and language of the initial posting of minutes and bilingual in regions where required. The secretary shall send an electronic copy of the signed meeting minutes to:

- The HSE Branch at NRC.COSH-CLSS.CNRC@nrc-cnrc.gc.ca
- The PIPSC at NRC-COSH@pipsc.ca, and
- The RCEA at office@rcea.ca

Meeting minutes are retained for a minimum of 2 years.

7.5 Emergency or Special Circumstance Meetings

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

8.0 Record keeping

The COSH ensures that adequate records are maintained on hazardous occurrence reports and the disposition of complaints related to the health and safety of employees, and regularly monitor data relating to them.

Per the Policy Committees, Work Place Committees and Health and Safety Representatives Regulations, S. 8(5), HSE Branch must keep a copy of the COSH minutes at the work place for which the COSH is established for a period of two years after the day on which the meeting was held.

COSH records and minutes are also to be made available to ESDC Labour Program, upon request.

9.0 Annual reports

No later than January 31 of each year, management co-chair completes the annual Work Place Committee Report summarizing the committee's activities and the Employer's Annual Hazardous Occurrence Report for the 12-month period ending December 31st of the preceding year, and forward to the HSE Branch at NRC.COSH-CLSS.CNRC@nrc-cnrc.gc.ca.

The completed reports must be signed by both Co-Chairs. The reports will be reviewed by HSE Branch and forwarded to ESDC Labour Program. The reports shall be posted for 2 months at the workplace for which the COSH is established, and a copy kept with COSH records.

10.0 Confidentiality

Reports may contain names of injured employees and other personal/medical information. These may include, but they are not limited to:

- Hazardous occurrence investigation reports
- Internal complaint resolution process reports
- Work refusals
- Accommodation requests from employees

References whether discussed in meetings or in written minutes must not include any private or medical 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. If any private information is accidentally disclosed, the committee is to notify the employee immediately in writing and contact the Access to Information and Privacy Office.

10.1 Virtual meetings

The COSH may hold virtual meetings but are to be aware of possible privacy issues in this environment. Committees are to hold virtual meetings using only NRC approved platforms and applications. Committees are to be aware of sensitivity of the subject matter and restrict discussions to Protected A. Protected B information is to be distributed via encrypted email or by other means Security branch deems acceptable.