

## Terms of Reference

### 3.1 Introduction

The Occupational Health and Safety Act of Nova Scotia requires the University to establish a Joint OH&S Committee. The Act also requires a written OH&S program. All employees will comply with the regulations of the Act and the Joint Committee is responsible for involving the University and employees together in Occupational Health and Safety in the workplace.

This document constitutes the Terms of Reference adopted by the Joint Occupational Health and Safety Committee of Mount Saint Vincent University. These Terms of Reference are effective June 28, 2000.

The purpose of these Terms of Reference is to establish the rules that the Joint OH&S Committee deems necessary or appropriate for the conduct of its business.

### 3.2 Definitions

- Act
  - The Nova Scotia Occupational Health and Safety Act, 1996, c7, s, 1.
- Employee representative
  - An employee who has been appointed by the appropriate union to serve on the Joint Occupational Health and Safety Committee in accordance with Section 2 of these Terms of Reference.
- Employer Representative
  - A member who has been appointed by the University to serve on the Joint Occupational Health and Safety Committee in accordance with Section 2 of these Terms of Reference.
- Sub-Committee
  - A committee of Joint Occupational Health and Safety Members comprising of the same composition as defined in 2.01. The Sub-Committee may also comprise of resource person(s), as required, by the committee, which is designated for a specific task.
- University / The Mount
  - Refers to Mount Saint Vincent University.

### 3.3 Interpretation

- In case of a contradiction between these Terms of Reference and the text of the Act, the Act shall prevail.
- In these Terms of Reference, the terms shall have the meaning as specified in the Act, unless the context or subject matter otherwise requires, or unless defined in this section.
- Reference to the female gender includes the male gender and vice versa, and words importing the singular number include the plural number and vice versa, unless the context otherwise requires.

### **3.4 Joint Occupational Health and Safety Committee**

- **Composition**
  - The Committee shall consist of such number of persons as may be agreed to by the employer and the employees or their union or unions. At least half of the members of the Committee shall be employees at the workplace who are not connected with the management of the workplace and the employer may choose up to one half of the members of the Committee, if the employer wishes to do so.
  - The current membership is listed on Section two of the JOH&S Binder, which forms part of these terms.

### **3.5 Term of Office**

The term of office of the members shall usually be two years. Such term shall be renewed automatically at its expiry unless the body which appointed the member otherwise notifies both the Joint Occupational Health & Safety Committee and the affected member, in writing, 30 days before the expiry date.

- **Termination of Member**
  - A member's term shall end, if any of the following occurs:
    - a member takes a sabbatical leave;
    - a member takes a leave in excess of three months
    - a member ceases to be employed by the University; or
    - the appointing body requests termination of a member's term.
- **Resignation**
  - Each member may at any time and at her discretion terminate her term of office upon written notification to the Joint OH&S Committee. Such resignation shall become effective upon delivery or any later date specified in the notice.
- **Replacement**
  - If a member becomes unable to act or if a seat on the Joint OH&S Committee is vacant, the body which originally appointed the member shall designate a person to fill the remainder of the term.

### **3.6 Officers of the Joint Occupational Health & Safety Committee**

- **Officers**
  - The members shall elect a Chair/Co-chairs from among themselves. If Co-chairs are elected, then at all times one shall be an employer representative and the other shall be an employee representative. The Chair is responsible for delegating a designate in her/his absence. The Chair/Co-chairs shall serve three years or until their term as a member expires or until a successor is elected. The term(s) of the Chair/Co-chairs may be renewed.
- **Recording Secretary**
  - The Director of Human Resources will coordinate the appointment of a secretary who shall keep minutes and records of all meetings, proceedings and acts of the Committee. The recording secretary shall be a non-voting member.

**3.7 Meetings of the Joint Occupational Health & Safety Committee**

- Notice of Meetings
  - The Joint OH&S Committee shall hold at least ten meetings each year. The Chair/Co-chairs shall be responsible for setting the dates of each meeting. Each member will receive written notice of the time and place of the meeting, one week prior to the meeting.
  - Special meetings can be called by the Chairperson(s), or a member if instructed to do so by the Chairperson(s), and such meetings will be scheduled as expeditiously as possible,
- Chairing of Meetings
  - When there are Co-chairs, chairing of meetings shall alternate between them or, if one Co-chair is absent, the other Co-chair shall chair the meeting. Where neither is present, the other members in attendance may, if there is a quorum, designate a Chair for purposes of the meeting.
- Quorum and Vote
  - A quorum of the Joint OH&S Committee shall be 50% plus one of the voting members, with at least one member being an employer representative. All actions of the Joint OH&S Committee shall be by majority decision of those members voting. If meetings are cancelled due to lack of a quorum, they shall be rescheduled by the Chair/Co-chairs. The Chair/Co-chairs shall be entitled to a vote.
- Attendance at Meetings / Training
  - All members are expected to attend all meetings, however, if a member misses three consecutive meetings, their membership shall be reviewed by the Committee. Upon acceptance of a position on the Committee, all members are expected to complete Joint Occupational Health and Safety training within three consecutive meetings. If this training has not been completed in this time frame, their membership shall be reviewed by the Committee.
  - Employees who are not members may attend these meetings. Such employees have no voting rights.
- Expenses
  - Committee members may be reimbursed from the Joint OH&S Committee's budget for all approved, reasonable and necessary expenses incurred by them in the performance of their Committee duties.

**3.8 Roles and Responsibilities under the MSVU Joint OH&S Program**

- Role and Responsibilities of Joint OH&S Committee
  - The Committee shall advise the University on the policy and program in accordance with the Nova Scotia Occupational Health & Safety Act. The Joint Committee shall, consistent with the purpose of the Act, have the power and authority to
    - cooperatively identify hazards to health and safety and the effective systems to respond to the hazards
    - cooperatively audit compliance with health and safety requirements in the workplace

- receive, investigate and promptly handle matters and complaints with respect to workplace health and safety
  - participate in inspections and investigations concerning workplace health and safety and accompany a Department of Labour officer during workplace inspections
  - advise on individual protective devices and equipment that are best suited to the needs of employees
  - advise the employer regarding a policy and program and make recommendations to the employer, employees or any other persons for the improvement of health and safety at the workplace
  - maintain records and minutes of Committee meetings
  - perform any other duties assigned to it by the Director of Occupational Health & Safety, Department of Labour, by agreement between the employer and the employees or union, or as are established by the regulations
  - prepare, recommend and administer an annual Joint OH&S Committee budget as approved by the University
  - The University shall provide the Joint OH&S Committee with the necessary information to enable it to perform its duties.
- Appointment of Consultants
    - The Joint OH&S Committee may retain consultants and professionals for advice with respect to any matters within its powers.
  - Annual Report
    - The Chair/Co-chairs shall draft an annual report for the approval of the Committee prior to the June meeting. Upon approval of the Committee, the report will be forwarded to the president.
  - Conflict of Interest
    - Members shall abstain from deliberating and voting on any matters likely to place them in a situation of conflict between their personal interests and the duties of their office.
  - Review of Terms of Reference
    - The Terms of Reference for the Joint Occupational Health & Safety Committee shall be reviewed by the Committee on an annual basis before December 31.