

United Steelworkers of America



Joint Labor-Management Health & Safety Committees

JOINT HEALTH AND SAFETY COMMITTEES

Introduction

Health and safety must be a shared interest of management and workers. Typically this will result in an improved quality of work life and a positive atmosphere for production. The best way to ensure that everything is done to prevent accidents and reduce health hazards is to involve people from all levels within an organization.

Unions have always insisted that workers should have input in workplace health and safety because it is their health and safety that is at stake. The Joint Health and Safety Committee (JHSC) is the body in the workplace through which this participation by workers is accomplished.

It is the job of the JHSC to review the functioning of the safety system. The JHSC is the safety valve that gives individuals somewhere to turn when the system does not address their concerns.

If the system isn't working there will be red flags popping up in the workplace. Accidents and near misses are sure signs of a failed or failing system. Another sign that indicates the system isn't working, is when worker complaints to supervisors are not addressed and inspections keep finding problems that all have the same root causes.

If management fails to address complaints from workers, results of inspections and reports of accident investigations they should make their way to the JHSC. It is the Committee's job to take a long view of the problem, and to make recommendations to management to fix the system.

A good, competent Committee that has earned a reputation for being practical, helpful and reasonable will carry a lot of weight. Management will understand that the Committee is funneling the wisdom and experience of workers back into the system. It is like having a consulting firm that is intimately familiar with the workplace working for free.

It is the job of Union side of the JHSC to represent the interests of workers in identifying and resolving health and safety issues.

It is important to note however, that in order to make it possible for members to participate in the work of a JHSC, they must be assured that there will be no reprisals of any kind imposed against them, for their actions taken, as members of the JHSC.

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The Joint Health and Safety Committee is a forum where employer and worker representatives can act together to identify, assess and control health and safety hazards. It must therefore be an essential part of any workplace structure.

To do its job, the Committee needs the full commitment of both workplace parties. It is especially important that the employer's health and safety policy and programs recognize a key role for the JHSC.

To carry out its functions, the Committee will engage in a wide range of activities. It will conduct meetings, inspect the workplace, participate and make recommendations in developing health and safety programs, and communicate with both workers and management.

Regular JHSC meetings provide opportunities for more input and for regular communication between workers and employers.

Committee members should agree, at the outset, on issues such as advance agendas, emergency meetings, and how conflicts will be resolved. The Committee need not be hostile or confrontational. It should be reasonable and cooperative and whenever possible, seek consensus.

The Committee provides an opportunity for those affected by health and safety hazards to use their first-hand knowledge of the workplace to identify hazards and make recommendations to control them.

A Joint Health and Safety Committee is not a substitute for enforcement of the law, and it doesn't have to wait for a violation before making recommendations. The Committee's work should emphasize prevention by anticipating problems before they occur.

JHSC Functions

The Joint Health and Safety Committee has a number of important actions to perform. These actions are either founded in law or are negotiated and form part of a collective agreement. When all of the various actions are examined, we can group them into three primary categories or functions: identifying health and safety hazards; assessing the identified hazards; and recommending action to control the identified hazards.

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Identifying Health and Safety Hazards

For a Joint Health and Safety Committee to make recommendations, it must first be aware of any hazards in the workplace. A wide variety of techniques can be used, including workplace inspections, hazard assessments, monitoring and reviews of written records.

To be effective, Joint Health and Safety Committees must be empowered to carry out the following actions:

- Obtain information from the employer respecting the identification of potential or existing hazards of materials, processes or equipment.
- Be furnished by the employer with updated copies of all material safety data sheets for materials used in the workplace.
- Obtain an annual summary of employer-specific claims information related to compensable injuries and illnesses. This summary includes data on injuries, fatalities, lost workdays, cases that required medical aid and the incidence of occupational illnesses.
- Access information on health and safety experience, work practices, and standards in similar or other industries of which the employer has knowledge.
- The Union members of the JHSC must have the right to designate a member to inspect the entire workplace whenever necessary and in any event, no less than at least once a month. Where the workplace is very large, worker members should get an agreement that allows several worker members to inspect different areas in accordance with a schedule established by the Committee. This does not preclude a Committee from agreeing to more frequent inspections. The more often a workplace is inspected the safer and healthier it is likely to be.
- Set out an inspection schedule, and the member (or members) conducting the inspection must have a duty to report hazards or potential hazards to the JHSC. Once the hazard or potential hazard is recognized the JHSC must prioritize the dangerous situation and establish a reasonable time line to have the hazard corrected.

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- A Union member of the Committee must be given an opportunity to accompany a government inspector when a workplace inspection is conducted.
- The Union members of the Committee must have the right and the ability to gain access to the workplace during off-shift hours when necessary for the purposes of performing JHSC functions.

Assessing Health and Safety Hazards

When a hazard has been identified, the extent and severity of the hazard must be assessed. To be effective, Joint Health and Safety Committees, and in particular the union members, must have the right to participate in these actions:

- Obtain information about health and safety testing.
- Be consulted prior to tests of equipment, machines or the work environment. The Union members of the JHSC must have the right to designate a member to be present for such testing.
- Be consulted about proposed industrial hygiene testing strategies. The Union members of the JHSC must have the right to designate a member to be present for such testing.
- Receive copies of assessment reports and to be consulted about assessment methods for hazardous substances.
- The Union members of the JHSC must have the right to designate a member to investigate all incidents and accidents whether or not they result in injuries or fatalities.
- The Union members of the JHSC must have the right to bring in experts from outside the workplace, for the purposes of viewing the workplace and providing advice.

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Recommending Action to Control Health and Safety Hazards

The Joint Health and Safety Committee must have the right to make recommendations concerning programs, measures and procedures respecting health and safety of the workers in the workplace. All such recommendations should be made in writing. There must be a duty on the employer to reply. When the employer agrees to recommendations for improvements, the Committee should always follow up to ensure that they are acted upon.

To be effective, Joint Health and Safety Committees must be empowered to carry out the following actions:

- The JHSC must have the right to make recommendations regarding control programs for hazardous substances.
- The JHSC must have the right to make written recommendations for the improvement of the health and safety of workers.
- The JHSC must have the right to receive a written reply from the employer within 21 days or less, with either a schedule for implementation or a statement of reasons for disagreement.
- The JHSC must have the right to be consulted about the development of worker training and instruction concerning exposure to hazardous material or hazardous physical agents, and to participate in an annual review of these training programs.

JHSC Procedures

Structure and Selection of Members

The structure of the JHSC may vary from workplace to workplace. Also, the structure of the JHSC may change over time.

Differences will reflect many factors: workers' needs; the variety and extent of the hazards; the management viewpoint towards health and safety; size of the workforce and collective agreement requirements; etc.

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In large workplaces with many different work areas, a number of committees may be needed, which will be reflective of the makeup of the workforce and the workplace. In some cases, it may be necessary to set up sub-committees for a specific purpose or short-term task groups to support the work of the JHSC. These sub-committees report back to the main Committee.

In workplaces where workers are organized into more than one union, it is important to develop a means of consulting and working together to achieve a unified approach to health and safety matters.

The structure of the JHSC must be agreed to jointly by workers and by management, and not unilaterally imposed by the employer. A workplace health and safety agreement between the workers and management can be developed to build upon and extend the minimum provisions of any relevant legislation that may be applicable.

At least half the Committee will be comprised of workers selected by the union, with the other half comprised of managers selected by management. The names and work locations of Committee members will be posted in a conspicuous place where everyone can see them. Give Committee members hard-hat stickers (or badges or patches that can be worn on work clothes) to identify them as JHSC members.

The members of the JHSC who represent workers must be selected by the workers through the Union without influence or interference by the employer, in any way whatsoever. To the extent possible, these members are to be employed at the workplace.

The employer selects the members of the JHSC who represent management. These members must be chosen from among persons who exercise managerial functions and who to the extent possible are employed at the workplace. (While this may not be practical in every case, the intent is to ensure that Committee members are familiar with workplace problems and are readily available.)

Meetings

It is up to the members to decide how they will conduct their meetings.

The Committee may decide to set a schedule of regular meetings for a year in advance. Members can then reserve these dates and schedule their other

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activities around them. The Committee should determine a method of scheduling that is flexible enough to accommodate changing conditions in the workplace. Members of the JHSC must be afforded the full opportunity, during normal working hours, to prepare for each Committee meeting as is deemed necessary. There must not be any loss of earnings for any and all time spent associated with such meetings.

Co-Chairs

Meetings will be co-chaired by Union and management members. This sharing of the authority of the chair demonstrates the cooperation and equal status of the workplace parties and provides for agreement on such matters as agendas and the length of meetings. One approach is to alternate the chairing of meetings between the two co-chairs. The two co-chairs can also serve as spokespersons for their respective constituents.

Quorum

Each Committee will need to agree on how many members need to be present for the JHSC to have an official meeting. This is called a quorum. At the least, there must be equal numbers from each side present. Regardless of the minimum that is agreed to, the emphasis should always be on full attendance.

In order to achieve full attendance, all Committee members should be notified well in advance, of the time and place of each meeting. The minutes of the previous meeting should indicate the date, time and place of the next meeting.

Consensus

The Committee should agree on how its decisions will be made. One method is a formal vote, where Committee members indicate their individual agreement or disagreement with a proposed course of action, and the majority of votes decides the issue. An alternative is to base decisions on consensus. Consensus means that each Committee member is prepared to support a compromise position - even though it may not be their first choice - in order to reach an agreement that the whole Committee will support.

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Agenda

The purpose of an agenda is to provide a plan for the meeting. It organizes the discussion and ensures that important business is not overlooked. Proposed agenda items should be given to the co-chairs as far in advance of the meeting as possible. Certain items such as workplace inspection reports will be routinely placed on the agenda. The co-chairs well in advance of the meeting should circulate the agenda, so the members have time to prepare for a full discussion.

Emergency items must be dealt with as they arise.

The Committee should also be involved in reviewing proposals for new processes, equipment or materials. Such changes affect all parties in the workplace, and the involvement of the JHSC at an early stage can eliminate potential problems.

Records

Minutes must be taken at each meeting of the Committee. The preparation of minutes is discussed in greater detail later in this publication.

Various other records may also have to be maintained by the JHSC. These include Committee correspondence, briefs and reports considered by the JHSC, monitoring and test results and records of worker training. In addition, a wide variety of other material relevant to workplace hazards may be maintained.

JHSC Activities

To successfully carry out its functions and in some jurisdictions, its duties, the JHSC must engage in a number of activities. These Committee activities can be grouped into several categories.

Gathering Information

The employer is the normal source of most information required by the JHSC especially data that originates in the workplace. For example, access to first aid reports, specifications of the equipment used in the workplace and material safety data sheets on workplace materials will normally be provided to the JHSC by the employer. To be effective, the Committee must be entitled to receive such documents as:

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- workplace monitoring reports;
- worker health and safety surveys or questionnaires and the responses;
- inspection or assessment reports;
- workers' compensation reports;
- Government bulletins and circulars pertaining to health and safety issues.

A lot of valuable information is also available from technical and medical journals, Internet sources, industry accident prevention associations, labor and business organizations and other occupational health and safety agencies. The JHSC may have regular access to this information because the employer or local union is on a membership or subscription list. Some large multi-workplace employers operate regular internal distribution systems for such data. Valuable information may also be derived from "networking" with other JHSCs.

When gathering information and data, the members of the JHSC must remember to treat such information and data responsibly and with care.

Periodic Surveys of Health and Safety Conditions

The Committee needs to be acquainted with the conditions and potential hazards in the area for which it has responsibility. Therefore it needs to make a comprehensive inventory of conditions.

From a health perspective, this would include such items as, general and specific ventilation; the handling methods; adherence to precautionary labels and toxicity of materials; extremes of temperatures; humidity; shock; vibrations; noise; radiation; etc.

From a safety perspective, this would include such items as: condition of floors, stairs, exits and fire protection; access to the workplace through aisles; space for working and moving about; adequacy of illumination; machine guarding; maintenance; etc.

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Inspecting the Workplace

Useful inspections depend on advance planning by the JHSC. Careful planning ensures that thorough preparations, including the gathering of background information, are made before the actual inspection is carried out, and that the physical inspection itself is properly conducted.

Workplace inspections can be an invaluable tool for improving the workplace environment. It is therefore important that workers provide whatever information and assistance they can to enable the members of the committee to carry out a thorough inspection.

Workers are familiar with how the work is done and how they are affected by workplace conditions. They will know what changes have been made and the impact of these changes. Because of their familiarity with the work processes, they will know of conditions that even the most observant inspector could miss.

Identifying Hazards

Hazard identification is a vital function of the JHSC. Through inspections, the JHSC may identify dangerous or hazardous situations and make recommendations about them to the employer and the workers.

Workers have a duty to report health and safety hazards to their supervisors.

Responding to Worker Concerns

The JHSC must do everything reasonable to give all parties a full, fair, informed and unfettered opportunity to refer questions and concerns for discussion. Establish a physical mailbox for the Committee. This will allow anyone to drop off notes, suggestions and questions anonymously. Don't forget that it is one of the major roles of the Committee to speak for workers who may be reluctant to endanger their relationship with supervisors by complaining.

Whenever a worker raises a health and safety concern with a JHSC member, the member should encourage resolution of the matter by either a first-line supervisor, the workplace safety officer or other person with designated responsibility for the area of concern.

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If the concern is resolved at this level, it should be noted at the next JHSC meeting and recorded in the minutes of its meeting. If the concern is not resolved at this level, it should be referred to the Committee. Whenever possible, these concerns should be resolved by the Committee. When a satisfactory resolution is not achieved, the co-chairs of the Committee should inform the employer. If the employer is unable to resolve the concern, the appropriate government agency should be notified.

The foregoing process does not affect a worker's right to notify the appropriate government agency about her or his concern. Workers do not normally want to complain, but in the event a worker takes the initiative and time to forward a health or safety concern to the JHSC, the worker must be kept informed on a continual basis, of what is being done to address that concern.

Assessing Changes in Equipment and Work Procedures

Changes in workplace equipment and procedures may be implemented in response to health and safety recommendations or as a means of increasing efficiency or productivity. Often, the changes may produce improvements in both areas of concern. Either type of change may also create unintended new hazards.

Careful assessments of new and changed methods by everyone concerned, including the JHSC will help to ensure that unwanted side effects are avoided or eliminated.

Participating in Workplace Testing

Workplace testing for health and safety purposes may involve a variety of sampling techniques and testing equipment. The usual goals of testing are to detect and measure a suspected workplace hazard, or to evaluate the effectiveness of hazard controls. Equipment can include such items as gas detectors and other devices that measure the presence and amount of hazardous substances in the air. Radiation and noise meters are other examples of testing devices.

The JHSC may recommend testing based on the findings of an inspection, on reports from workers, or as a follow-up to the installation of a new hazard control. The Committee is therefore likely to be a source of advice about the nature of the hazard and about the appropriate locations for testing. The JHSC must be consulted about testing, and a Union member must have the right to be present at

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the beginning of testing. This gives the Union member an opportunity to verify that the methods, procedures and equipment are appropriate.

If the JHSC is to make recommendations to the employer for the control of hazards, knowledge of test results is essential to the Committee's ability to carry out this duty.

Following up on Action Plans and Work Orders

Installation or repair of a hazard control may result from an employer initiative, a JHSC recommendation or an order issued by a government inspector, among others. Verification that the action has been effective is an important activity of the JHSC. Typically, this will require an inspection and possibly further testing. Where the JHSC finds that the control is not effective, it should if possible make further recommendations to the employer.

Taking Part in Accident and Incident Investigations

Investigations may involve the incidence of a fatality, a critical injury or an occupational disease. Investigations usually take place after the damage has been done. Nonetheless, a thorough investigation is a vital stage in preventing further harm to workers. The causes of accidents or incidents must be analyzed and effective preventative measures implemented.

Members of Joint Health and Safety Committees must also participate in the investigation of health and safety incidents. Incidents are unusual occurrences in the workplace that could have resulted in harm to persons or property if circumstances had been slightly different. They are sometimes called "near misses". Incidents must be investigated because they may reveal causes, which could lead to an actual occupational injury or disease.

Communicating With Workers and Management

JHSC recommendations for the elimination or control of hazards cannot be effective unless they are communicated accurately to those affected, including the constituents that JHSC members represent. This includes management as well as members of the union. Action is rarely accomplished without good communications.

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All workplace parties need regular information about the ongoing activities of the JHSC. This includes not only recommendations to the employer, but also information the Committee has gathered, concerns it has raised, and details of other work in progress.

Recommending Health and Safety Improvements

Careful work in other JHSC activities provides the basis for practical recommendations to achieve health and safety objectives. These recommendations typically relate to the employer's health and safety policy and programs.

Developing Training Programs

In a comprehensive program with an effective JHSC, Committee members will have the right to participate in the development, design and regular upgrading as well as the delivery of worker health and safety training for workers exposed to or likely to be exposed to hazards. Training can achieve its objectives only if it is designed to deal with the unique hazards and special needs of the individual workplace.

Strategies for Making the JHSC Work

The following are suggested guidelines for making the JHSC work.

Terms of Reference

An essential element in any effective Joint Health and Safety Committee is an agreement between the parties that sets out exactly what the JHSC is supposed to do. A written statement of the functions and operating procedures of the JHSC is usually called the terms of reference.

The terms of reference must be consistent with any applicable legislation and collective agreement language and must be established by a consensus of the workplace parties. The JHSC must have a role in the employer's overall health and safety program.

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The terms of reference specify the activities of the Committee, the responsibilities of Committee members, the rules for calling and conducting meetings, and the records to be kept. A copy of the terms of reference should be provided to each member of the committee and should be available at every meeting. New or replacement members should review the terms of reference as part of their orientation.

Effective Meetings

Effective meetings are absolutely critical for the efficient operation of a JHSC. It is here that views are shared and proposals developed.

The importance of a formal agenda has already been noted. The responsibility for circulating the agenda, and then conducting the meeting in accordance with the agenda, falls mainly on the chair. Meetings must be co-chaired by worker and management nominees, and the job may, by agreement, alternate between the two.

It is normal that there will be disagreements between JHSC members on some issues. This should not be seen as a negative situation. The process of discussing and overcoming disagreements leads to new ideas and ultimately, progress on health and safety issues. This requires skill, knowledge and a willingness to find common ground for the betterment of the workplace.

Planning

Schedule the meetings well in advance and inform employees that any issues they may have should be brought to the Committee or one of its members. Post notices on the bulletin boards, or e-mail all employees.

Part of the job of planning a meeting is to make sure that all documents, reports and other material to be discussed have been distributed in advance. The chairs should consult with Committee members and meet a week or so before the meeting to discuss any agenda items that might be particularly difficult to deal with. This ensures that adequate time is allotted to key issues, and may also signal the need for extra preparation by Committee members.

An understanding of each side's concerns about a particular agenda item can help

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the co-chairs keep the meeting focused and minimize unnecessary discussion or other distractions. If everyone involved shares the same understanding about the purpose of the meeting, the Committee's time can be used effectively.

Conducting a Meeting

A typical JHSC meeting proceeds as follows.

When enough members are present to constitute a quorum, the meeting is called to order by the Chair and the names of members present are recorded in the minutes. Next, the agenda is reviewed. If a member wishes to alter it, the Chair will consider the views of the other members, and may allow the change.

Once the agenda has been agreed to, the items are addressed in sequence and the Committee's business gets underway. It is usual for the first item to be a review of the minutes of the previous meeting.

A good Chair concentrates on helping the Committee to reach a decision rather than attempting to impose her or his own views. Normal practice is for the Chair to allow discussion, ask for clarification and to summarize the points being made. As Committee members, the Co-chairs can offer their views, but they normally wait until others have had a chance to speak. Committee decisions are typically made by consensus rather than by formal votes. When the agenda has been exhausted the Chair will adjourn the meeting. The members may agree to place unfinished business on the agenda of the next meeting.

Minutes

The accuracy and completeness of the minutes are the responsibility of the chair. They can be brief, but they must include all of the important facts. The minutes should record the disposition of each issue discussed by the Committee. Some Committees identify "who said what", others simply record the item and the substance of the discussion.

The minutes ensure that important discussion and decisions are not later forgotten, altered or misunderstood. All Committee recommendations must be recorded.

The employer should provide facilities and materials for the making and keeping of minutes. Minutes should be recorded by one of the JHSC members unless the

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Committee agrees to have someone else prepare them, such as a secretary provided by the employer. It must be understood however, that the secretary is not a member of the Committee, but rather the secretary is working for the Committee and is responsible to the two co-chairs.

The minutes should be circulated to Committee members, together with any copies of reports and briefs presented at the meeting. Before the minutes are circulated, the Committee co-chairs should review them and sign them to authorize distribution.

If a Committee member disputes the accuracy of the minutes of a meeting, the matter should be raised immediately with the Co-chairs. If still unresolved, the matter should be reviewed by the JHSC.

Minutes must be kept as a permanent record of the activity of the Committee and for future reference. Minutes can also help JHSC members to assess the effectiveness of their Committee, and see how health and safety issues are being handled. It is also useful to post minutes in the workplace, so that everyone can see the progress of the Committee.

Communicating JHSC Decisions

The effectiveness of a Joint Health and Safety Committee depends on cooperation and respect from everyone in the workplace. If the JHSC is to contribute to improved health and safety, it must communicate with workers, supervisors, managers and everyone else who is concerned with eliminating hazards.

An obvious way to communicate JHSC activities is to circulate or post JHSC minutes. However, when the minutes are circulated or posted, care should be taken to ensure that nothing in them breaches confidentiality rules (e.g., identifiable personal health information).

There are other effective techniques for highlighting important developments, such as a special notice distributed to each employee. In addition, management and workers often have access to internal systems such as management meetings, employee meetings, e-mail systems, newsletters, and union meetings. These vehicles can be useful in sharing JHSC information.

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Annual JHSC Report

An annual report of JHSC activities is another vehicle for communicating results. It provides a summary of action taken by the JHSC throughout the year, and can be used to build confidence in the Committee within the workplace. If the JHSC has not had many major issues to deal with over the year, the members may feel that they haven't accomplished much. However, when all the little items are added together, the real picture of the Committee's activities can create a much different impression.

Copies of the annual report should be supplied to the management, employees, the Local Union, the International Health, Safety and Environment Department and the servicing Staff Representative.

Review

This publication has explained that the main functions of a Joint Health and Safety Committee are: identifying health and safety hazards; assessing the identified hazards; and recommending action to control the identified hazards. Specific powers associated with each of these functions are listed. In particular, the Committee must have the right to receive specific kinds of information from the employer.

A broad range of activities must be employed by Joint Health and Safety Committees in order to carry out their functions. These activities include information gathering as well as participation in inspections, assessments, investigations and testing. The Committee must also communicate with workers and others in the workplace. The Committee makes recommendations to the employer based on these activities.

This booklet has reviewed a number of techniques that have proven effective in keeping Committee meetings on track. The need for orderly procedures, including terms of reference, agendas and minutes, was stressed.

Several ideas have been suggested for making Joint Health and Safety Committees effective. The most important is that the terms of reference provide the Committee with a key role in implementing the employer's health and safety program. Both parties should appoint members to the JHSC who have the knowledge, competence and authority to take action on Committee decisions. The members of the JHSC must be afforded the opportunity to be part of the solution.

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The importance of careful planning of JHSC meetings was emphasized. This includes preparing agendas, consultation between co-chairs and circulating background material in advance. JHSC time is used most effectively when Committee discussions concentrate on items that the members have prepared for in advance.

Finally, this publication pointed out that the Committee will be most successful when it communicates its activities effectively to others in the workplace, including workers, managers and supervisors. Several possible communications vehicles are suggested.