

GUIDELINES FOR THE STRUCTURE AND FUNCTION OF

THE SECONDARY FACILITIES JOINT HEALTH & SAFETY COMMITTEE

As agreed between:

The Lambton Kent District School Board

- and -

The Workers Employed At All Secondary Facilities
Within The Jurisdiction of
The Lambton Kent District School Board

as represented by:

Canadian Union Of Public Employees (CUPE)
Ontario Secondary School Teachers Federation (OSSTF)

PREAMBLE

1. The Occupational Health and Safety Act requires the establishment of Joint Health and Safety Committees where twenty or more workers are regularly employed at a workplace and the holding of Joint Committee meetings on a regular basis, or no less than quarterly, and when the Committee deems appropriate.

Notwithstanding the above, the Minister of Labour, by order in writing, can require an employer to establish one or more Joint Health and Safety Committees.

2. The parties acknowledge that the proper functioning of The Joint Health and Safety Committee can only be carried out where the representatives of the Employer and of the Workers are committed to these responsibilities.
3. It is acknowledged that staff and the Board share the responsibility for occupational health and safety through the internal responsibility system, which is based on the principle that workplace parties themselves are in the best position to identify health and safety problems and to develop solutions.
4. The parties hereto adopt these guidelines in good faith and agree to promote and assist in their implementation whenever and wherever possible.
5. The parties agree that either party may serve thirty days or longer written notice to the other party of intent to withdraw from these guidelines. At the same time, the party serving notice shall request that the Ministry of Labour appoint a Ministry representative to attend a meeting to be held between the two parties within the period of thirty days notice. The Ministry representative may be requested by either party to make recommendations on these guidelines, the overall organization, or any other matter.

Section 1 - Definitions

1.1 In this Guideline:

- 1.1.1 "The Act" shall mean the Occupational Health and Safety Act.
- 1.1.2 "Annual audit" means a proactive process used to evaluate and monitor the progress and effectiveness of the LKDSB's Occupational Health & Safety Program.
- 1.1.3 "Certified Management Member" shall mean any management person selected by the Employer to become certified.
- 1.1.4 "Certified Worker Member" shall mean any worker selected by CUPE and OSSTF from among their respective memberships to become certified.
- 1.1.5 "Certified Management Health and Safety Representative" shall mean any worksite Health and Safety Management Representative the Employer selects to become certified.
- 1.1.6 "Certified Worker Health and Safety Representative" shall mean any worksite Health and Safety Representative selected by the Worker Member from CUPE on the recommendation of CUPE and any Health and Safety Representative selected by the Worker Member from OSSTF on the recommendation of OSSTF to be certified.
- 1.1.7 "Committee" shall mean The Secondary Facilities Joint Health and Safety Committee.
- 1.1.8 "CUPE" shall mean Canadian Union of Public Employees, Local 1238.
- 1.1.9 "Designated Certified Management Member" shall mean the Certified Management Member of the Committee who has been selected to carry out the powers and duties of a Certified Member.
- 1.1.10 "Designated Certified Worker Member" shall mean the Certified Worker Member of the Committee who has been selected to carry out the powers and duties of a Certified Member.
- 1.1.11 The "Employer" shall mean the Lambton Kent District School Board.
- 1.1.12 "Management Health and Safety Representative" shall mean management representatives selected by the employer for each of the worksites covered by these Terms of Reference.
- 1.1.13 "Management Member" shall mean any management person select by the Employer to be a member of The Secondary Facilities Joint Health and Safety Committee.
- 1.1.14 "OSSTF" shall mean District 10 Ontario Secondary School Teachers' Federation.
- 1.1.15 "Regulations" shall mean the Revised Regulations of Ontario which are prescribed under the Occupational Health and Safety Act.
- 1.1.16 "Management" shall mean the Director of Education, Superintendent, Principals, Vice-Principals, Custodial/Maintenance Supervisors or any other Supervisor who has authority over a Worker or charge of a workplace.
- 1.1.17 "Worker Health and Safety Representative" shall mean any Worker selected by CUPE and OSSTF from among their respective memberships at each of the worksites covered by these Terms of Reference.

- 1.1.18 "Worker Member" shall mean any Worker, including Curriculum Leaders, selected by CUPE or OSSTF from among their respective memberships, to be a member of The Secondary Facilities Joint Health and Safety Committee
- 1.1.19 Worksite" shall mean any of the facilities specified in Appendix A. Appendix A will be updated as needed.

Section Two - Structure of the Committee

2.1 Composition

- 2.1.1 The Committee shall consist of members as identified in the provisions below.
- 2.1.2 CUPE and OSSTF shall select, from their respective memberships, one member each to represent both their memberships and their Worker Health and Safety Representatives on the Committee. These two members shall be certified.
- 2.1.3 The Employer shall select two members to represent the Employer and the Management Health and Safety Representatives on the Committee. At least one of these members shall be selected from the ranks of Senior Management and the other shall be selected from the ranks of Principals. These two members shall be certified.
- 2.1.4 CUPE and OSSTF shall select, from their respective memberships, at each of the work sites, one member each to be a Worker Health and Safety Representative.
- 2.1.5 CUPE and OSSTF shall each select, from their members selected to be Health and Safety Representatives, at least six to be certified. These selections should be completed in such a manner that each Secondary Facility has a certified worker representative within the building.
- 2.1.6 The Employer shall select, from the ranks of each worksite's management, one person to be the worksite Management Health & Safety Representative. The Employer shall select at least six of the Management Health & Safety Representatives to be certified.
- 2.1.7 The two (2) Worker Health and Safety Representatives shall represent all workers covered by this agreement at their assigned worksites, regardless of union affiliation.
- 2.1.8 The Management Health & Safety Representatives shall represent all management personnel at that worksite.
- 2.1.9 The site based Representatives, although not full members are considered to be part of this Committee.
- 2.1.10 If a Certified Member resigns or is unable to act, the Employer will take all the necessary steps to ensure that this member is replaced with a new Certified Member from the appropriate affiliation/workplace party within a reasonable time period.
- 2.1.11 Certification Training will be provided by an authorized agency, such as the Public Services Health & Safety Association (PSHA), in consultation with the committee. Where possible, management and worker candidates shall attend the same certification training sessions.
- 2.1.12 The Employer shall assign a Secretary to the Committee. The Secretary is not a member of the Committee but shall attend meetings of the Committee.

2.2 Meetings

- 2.2.1 The Committee shall meet at least quarterly, as determined by the Committee, but not more than once monthly except in an emergency situation. To expedite the committee's work, both parties agree that all Committee members shall meet in September, December, March and June of each year.
- 2.2.2 The CUPE and OSSTF Certified Committee Members shall meet with a staff member from the Board's Health & Safety Department, whose decisions have the Management Members' support, to conduct the on-going work of the Committee during the months where there is no full committee meeting; except for the months of July and August. All meetings shall occur at a mutually agreeable location.
- 2.2.3 The Committee shall have two (2) Co-chairpersons, one (1) selected by the members representing the Employer and one (1) selected by the members representing Workers, who shall hold this office for a minimum of one (1) year. They shall alternate the chair at meetings.
- 2.2.4 The Co-chairs, in consultation, may invite additional persons to attend a Committee meeting to provide additional information or comment. These additional persons shall be deemed "guests" and therefore are not entitled to participate in regular meeting business. The Health and Safety Department staff is deemed to be guests of the Committee.
- 2.2.5 The CUPE President and the OSSTF President are ex-officio members of the Committee.
- 2.2.6 The Committee Secretary shall be responsible for the taking of minutes of all meetings and typing of material for the Committee, and having the minutes typed, and circulated by email within 20 working days of the meeting or as the Co-chairs instruct as follows:
- Committee Members
 - Director of Education
 - All Superintendents
 - All Principals
 - All site based Health & Safety Representatives
 - Chairperson & Vice-Chairperson of the Board
 - Presidents of CUPE, OSSTF and OSSTF Bargaining Unit Presidents
 - Elementary JH&S Committee Co-Chairs
- 2.2.7 Two printed copy of the minutes will be sent to each secondary worksite for posting on the health & safety bulletin boards (i.e. staff room & custodial lunch room); except for the maintenance shops where only one will be required. Sites shall maintain one years' worth of minutes plus one in a binder at the site. Additionally, the last 5 years' worth of minutes will be maintained on the staff portal in the health & safety section.
- 2.2.8 The Committee shall have a quorum of two members (2), one (1) from management and two (2) from workers, present in order to conduct business. One Co-chair must be present to conduct business. If a Co-chair is absent, the other Co-chair will chair the meeting. The number of employer members shall not be greater than the number of worker members. All other attendees will be deemed as guests, and not members, and shall have no voting rights.
- 2.2.9 Worker Members of the Committee and the Health and Safety Representatives are entitled to such time from work as is necessary to attend meetings of the Committee and to carry out duties in accordance with these guidelines and with the Act. The time so spent shall be deemed to be work time for which the worker shall be paid by the Employer at the regular or premium rate as may be proper.

- 2.2.10 The Co-chairs will prepare agendas and forward copies to all Committee members at least one week in advance of the September, December, March and June meetings.
- 2.2.11 Where appropriate to facilitate business, agendas shall be struck for all other meetings. The Co-chairs may elect to prepare agendas for these other meetings and circulate them through the Committee Secretary.
- 2.2.12 All items raised from the agenda in meetings will be dealt with on the basis of consensus rather than voting. Formal motions will not be used.
- 2.2.13 Where an item raises policy issues, it shall be referred to the appropriate authorities for consideration and written responses filed with the Committee.

Section Three - Functions of the Committee

- 3.1 In accordance with the Act and its Regulations and Amendments, it is the function of this Committee and it has the power to:
 - 3.1.1 make recommendation to the Employer for the general improvement of health and safety of workers;
 - 3.1.2 identify situations that may be a source of danger or hazard to workers and make recommendations on how to resolve them;
 - 3.1.3 recommend to the Employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of workers;
 - 3.1.4 obtain information from the Employer respecting:
 - i) the identification of potential or existing hazards of materials, processes or equipment,
 - ii) health and safety experience and work practices and standards in similar District Boards of which the Employer has knowledge,
 - iii) other information such as WSIB summaries, Ministry of Labour orders, work-related accidents involving injury, death or occupational illness and the results of any reports relating to health & safety in the workplace, and
 - iv) provide any information required under the designated substances regulation; and
 - 3.1.5 to review annually the WHMIS training provided to workers and the worker's familiarity with it and to obtain from the Employer updated copies of all material safety data sheets for materials used in the worksites.
- 3.2 Other duties of the Committee include:
 - 3.2.1 to coordinate the activities of all the Health and Safety Representatives and provide assistance and consultation to Worker Representatives, where necessary, with regard to their health & safety duties;
 - 3.2.2 to disseminate all pertinent health and safety information, instruction and assistance through the Health and Safety Representatives to all employees at the worksites; and

- 3.2.3 to participate in the Employer's annual review of the written Occupational Health and Safety Policy and of the program the Employer has for implementing that policy. This involves identifying up to three admin procedures for review each year at the September meeting. Additionally, worker members will play a role in the annual audit.

Section Four - Physical Inspections of Worksites

- 4.1 The Worker Members of the Committee shall designate the Health and Safety Representatives at the site to inspect the physical condition of each of the worksites.
- 4.2 The Committee shall monitor the physical inspections of each worksite.
- 4.3 Physical Worksite inspections will be carried out in accordance with an inspection schedule approved by the Committee.
- 4.3.1 Notwithstanding the above clause, the maximum inspection frequency shall not exceed once monthly in accordance with Act.
- 4.3.2 Where it is not practical or possible to inspect the entire worksite on one date, a portion of the low risk areas of the worksite shall be inspected monthly such that the entire worksite is inspected every three months. All high risk areas must be inspected monthly. The LKDSB will maintain a list of what is considered to be a high risk area in Appendix H.
- 4.4 All health and safety concerns raised during the physical inspection shall be in Board's electronic inspection system. The Management Health & Safety Representative and the Worker Representative, who conducted the inspection, will meet to discuss the inspection reports and any recommendations on a monthly basis.
- 4.5 These inspection reports will also be reviewed and discussed at the monthly meeting described in clause 2.2.2. Any Committee recommendations regarding these inspection reports shall be communicated in writing to appropriate Management personnel for action and copied to the site Health & Safety Representatives.
- 4.7 In the event that Worksite Management disagrees with a Committee or Health & Safety Representative's recommendation, the item of disagreement shall be reported to the Committee Co-Chairs. The Committee shall discuss the item at its next meeting and attempt to resolve it. Where it can not be resolved by the committee it will be sent to the appropriate Senior Manager or Executive Council for resolution.
- 4.8 Worksite inspection reports will be kept on file for one (1) year at the school or location. A copy of the worksite's most recent inspection report shall be printed and posted on the health and safety bulletin boards.

Section Five - Duties of Committee Members

- 5.1 The duties of Certified Members of the Committee shall be those identified in these Guidelines, those in the Act regarding concerns that dangerous circumstances exist and those outlined in Appendix B.
- 5.2 The duties of the Health & Safety Representatives shall be those outlined in Appendix C.

- 5.3 Certified Health and Safety Representatives shall perform the duties of a Certified Worker Member of the Committee whenever the Certified Members of the Committee are not available to perform the duty (absence from work due to illness) at the request of the Employer, CUPE President or OSSTF President, depending on the circumstance.

Section Six - Recommendations

- 6.1 All Committee recommendations, with appropriate rationale, shall be communicated in writing to appropriate management personnel for action. Recommendations received by the Committee will be discussed by the Committee, and a determination will be made whether a written recommendation will be forwarded to the Employer.
- 6.2 The time line of twenty one (21) days for a written response shall begin when management personnel receive the Committee's recommendation. The written response should include a timetable for the implementation of the recommendation, if accepted or reasons why the Employer disagrees with and therefore does not accept it.
- 6.3 If the committee has failed to reach consensus about making a recommendation to Senior Management, after attempting in good faith to do so, either co-chair of the committee has the power to make written recommendation to the employer.

Section Seven - Testing and Reports

- 7.1 The Employer will notify the Committee and the site based reps where testing is to occur, of its intent to carry out testing for the purpose of occupational health and safety. The Worker Co-Chair may consult with the site-based representatives in regards to the testing. For the most part, the committee designates the worker representatives at the site where the testing is to occur the entitlement to be present at the beginning of such testing where it is felt their presence is required to ensure that valid testing procedures are used and to ensure that the test results are valid. However, in cases where the testing is of an unusual nature and or where it is felt that an actual worker committee member's presence may be beneficial, the Worker Co-chair will discuss the situation with the Health & Safety Officer or the Management Co-chair and a decision will be made as to whether the Worker Co-Chair or their designate should be released to be present at the start of the testing process instead of the site based representative. Testing done for clearance purposes on major construction projects is not included with this clause as the workers on these projects are the responsibility of the Health & Safety Representative selected by them and the General Contractor of the project.
- 7.2 Results of reports respecting occupational health and safety and designated substances will be provided to the Co-Chairs within seven (7) working days of the Board's receipt of these reports.
- 7.3 A list of designated substances that can be found in secondary facilities will be maintained and updated as needed in the Appendix G.

Section Eight - Accident Investigations

- 8.1 It is the responsibility of the injured employee's direct supervisor to investigate employee accidents, regardless of whether the accident is a first aid, medical aid or lost time. However, if the accident involves a critical injury the School Principal/Management Representative will immediately contact the Health & Safety Department for further instruction. The Worker Co-chair shall designate the appropriate committee worker member that will be released to participate in any accidents investigations where a worker is critically injured or killed at a workplace from any cause as per the Act.

- 8.2 The Employer shall be responsible for ensuring that the requirements for notification of employee accidents and illnesses prescribed in the Act and Regulations are met.

Section Nine - Ministry of Labour Inspections

- 9.1 The worksite Management Representative shall immediately notify the Health & Safety Department that an MOL Inspector has arrived at the worksite to conduct an inspection. In turn, the Health & Safety Department will notify the committee.
- 9.2 Where possible, a Health and Safety Representatives will be made available to accompany a Ministry of Labour Official on an inspection of the worksite.

Section Ten - Work Refusals & Work Stoppages

- 10.1 A site based worker Representative shall be made available to represent workers involved in the initial stage of a work refusal at their respective facility.
- 10.2 Where the work refusal cannot be resolved at the site and the Ministry of Labour is notified, the Worker Site Based Representative, as per the Board's Administrative Procedure for Work Refusals, can request that a worker member of the committee replace them in the investigation process.
- 10.3 If a committee member is to replace the site based member, the Employer shall ensure that the appropriate worker member is made available to attend the work refusal without delay.
- 10.4 Both a worker and management Certified Member from the Committee will be notified in the event of a need to investigate dangerous circumstances.

Section Eleven - Training and Personal Protective Equipment

- 11.1 The Employer shall ensure that all Committee Members receive the necessary training required in order to effectively carry out their duties. The Committee may make recommendations to the Employer on training requirements.
- 11.2 All Health & Safety Representatives will receive annual training developed in consultation with the Committee. Representatives and committee members are entitled to such time from work as is necessary to attend this training. The time so spent shall be deemed as work time for which the Worker shall be paid by the Employer at the Representative's regular or premium rate as may be proper. Any additional costs, pre-approved by the Employer (i.e. registration materials, replacement staff), will be covered by the Employer.
- 11.3 Additional Training for new reps will be held in October of each year. All reps new to the role will be released to attend this training.
- 11.4 The Employer shall provide any required protective equipment as prescribed in the Act and Regulations to Committee Members and Health and Safety Representatives in order for them to protect their health and safety while carrying out their duties outlined in these guidelines.


Section Twelve - General

- 12.1 A Ministry of Labour Occupational Health and Safety Inspector may attend Committee meetings. Copies of the minutes of previous meetings and/or written correspondence will be supplied to the inspector upon request.
- 12.2 In keeping with the internal responsibility system, all employees are instructed to discuss their health and safety related problems with their immediate supervisor. If the problem remains unresolved the employee should discuss the matter with the appropriate Worker Representative for an attempt at resolution and continue to follow the concern resolution flow chart attached as Appendix F.
- 12.3 These Guidelines will be reviewed on an annual basis and any amendments, deletions or additions to these Guidelines for The Structure and Function of The Secondary Facilities Joint Health and Safety Committee must have the approval and the consensus of the Committee and shall be set out in writing and attached as Appendix to these Guidelines. Consensus shall mean 3/4 of the committee.
- 12.4 Seasonal workers and other workers that are not represented by a union working in a Secondary Facility will be represented by the site based worker reps at the site they are working out of and by the worker members of this committee.
- 12.5 Where a dispute arises as to the application of the Act and its Regulations, or compliance or purported compliance of these Guidelines with respect to the Employer, the dispute shall be decided by the Ministry of Labour after consulting with the Employer and the Union(s) representing the Workers.
- 12.6 A copy of this agreement along with a copy of the Minister's Order approving said agreement will be maintained electronically where it is accessible to all workers covered by this agreement and where it can be easily made available to be viewed by a Ministry of Labour Inspector at any worksite covered by this agreement.


Section 11 - Acceptance Agreement

We hereby agree to accept these Guidelines for the Structure and Function of the Secondary Facilities Joint Health & Safety Committee as herein written.

Signed at [Sarnia] _____, Ontario, [2] day of [April] _____, 20[17]_____

Director of Education _____ 
Jim Costello

C.U.P.E 1238 President _____ 
Jodi McGill

O.S.S.T.F. President District 10 _____ 
Hugh Garrett

Worker Co-Chair _____ 
Michael Dodman

Management Co-chair _____ 
Andy Scheibli

Facilities Covered By This Committee

APPENDIX A

Secondary School Sites	Distance (Kilometers - one way)		Other Secondary Facilities	Distance (Kilometers - one way)	
	Sarnia Education Centre	Chatham Regional Education Centre		Sarnia Education Centre	Chatham Regional Education Centre
Alexander Mackenzie Secondary School	7.5	83.5	<u>Adult Learning Centres:</u>		
Blenheim District High School	105	25	George Perry (Sarnia)		
Chatham Kent Secondary School	80	0.2	Kent Skills Centre (Chatham)		
John McGregor Secondary School	88	8			
Lambton Central Collegiate & Vocational Institute	27	80	<u>Maintenance Shops:</u>		
Lambton Kent Composite School	74	29	Maintenance Shop - Sarnia		
Northern Collegiate Institute & Vocational School	5.5	83	Maintenance Shop - (CKSS-Chatham)		
Ridgetown District High School	100	40			
SCITS-ST. Clair Consolidated Secondary School	0	80			
Tilbury District High School	100	31			
Wallaceburg District Secondary School	50	30			

As of: June 2016
 Supersedes: None
 Last Reviewed: June 2016

Worker Group Composition

APPENDIX B

Group	Count
C.U.P.E. Local 1238	764 See Note Below
OSSTF District 10	Permanent - 534, Occasional - 208

Note:

- The C.U.P.E. Count is a total of all C.U.P.E. workers employed by the Lambton Kent District School and not just workers employed in secondary facilities. It is estimated that 1/3 or approximately 255 are employed within secondary facilities and as such represented by this committee.

As of: June 2016
 Supersedes: None
 Last Reviewed: June 2016

Duties Of Certified Members

APPENDIX C

Required Duties of Certified Members

1. Investigate complaints in the workplace that dangerous circumstances exist.
2. To investigate accidents involving critical injuries and fatalities.
3. To initiate and assist in the investigation of a bilateral work stoppage.

Possible Other Duties of Certified Members

1. To assist Health & Safety Representatives with conducting worksite inspections and other duties at the request of the Committee.
2. To assist in the investigation of a work refusal as outlined in these Guidelines.

As of: June 2016
Supersedes: None
Last Reviewed: June 2016

Duties Of Site Based Health & Safety Representatives

APPENDIX D

1. To communicate to workers all information related to health and safety received from the Committee.
2. To respond to concerns using the internal responsibility system.
3. To conduct worksite inspections in accordance with these guidelines and Appendix E.
4. To participate in required training programs recommended by the Committee.
5. To assist the Certified Member of the Committee in the performance of Certified Member duties as required at the site.
6. To accompany a Ministry of Labour Inspector in the performance of his or her duties as outlined in these guidelines.
7. To make recommendations to Work Site Management for the improvement of health & safety at the site.
8. To conduct accident investigations as outlined in these Guidelines of all accidents reported by Workers, except for those that involve work related critical injuries or fatalities.
9. To participate in the investigation of all work refusals at the site as outlined in these Guidelines.
10. To perform other duties as may be assigned by the Committee.

As of: June 2016
Supersedes: None
Last Reviewed: June 2016

Schedule Of Worksite Inspections

APPENDIX E

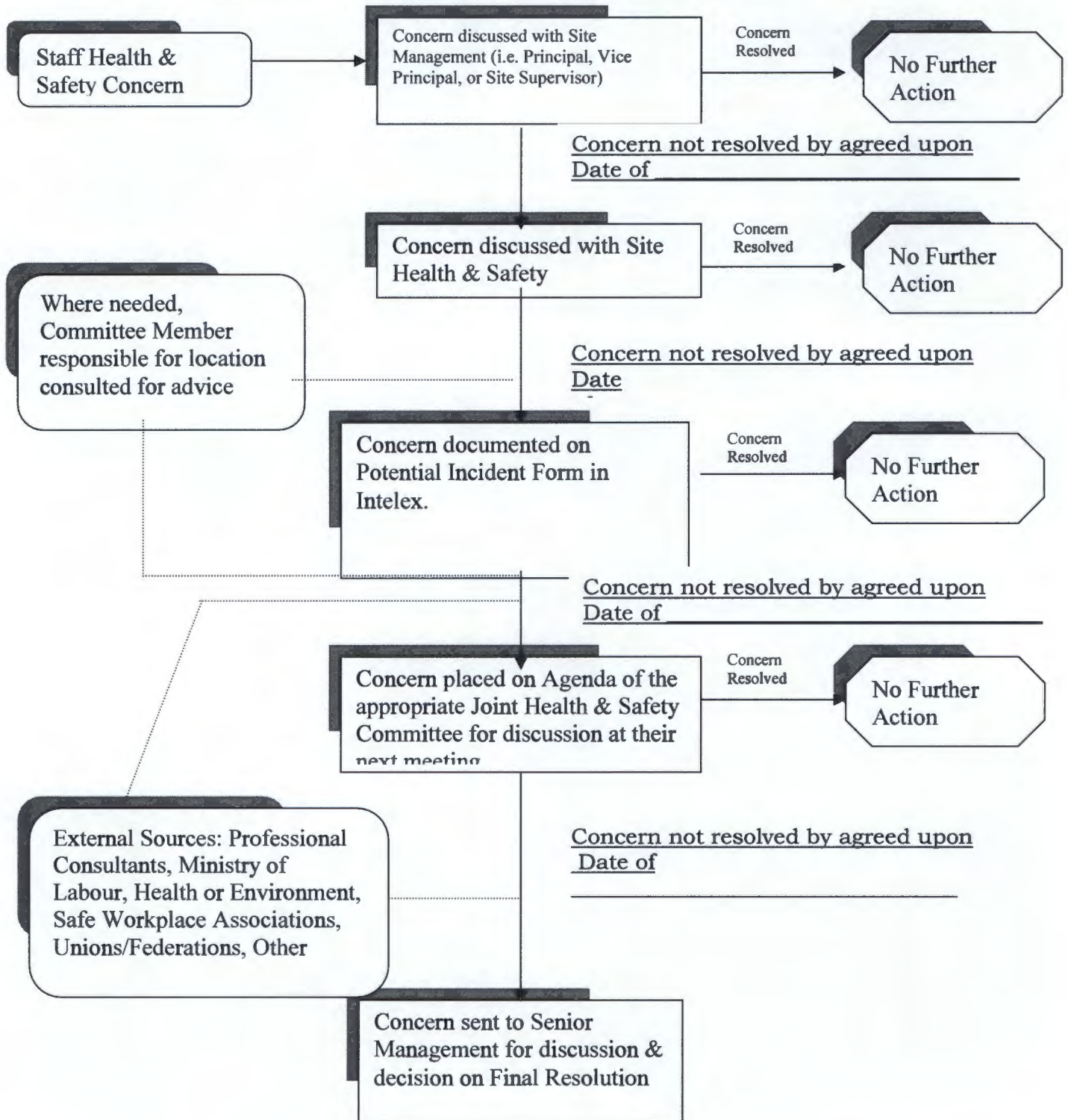
Inspections shall occur according to this schedule:

1. In June, the Worker Health and Safety Representatives will meet to discuss the scheduling of the inspections. The scheduling is to be such that the entire worksite is inspected every three months.
2. The Worker Health and Safety Representative shall determine, in consultation with the School Principal, the day for the inspections. An attempt should be made to keep the inspections as unannounced as possible. The Management Health & Safety Representative, if possible, may accompany the Worker Health and Safety Representative during the inspection tour.
3. A Worker Health and Safety Representative at a worksite with over 1,000 students will have up to 2 days per month and all other worksites up to 1 day per month in the month he/she conducts an inspection to complete the inspection. This time will also be used to prepare reports, respond to Worker health and safety matters, conduct accident investigations and meet with Management regarding any Committee recommendations and perform the other duties outlined in Appendix C.
4. The monthly inspections shall be evenly divided between the CUPE Health and Safety Representative and the OSSTF Health and Safety Representative, such that each conducts six inspections in a calendar year.

As of: June 2016
Supersedes: None
Last Reviewed: June 2016

LAMBTON KENT DISTRICT SCHOOL BOARD

Health & Safety Concern Resolution Flow Chart



Secondary Facilities Designated Substance List

APPENDIX G

The following is a list of Designated Substances that can be found in some Secondary School.

Asbestos – Due to the time of building construction both friable and non-friable asbestos containing building products are present in most elementary facilities.

Lead – Due to the time of building construction lead containing materials may be present in some elementary facilities in the form of wall paint, solder on copper plumbing fixtures, and emergency back-up battery powered lighting system. Lead strip anodes may be present in some schools for use in the Secondary Science Program. There may also be some chemical compounds with a small amount of lead in them in the Secondary Science Program.

Mercury – Mercury is assumed to be present in fluorescent light tubes found throughout most elementary facilities. Mercury may also be found in glass ampoules within thermostats of some buildings.

Polychlorinated Biphenyls (PCBs) – Due to the time of building construction it is presumed that there are still some light ballasts in some elementary facilities that were installed prior to 1978 and that are presumed to contain PCBs in the insulating fluid.

Silica - Due to the time of building construction of most elementary facilities there may be some crystalline silica present in concrete blocks, mortar, brick, etc. used in the construction of the building. In addition to building products silica may be present in some clay products in the Secondary Art Program and low amounts in floor absorbents in the Secondary Technology Program and the Board's Maintenance Department.

As of: June 2016
Supersedes: None
Last Reviewed: June 2016

Secondary Facilities High Risk Areas

APPENDIX H

The following areas of a secondary facility are considered high risk and shall be inspected monthly:

Science Classrooms & Prep Areas
Art Classrooms & Storage Areas
Technology Shops & Storage Areas
Gymnasium & Gym Equipment Rooms
Weight Rooms
Custodial Rooms
Boiler Rooms
Mechanical Rooms
Any Chemical Storage Areas

As of: April 2017
Supersedes: None
Last Reviewed: April 2017



ADMINISTRATIVE PROCEDURES

SUBJECT: Health & Safety Related Work Refusals.

The Lambton Kent District School Board recognizes that every employee has the right to refuse unsafe work under the Occupational Health & Safety Act. The following procedure was developed to identify the process regarding work refusals.

Criteria for a Work Refusal as defined in the Occupational Health & Safety Act

A worker may refuse to do particular work where he or she has reason to believe that,

- a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker.
- b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself; or
- c) any equipment, machine device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of the Occupational Health & Safety Act or the regulations and such contravention is likely to endanger himself herself or another worker.

Application

The right to refuse work applies to all employees as long as the criteria for the refusal as per the Act is met. However, in some cases as per Section 43(1) (2) & (3) of the Occupational Health & Safety this right may be limited. **It is hoped that most health & safety concerns can be resolved and corrected through the Health & Safety Concern Resolution process prior to an Employee having the need to refuse work.**

Steps to be followed during a work refusal

Stage 1 Work Refusal

1. An employee who feels that the criteria for a work refusal has been met and has a genuine belief that continuing to do the work could result in harm to themselves or others should immediately report the circumstance of the refusal to their School Principal / Supervisor. The Employee should clearly state that they are refusing to work as per the Occupational Health & Safety Act.
2. The Principal / Supervisor should immediately notify the Worker Health & Safety Representatives at the site. The site based worker representatives should decide which one of them will represent the Employee in the investigation of the refusal and that Representative should be made available with no delay.

3. Together in the presence of the Employee, the School Principal / Supervisor and the site based Worker Health & Safety Representative should investigate the circumstance of the refusal. If necessary, the Health & Safety Department can be contacted to assist in this investigation.
4. Until the investigation is complete the refusing Employee is to remain in a safe area near their work area. Any affected students or other staff members should also be moved to a safe area while the investigation is completed.
 5. If the School Principal / Supervisor agree with the Employee, action must be taken to correct the problem or isolate the problem (i.e. lockout, etc.) until the problem can be corrected. If the Employee is satisfied that the situation has been resolved and that they are no longer in harms way then the employee is to return to work and at this point the work refusal is over.
6. The Principal should document the circumstance of the worker refusal and the corrective actions taken and submit a report to the Health & Safety Department to be kept in the school/site's Health & Safety file at the Board Office. A copy of the report should be provided to the appropriate Joint Health & Safety Committee at their next scheduled meeting.

Stage 2 Work Refusal

1. If after the investigation in stage 1 or after implementing any corrective actions to deal with the circumstances that caused the refusal, the Employee still feels that they have reasonable grounds to believe that the criteria for a work refusal have been met and that they may still be in harms way as per that criteria the Employee shall clearly state to their School Principal / Supervisor that they are exercising their right to continue to refuse work under the Occupational Health & Safety Act.
2. As per the Occupational Health & Safety Act, the Ontario Ministry of Labour must be notified that an unresolved work refusal is in progress. It is the responsibility of the School Principal / Supervisor to immediately contact the Ontario Ministry of Labour at 1- 877-202-0008. The School Principal / Supervisor should also contact the Board's Health & Safety Department at the Sarnia Education Centre. Depending on the circumstances a representative of the Board's Health & Safety Department may be made available to assist with the investigation.
3. As per the Act, an inspector from the Ontario Ministry of Labour will investigate the refusal to work in consultation with the School Principal / Supervisor, the refusing Employee and the site-based Health & Safety Representative that represented the Employee in Stage 1. However, the Worker Site Based Representative can request at this point in the process that the Joint Health & Safety Committee Worker Co-Chair, or at the discretion of the Chair the Committee Member assigned to the location, replace them in the investigation process. Please note that if the Co-chair does replace the site based representative, the Ministry Inspector may still want to question the site-based representative about their findings of the first stage of the work refusal.
4. The refusing Employee must remain in a safe place at the workplace during their normal working hours pending the investigation and the decision by the inspector. However, subject to any provisions within a collective agreement the Employee can be assigned to do other reasonable alternative work during their normal working hours while waiting for this decision.
5. The School Principal / Supervisor can ask another Employee to do the work of the refusing Employee but must advise that Employee about the refusal and the circumstances for it in the presence of the site-base worker Health & Safety Representative or the Worker Co-chair or his designate.

6. As per the Occupational Health & Safety Act, the Ministry inspector will provide a written report outlining their decision to all parties. The report will specify whether the work refusal was justified, and, if it was, what measures the School Principal / Supervisor and /or Employer must take. If the refusal was justified, work cannot continue until the orders to remedy the problem have been carried out. However, the Employee can be assigned alternate work or depending on the issue moved to an alternate area within the work site as long as the work or movement within the building is reasonable. If the inspector determines the refusal was not justified, the Employee is expected to return to work.
7. Under no circumstances can the refusing Employee be reprimanded for exercising their right to refuse work even if the Ministry of Labour determines the refusal was not justified.
8. Copies of the Ontario Ministry of Labor's report will be made available to the appropriate Joint Health & Safety Committee. A copy should also be posted on the Health & Safety Bulletin Board at the site the work refusal occurred for a period of at least 14 days.
9. If either party is not satisfied with the decision of the inspector, the decision can be appealed to the Ontario Labour Relations Board.

Implementation Date: June 2, 2009

Reference: Occupational Health and Safety Act

As of: June 2016
Supersedes: None
Last Reviewed: June 2016