

**Provincial Labour-Management
Health and Safety Committee (Construction)
(Construction Section 21 Committee)**

TERMS OF REFERENCE—2015

1.0 ESTABLISHMENT

- 1.1 The Provincial Labour-Management Health and Safety Committee (Construction) (PLMHSC), herein after called the Committee, is established by the Board of Directors (herein after called the Board) of the Infrastructure Health and Safety Association (IHSA), and is responsible to the Board for the objectives set out in these Terms of Reference.
- 1.2 The Committee shall serve until discharged by the Board.
- 1.3 In a concise summary, the Committee shall provide an annual report to the Board of its significant activities and accomplishments.
- 1.4 The PLMHSC Terms of Reference shall be reviewed at a minimum of every three (3) years.

2.0 MANDATE

- 2.1 To advocate the improvement of health and safety within the Committee's area of interests.
- 2.2 To make recommendations to the Minister of Labour under its status as a committee under Section 21 of the Occupational Health and Safety Act.

Furthermore, reference to its status as a "Section 21 Committee" will be related only to its discussions with the Minister of Labour.

3.0 GOALS AND OBJECTIVES

- 3.1 To promote health and safety within the Committee's area of interest:
 - a) By reviewing, gathering, and exchanging information with the IHSA, Ministry of Labour (MOL), Workplace Safety and Insurance Board (WSIB), construction trade unions, contractor associations, and other groups on issues affecting occupational health and safety.
 - b) By developing Labour-Management (L-M) consensus positions on issues affecting health and safety.
 - c) By providing timely and relevant recommendations to the Minister of Labour on current, proposed, and existing legislation, thereby fulfilling its role by virtue of its Section 21 status under the Occupational Health and Safety Act.
 - d) By making recommendations to governments, other authorities, and organizations on occupational health and safety issues.
 - e) By initiating or reviewing health and safety programs and publications.
 - f) By vetting recommendations of the Construction Legislative Review Committee (CLRC), and the Trade, Sector, and Regional Labour-Management Health & Safety Committees (LMHSC).
 - g) By recommending to the IHSA Board of Directors, the establishment of new or existing regional, trade, or sector committees and other specialty committees requiring their own terms of reference.

- h) By establishing sub-committees and working groups to facilitate, complete, and investigate prevention initiatives as required. Where such working groups or sub-committees are deemed to require a terms of reference by the PLMHSC, such working groups or sub-committees shall develop a Terms of Reference, which must then be approved by the PLMHSC.
- i) By disseminating health and safety information to the Construction industry.

4. COMMITTEE COMPOSITION

- 4.1 The voting members of the Committee shall consist of an equal number of management and labour representative members as per Appendix I.
- 4.2 Members shall consist of management and labour representatives that are best represented by Appendix I.
- 4.3 Members shall designate their alternate in writing to the committee secretariat (with copy to the chair) and that alternate when acting in place of the member shall be seated with the full authority granted to a member.
- 4.4 The failure to appoint one or more voting members, the failure to fill one or more voting member vacancies, the failure of one or more voting members to attend, or the refusal of one or more voting members to attend any meeting of the Committee shall not prevent the Committee from meeting and conducting business, nor invalidate any action etc. Vacancies do not negate meetings.
- 4.5 Meeting attendance to be reviewed / evaluated on a bi-annual basis and committee members shall be reviewed at that point pursuant to articles 6 and 7.
- 4.6 The Committee may have such permanent non-voting guests as the Committee agrees to in full and deems appropriate. Permanent non-voting guests include but are not limited to: Ministry of Labour, WSIB, Prevention Office, and IHSA.
- 4.7 Guest(s) may attend one or more meetings in accordance with 8.4.7 under Duties of Co-Chair.

5 VACANCY

- 5.1 Should a vacancy occur by virtue of the death, resignation, removal, or ineligibility of:
 - a) a labour representative—the committee shall cause a replacement from the constituent group in which the vacancy exists to be made pursuant to Appendix 1
 - b) a management representative—the committee shall cause a replacement from the constituent group in which the vacancy exists to be made pursuant to Appendix 1.

6. REMOVAL

- 6.1 A Committee member may be removed for cause by resolution by their constituent representative side (labour or management) of the Committee. “Cause” may include, without limitation, failure to participate in and attend at least 50% of the meetings convened over a two-year period, as the Committee, or the appointing body may determine, from time to time, in its discretion. IHSA to notify the offending member and sponsoring organization. The appropriate side (labour or management) should pass a resolution for removal.
- 6.2 A Committee member shall resign or may be removed from the Committee if the member no longer meets the membership qualifications and eligibility requirements as set out in Section 7 Member Qualifications.

7. MEMBER QUALIFICATIONS

7.1 A member of the Committee shall:

- a) Be an experienced representative of the construction industry
- b) Have such qualifications and experience to speak knowledgeably on matters concerning health and safety
- c) Enhance and advance the mandate, goals, and objectives of the Committee.

8.0 CHAIR/CO-CHAIR

8.1 The Committee shall have a Chair and a Co-Chair.

8.2 Election and Rotation of Chair/Co-Chair.

8.2.1 Chair/Co-Chairs shall serve a one-year term beginning in May of each year.

8.2.2 The two positions shall alternate between members representing labour and members representing management.

8.2.3 In May of each year, or where a vacancy occurs, the Co-Chair shall assume the position of Chair (not to exceed 23 months) and a new Co-Chair shall be elected in the following manner:

- a) Where the incoming Chair represents management, the Co-chair shall be elected by the Committee members representing labour.
- b) Where the incoming Chair represents labour, the Co-Chair shall be elected by the Committee members representing management.
- c) The election of Co-Chairs shall require greater than 50% approval by their current members.

8.2.4 If, for any reason, the position of Chair or Co-Chair should become vacant, the Committee members in respect of which the vacancy exists shall elect a replacement to serve the balance of the term.

8.3 Chair

8.3.1 The Chair, or in his or her absence the Co-Chair, shall chair all meetings.

8.3.2 Where either the Chair or the Co-Chair is not present, the members present from the constituent group shall select a Chair or Co Chair or both to fill the absence(s) for the meeting from amongst their members present.

8.4 Duties of Chairs and Co-Chairs

8.4.1 The Chair shall conduct the meeting under terms approved by the Committee

8.4.2 The Chair shall preside over the meeting and shall preserve order.

8.4.3 The Chair shall decide all points of order and procedure (subject to the appeal of the membership).

8.4.4 The Chair shall facilitate a vote where required.

8.4.5 The Co-Chairs shall review and complete all correspondence as required.

8.4.6 The Co-Chairs shall liaise with the IHSA Board, Government Agencies / Officials, and other relevant bodies (Committees or Councils) as appropriate and suitable.

8.4.7 The Chair or Co-Chair may approve, or defer to the Committee, the invitation or attendance of guests as deemed appropriate.

9.0 COMMITTEE MEETINGS

9.1 Authorization

9.1.1 The Committee typically meets on a monthly basis or as directed / authorized by:

- a) the Directors of the Association, or
- b) the Chair and/or Co-Chair, or
- c) the members of the Committee.

9.2 Location

9.2.1 Committee meetings shall be held at IHSA facilities.

9.2.2 A meeting may take place at other locations when so authorized by the Board of Directors.

9.3 Meeting Quorum

9.3.1 A quorum shall consist of at least three voting members representing management and three voting members representing labour.

9.4 Motions

9.4.1 Motions being presented must be made with the sponsor in attendance.

9.5 Consensus

9.5.1 The Committee will normally operate on a basis of consensus agreement, which is defined as acceptable to all committee members present.

9.5.2 At any meeting of the Committee a declaration by the Chair that consensus has been reached, a resolution has been carried or has not been carried, and an entry to that effect made in the minutes of the proceedings shall be sufficient evidence of the fact.

9.5.3 If a vote is called by the Chair:

- a) the vote shall be taken in such a manner as the Chair directs and the result shall be deemed to be the resolution of the Committee
- b) only voting members may vote
- c) a motion shall receive the support of the majority of management representatives present and voting and the majority of labour representatives present and voting in order to be approved.

9.5.4 Where the Committee has been asked to consider a matter, the Committee will respond by providing the consensus view, the differing points of view held by the Committee members where consensus was not reached, and/or the vote results.

9.6 Secretariat

9.6.1 Staff of the IHSA will act as secretariat and will provide administrative, research, and technical support services to the Committee as required and/or requested

9.6.2 Minutes of Committee meetings shall be provided to IHSA and to the PLMHSC.

9.7 **Communication**

- 9.7.1 All Section 21 Committee-related communication shall be addressed to the Minister of Labour and copied to the Ministry of Labour Provincial Coordinator - Construction Health and Safety Program.
- 9.7.2 Non-Section 21 Committee-related correspondence will be drafted at the discretion of the committee as a whole.
- 9.7.3 Only the Chair or his/her designate is authorized to make public statements on behalf of the Committee
- 9.7.4 The Committee and members shall exercise extreme caution when dealing with or responding to complaints involving dangerous or defective equipment as it relates to the committee's area of interest. Intentional or unintentional distribution and publication of erroneous information concerning any product can lead to very serious consequences including lawsuits for damage.
- 9.7.5 Because of the potential for lawsuits, the following procedure is recommended:
1. Details of the issue need to be verified and evidence collected to substantiate the issue. This must be done by the concerned individuals prior to their bringing the issue to the attention of the Committee.
 2. The issue must be brought to the attention of the Committee.
 3. The Committee must involve the IHSA immediately to the existence of the issue.
 4. Reference to the specifics of the issue shall be minuted but not externally communicated by the Committee until step #5 has been completed.
 5. IHSA will, as necessary,
 - a) confirm the facts
 - b) contact known relevant parties involved including, but not necessarily limited to, the manufacturer, distributor, users, contractors, etc. to discuss the situation, to verify the facts, and to share information that will result in the elimination of the problem,
 - c) contact CSA International, American National Standards Institute, Ministry of Labour, or other groups in a position to assist as appropriate
 - d) report to the Committee identifying the process followed and the results of the investigation
 - e) provide an information update for use by Committee members to address the issue.
- 9.7.6 Only after these steps are taken should the Committee or members make any public statement in accordance with the information provided.

APPENDIX I

Provincial Labour-Management Health & Safety Committee Composition

REPRESENTATIVES

The Board of Directors recognizes that the PLMHSC shall have representation from labour and management of construction that are representative of the work activity within the sector.

Labour Representatives

The Board's Directors shall cause each of the following to be represented to serve as a member of the PLMHSC:

1. International Brotherhood of Boilermakers
2. Brick and Allied Craft Union of Canada
3. United Brotherhood of Carpenters and Joiners of America
4. International Brotherhood of Electrical Workers
5. International Union of Elevator Constructors
6. International Association of Heat & Frost Insulators and Asbestos Workers
7. International Association of Bridge, Structural, Ornamental & Reinforcing Ironworkers
8. Labourers International Union of North America
9. International Union of Operating Engineers
10. International Union of Painters and Allied Trades
11. Operative Plasterers, Cement Masons, and Restorative Steeplejacks International Association
12. United Association of Plumbers and Steamfitters
13. Sheet Metal Workers International Association
14. International Brotherhood of Teamsters
15. Residential Sector (*3 members to be selected by Residential LMHSC*)
16. Provincial Building Trades (The Business Manager of the Provincial Building & Construction Trades Council of Ontario shall also serve as a labour representative member of the PLMHSC)

Management Representatives

The Board's Directors shall cause each of the following to be represented to serve as a member of the PLMHSC:

- | | |
|---|-------------------|
| 1. Concrete Forming/Reinforcing Steel/Demolition..... | 1 representative |
| 2. Electrical | 1 representative |
| 3. General Contracting | 2 representatives |
| 4. Heavy Civil* | 1 representative |
| 5. Homebuilding/Carpentry | 1 representative |
| 6. Inside/Outside Finishing** | 1 representative |
| 7. Masonry | 1 representative |
| 8. Mechanical/Sheet Metal | 1 representative |
| 9. Road Building/Excavating | 1 representative |
| 10. Roofing | 1 representative |
| 11. Sewer and Watermain | 1 representative |
| 12. Steel Erection | 1 representative |
| 13. Welding/Metal Fabricating/Millwrighting/Boilermakers | 1 representative |
| 14. Residential Sector (<i>to be selected by Residential LMHSC</i>) | 3 representatives |
| 15. COCA | 1 representative |

*Includes Marine Construction & Diving, Rock Drilling/Blasting, Tunneling, Caissons/Piling, Soil & Rock Testing, Pipelines, Land Clearing, Utility Construction, and Water Well Drilling.

**Includes Painting, Suspended Ceiling & Acoustical Work, Terrazzo & Tile, Drywall/Plaster, Broadloom/Rug and Flooring, Garage and O&H Industrial Doors, Glass & Glazing, Exterior Cladding & Siding, Exterior Painting/Waterproofing, and Insulation Work.

The President or Executive Vice-President of the Council of Ontario Construction Associations shall also serve as a management representative member of the PLMHSC.

PLMHSC MEMBER APPLICATION PROCESS

Application process to fill a vacancy for a non-named representative

1. IHSA to publicize vacancy (minimum 30 days and including application form).
2. Formal application process.
3. Selection process—preference given in order of priority:
 - a. Provincial representative body, representing the sector
 - b. Dedicated body of the named sector / trade
 - c. Ability to influence and/or educate.
 - d. Size of worker base (scope of outreach)
 - i. CU man hours
 - ii. Number of (IHSA) members
 - e. Risk Profile (*to be defined based on injuries, rate, risk*)
 - f. Previous sponsorship/experience/organizational involvement.
4. In the event of a vacancy within 12 months of appointment successful sponsoring organization notified to fill vacancy.
5. Public notification of successful applicant.