

**APPENDIX B**



**JOINT HEALTH & SAFETY COMMITTEE**

**TERMS OF REFERENCE**

**March, 2024**

## TABLE OF CONTENTS

1. PREAMBLE .....	3
2. INTRODUCTION .....	3
3. DEFINITIONS (PURSUANT TO OHSA).....	3
4. HEALTH & SAFETY MANAGER .....	4
5. JOINT HEALTH AND SAFETY COMMITTEE .....	4
6. FUNCTIONS OF THE JOINT HEALTH AND SAFETY COMMITTEE.....	5
7. WORKPLACE INSPECTIONS .....	8
8. CERTIFIED MEMBERS .....	9
9. MEETINGS OF THE COMMITTEE.....	10
10. REPORTING HEALTH AND SAFETY CONCERNS .....	11
11. ACCIDENT/INCIDENT INVESTIGATIONS.....	12
12. CHANGES TO THE TERMS OF REFERENCE.....	15
13. RESOURCES OF THE JOINT HEALTH AND SAFETY COMMITTEE .....	15
14. HEALTH & SAFETY MANAGER .....	15

## 1. PREAMBLE

This document sets out the structure of the Joint Health & Safety Committee for the Town of Goderich. The Committee is established pursuant to requirements of the Ontario Occupational Health and Safety Act, R.S.O. 1990, c.O.1 (OHSA).

The JHSC, as set out herein, is established under Section 9 of *OHSA*.

## 2. INTRODUCTION

Under the provisions of the OHSA, Workers (as defined below) and Employers must share the responsibility for occupational health and safety. OHSA sets up an internal responsibility system that involves everyone, from individual employees to the Town's Department Heads.

OHSA provides for the establishment of a Joint Health and Safety Committee ("JHSC" or "Committee"), composed of people who represent the Workers and the Employer. Together, they are committed to improving health and safety conditions in the workplace.

The Committee is an advisory body that helps recognize workplace risks and then recommends solutions and helps stimulate awareness of occupational health and safety issues.

Except where it is modified by virtue of ministerial approval of these terms of reference under subsection 9(4) of *OHSA*, OHSA applies to the JHSC described herein.

## 3. DEFINITIONS (PURSUANT TO OHSA)

**3.1. Certified Member** – means a JHSC member who is certified under section 7.6 of OHSA; The Chief Prevention Officer of the Prevention Council for the Ontario Ministry of Labour may:

- (a) establish training and other requirements that a Committee member shall fulfill in order to become a certified member; and
- (b) certify a Committee member who fulfills the requirements described in clause (a) above.

**3.2. Critical Injury** - Section 1 of Ontario Regulation 834 under OHSA defines "critical injury" as an injury of a serious nature that,

- (a) places life in jeopardy,
- (b) produces unconsciousness,
- (c) results in substantial loss of blood,
- (d) involves the fracture of a leg or arm but not a finger or toe,
- (e) involves the amputation of a leg, arm, hand or foot but not a finger or toe,
- (f) consists of burns to a major portion of the body, or
- (g) causes the loss of sight in an eye.

**3.3. Employer** means a person who employs one or more Workers or contracts for the services of one or more Workers and includes a contractor or subcontractor who performs work or

supplies services and a contractor or subcontractor who undertakes with an owner, constructor, and constructor to perform work or supply services. This term also includes an Employer representative.

**3.4. Supervisor** means a person who has charge of his or her workplace or authority over his or her Workers.

**3.5. Occupational Illness** means a condition that results from exposure in a workplace to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the Worker is impaired thereby and includes an occupational disease for which a Worker is entitled to benefits under the *Workplace Safety and Insurance Act, 1997* (the “WSIA”).

**3.6. Worker** means any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:

- (a) a person who performs work or supplies services for monetary compensation;
- (b) a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled;
- (c) a person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution; and
- (d) such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

**3.7. Workplace** – means any land, premises, location or thing at, upon, in or near which a Worker works.

#### **4. HEALTH & SAFETY MANAGER**

The CEMC, Accessibility and Health & Safety Manager (the “H&S Manager”) will be responsible for overseeing the implementation of the Town of Goderich Health and Safety Program (the “H&S Program”) in every work location. Subsequently, the H&S Manager will be responsible for promoting a safe and healthy workplace for all Workers and will develop and implement policies and procedures that meet legislated requirements for the Province of Ontario.

#### **5. JOINT HEALTH AND SAFETY COMMITTEE**

##### **5.1. Composition of the Joint Health and Safety Committee (JHSC)**

The following guidelines shall apply to the composition of the JHSC as per s.9 of the *Occupational Health and Safety Act*:

- The committee shall consist of at least four members.
- The committee must consist of Worker members and Management members.

- At least half of the members must be Worker members.
- The Worker members must be selected by the workers at the workplace who do not exercise managerial functions.
- The Management members are selected by the Chief Administrative Officer.
- The JHSC shall strive to ensure that there is an equitable representation of the various departments that sit as members of the JHSC, whether they are Worker members or Management members.

The Town's JHSC shall be comprised of nine members: 5 Worker members and 4 Management members:

- 1 Worker member from Town Hall (Departments include: Clerks Department, Treasury, Building, Planning, Asset Management, Tourism, and Municipal Law Enforcement)
- 1 Worker member from the Childcare Centre
- 1 Worker member from Public Works/Airport
- 1 Worker member from Recreation
- 1 Worker member from Parks
- 3 Management Members to be appointed by the Chief Administrative Officer
- 1 H&S Manager

## **5.2. Chairs**

The JHSC has two co-chairs: one is a Worker member who is appointed by the Worker members of the Committee and the other co-chair is a Management member who is appointed by the Management members of the Committee.

Each co-Chair's term of office is one calendar year, renewable. An election takes place annually at the first meeting of the calendar for co-Chair positions.

## **6. FUNCTIONS OF THE JOINT HEALTH AND SAFETY COMMITTEE**

### **6.1. Membership and Term of Office**

Under the OHSA, Chapter O.1, Part II, Section 9, Subsection 8, the members of the JHSC who represent Workers shall be selected by the Workers they are to represent or, by the union they represent. The term of each Worker representative shall be 3 years and may be renewed by the selection of the workers of the workplace. Worker members shall be selected on a rotating basis as follows, so as to provide continuity in the JHSC:

Year 1: Child Care Centre, Parks

Year 2: Airport/Public Works, Recreation

Year 3: Town Hall and Tourism

The appointment of Management members will be conducted by the Chief Administrative Officer. The Management members shall be confirmed, or removed, or replaced annually, or at the discretion of the Chief Administrative Officer.

## **6.2. Town Work Centres and Non-Union/Union Labour Status**

Airport - Unionized – CUPE #4907 and Non-Union

Child Care Centre – Non-Union

Custodial –Non-Union

Fire Department –Non-Union

Goderich Public Library – Town owned facility, however staff are County employees

McKay Centre – Town owned facility, however managed independently

Parks/Cemetery –Unionized – CUPE #4907

Public Works –Unionized – CUPE #4907

Tourism – Non-Union

Town Hall – Non-Union

Recreation – Non-Union

## **6.3. Vacancies**

If a member of the JHSC is no longer employed by the Town or has resigned during their term, their replacement will be selected as follows:

- (a) In the case of a Worker member, the replacement Worker representative for the JHSC shall be selected by the Workers, or by the union representing the Workers, they are to represent;
- (b) In the case of a Management member, the Chief Administrative Officer will appoint a new Management representative to the JHSC.

When a member of the JHSC is on medical or other leave from work and, as a result, such member is unable to attend at least one meeting or conduct the workplace inspections as set out in these Terms of Reference, and such absence leave the JHSC without quorum and unable to perform inspections or be effective in its function, the JHSC may choose a temporary replacement member who will be selected as follows:

- (a) In the case of a Worker member, the replacement Worker representative for the JHSC shall be selected by the Workers, or by the union representing the Workers, they are to represent;
- (b) In the case of a Management member, the Chief Administrative Officer may choose to either appoint a new Management representative to the JHSC or leave the position vacant pending the Management member's return.

Such temporary appointment shall be immediately and automatically repealed on the return to work of the original JHSC member, so long as the original JHSC member is returning during their 3-year term.

#### **6.4. Functions of the Committee**

The JHSC is predominantly responsible for **(i)** identifying potential sources of danger or hazards, **(ii)** evaluating these potential hazards, **(iii)** recommending corrective action, **(iv)** following-up with implemented recommendations, and **(v)** advising and assisting management and Workers in the development, implementation and operation of the H&S Program.

Duties include:

- Assisting and advising in the development, implementation and operation of the H&S Program.
- Assisting and advising in the development of specific health and safety standards and procedures.
- Advising on accident investigation and reporting and in determining and implementing proper corrective action.
- Obtaining and distributing safety information and material.
- Identifying conditions that may be a source of danger or hazard to Worker through Workplace inspections.
- Making recommendations to the employer for the establishment, maintenance and monitoring or programs, standards and procedures for the health and safety of Workers.
- Compiling and reviewing accident statistics, health and safety training records and making recommendations to the employer and the Workers for the improvement of the health and safety of Workers.
- Receiving reports, recommendations, etc. from the Health & Safety Steering Committee and acting upon the same.

One copy of the JHSC minutes shall be posted in a prominent place in the Workplace in accordance with Form TG15 – Checklist for Posted Health and Safety Materials (Town of Goderich Health & Safety Program binder), within one week of the meeting and where possible remain posted for not less than one month after the next meeting.

A copy of the Workplace inspection shall be included with the minutes and any recommendations/communication as a result of injury/incident investigations.

The JHSC shall post all reports or surveys conducted by management on the Safety Bulletin Board as well as any Ministry of Labour notice of visits or non-compliance orders.

### **6.5. Recommendations**

Where one of the committee member's makes a recommendation regarding a health and safety matter, the recommendation shall be recorded in the minutes of the corresponding meeting and the Management Co-Chair shall forward said recommendation to the Health & Safety Steering Committee. Within 21 days of receipt of the recommendation, the Health & Safety Steering Committee shall respond in writing to the Management Co-Chair.

The response may contain a timetable for implementing the recommendation or give reasons for their disagreement with the recommendation and why it is not accepted.

## **7. WORKPLACE INSPECTIONS**

### **7.1. Inspection Schedule**

An inspection schedule will be created in November/December of each year identifying two teams consisting of 2 Worker members each, to conduct an independent inspection of two of the following Site locations each month:

**A Sites** which include the Child Care Centre, Public Works, the Tourist Booth and seasonally, the Cemetery.

**B Sites** which include the [Facilities Shop](#), Airport, MacKay Centre and Town Hall.

**C Sites** which include the Maitland Recreation Centre, the Parks Department, and seasonally, the Pickleball Court AED

**D Sites** which include Memorial Arena, the Fire Hall, the Library and seasonally, the Bannister Park AED

Each month, a Management member of the JHSC will be designated to carry out an independent inspection of the remaining two Sites.

### **7.2. Interruption to Schedule**

Should the JHSC be unable to perform the inspection schedule as set out above, each Worker member of the JHSC shall inspect their respective work location(s) on a monthly basis until such time as it is appropriate to resume the inspection schedule, for instance if employees are social distancing.

### **7.3. Inspection Form**

The members conducting the inspection shall complete and sign a TG17 - Workplace Inspection Form. All health and safety concerns raised during an inspection shall be recorded on the Workplace Inspection Form. JHSC members should encourage the Worker(s) to complete form TG28 – Formal Written Recommendation to a Safety Concern (see the H&S Program).

The completed Workplace Inspection Form shall be forwarded to the H&S Manager. The H&S Manager, without undue delay, shall distribute the white copy of the Workplace Inspection Form to the appropriate Senior Leadership Team member to resolve deficiencies noted from the inspection.



#### 7.4. Department Head/Supervisor Response

The responsible Senior Leadership Team member will conduct the corrective action, sign, date and return the form to the H&S Manager within 2 weeks, noting the action taken.

#### 7.5. Other Inspections and Audits

The H&S Manager will perform random field inspections/safety audits.

From time to time, Ministry of Labour inspectors will show up at a Workplace, unannounced, to perform a physical inspection of the Workplace. The JHSC member for that respective department, will contact their immediate supervisor to report the impromptu inspection. That same JHSC member and will accompany the Ministry of Labour inspector during the physical inspection. Upon conclusion of the inspection, the supervisor (or their designate) and the JHSC member for the respective department, will review the inspector's findings.

### 8. CERTIFIED MEMBERS

A certified member is a Committee member who is certified by the Workplace Safety and Insurance Board under the *Workplace Safety and Insurance Act (WSIA)*.

Certified members are entitled to exercise the rights and are required to perform the duties under the OHSA representing Workers [see Section 9(15), *OHSA*] and representing the employer [see Section 9(16), *OHSA*].

Only designated certified members can exercise stop work authority.

A designated certified member has the right to investigate complaints that dangerous circumstances exist. He or she will initiate and assist in the investigation of a bilateral work stoppage.

#### 8.1. Bilateral Work Stoppage

A certified member who has reason to believe that **Dangerous Circumstances**, as defined in the OHSA, exist in a Workplace, may request that a supervisor investigate the matter, and the supervisor shall promptly do so, in the presence of the certified member. The certified member may request that a second certified member representing the other Workplace party investigate the matter if the first certified member has reason to believe that Dangerous Circumstances continue after the supervisor's investigation and remedial actions, if any, are taken. The second certified member shall promptly investigate the matter in the presence of the first certified member [see Sections 45(1), 45(2) and (3) of the *OHSA*].

If both certified members find that a Dangerous Circumstance exists, the certified members may direct the Employer or the constructor to stop the work or to stop the use of any part of a Workplace or of any equipment, machine, device, article or thing [see Section 45(4) of the *OHSA*].

If the certified members do not agree whether Dangerous Circumstances exist, either certified member may request that the H&S Manager investigate the matter, and the H&S Manager shall do so and provide the certified members with a written decision [see Section 45(6) of the *OHSA*].

After taking steps to remedy the Dangerous Circumstances, the Employer may request the certified member or the H&S Manager to cancel the direction [see Section 45(7) of the *OHSA*]. The certified members who issued a direction may jointly cancel it or the H&S Manager may cancel it [see Section 45(8) of the *OHSA*].

## **8.2. Dangerous Circumstances**

Dangerous circumstances, as defined in the *OHSA*, means a situation in which:

- a) a provision of the *OHSA* or the regulations [related to *OHSA*] is being contravened;
- b) the contravention poses a danger or a hazard to a Worker; and
- c) the danger or hazard is such that delay in controlling it may seriously endanger a Worker [see Section 44(1) of the *OHS Act*].

## **9. MEETINGS OF THE COMMITTEE**

### **9.1. Schedule of Meetings**

The Committee shall meet no less than every 3 months. The meeting dates for the following calendar year will be determined at the last meeting of the year. The meeting schedule may be changed for valid reasons by agreement of the two chairs or at the direction of the H&S Manager. The Meeting Schedule will be posted on the Health & Safety board in each department building.

### **9.2. Quorum**

In order that a meeting of the Committee be properly constituted for the conduct of business, the following individuals must be present:

- at least three Worker members;
- at least one management-appointed member; and
- at least one of the two co-chairs; and
- the H&S Manager.

### **9.3. Agendas**

Agendas will be assembled and distributed by the H&S Manager in consultation with the Chairs one (1) week prior to the meeting.

### **9.4. Chairing a Meeting**

The two chairs of the Committee shall chair meetings in alternation or as otherwise agreed upon by the co-chairs. If the person scheduled to chair a meeting is absent, the other co-chair shall chair the meeting.

### **9.5. Consensus and Voting**

Committee business shall normally be dealt with by consensus. Voting shall take place only where consensus is not possible. In the event of a vote, the number of votes for and against, and the number of abstentions, will be recorded.

## **9.6. Invited Persons**

A co-chair may, with the consent of the other co-chair, invite any persons to attend the meeting to provide information and comment, but such persons shall not participate in the regular business of the meeting. The H&S Manager shall be notified of the invitation at least one week prior to the meeting.

## **9.7. Minutes of Meetings**

Minutes will be taken by the H&S Manager. Names of Committee members present, absent or excused will be identified in the minutes. The minutes will also identify who chaired the meeting, and individuals responsible for action items.

Every concern brought to the attention of a Committee member using TG28 – *Formal Written Recommendations to a Safety Concern* (H&S Program), shall be reported at a Committee meeting and recorded in the minutes.

Every concern that is raised and resolved shall be recorded in the minutes. The minutes shall also report every agenda item that was not resolved in the course of the meeting.

The H&S Manager will type and distribute the minutes and maintain the JHSC records. Correct minutes shall be approved by the co-Chairs and shall be forwarded to Committee members. One copy of the JHSC minutes shall be posted at the Health & Safety Boards in each workplace, in accordance with Form TG15 – *Checklist for Posted Health and Safety Materials* (H&S Program), within one week of the meeting and where possible remain posted for not less than one month after the next meeting.

# **10. REPORTING HEALTH AND SAFETY CONCERNS**

## **10.1. General**

A health and safety concern which is essentially of a maintenance nature should be reported to the Worker's immediate supervisor.

## **10.2. Health and Safety Concern in the Area where the Worker Normally Works**

For a health and safety concern in the area where the Worker normally works, the matter should be reported to the Worker's immediate supervisor. The supervisor will deal with the matter and may, if appropriate, contact the appropriate Senior Leadership Team member, or may inform the Worker that no action appears necessary.

After the health and safety concern is corrected, the Worker's immediate supervisor shall send a brief written report of the health and safety concern using TG28 – *Formal Written Recommendation to a Safety Concern* (H&S Program), and the steps taken to correct it, and then a copy of Form TG28 will be provided to the H&S Manager, to the JHSC Worker member representing the area in question and to the Worker who reported the problem.

If the Worker who reported the health and safety concern is not satisfied that the problem has been adequately dealt with, the Worker should report this to the JHSC member representing the

area in question, or to any other member of the JHSC. In the case of the Worker reporting the concern is the Worker member of the JHSC for that respective department, then that Worker should report it to one of the chairs of the JHSC.

### **10.3. Health and Safety Concerns Outside the Area where the Worker Normally Works**

A health and safety concern outside of the area where the Worker normally works should be reported to the Worker member of the JHSC for that respective department, if the concern is of a local nature. In the case of a concern which may extend beyond the scope of the JHSC, or may have policy implications, it should be reported to the supervisor of that respective department immediately.

### **10.4. Notification of Outcome**

Where a Worker reports a health and safety concern to a member of the JHSC or to a co-chair of the JHSC, and the matter is brought before the JHSC, the Management co-chair shall notify the Worker who reported the concern of the decision taken or recommendation made by the JHSC or the Health & Safety Steering Committee in response to said concern.

### **10.5. Unresolved Concerns**

Where a health and safety complaint by a Worker cannot be resolved by the procedures set out herein [see Sections 6.1, 6.2, 6.3, 6.4, 6.5 of the *OHSA*], the Worker or the Management representative of the respective department shall meet with the Health & Safety Steering Committee to resolve the issue. The Health & Safety Steering Committee will diligently exhaust all internal procedures to resolve the issue, such as hiring external consultant, or in some cases as per the collective agreements, mediation or arbitration. If the complaint still cannot be resolved, the Worker or the appropriate member of the Senior Leadership Team may contact the Ministry of Labour.

## **11. ACCIDENT/INCIDENT INVESTIGATIONS**

An investigation usually refers to seeking out the facts about an injury, illness, or fatality after it has occurred. It can also refer to investigating incidents that could have caused injury, illness or death (e.g., structural collapse). The purpose is to determine the causes and to prevent injuries and illnesses in the future. Injuries and illnesses are costly to Employers and employees alike. For Employers, there are not only direct costs (such as Ministry of labour fines or WSIB surcharges), but also indirect costs such as paying substitute Workers and loss of production.

When an accident/incident occurs, the following steps will take place:

1. Provide medical aid to any injured parties and/or call 911. This also includes speaking to them, when possible, about what happened.
2. Determine if the needs to be held/locked down – see critical injury definition. Eliminate or control remaining dangers.
3. Contact will now be made to the immediate supervisor/department manager to inform them of the accident.

4. If a person, whether a Worker or not, has been critically injured or killed at the workplace, the Employer and the constructor, if any, must immediately notify the Ministry of Labour Health & Safety Contact Centre - Toll-free 1-877-202-0008, the JHSC and the union, if there is one. This notice must be by telephone or other direct means. Within 48 hours, the Employer must also notify, in writing, a director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed [see Section 51(1) of the *OHS*A].
5. If a Worker has been critically injured or killed at the workplace, the Chief Administrative Officer will contact legal counsel at this point.
6. If an accident, explosion or fire occurs, or if there is an incident of workplace violence, and a Worker is disabled or requires medical attention, the Employer must notify the JHSC and the union, if any, within four days of the incident. This notice must be in writing and must contain any prescribed information [see Section 52(1) of the *OHS*A]. If required by an inspector, this notice must also be given to a director of the Ministry of Labour.
7. If an Employer is told that a Worker has an occupational illness or that a claim for an occupational illness has been filed with the Workplace Safety and Insurance Board, the Employer must notify a director of the Ministry of Labour, the JHSC and the union, if any, within four days. This notice must be in writing and must contain any prescribed information [see Section 52(2) of the *OHS*A]. The duty to notify applies not only to current Workers but also to former ones [see Section 52(3) of the *OHS*A].
8. Even if no one is hurt, written notice of an accident or unexpected event that could have caused an injury at a construction site is required from the constructor of the project. This notice must be given to a director of the Ministry of Labour, the JHSC and the trade union, if any, within two days and must contain any prescribed information [see Section 53 of the *OHS*A].
9. The members of the JHSC who represent Workers must designate one or more Worker members to investigate cases in which a Worker is killed or critically injured at a workplace. The designated member(s) may [subject to subsection 51(2) of the *OHS*A] inspect the place where the accident occurred and any machine, device, etc. and report his or her findings to a Ministry of Labour Director and the JHSC [see Subsection 9(31) of the *OHS*A]. The Town of Goderich may also consider bringing in outside assistance in the form of a safety consultant or law firm. This can often be a better solution considering the trauma internal staff may experience if a co-Worker is killed or critically injured. This can often lead to the investigation wrapping up quicker.

The investigating team together with the H&S Manager, will take the Accident/Incident Investigation Toolkit (located in the H&S Manager's office) to the place where the accident occurred. The team will may use any of the items in this Toolkit for their investigation together with any other tools they may feel are necessary or helpful.

- A) **Accident Scene** - Examine the scene of the accident/incident and any involved equipment. This includes reviewing maintenance records, manufacturers or operator's manuals, pre-use inspection forms and any prior Ministry of Labour visit reports.

Once this initial examination has been completed, the Town will be able to determine if it needs to bring in a professional to assist with the investigation. This could be necessary if the cause of the accident/incident does not seem readily apparent and the inclusion of an engineer or forensic investigator, with their technical knowledge, would be able to provide insight.

- B) **Visuals** - Take photographs of the scene. In addition to the photographs, it is useful to take as many measurements as possible. These measurements can be used to create diagrams of the scene, which should also include all the people in the area and what they were doing.
- C) **Witnesses** - It is necessary to speak to all witnesses to the incident. This not only means speaking to those who were present at the time of the accident/incident, but also those who may have information that can round out what may have happened. These potential witnesses include those with the same job or role as the injured party, any supervisor or trainers, or those who have relevant health and safety-related knowledge. As an added step, get each witness to sign his or her statement.
- D) **Review** - Review the collection of documents to round out the investigation. Review the training records of the injured party, as well as those of other Workers who perform the same job and other Workers who were involved in the incident. The review should also extend to identifying and correcting any relevant workplace policies and procedures, including proof of any third-party training or licensing.

Finally, the investigation should review internal health and safety steps, including JHSC minutes to see if anything relevant to the accident/incident had been discussed in the past.

- E) **Develop an Investigation Report** - Once the investigation is complete, a report is often drawn up that will outline the investigation's findings. This report will contain valuable information for the Town, as well as valuable information for any government inspector investigating the accident/incident. The report is marked privileged.
- F) **Confidentiality** - There are two types of privileges that can be applied: contemplated litigation privilege and solicitor-client privilege.

Contemplated litigation privilege does not need a lawyer to be invoked, while solicitor-client privilege does.

Both privileges enable the Town to keep the information in the report confidential, but for different reasons. As evidenced by the name, contemplated litigation privilege can be invoked when the information is being compiled in anticipation of legal proceedings.

Solicitor-client privilege is invoked in two ways. The first is when legal counsel requests a report be prepared. The second is when an already-prepared report is sent to legal counsel for review.

The benefit to making the report privileged is that, in the event the Town faces charges as a result of the workplace accident/incident, the prosecution cannot use the report to strengthen its case. The report may include information that can lead to more charges against the Town, as well as provide the prosecution with leads it may not have followed.

It can be a great assistance to a prosecutor who has never been to the site, likely never will be to the scene of the accident/incident and is relying entirely on the report or the information gathered by the government inspector or officer (Ministry of Labour).

With the foregoing in mind, it is integral the privilege be maintained, which is done by limiting who has access to the report. In most cases, the only people who should have access to it are legal counsel, respective department heads and the persons who prepared the report. Furthermore, there should only be as many copies as necessary, and all kept in a secure place.

It is important to realize that privilege is not absolute, and that it can be waived both explicitly and by conduct. Since privilege can be considered to be waived simply by disseminating the report to those who are not covered by the privilege, it is critical the report is not made widely available.

## **12. CHANGES TO THE TERMS OF REFERENCE**

The JHSC Terms of Reference will be reviewed annually, preferably at a Spring JHSC meeting. Any and all amendments to the Terms of Reference will be recorded in the minutes. Amendments, deletions or additions to the Terms of Reference shall be voted upon by the JHSC.

## **13. RESOURCES OF THE JOINT HEALTH AND SAFETY COMMITTEE**

### **13.1. Town of Goderich Health & Safety Program**

An entire copy of the H&S Program can be found at each Town department's Health & Safety Board, on the Intranet, or may be obtained from the H&S Manager.

### **13.2. Ontario Occupational Health & Safety Act and Regulations "The Green Book"**

"The Green Book" can be found in the immediate vicinity of each Town department's Health & Safety Board or, may be obtained from the H&S Manager.

### **13.3. Occupational Health & Safety Act and Regulations for Industrial Establishments**

The *Occupational Health & Safety Act and Regulations for Industrial Establishments* can be found at the Safety Boards for both the Parks and Public Works or a copy may be obtained from the H&S Manager.

## **14. HEALTH & SAFETY MANAGER**

The H&S Manager will communicate regularly internally with staff at all levels of the Town while auditing and communicating health and safety issues/programs and provide training in these programs to staff at all levels within the Town.

The H&S Manager can be reached at 519.524.8344, Ext. 212, or 226-963-1372 (cell).