

DRAFT – Workplace Health and Safety Committee (WHSC) Terms of Reference

- Composition:** The Workplace Health and Safety Committee (WHSC) is made up of at least five (5) representatives of the following composition:
- Executive Leadership
 - At least 2 Committee members as voted by the Executive Leadership employees and Officers, one of whom acts as Chairperson
 - Executive leadership employees and Officers shall not comprise more than 50% of the Committee’s composition
 - Non-Executive Employees
 - At least 1 Committee member representing each of the following workplaces, as voted by the non-executive employees, one of whom acts as Co-Chairperson:
 - Multipurpose building (Health/Daycare)
 - New Admin Office (Environment/Community Programs)
 - Band Office (Admin/Finance/Lands)
- Each representative shall name a designate who will attend Committee meetings in the representative’s absence. Each Committee member will perform the role in an objective, fair, and impartial manner.
- Quorum:** Quorum necessary for the transaction of business at Committee meetings will be majority of the voting members of the committee.
- Voting Rules:** Unless not permitted to participate in and vote on a motion because of a Conflict of Interest, every committee member has one vote in all Committee decisions. In the event of a tie vote, the Chairperson may cast a second, tie-breaking vote.
- Committee Term:** The Workplace Health and Safety Committee is a standing committee established by the Malahat Nation *Occupational Health and Safety Policy*, found in the *Human Resources (HR) Policy*.
- Member Term:** The members of the Workplace Health and Safety Committee must serve staggered terms no less than one (1) year and not exceeding two (2) years in duration. If a member is unable to complete the term, a replacement member must be voted in by the appropriate group.
- Chairperson(s):** The Chairperson and Co-Chairperson shall be appointed by the Executive Leadership group and the Non-Executive Employee group respectively. In the event the Chairperson is unable to attend a meeting, the Co-Chairperson shall chair the Committee meeting, and cast a tie-breaking vote if needed.
- Mandate:** The Workplace Health and Safety Committee will work cooperatively with the employer, Malahat Nation, in identifying and resolving health and safety issues.

The Committee will conduct inspections, review accidents and incidents, identify potential safety hazards, and propose solutions for any health and safety concerns reviewed. The Committee is responsible to make recommendations to CAO and Council on the occupational health and safety of the Malahat Nation.

The Committee is not responsible to review nor address Human Resource (HR) complaints. The Committee is not responsible for emergency management of the Malahat Nation.

Meetings:

The Committee will meet not less than ten (10) times per fiscal year, every month excluding December and August. The Chairpersons have the authority to convene additional meetings, as circumstances require. The Committee meetings will be held during regular working hours, and be considered as paid working hours for all Committee members in attendance.

All Committee members are expected to attend each meeting, in person or via tele/video-conference. The Committee will invite members of management, Chief & Council, or others to attend meetings as necessary. A designate must attend the meeting in the event a Committee member is unavailable.

Responsibilities:

Chairperson(s) Duties

- a) Schedule, arrange and facilitate meetings of the Workplace Health and Safety Committee;
- b) Ensure all Committee members are notified and provided an agenda and any relevant briefing material or reports in advance of each meeting;
- c) Ensure minutes are prepared after each Committee meeting;
- d) Reporting to Council on Committee business as soon as practical after each Committee meeting; and
- e) Preparing all correspondence on behalf of the Committee.

Committee Member Duties

- a) Review previous meeting reports and materials prior to each meeting. The employer is required to provide the Committee member with sufficient paid time off regular work duties to prepare for Committee meetings;
- b) Attend and participate in each Committee meeting;
- c) Conduct regular workplace inspections of all Malahat Nation facilities and work areas, including consultation with workers in each work area;
- d) Identify and develop mitigation plans for identified potential safety hazards;
- e) Review and investigate worker concerns and complaints about workplace health and safety;
- f) Attend health and safety-related training and workshops, as provided under the Paid Short-Term Education Leave provision of the HR Policy;

- g) Remain up to date regarding any legislative changes related to health and safety, and review compliance of the Malahat Nation with any such changes;
- h) On a regular basis, review and recommend to Council for approval the Health and Safety Policy, found in the HR Policy, including procedures and processes, and any changes thereto;
- i) Participate in the implementation of any health and safety-related legislative and/or policy changes;
- j) Make recommendations to the CAO and Council on educational programs promoting workplace health and safety and monitor their effectiveness; and
- k) Carry out other duties and functions prescribed by Regulation.

Performing Duties and Functions

- a) The Committee should attempt to reach consensus on each decision it makes. If the Committee cannot reach consensus, then a vote may be taken.
- b) If the Committee is unable to reach an agreement, the Chairperson or Co-Chairperson may report to the CAO, who may investigate and attempt to resolve the matter.
- c) The Committee must make all recommendations to the employer, Malahat Nation, in writing, separate from the minutes and signed by the Chairperson and Co-Chairperson, with a written request for response from the employer within 21 days.
- d) The CAO, as the employer, is required to respond to the recommendations made within 21 days of receiving written request, either by: accepting the recommendations, or providing reasons for not accepting the recommendations.
- e) If unable to provide a timely response, the employer must provide a written explanation for the delay including indication of when a response will be provided. If the Committee is not satisfied with the explanation provided for delay, the Chairperson or Co-Chairperson may report this to WorkSafe BC, which may investigate the matter and may, by order, establish a deadline by which the employer must respond.
- f) If the recommendations are not accepted, the Chairperson or Co-Chairperson may report the matter to Chief & Council, which may investigate and attempt to resolve the matter.

Reporting & Committee Information

- a) The agendas, minutes, reports, and recommendations of the Workplace Health and Safety Committee will be retained by the employer for at least two (2) years from the creation date of the document.
- b) The employer is responsible for ensuring reports are readily accessible to Committee members, employees and Officers of the Malahat Nation, and other persons authorized by WorkSafe BC.

- c) The employer must promptly post and keep posted at each workplace, in a place readily accessible to employees: the name and work locations of each Committee member, the reports of the three (3) most recent Committee meetings, and copies of any applicable orders for the preceding 12 months.

Authority

- a) The Health and Safety Committee may request of Elected and Executive Leadership, any information considered necessary to identify existing or potential hazards in the workplace.
- b) The employer is required to provide reasonable paid time, equipment, space and clerical support necessary for the Committee to carry out its duties and functions.
- c) The Committee may not access confidential information such as individual employee personnel files in the exercising of its duties.

The Workplace Health and Safety Committee Terms of Reference as detailed above are recommended to Council for approval by the Workplace Health and Safety Committee on this day, _____, 20__.

The Workplace Health and Safety Committee Terms of Reference are approved by Council on this day, _____, 20__.

George Harry Jr. (Chief)

Cynthia Harry (Councillor)

Gordon Harry (Councillor)

Steve Henry (Councillor)