

VBN Paving Limited
HEALTH AND SAFETY MANUAL

**ELEMENT 16: HEALTH & SAFETY REPRESENTATIVE, WORKER
 COMMITTEE, AND JOINT HEALTH & SAFETY COMMITTEE**

REVISIONS & APPROVAL

Revision Date	Revised By	Revision Details
July 27, 2019	Stephen Thorne Health and Safety Manager	Reviewed and Updated.

Date	Approved by	Signature
March 12, 2018	Giovanni Ventrella President	
July 27, 2019	Angelo Ventrella Vice-President	

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Joint Health and Safety Committee (JHSC) Policy

Purpose

VBN Paving Limited. safety committees have been formed to support the goals of the Health & Safety System and to play an important role in helping the system to operate effectively. Committees provide a forum for management and workers to cooperate in identifying and resolving individual site health and safety problems. Safety committees are to provide a good example for the rest of the VBN Paving Limited work force and assist in safety promotion.

The JHSC is established with the purpose to: **Reduce Incidents, Accidents, Injuries and Illness in the Workplace.**

VBN Paving Limited is committed to providing a healthy and safe working environment for all of its employees. We strongly believe and are committed to working cooperatively with our employees. We believe that jointly we should strive to consistently manage and improve our health and safety system to ensure our employees understand safe work practices and procedures to work safe.

It is part of VBN Paving Limited's mandate to achieve these goals and further them through the work of the health & safety representatives designated at each branch and the joint health & safety committees.

The JHSCs as documented in Occupational Health & Safety Act and Regulations will act as an advisory group made up of employee and management representatives whom together will identify health & safety issues and recommend solutions to address the identified deficiencies.

SCOPE

Procedures will be applicable to all VBN Paving Limited sites and office locations and include:

- Roles and responsibilities for VBN Paving Limited. based on company requirements for Health and Safety Representative "HEALTH & SAFETY Rep.", Joint Health and Safety Committee "JHSC" & Worker Trade Committee
- Composition and selection of HEALTH & SAFETY Rep. and/or JHSC members

HEALTH & SAFETY Representative

At VBN Paving Limited sites with more than 5 yet fewer than 20 employees VBN Paving Limited will ensure that an HEALTH & SAFETY Representative is in place.

The HEALTH & SAFETY worker representatives are to be selected by fellow employees of the company. Only employees who do not perform managerial functions can select worker representatives.

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Committees

Committee Structure

- For locations with 20 or more employees but fewer than 50 the JHSC shall consist of a minimum of 2 members and shall include a certified management member and a certified worker member.
- For locations with over 50 employees JHSC shall consist of a minimum of 4 members and shall include a certified management member and a certified worker member.

Member Selection

Worker JHSC representatives are selected by fellow employees of the company. Only employees who do not perform managerial functions can select worker representatives. Selection will be done through a nomination (peer or self) and voting process. In the event that only one worker is nominated, this individual will automatically become a member of the committee. One worker representative will be selected by the worker members to become a certified JHSC member. This selection will be part of the voting process outlined above. In no case shall the employer's representatives outnumber the worker's representatives.

If the company is having difficulty selecting JHSC members, management will:

1. Make additional efforts to promote the benefits of becoming a JHSC member.
2. Educate and train the workers in health and safety.
3. Provide information to workers on the roles and responsibilities of the JHSC.

Management representatives will be selected by the employer.

Change of Members

It is agreed that, whenever practical, all members shall remain on the committee for a minimum of two years. The two co-chairpersons are to be notified prior to any changes in membership, at least two-months prior. Whenever possible, any changes to the committee membership shall occur during the month of January and must occur in a staggered manner to maintain continuity. Upon selection of the replacement, new and retiring members shall both attend the last regular meeting that the retiring member attends. During this meeting, new member shall not have any voting or speaking privileges during that meeting.

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Termination

A majority vote of 75% by the committee can render a member terminated. The reasons for termination are as follows:

- Poor attendance
- Termination of employment
- Not working as a team player (as determined by the JHSC)
- Lack of respect for the position (as determined by the JHSC)
- Not completing committee work as required

Note: The only acceptable reasons for missing a committee meeting are:

- Absence from work due to illness or bereavement
- Vacation or other planned absences
- Extreme work assignments

JHSC Co-Chairpersons

The Occupational Health and Safety Act requires the committee be co-chaired by both employee and management committee members (refer to OHS Act Sec. 9(11)). The JHSC will select two co-chairs. Selection of the employee co-chair will be done by the JHSC members representing the employees and the management co-chair by management representatives.

JHSC Secretary

A secretary will be selected by nomination or election by JHSC members.

Certified Members (refer to OHS Act Sec. 9 (12))

The OHS Act requires that one management member and one worker member committee be certified. The certified member has additional duties and responsibilities. The worker members of the workplace will select the member representing workers and the management members will select the management representative. To become certified, employees must take a comprehensive training program delivered by a third party.

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Roles and Responsibilities

Senior Management

The Employer will cooperate and assist the Joint Health & Safety Committee to carry out its responsibilities.

Provide information the JHSC under the Act has the power to request;

- SDS
- Supplier information on devices which emit hazardous agents
- Copies of any assessment reports on hazardous agents (chemical; biological)
- Respond to committee recommendations within 21 days and include an implementation plan & timetable and/or reasons for disagreement.
- Provide the JHSC with a copy of all orders and /or reports issued by the Ministry of Labour Inspector
- Report any critical injuries to the JHSC
- Consult with the committee about any assessment or control programs for designated substances and;
 - ✓ The development & review of training for workers exposed or likely to be exposed to hazardous materials or physical agents

Member Responsibilities and Duties

The OHS Act places certain duties and responsibilities on the JHSC members, and additional duties on the certified members. Each member of the JHSC has a role to play in the success of the committee and the level of health and safety in the workplace. The member responsibilities are to:

- Carry out the duties of a committee member to the best of their ability.
- Act carefully and in good faith while carrying out the duties of the JHSC.
- Recommend to the employer and the workers the establishment, maintenance, and monitoring of programs, measures and procedures respecting the health and safety of workers.
- Ensure that all concerns regarding health and safety raised by employees are referred to the JHSC; when an employee approaches a committee member with a safety concern, the member will request that the employee discuss the concern with their supervisor first. The committee member may elect to take the concern to the supervisor on behalf of the employee. Except in special circumstances, the supervisor shall have the first opportunity to correct the safety concern. If the supervisor does not correct the concern, it shall be referred to the JHSC.
- Attend all of the committee meetings and actively participate in the meetings.
- Identify sources of danger and hazards in the workplace.

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- Assist in writing recommendations for improvements to the employer.
- Obtain information from the employer regarding actual and potential hazards.
- Obtain information from the employer concerning testing.
- Consult about testing methods and strategies.
- Be present at the beginning of testing, if the member feels their presence is necessary.
- Inspect the workplace at least once per month, or at least a section once per month (whole workplace in one calendar year / see schedule)
- Inform the JHSC of actual and potential hazards, identified during the workplace inspection
- Assist in resolving matters when a worker refuses work on the grounds that it endangers their health or safety
- Monitor the need and suitability of training in the workplace

Certified Member Duties

- Investigate any complaint from anyone in the workplace that a dangerous circumstance exists
- Initiate and assist in the investigation of a bilateral work stoppage
- Initiate a unilateral work stoppage in prescribed circumstances
- Accompany a Ministry of Labor inspector during any visit to the workplace
- Conduct workplace inspections as per schedule
- Assist in the investigation of work refusal
- Investigate any critical injuries or fatalities

Secretary's Duties

- Recording, preparing and distributing minutes of each JHSC meeting
- Notifying members of meeting date, time and location
- Reporting the status of recommendations

Committee Duties

- To identify situations that may be unhealthy or unsafe to workers and advise on effective systems for responding to those situations
- To consider and expeditiously deal with complaints to the health & safety of workers
- To consult with workers and the employer on issues related to occupational health & safety and occupational environment
- To make recommendations to the employer and the workers for the improvement of the occupational health & safety and occupational environment of workers
- To make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the regulations and to monitor their effectiveness
- To advise the employer on programs and policies required under the regulations for the workplace and to monitor their effectiveness

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- To advise the employer on proposed changes to the workplace or the work processes that may affect the health and safety of workers
- To ensure that accident investigation and regular inspections are carried out as required by the regulation
- To participate in inspections, investigations and inquires as provided in the regulations
- To carry out any other duties and functions prescribed by regulation

Safety Committee Meeting Typical Agenda

The Safety Committee form shall be completed for each meeting.

- Call to order
- Roll call – Chairman introduces any guests or visitors present
- Review business arising out of previous minutes
- Reading of relevant correspondence and reports
- First Aid, Incident/Accident, near miss review, hazard reports
- Recommendations and suggestions
- Training Reports
- Hygiene Reports
- Ministry of Labour visits, reports
- Discuss the work schedule and its impact on safety
- New business
- Set date, time and location for next meeting
- Adjournment

Committee Meeting Procedure

Notification

JHSC members shall notify their immediate supervisor of regularly scheduled committee meetings at minimum 1 week prior to the meeting.

Guidelines

- The meeting must occur once a month
- The meeting must be separate from weekly production meetings, or General Site Safety Meeting
- The meeting must be documented and filed.

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Co-Chairperson's Duties

- Arranging the meeting time, date and place
- Preparing the agenda
- Reviewing previous minutes and new materials
- Chairing the meeting

JHSC Quorum

The committee shall have a quorum of (%) members present in order to conduct business. The number of management members shall never be greater than the number of worker members. At least one co-chair shall be present in order to conduct business. If one co-chair is absent the other co-chair will direct the meeting, and appoint a member to take minutes.

Administrative Tasks

The two co-chairs and/or JHSC Secretary shall set up the meeting room prior arrival of members, as well as prepare for the meeting. Such preparation could include refreshments, cleaning the area, and ready materials needed for the meeting such as paperwork and presentations.

Agenda

An agenda shall be formed and distributed by the co-chairpersons one week prior to the meeting. All committee members will submit topics to the co-chairpersons before this time. A summary of accidents, incidents, illnesses, and diseases will be attached.

Anyone with a workplace related health and safety concern should approach a committee member prior to the scheduled meeting. The committee member shall address the concern at the next meeting. If the nature of the concern is of an immediate hazard, the member will take the appropriate action immediately. If the nature of the concern is not an immediate hazard, the member will bring the topic up to be discussed at the next scheduled meeting.

Meeting Minutes

Minutes are a permanent record of all business that took place at the meeting. Specific employee names shall not appear on the posted copy of the minutes.

The minutes of the meeting are to be taken at each meeting by the JHSC Secretary. Approved copies of the minutes shall be posted on the safety board within one week after the meeting. The JHSC and Managers shall receive copies of the minutes.

The minutes of all committee meetings will be kept by the members for future reference.

Compensation for Committee Members

JHSC members are paid for time spent at committee meetings, accident investigations, work refusals, work stoppages, and inspections of the workplace.

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Preparation Time

The JHSC can utilize up to 1 hour to prepare for the meeting. If a longer time is needed then the committee must approve.

Frequency of Meetings

The JHSC shall meet regularly at least four times per year, not exceeding once per month, except in special circumstances. Because of the nature of the business, whenever practical, Mondays will be meeting days.

Special Meetings

Emergency or special meetings may be required. The process is that the two co-chairpersons plus the requesting member must agree the meeting is required. The co-chairperson that is scheduled to chair the next regular meeting will be responsible for notifying all JHSC members of the date, time, and location of the special meeting.

Meeting Guests

The two co-chairpersons mutually may invite a guest to attend the meeting. The purpose of a guest attending a meeting would be to obtain technical information or comment on a specific agenda item. The guest shall not participate in the regular business of the meeting, and should be excused from the meeting after their presentation is complete.

Voting

The committee shall strive to operate with consensus, meaning that everyone must agree on the decision. Reaching consensus can be a long and challenging process, but the outcome is superior. Some decisions may have to be voted on and the majority will determine the outcome.

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Recommendations

All recommendations the committee makes shall be recorded in the minutes and on a *Recommendations sheet*. A member will be assigned to follow up with the Senior Management on the action after a meeting is adjured. All recommendations should provide as much detail as possible to expedite the process for both the employer and the JHSC.

The employer has 21 days to respond to the recommendations. If the response affirms that action will be acquired, there shall be an action plan with timeline attached for completion. If the response is no, the employer shall give reasons why. In this case the committee may re-work the recommendation, investigate further into the issue, or arrange a special meeting with the employer to fulfill a positive outcome.

Inspections

OHSA requires that a worker member (preferred certified) inspect the physical condition of the workplace monthly. If it is not practical to inspect all of the workplace each month then a part of the workplace shall be inspected monthly. If part of the workplace is inspected monthly, a schedule shall be done by the committee showing a complete inspection of the workplace in a 12-month period. Workplace includes all locations where VBN Paving Limited employees work. The purpose of a workplace inspection is to identify hazards that could endanger the health and safety of anyone in the workplace.

Inspection Schedule

The JHSC shall develop an inspection schedule. The schedule will be for a 12-month period. It will contain names and work locations to be inspected and when. At the end of the 12-month period the entire workplace shall be inspected.

Inspection Process

All documents used in the inspection will be made available to each member at the next JHSC meeting. A copy of the inspection will become part of the JHSC minutes. The member's inspection report to the JHSC shall be noted in the minutes as a summary. The actual inspection report will not be posted on the safety boards.

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Accident Investigation

The worker certified member shall be notified of all critical injuries and fatalities at the workplace. It shall be the worker certified member's decision to participate in the investigation of the accident. A critical injury is defined as an injury that:

- Places life in jeopardy
- Produces unconsciousness
- Results in a substantial loss of blood
- Involves the fracture of a leg or arm but not a finger or toe
- Involves the amputation of a leg, arm, hand, or foot but not a finger or toe
- Consists of burns to a major portion of the body
- Causes loss of sight in an eye

When a worker certified member becomes aware of an accident in which he will be required to investigate, he shall notify his supervisor or an alternate supervisor / manager immediately, then proceed directly to the accident scene to coordinate participation in the investigation with the Manager. The role of the worker member investigating the accident is to meet legal requirements, determine the cause(s) and to provide a report with recommendations to the JHSC.

The Joint Health & Safety Representative submits the report to the Manager and they cooperatively review and finalize the report identifying all contributing factors and identified proposed corrective actions. The Manager signs the specific report and forwards a copy to the (Designated Manager). The Joint Health & Safety Representative in the case of injury ensures the injured worker(s) receives appropriate medical and receives injury package.

The Report will then be forwarded by the Management to the applicable ministry officer.

Work Refusal

A worker can refuse work if they have reason to believe that:

- Any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself, or another worker
- 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
- 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 act or the regulations, and such contravention is likely to endanger himself, herself or another worker.

Process

1. The worker shall report immediately to supervisor and reasons why.

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2. The supervisor shall check the circumstances immediately and rectify the problem if possible.
3. If the supervisor cannot rectify the problem, the supervisor shall investigate the refusal immediately in the presence of the refusing worker, and the worker certified member of JHSC (if possible) or a worker member of the committee.
4. If the refusing worker feels the problem has been corrected the work refusal process ends and the worker returns to work.
5. If the refusing worker is not satisfied with the results of the investigation (still have reasonable grounds) the worker, supervisor, or committee member shall notify the Ministry of Labour who will investigate the refusal.
6. Pending the investigation and decision of the Ministry of Labour inspector, the supervisor will assign reasonable alternate work.
7. The supervisor, while waiting for the Ministry of Labour inspector, can ask another worker to perform the refused work. The second worker shall be informed in the presence of the committee member, that the work has been refused and the reasons why. The second worker has the same right to refuse the work.
8. The Ministry of Labour inspector's decision must be given in writing, to the worker, the employer, and the committee representative.

Work Stoppage

Certified members of the JHSC have the right to issue a work stoppage if they believe that dangerous circumstances exist (i.e. Work Refusal Investigation). Dangerous circumstances are:

- A provision of the act or regulations is being contravened,
- The contravention poses a danger or a hazard to the worker, and
- The danger or hazard is such that any delay in controlling it may seriously endanger a worker

All 3 of these criteria must be present to be considered dangerous circumstances.

Process

1. The certified member, who has reason to believe dangerous circumstances exist, may request that a supervisor (employer) investigate the matter and the supervisor will promptly do so in the presence of the certified member which may include involvement of the (Designated Manager).
2. If the certified member believes that dangerous circumstances continue to exist after the employer's investigation and remedial actions, the certified member shall request a second certified member (representing the other side) to investigate the matter in the presence of the first certified member.

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3. If both certified members find that dangerous circumstances exist; the certified members may direct the employer to stop work or to stop the use of any part of the workplace, equipment, machine or device. The employer shall immediately comply.
4. If the certified members do not agree that dangerous circumstances exist, either member may request that a Ministry of Labour inspector investigate the matter and provide the certified member with a written decision.
5. The Ministry of Labour inspector's decision will be in writing and will be given to the certified members. The employer shall immediately comply with the inspector's report.
6. After taking remedial steps to correct the dangerous circumstances, the employer may request the cancellation of the stop work order.
7. The certified members who issued the direction may jointly cancel it or a Ministry of Labour inspector may cancel it.

Communication

The JHSC policy and procedures will be communicated to all new employees via the new hire orientation.

The JHSC policy and procedures will be communicated to all existing employees via periodic safety training, safety meetings, safety talks and via periodic safety notices.

Training

The members of the JHSC will be required to take appropriate training in health and safety material. The employer will strive to ensure that each member receives proper training in the following:

- Joint health & Safety Committees
- Health & Safety law
- Investigating accidents
- Hazard identification
- Workplace inspections

The employer will provide the appropriate training to the JHSC. Where applicable at least two JHSC representatives will be certified; one management and one worker representative and will receive the prescribed training per the regulations by an outside designated third party.

Evaluation

Evaluation of the JHSC policy will be conducted through observation of the JHSC by the (Designated Manager); review of the minutes, and corrective action reports forwarded by the JHSCs and through worker interviews as part of the yearly audit.

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Continual Improvement:

After measuring the success of the policy and recommendations brought forward by the JHSC and individual health & safety representatives the acknowledgement of the success of the initiatives will be forwarded to all VBN Paving Limited workers and management.

The communication of the success will be through branch safety meetings, JHSC meetings, posting of the minutes, yearly reviews, email broadcasts from the health & safety department, and newsletter and periodic communication directly from senior management. The (Designated Manager) & Senior Management will review the JHSC policy annually to determine if the policy needs to be amended to reflect current regulations, to be more effective based on VBN Paving Limited's Health & Safety Claims and Risk Data.

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