

TERMS OF REFERENCE
2003-02-05

FISHERIES AND OCEANS CANADA
NATIONAL POLICY HEALTH AND SAFETY COMMITTEE

1. Purpose

Fisheries and Oceans Canada is committed to protecting its employees and property from accidental loss. The Department will take all means necessary to ensure that working conditions are favourable to the health and safety of employees.

The Department's National Policy Health and Safety Committee (NPHSC) is established in accordance with the provisions for occupational health and safety committees under the *Canada Labour Code, Part II, Sections 134.1 and 135.1*.

The Committee's purpose is to participate with management in developing and monitoring the health and safety program established by the Department, to ensure that it conforms to: Part II of the Canada Labour Code, as revised on September 30, 2000; and, to all relevant policies, regulations and standards. This includes ensuring that everyone at Fisheries and Oceans Canada is fully aware of and understands occupational health and safety (OHS), and takes health and safety into consideration when formulating policies, practices and procedures that affect the work place.

The committee is a forum where management and employee representatives can meet to exchange information, discuss policies, programs and conditions, and where employee representatives can communicate to management their views on matters important to their members.

The goal of NPHSC Members is to reach consensus on all issues.

2. Powers and Duties

- a) The Committee participates in the development and direction of Corporate OHS policies and programs, including the Employee Assistance Program (EAP).
- b) The Committee participates in developing, establishing and monitoring the national hazard prevention program and the national health and safety employee education program within the prevention program.
- c) The Committee participates in developing and monitoring the national program for providing personal protective equipment, clothing, devices and materials (to be known as the PPE Program).
- d) The Committee participates in planning the implementation of changes, and in implementing changes, including work processes and procedures, for Corporate issues where occupational health and safety may be affected.

- e) The Committee receives, considers, and expeditiously disposes of matters relating to the health and safety of employees, that are raised by NPHSC Members, Regional Joint Occupational Health and Safety Committees or Work Place Committees,
- f) The Committee participates to the extent that it considers necessary in inquiries, investigations, studies and inspections pertaining to health and safety, monitors regional data on work accidents, injuries and health hazards, and makes recommendations for prevention.
- g) The Committee may invite technical experts and advisors, as needed, to take part in national inquiries and investigations pertaining to occupational health and safety.
- h) The Committee monitors the operation of Regional Occupational Health and Safety Committees and through them, local Workplace OHS Committees. The NPHSC Co-chairs will liaise with the Regional health and safety committees through the Corporate occupational health and safety section.
- i) The Committee communicates its findings to the Deputy Minister, Assistant Deputy Ministers, Regional Directors General, managers/supervisors, employees, bargaining agents and other health and safety committees, as required.
- j) The Committee reports annually to the Deputy Minister and Departmental Management Committee (DMC) on the Department's OHS program.
- k) The Committee has the authority to make recommendations for action to the Deputy Minister.
- l) The Committee promotes the recognition of and awards to employees who contribute to improving the occupational health and safety of Fisheries and Oceans staff.

In exercising its Powers and Duties, the NPHSC will make no commitment that would alter, amend, add to, or modify the terms of Collective Agreements, Acts, or Regulations governing the terms and conditions of employment.

The topics to be discussed will normally be matters of national concern. Regional OHS committees may refer matters that have a national impact to the NPHSC.

Matters of a local or regional nature should be referred to the NPHSC if they are unresolved after having been discussed, first at the local work place committee level, then at the regional OHS committee level.

3. Composition of the Committee

The NPHSC is composed of senior management representatives and an equal or greater number of certified senior bargaining agent representatives. Occupational Health and Safety Advisors from the headquarters Occupational Health and Safety Section participate as *Professional and Technical Advisors*.

The Deputy Minister appoints the management members. Bargaining agents select the members who will represent Fisheries and Oceans Canada's employees.

Senior Management Members:

1. The Deputy Minister or a Senior Assistant Deputy Minister (ad hoc)
2. Canadian Coast Guard
3. Fisheries Management
4. Sciences and Oceans

Senior Bargaining Agent Members:

1. Environment Component, Public Service Alliance of Canada
2. Union of Canadian Transportation Employees, Public Service Alliance of Canada
3. Professional Institute of the Public Service of Canada
4. Canadian Merchant Service Guild
5. International Brotherhood of Electrical Workers (Local 2228)
6. Association of Public Service Financial Administrators
7. Canadian Auto Workers (Local 2182)
8. Social Science Employee Association

Professional and Technical Advisors

1. Human Resources
2. Policy
3. Corporate Services
4. Director, Safety and Security
5. Occupational Health and Safety Advisors
6. Representatives from other Sectors, as required.

4. Alternates

Management and Bargaining Agent Representatives must select alternate members to act as their replacements when they are unable to perform their function. Alternates will have the same power as the person they are replacing.

5. Quorum

A quorum will consist of the majority of the members of the Committee, of which at least half are bargaining agent representatives and at least one is a management representative.

6. Rules Of Procedure

Meetings will be conducted in accordance with *Roberts Rules of Procedure*.

Members will make every effort to ensure that they or their alternates are present at meetings. In the event that management members outnumber labour members at a particular meeting, some management members may choose to reclassify themselves as *Professional and Technical Advisors* for the duration of that meeting.

In the event that there is no quorum for a particular meeting, those present will continue the meeting. All members will subsequently be made aware of and invited to comment on the issues discussed.

7. Co-Chairs

Management and Labour Chairs act alternately. They may agree to take turns chairing meetings, or share the function during meetings. The Chair must ensure that each item on the agenda receives attention. The Chairs should strive to develop a consensus among members and bring all issues to a conclusion.

8. Agenda Items

Six weeks prior to each regular meeting, the Secretary to the Committee will send a notice of the meeting to all members. The notice will include a request for agenda items.

For each agenda item, the sponsor will submit to the Corporate Occupational Health and Safety section a completed *Issues* sheet stating the title, purpose, background information and action requested.

The Agenda must be presented to the Chairs at least two weeks prior to the next regular meeting of the Committee.

All committee members will receive a copy of the agenda prior to the meeting.

9. Frequency of Meetings

Meetings are held quarterly during regular working hours, on dates and at times to be decided by the members. The Committee may meet more often when emergencies or other special circumstances arise.

10. Sub-committees

The Committee may agree to participate in or set up sub-committees to deal with OHS-related issues that fall under its mandate.

11. Fora for Meetings

Meetings may be held in person, in teleconference, in videoconference (where the technology is available) or in any workable combination of the above. Members will determine the forum for a meeting no later than one month prior to the date set for the meeting.

12. Location of Meetings

Meetings of the NPHSC will take place in the City of Ottawa in a conference room to be provided by management. Management will make arrangements for teleconferences and/or videoconferences.

13. Record Of Meetings

A secretary will be provided by management to record the proceedings of the Committee and to prepare a written summary of each meeting that incorporates the subject matter and action to be taken.

These Draft Minutes will normally be distributed by management to NPHSC members no later than four weeks following the meeting of the Committee.

After the NPHSC minutes are approved and signed off by the Chairs, they will be sent to all NPHSC members within two weeks and posted on the OHS web site. An announcement will be made in "In the Loop", the electronic employee newsletter.

Where employees have no Intranet access, Management will post paper copies of the minutes in the same conspicuous location where they post Part II of the Canada Labour Code and the Work place OHS Committee Minutes.

14. Attendance at Meetings

Employee members of the Committee are entitled to such time from their work as is necessary to attend meetings or to carry out any of the other functions of a member of the Committee. Any time spent by a member while carrying out any of the functions of a member of the Committee will, for the purpose of calculating wages owing to that member, be deemed to have been spent at work.

Employee members will be compensated by their line management for necessary travel and accommodation expenses, incurred in attending OHS committee meetings and related functions, as authorised by both co-chairs. Prior to finalising their decisions to travel, members will seek the approval of their line managers.

15. Attendance by Others

At the invitation of the Committee members, senior representatives of management and the unions may attend NPHSP meetings to discuss important policy matters or operational problems.

The Committee members may invite advisors, and professional and technical experts to meetings, as required.

16. Immunity:

Members are free to discharge their duties without fear of reprisal or fear that their relationship with the Department will be affected by action taken in good faith as a member of the Committee.

No member of the Committee is personally liable for anything done, or omitted to be done, in good faith by the member under the authority of the *Canada Labour Code* or any *Regulation* made under the *Code*.

The above protections extend to Alternate Members while they are performing the functions of the committee member whom they are replacing.

17. Amendments:

These Terms of Reference will be reviewed at least once each year. They may be amended at any time upon agreement by the Members.

Approved – May 29, 2003

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