

A GUIDE: NSTU JOHS Committee Members



Nova Scotia
Teachers Union

This is meant as a general summary of your role as a member of your school's Joint Occupational Health and Safety Committee. It is not intended as legal advice. The NSTU is here to assist Teachers with occupational health and safety matters. Teachers are encouraged to contact their NSTU Staff Officer for assistance if they are concerned about a health or safety hazard in the workplace. For a more comprehensive guide please visit: English: <https://bit.ly/3inpowE>; French <https://bit.ly/3ijKID4>.

The JOHS Committee and your Employer's obligations:

- The JOHS Committee is responsible under Nova Scotia's *Occupational Health and Safety Act* for the "receipt, investigation and prompt disposition of matters and complaints with respect to workplace health and safety" (s.31(c)) and for "making recommendations to the employer, the employees and any person for the improvement of the health and safety of persons at the workplace" (s.31(f)).
- As a JOHS Committee member, you should be aware of the Employer's obligations under the *Occupational Health and Safety Act*, some of which include:
 - o The Employer must take every precaution that is reasonable in the circumstances to ensure the health and safety of Teachers (s.13(1)(a)).
 - o The Employer must ensure that Teachers are made familiar with any health or safety hazards that may be met by them at the workplace (s.13(1)(d)).
 - o The Employer has a duty to notify the JOHS Committee of the existence of reports of workplace occupational health or safety inspections, monitoring or tests, and upon request, must make such reports available to the Committee (s.35(1)).
 - o The Employer must also provide reports of workplace occupational health or safety inspections, monitoring or tests to an employee who requests them (s.35(2)).
 - o The Employer must respond in writing within 21 days to a written request by the JOHS Committee for any information of a health or safety nature, and the response must either provide the information or give reasons for not providing the information (s.35(3)).
 - o The Employer must have a written occupational health and safety program that includes a hazard identification system providing for:
 - Evaluation of the workplace to identify potential hazards,
 - Procedures and schedules for regular inspections
 - Procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards (s.28(2)(e)).

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If a Teacher brings a concern about a workplace health or safety hazard to the JOHS Committee, you should:

- Ensure that the Committee interviews the Teacher.
- Ensure that the Employer is complying with its statutory obligations.
- Consider making specific recommendations, in writing, to the Employer to remedy the hazard. Upon receipt of written recommendations from the JOHS Committee and a request to respond, the Employer must respond within 21 days either indicating acceptance of the recommendations or providing reasons why the Employer disagrees with any of the recommendations (s.34(1)).
- If applicable, consider asking, in writing, that the Employer provide the Committee with any reports of workplace occupational health or safety inspections, monitoring or tests, or any other information relevant to the health or safety hazard (s.35(1) and (3)).
- If the JOHS Committee is not satisfied with the response of the Employer to any requests made by the Committee, the Committee should promptly report this fact to an Officer of the Occupational Health and Safety Division.
- If the Teacher feels that the JOHS Committee has not remedied the matter to their satisfaction, they have a right to:
 - o Report the matter to an Officer of the Occupational Health and Safety Division.
 - o A Division Officer has the power to:
 - Enter the workplace and take samples and conduct tests (s.47(a) and (f)).
 - Require the production of records (s.47(c)).
 - Question individuals (s.47(e)).
 - Order the Employer to conduct tests and obtain a report or assessment to determine whether any biological, chemical or physical agent or thing conforms with the Act or good professional practice (s.52).
 - Order the Employer to carry out any matter or thing regulated by or required by the Act (s.55(1)).
- The Teacher has the right to appeal the decision of the Division to the Director of the Occupational Health and Safety Division, and the right to appeal the decision of the Director to the Labour Board.