

Employer Can Unilaterally Impose Terms of Reference on JHSC



A college imposed terms of reference on its JHSC. The union claimed the college was required to negotiate the terms of reference with the union before imposing them. The college argued that it was required to ensure the JHSC complied with the OHS laws and neither the law or the collective agreement gave the union a role in the implementation of terms of reference. The arbitrator said that provided the terms didn't conflict with or impede the operation of the OHS laws or impede the rights or obligations as to worker participation on the JHSC, implementing them didn't violate the collective agreement or law. But the college couldn't implement new restrictions on the appointment of worker members unless they were agreed to by the Union. So the arbitrator allowed the grievance as to those provisions only [*Fanshawe College v. Ontario Public Service Employees Union, Local 110 (Union Grievance)*, [2013] O.L.A.A. No. 408, Oct. 23, 2013].