Joint Health and Safety Committee – Creation Fact Sheets



HOW ARE MEMBERS ON THE COMMITTEE SELECTED?

Health and safety committee consists of worker (employee) and management members. Health and safety legislation specifies how the members on the committee are to be selected. Consult the legislation applicable to your workplace. Generally, the management members are selected by the management (employer). The worker members are selected by employees or by the union (if there is one).

Note: In Canada the name of the health and safety committee varies from one jurisdiction to another (see table below). In the following sections we will refer to them simply as committee.

Table 1
Title of Health and Safety Committee

Jurisdiction	Title
Canada: Federal	Work place health and safety committee
British Columbia	Joint health and safety committee
Alberta	Joint work site health and safety committee
Saskatchewan	Occupational health committee
Manitoba	Workplace safety and health committee

Ontario	**Joint health and safety committee**
Quebec	**Health and safety committee**
New Brunswick	**Joint health and safety committee**
Nova Scotia	**Joint occupational health and safety committee**
Prince Edward Island	**Joint occupational health and safety committee**
Newfoundland and Labrador	**Occupational health and safety committee**
Yukon	**Joint health and safety committee**
Northwest Territories	**Joint occupational health and safety committee**
Nunavut	**Joint occupational health and safety committee**

What is the ratio of management to labour members on the committee?

The laws typically state that there should not be more management members on the committee than worker members.

How do I know if the members on the committee are representative of the workplace?

The legislation or collective agreement may specify a minimum and/or maximum number of members usually dependent on the number of workers at the site. Too few workers may mean that all segments of the work force are not represented, while too many members may make the committee hard to manage, resulting in more debate and less action. In deciding the ideal committee size, consider:

- Total number of workers.
- Number of different trades or unions involved.
- Complexity of the operation.
- Degree of hazard in work.
- Whether all segments of work force are represented (management, supervisors, male workers, female workers, office staff).
- Whether the committee encompasses adequate knowledge of conditions, processes, practices.

Are members trained or certified in health and safety?

Members should be adequately trained in health and safety in order for them to contribute fully to all committee activities. In some jurisdictions, safety training

or certification is required by law for employer and worker members. Items in such training should include:

- Committee responsibilities/authority.
- Occupational health and safety law.
- Principles of incident causation and/or hazard control.
- Hazard recognition.
- Job safety analysis.
- Occupational/industrial hygiene.
- Methods of raising safety awareness.
- Inspections.
- Incident or injury investigation.
- Effective oral communication.

Table 2
Health and Safety Committee: Training Requirements

Jurisdiction	Requirement	Reference to OHS Legislation
Canada, Federal	**… ensure that members of policy and work place committees and health and safety representatives receive the prescribed training in health and safety and are informed of their responsibilities under this Part;**	***Canada Labour Code*, Part II (R.S.C. 1985, c. L-2) Section 125 (z.01)**

British Columbia	**Each member of a joint committee is entitled to an annual educational leave totalling 8 hours, or a longer period if prescribed by regulation, for the purposes of attending occupational health and safety training courses conducted by or with the approval of the Board.** ***3.27 Minimum training requirements for new joint committee members or worker health and safety representatives*** **(2) The employer must ensure that each member of the employer's joint committees who was selected on or after April 3, 2017 to be a member receives, as soon as practicable but no more than 6 months after becoming a member, a total of at least 8 hours of instruction and training, as set out in subsection (4).** **(3) The employer must ensure that the worker health and safety representative at each of the employer's workplaces who was selected on or after April 3, 2017 to be a representative receives, as soon as practicable but no more than 6 months after becoming a representative, a total of at least 4 hours of instruction and training, as set out in subsection (5).**	***Workers Compensation Act* (R.S.B.C. 1996, c. 492) Section 135 (1)** ***Occupational Health and safety Regulation* (B.C. Reg. 296/97)**

Alberta	**Training of committee members and representatives** **29(1) Where a joint work site health and safety committee is established, an employer or prime contractor, as applicable, shall ensure that the co-chairs of the committee receive training respecting the duties and functions of a committee.** **(2) Where a health and safety representative is designated, an employer shall ensure that the representative receives training respecting the duties and functions of a representative.** **(3) Where a member of a joint work site health and safety committee or a health and safety representative gives reasonable notice, an employer shall permit the member or representative to take time away from the member's or the representative's regular duties to attend health and safety training programs, seminars or courses of instruction.** **(4) The amount of time allowed annually for training under subsections (1), (2) and (3) is the greater of** **(a) 16 hours, or** **(b) the number of hours the worker normally works during 2 shifts.**	***Occupational Health And Safety Act* (R.S.A. 2000, c. O-2) Section 29**
Saskatchewan	**.. an employer shall ensure that the representative receives training respecting the duties and functions of a representative… an employer or contractor shall ensure that the co-chairpersons of the committee receive training respecting the duties and functions of a committee.**	***Occupational Health and Safety Regulations*, 1996 (R.R.S., c. O-1, r. 1) Section 46 (1, 2)**
Manitoba	**…every employer… must allow each member of the committee, the representative, or their respective designates, to take educational leave each year, without loss of pay or benefits, for the purpose of attending workplace safety and health training seminars, programs or courses of instruction…**	***Workplace Safety And Health Act* (R.S.M. 1987, c. W210) Section 44 (1)**

Ontario	**Unless otherwise prescribed, a constructor or employer shall ensure that at least one member of the committee representing the constructor or employer and at least one member representing workers are certified members.**	***Occupational Health And Safety Act* (R.S.O. 1990, c.0.1) Section 9 (12)**
Quebec	**… to participate in training programmes of such content and duration as are approved by the Commission. Registration, travel and accommodation expenses are borne by the Commission, in accordance with the regulations**	***Act respecting occupational health and safety* (R.S.Q., c. S-2.1) Section 91**
New Brunswick	**An employer shall ensure that each person who is designated to serve on a joint health and safety committee (a) has attended an educational program as prescribed by the regulations, or (b) attends an educational program prescribed by the regulations within twelve months after being designated, if the person has not attended such program.**	***Occupational Health And Safety Act* (A.N.B. 1983, c. O-0.2), Section 14.1 (2)**
Nova Scotia	**An employee who is a member of a committee is entitled to such time off from work as is necessary to attend meetings of the committee, to take any training prescribed by the regulations and to carry out the employee's functions as a member of the committee, and such time off is deemed to be work time for which the employee shall be paid by the employer at the applicable rate.**	***Occupational Health And Safety Act* (S.N.S. 1996, c.7) Section 30 (6)**
Prince Edward Island	**A worker who is a member of a committee is entitled to take the necessary time off from work to attend meetings of the committee, to take training prescribed by the regulations and to carry out the worker's functions as a member of the committee.**	***Occupational Health and Safety Act* (S.P.E.I. 2004, c.42) Section 25 (10)**

Newfoundland and Labrador	**Where 50 or more workers are employed at a workplace, the employer shall provide and pay for training for the members of the occupational health and safety committee at the workplace… Where 10 to 49 workers are employed at a workplace, the employer shall provide and pay for training for the co-chairpersons of the occupational health and safety committee at the workplace.**	***Occupational Health and Safety Act* (R.S.N.L. 1990, c. O-3) Section 38.1 (1, 2)**
Yukon	**The employer shall orientate joint health and safety committee co-chairs and health and safety representatives to their functions and duties within 90 days of their selection and shall permit them to participate in a training course offered or designated by the director as soon as such a course is available to them after their selection. Time spent by the employees in the orientation and the course shall be deemed to be regular working hours.**	***Occupational Health And Safety Act* (R.S.Y. 2002, c. 159) Section 14**
Northwest Territories	**The Commission may: (a) develop and promote safety education programs…**	***Safety Act* (R.S.N.W.T. 1988, c. S-1) Section 21 (a)**
Nunavut	**The Commission may: (a) develop and promote safety education programs…**	***Safety Act* (R.S.N.W.T. 1988, c. S-1) Section 21 (a)**

Do members have to have relevant work experience and/or training?

Legislation does not require specific qualifications of committee member. However, employees with varied work backgrounds and those involved in hazardous and complex operations will usually be able to contribute to the committee activities. Some jurisdictions have established mandatory training, or a minimum amount of training or education hours for committee members.

How long does one person serve on the committee?

In some Canadian jurisdictions, the term of office is specified. Where it is not specified, the term of office should be specified in the terms of reference for your committee. The term of office should strike a balance between a short term where a large number of people are introduced to the committee and safety and too long when enthusiasm may fade. No matter how long the term is, a staggered rotation is

suggested so that new members come in while others continue such that no more than one half of the committee is new at any given time.

Table 3
Term of Office for HS Committee Members

Jurisdiction	Requirement
***Canada Labour Code* Part II**	**Section 135.1 Establishment mandatory** **(14) Subject to subsections 134.1(7) and 135(10) and any regulations made under subsection 135.2(1), a committee shall establish its own rules of procedure in respect of the terms of office, not exceeding two years, of its members and the time, place and frequency of regular meetings of the committee and may establish any rules of procedure for its operation that it considers advisable.** **Section 135.2 Regulations 135.2 (1) The Governor in Council may make regulations** **(a) specifying the qualifications and terms of office of members of a committee;** **(b) specifying the time and place of regular meetings of a committee;** **(c) specifying the method of selecting employee members of a committee if employees are not represented by a trade union;** **(d) specifying the method of selecting the chairpersons of a committee and their terms of office;** **Section 136 Appointment of health and safety representative** **136. (1) Every employer shall, for each work place controlled by the employer at which fewer than twenty employees are normally employed or for which an employer is not required to establish a work place committee, appoint the person selected in accordance with subsection (2) as the health and safety representative for that work place.** **(11) The Governor in Council may make regulations specifying (a) the qualifications and term of office of a health and safety representative;**
British Columbia *Workers Compensation Act*	**131. (1) Subject to this Part and the regulations, a joint committee must establish its own rules of procedure, including rules respecting how it is to perform its duties and functions.**

Alberta ***Occupational Health and Safety Act***	**24(1) Members of a joint work site health and safety committee or a health and safety representative hold office for a term of not less than one year and may continue to hold office until their successors are selected or appointed.** **(2) Despite subsection (1), if a union exists and the union's constitution specifies a term of office for worker members of the joint work site health and safety committee or the health and safety representative, the term of office of the worker member or the health and safety representative is the term specified in the union's constitution, or if more than one union represents the workers, in accordance with an agreement among all of those unions.**
Saskatchewan ***Occupational Health and Safety Regulations***	**39. (1) An employer or contractor who is required to establish a committee shall:** **(a) in designating the members:** **(i) select persons to represent the employer or contractor on the committee; and** **(ii) ensure that there is a sufficient number of members representing workers on the committee to equitably represent groups of workers who have substantially different occupational health and safety concerns; and** **(b) designate members for a term not exceeding three years. (2) Members of a committee hold office until a successor is designated, and may be re-designated for a second or subsequent term.**
Manitoba ***Workplace Safety and Health Regulation***	**3.2 (1) A committee member is to serve for a term of two years and continues to hold office until reappointed or re-elected or until a successor is appointed or elected.** **(2) Despite subsection (1), if a union exists and the union's constitution specifies a term of office for worker members of the committee, the term of office of the worker member is the term specified in the union's constitution.**
Ontario **Guide for Joint Health and Safety Committees (JHSCs) and Representatives in the Workplace**	**The Act does not specify requirements relating to the terms of committee members. The Ministry of Labour recommends a term of at least one year. Where there is more than one worker member and one employer member, terms should be staggered to allow continuity. Vacancies should be filled as quickly as possible.**

Quebec ***Regulation respecting health and safety committees***	**29. The workers' and employer's representatives on a committee shall perform their duties as long the employer, the certified association or the group of workers not represented by the certified association that appointed them remains authorized to do so and as long as they have not been replaced by the latter.**
New Brunswick	**Although there are no legal requirements for terms of reference for JHSCs, WorkSafeNB recommends that the committee define their mandate, composition, functions in a written terms of reference or policy.**
Nova Scotia ***Occupational Health and Safety Act***	**30. (7) A committee shall establish its own rules of procedure and shall adhere to the applicable regulations.** **(9) The rules of procedure established pursuant to subsection (7) shall include an annual determination of the method of selecting the person or persons who shall** **(a) chair the committee; and** **(b) hold the position of chair for the coming year.** **(10) Where agreement is not reached on** **(a) the size of the committee;** **(b) the designation of employees to be members; or** **(c) rules of procedure,** **the Director shall determine the matter.**
Prince Edward Island ***Occupational Health and Safety Act***	**25. (12) A committee shall establish its own rules of procedure.**
Newfoundland and Labrador ***Occupational Health and Safety Act***	**No specific reference to length of office/renewal of term**
Yukon	**No specific reference to length of office/renewal of term**
Northwest Territories	**No specific reference to length of office/renewal of term**
Nunavut	**No specific reference to length of office/renewal of term**

What is the safety professional's role with the HS Committee?

Those individuals with safety expertise, such as safety professionals, safety engineer, fire marshal, occupational health nurse, or occupational/industrial hygienist might serve as health and safety coordinators or resource persons who are available to help the committee. The duties of a qualified individual include:

- Informing employers and workers of the workplace hazards.
- Ensuring control measures are in place to protect employees against these hazards.

The committee should not be controlled by (or seen as controlled by) those with safety expertise, nor should the presence of this person on the committee create an unbalanced ratio between worker and employer representation.

The functions of the coordinator and the committee are closely intertwined, and their relationship must be clearly defined to prevent misunderstanding and conflict. It would seem logical that the coordinator should attend every committee meeting, but his/her role at these meetings may be that of resource person, advisor, or guest. For the purposes of determining attendance and quorum, it must be agreed what the role of this individual will be on the committee (e.g., ex officio/observer, voting member)

Can there be more than one committee at a workplace?

Depending on the number of workers, complexity of operations, or different locations, it may be appropriate to have more than one committee. In very large organizations, a tiered system of committees with a hierarchical reporting arrangement may be in place. For example, the Policy Health and Safety Committee in the Federal jurisdiction plays this role. This structure has the advantage of assuring full representation without too many members on a single committee.

Are members compensated for time spent on committee activities?

A committee member is entitled to take time from his/her regular work duties in order to carry out committee related responsibilities. In some jurisdictions, this is a legislated right (with pay) and includes time allocation to prepare for the meeting, the meeting itself, and any related activities (such as workplace inspections). With shiftwork, this provision is especially important to ensure full attendance at meetings and that all committee tasks are carried out.

Can the employer take discriminatory action against a committee member?

Reprisals against a health and safety committee member is against the law. An employer, any person acting on behalf of the employer, or any union cannot take discriminatory action against any worker because that person participates in the functions of the committee.

Is there a need to post and maintain records/documents of the meetings?

Minutes of all health and safety committee meetings are required. Some jurisdictions may require the use of specific forms. Some may require that the minutes be forwarded directly to the jurisdiction while others state the records must be made available when a government official or officer requests them. Regardless, keeping a good record of the activities and discussions of the joint health and safety committee is necessary to help ensure that each concern and resolution is documented. Minutes must also maintain confidentiality for individuals.

Minutes of meetings are generally circulated to all committee members after approval by both health and safety committee co-chairpersons. One copy should be posted in a prominent place in the workplace and the original kept with the records of the

committee. It is recommended that the minutes be circulated to committee members and posted within a week from the meeting.

Minutes should be kept for a period of time. Some jurisdictions require this time to be at least 2 years.

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