

Ask The Expert: Do We Have to Cancel JHSC Meetings to Prevent Spread of COVID-19?



QUESTION

Should we stop holding JHSC monthly meetings to stop the spread of COVID-19?

ANSWER

Not if you can help it.

EXPLANATION

If your workplace is still operating, you still must comply with the OHS laws, including the requirement that the JHSC hold regular meetings once a month or other frequency specified by your jurisdiction. You also have to follow Health Canada's social distancing rules of maintaining at least 6 feet (2 meters) clearance. These rules seem to contradict each other. And in the current public health emergency, preventing the spread of COVID-19 is the paramount objective.

But first consider some alternatives before pulling the plug on JHSC meetings. New guidance from WorkSafeNB makes sense even if you're not in New Brunswick (so far, WorkSafeNB is the only OHS agency to weigh in on this issue).

Alternative 1: Meet Remotely

If possible, the JHSC should hold its meetings via phone or web conferencing. Admittedly, the OHS laws contemplate meetings in which members gather in the same physical location and consider meetings null and void if the required quorum isn't present. However, in addition to New Brunswick, at least one other jurisdiction, federal, has come out and said that virtual meetings are okay in situations where it's "difficult and expensive" to meet physically. (See the box below.) And it's a pretty good bet that regulators in the other jurisdictions would and eventually will green light virtual JHSC meetings during the COVID-19 situation.

Alternative 2: Meet in the Smallest Number + Biggest Room

If meeting in person is the only option, reduce the number of attendants to the minimum possible required for a quorum in your jurisdiction and make sure the room is well ventilated and large enough for attendants to keep the minimum 6 feet distance from each other.

3 More Pointers

- Whether virtual or remote, be sure to follow the usual requirements that a quorum participate, including the minimum number of employer and worker representatives and/or co-chairs;
- Consider revising the JHSC's Terms of Reference to allow for remote meetings going forward; and
- If meetings can't be held, take what WorkSafeNB calls "reasonable measures" to keep the JHSC worker reps or at least the worker co-chair informed of the health and safety issues of your workplace.

Federal OHS Interpretation 907-1-IPG-005 ' Health and Safety Committee meetings ' Payment of wages and alternative means of holding meetings

Due to the structure and location of some organizations, it may be difficult and expensive for the Work Place Health and Safety Committee to meet regularly as required by subsections 135(10) of the Code, or for the Policy Committee to meet as per subsection 134.1(7) of the Code, in-person. Therefore, meetings may also be held via virtual means, including videoconference or teleconference. However, the Committee Terms of Reference should specify that meetings be held in a specific manner other than in-person.