

Ask the Insider: Do You Have to Let JHSC Worker Members Participate in Job Hazard Analysis?



QUESTION

We conduct job hazard analyses as part of our OHS program. Although we consult with the workplace joint health and safety committee (JHSC) after we finish, we don't allow committee members to perform or take part in the actual job hazard analysis. The worker co-chair of the committee claims that this is a violation of [Ontario] OHS laws. Is he right'

– Name withheld, Ontario

ANSWER

No, he's wrong. As in most provinces, Ontario OHS laws don't give JHSC the express right to participate in job hazard analyses (JHAs) conducted by employers. However. . .

EXPLANATION

First, let's nail down what the law says or, in this case, doesn't say. Employers do have a general duty to consult and cooperate with the JHSC in carrying out OHS program activities. This language could be interpreted broadly as meaning JHSCs must be allowed to participate in JHAs.

But anyone making this argument would have to contend with the fact that the OHS act and regulations specifically list the required functions of the JHSC and taking part in JHAs is **not** one of them. The lone exception is Qu \square bec where JHSC's enumerated functions include 'participating in the identification and assessment of the risks connected with certain jobs' [OHS Act, Sec. 78(6)].

[Click here](#) to see the enumerated functions and powers of the JHSC by province.

3 THINGS YOU SHOULD DO

But there's a lot more to the issue than what the OHS laws say or don't say. Three other things you need to keep in mind when determining whether to let a worker member of the JHSC take part in a JHA:

1. JHSC Participation May Be Required by Collective Agreement, etc.

In many workplaces, the JHSC's powers and functions go beyond the minimum requirements set out in the OHS laws. Thus, for example, the right of a JHSC worker member to conduct or participate in a JHA may be specified in a collective agreement, the company's OHS program and/or the JHSC's own Terms of Reference. So you'll need to check these materials to see if they specifically address the issue of JHSC participation in JHAs.

2. JHSC Participation Is a Best Practice

As a practical matter, allowing a worker member of the JHSC to participate in JHAs is highly advisable even if it's not expressly required by OHS laws or your contracts or programs. 'Nobody understands the hazards associated with a particular job better than the workers who actually perform,' notes one Ontario OHS director. 'So if you're doing a JHA without the worker's input, you're shooting yourself in the foot.'

3. You Must Report JHA Findings to JHSC

You do have to *consult* the JHSC in identifying, assessing and controlling workplace hazards. While that may not extend as far as allowing JHSC members to participate in the JHA, it does require you to report the JHA's findings to the committee.