

Can One JHSC Can Represent Multiple Workplaces – Know the Laws of Your Province



OHS laws generally require employers to establish a joint health and safety committee (JHSC) at each worksite where there are at least a specified number of fulltime workers—typically 20. While the idea is to ensure workers at all sites have full representation, there may be situations when having a separate JHSC at each workplace is overly burdensome and workers and management alike would be better served by having a single JHSC representing multiple sites. However, OHS laws differ as to whether such an arrangement is allowed. Unfortunately, most jurisdictions don't specifically address the question; but a few do. Here's a look at the laws, or lack thereof, in each part of Canada.

Go to the OHS Insider website for a complete [JHSCs Compliance Game Plan](#)

One JHSC for Multiple Work Site Rules

FEDERAL

If an employer controls more than one work place or the size or nature of the operations of the employer or those of the

work place precludes the effective functioning of a single workplace JHSC or safety representative for those workplaces, the employer must subject to the approval or in accordance with the direction of the Head, establish the JHSC or appoint the safety representative for the work places that are specified in the approval or direction (*Canada Labour Code*, Sec. 137)

ALBERTA

Neither *OHS Act* nor *OHS Code* specifically addresses whether one JHSC can represent multiple worksites

BRITISH COLUMBIA

WorkSafeBC may issue an order requiring or permitting an employer to establish and maintain one JHSC for more than one workplace or parts of more than one workplace of the employer; the order may: (a) specify the workplace, workplaces or parts for which a single JHSC is required or permitted, and (b) provide for variations regarding OHS requirements for JHSC practices and procedures (*Workers Comp Act*, Sec. 32)

MANITOBA

1. Govt. OHS director may issue a written order permitting an employer or prime contractor to establish one JHSC for more than one workplace or parts of more than one workplace and providing for that JHSC's composition, practice and procedures (*WSH Act*, Sec. 40(6));
2. A person requesting an order must provide the director with the following information with respect to each workplace affected by the requested order: (a) the name and contact information for (i) any existing worker co-chairperson of a committee, and (ii) any union or association representing workers; (b) the location of

the workplace; (c) the number of workers at the workplace; (d) the type and nature of the work; (e) the minutes of each committee meeting for the previous year; (f) the number and nature of the incidents, accidents or dangerous occurrences that were investigated in the previous year; (g) the proposed procedure for workers to communicate local safety and health issues to the committee; (h) documentation showing support for the application by workers at the workplace, or a union or association representing the workers; (i) any other information requested by the director (*WSH Regs.*, Sec. 3.1.1(2)); 3. In determining whether to issue an order, the director must take into account: (a) the nature of the work performed at the workplace; (b) any request for an order by an employer, prime contractor, worker or union representing workers at the workplace; (c) the frequency of injury or illness in the workplace or in the industry in question; (d) any information the employer provides under subsection 2 above; (e) any effect the order could have on the safety or health of a worker or another person who would be affected by the order; (f) any relevant history of compliance or non-compliance with the Act and regulations; and (g) any other criteria the director considers appropriate. (*WSH Act*, Sec. 40(7); (*WSH Regs.*, Sec. 3.1.1(3)); 4. Director may impose terms and conditions on any order it issues; 5. Director may reconsider the order and: (a) confirm the order; or (b) vary, suspend or revoke the order if the director believes that (i) it would have come to a different decision if the information had been known when the order was made, or (ii) a worker's safety or health is materially affected by the order (*WSH Act*, Sec. 40(7.1)); and 5. A person requesting a reconsideration of an order must provide the director with: (a) information demonstrating why reconsideration is appropriate; and (b) any other information requested by the director (*WSH Regs.*, Sec. 3.1.1(6))

NEW BRUNSWICK

Neither *OHS Act* nor OHS regulations specifically addresses whether one JHSC can represent multiple worksites.

NEWFOUNDLAND

Neither *OHS Act* nor OHS regulations specifically addresses whether one JHSC can represent multiple worksites.

NOVA SCOTIA

Neither *OHS Act* nor OHS regulations specifically addresses whether one JHSC can represent multiple worksites.

ONTARIO

1. MOL may issue a written order permitting a constructor or employer to establish one JHSC for more than one workplace or parts thereof, and providing for the composition, practice and procedure of that JHSC; and 2. In deciding whether to issue an order, MOL must consider: (a) the nature of the work being done; (b) the request of a constructor, an employer, a group of the workers or the trade union or trade unions representing the workers in a workplace; (c) the frequency of illness or injury in the workplace or in the industry of which the constructor or employer is a part; (d) the existence and effectiveness of health and safety programs and procedures in the workplace; and (e) any other matters the MOL considers advisable (*OHS Act*, Secs. 9(3.1) + 9(5))

PRINCE EDWARD ISLAND (OHS Act)

Neither *OHS Act* nor OHS regulations specifically addresses whether one JHSC can represent multiple worksites.

QUÉBEC

Neither *OHS Act* nor OHS regulations specifically addresses whether one JHSC can represent multiple worksites.

SASKATCHEWAN

Govt. OHS Director may order more than 1 JHSC to be established at a single workplace but Act doesn't expressly give it authority to order 1 JHSC to represent multiple workplaces.

NORTHWEST TERRITORIES & NUNAVUT

Neither *Safety Act* nor OHS regulations specifically address whether one JHSC can represent multiple worksites.

YUKON

Neither *WSC Act* nor *WSC Regulations* specifically address whether one JHSC can represent multiple worksites.