

Can One JHSC Represent Multiple Worksites?



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. [OHS laws differ](#) as to whether such an arrangement is allowed. Here's a scenario illustrating the rules in Ontario, which are similar to the requirements in the 3 other jurisdictions (Federal, B.C., and Manitoba) that allow the government OHS agency to issue an order allowing one JHSC to represent more than one worksite. (**Note:** The other 10 provinces and territories don't specifically address this issue in their OHS laws.)

Situation

An Ontario-based company owns and operates 5 plants throughout the province. Each plant has approximately 50 fulltime workers and performs similar work involving the same machinery, equipment, materials and hazardous substances. The company has an extensive OHS program that includes detailed safety rules and training. It has never been cited for a safety violation and its workers have suffered only minor injuries. Ontario's

OHS Act requires employers to establish a JHSC in all workplaces with more than 20 fulltime workers. The company wants to establish one JHSC to represent the workers of all 5 plants.

Question

Can the company establish a multi-site JHSC?

1. Yes, because all of the plants taken together constitute one workplace under OHS law.
2. Yes, provided that it gets permission from the Ministry of Labour (MOL).
3. No, because one JHSC can't adequately protect the workers.
4. No, because each plant has more than 20 fulltime workers.

Answer

1. **The company may establish a multi-site JHSC, provided that it gets permission from the MOL.**

Explanation

In Ontario, the MOL may allow an employer to establish one JHSC for multiple workplaces rather than establish a separate JHSC for each site at the request of an employer, constructor, group of workers, or trade union(s) representing the workers. The *OHS Act* lists the factors the MOL must consider in deciding whether to grant the request, including:

- The nature of the work being done;
- The frequency of illness or injury in the workplace or the employer's/constructor's industry;
- The existence of safety programs and procedures in the workplace and their effectiveness; and

- Anything else the MOL considers advisable.

In this case, considering that the work and hazards at each plant are similar, the company has a solid OHS program and a good safety compliance and injury history, it's likely that the MOL would grant the company permission to establish a single JHSC to represent all 5 of its plants.

Why Wrong Answers Are Wrong

A is wrong because the Ontario *OHS Act* defines “workplace” as “any land, premises, location or thing at, upon, in or near which a worker works.” (The OHS laws in other jurisdictions have similar definitions.) So, although all of the plants are owned and operated by the same company, **each plant** would be considered a workplace under this definition and need its own JHSC, unless the employer got the MOL's permission to establish a multi-site JHSC for all of the plants.

C is wrong because a multi-site JHSC **could** adequately protect workers under certain circumstances reflected by the MOL factors. If the MOL determines that a multi-site JHSC *isn't* adequate, it may deny permission to establish one or order the employer to disband it if one already exists and establish separate JHSCs. That's what happened to an Ontario school district that included 94 workplaces with 20 or more employees. An inspector rescinded the MOL order authorizing it to establish a multi-site JHSC after finding that the JHSC was “dysfunctional” and had failed to adequately address health and safety issues for at least a year. The court upheld the order as reasonable and necessary to protect workers [[*Elementary Teachers' Federation of Ontario v. MOL*](#), [2009] CanLII 7084 (ON S.C.D.C.)].