

Compliance Cheat Sheet: 14 JHSC FAQs



What's At Stake

It's critical for OHS coordinators to understand the legal requirements for JHSCs not only to keep their companies compliant but also to support the JHSC and its efforts to improve overall safety in the workplace.

Q1 Which Workplaces Must Have a JHSC'

A The OHS laws spell out which workplaces require a JHSC or health and safety representative (safety rep). Although the rules vary, the key factor is typically the number of workers in the workplace:

- *0 to 4 workers*: Neither a JHSC nor a safety rep required;
- *5 to 19 workers*: Safety rep required; and
- *20 or more workers*: JHSC required.

Exceptions: The government agency in charge of administering the jurisdiction's OHS laws (OHS agency) can grant JHSC exemptions to sites with 20 or more workers and order JHSCs to be established at sites with fewer than 20 workers. In Ontario, workplaces that are subject to the *Designated*

Substances Regulation must have a JHSC even if they have fewer than 20 workers.

Q2 Do Construction Sites Have to Have a JHSC'

A The same basic criteria determine if a JHSC or safety rep is required for a construction project, but with 3 key differences:

- The person responsible for creating the JHSC (or designating the rep) is the prime contractor or contractor responsible for the site;
- The rules apply only if work at the site is expected to last longer than 90 days; and
- Unlike non-construction sites where you count only workers employed by the employer, with construction sites you count any workers (and, in some jurisdictions, self-employed persons) who work or are expected to work at the site, regardless of who employs them.

Q3 How Many JHSC Must Be Established'

A The basic rule is that each work site that meets the above criteria must have its own JHSC. But there are significant exceptions:

- In most jurisdictions, the OHS agency can allow one JHSC to represent multiple sites or require multiple JHSCs at a single site; and
- In Alberta, companies with 20 or more workers only need one JHSC for the entire company'other than prime contractors who must have a JHSC at each site with 20 or more workers expected to last longer than 90 days.

Q4 How Many Members Must the JHSC Have'

A There must be at least 2 members, one representing workers and the other management. But rules vary by jurisdiction:

| Jurisdiction | Number of JHSC Members |
|------------------|---|
| Federal | At least 1 worker + 1 management member |
| Alberta | At least 2 worker + 2 management member |
| British Columbia | At least 4 total members, including at least 2 worker + 1 management |
| Manitoba | 4 to 12, at least « of which must be worker members |
| New Brunswick | As agreed, provided that workers + management are equally represented(1) |
| Newfoundland | 2 to 12, at least « of which must be worker members |
| Nova Scotia | As agreed, provided that at least « represent workers |
| Ontario | *If less than 50 workers: At least 1 worker + 1 management member *If 50 or more workers: At least 2 worker + 2 management members |

| Jurisdiction | Number of JHSC Members |
|--|---|
| Prince Edward Isl. | As agreed, provided that at least « represent workers |
| Quebec | As agreed, provided that at least « represent workers |
| Saskatchewan | 2 to 12, at least « of which must be worker members |
| Northwest Territories/Nunavut | As agreed, provided that workers + management are equally represented |
| Yukon | At least 4 total members, including at least 2 worker + 1 management |
| Note (1) In New Brunswick, JHSC member numbers at construction projects are based on number of workers at site | |

Q5 How Many Co-Chairs Must the JHSC Have'

A Most jurisdictions require the JHSC to have 2 co-chairs, one representing workers and the other management.

Q6 What Training Is Required for JHSC Members'

A In addition to the normal job training all workers get, all but 3 jurisdictions (Nova Scotia, PEI and Quēbec) require specialized training to help JHSC co-chairs and members perform their functions effectively. Training rules, including who's entitled to receive training and what it must cover varies by jurisdiction.

Q7 Do You Have to Pay Workers for Performing JHSC Functions'

A Members are entitled to take time off and get paid for time they spend preparing for and attending committee meetings and performing other JHSC functions. Several jurisdictions also give JHSC members education leave to take government-required or approved health and safety training.

Q8 How Often Must the JHSC Meet'

A The JHSC must hold regular meeting during regular work hours at least as often as required by the jurisdiction's OHS laws and special meetings to deal with situations that can't wait for the next scheduled meeting. The JHSC co-chairs are generally responsible for scheduling and preparing the agenda for regular meetings. The OHS agency can also order the JHSC to hold more frequent regular meetings or convene special meetings.

Q9 What Should Happen at Committee Meetings'

A JHSC co-chairs set the meeting agenda which typically includes:

- Review of old business and the previous meeting's minutes;
- Discussion of the most recent workplace inspection;
- Discussion of safety concerns raised by workers;
- Discussion of new business, such as recent safety incidents, new equipment in the workplace, changes in the OHS laws or government orders;
- Discussion of any seasonal issues, such as cold stress in the winter; and
- Decisions addressing new issues, such as determining if

any formal recommendations should be made to the employer about identified safety hazards.

Q10 How Are JHSC Meetings Documented'

A Every jurisdiction requires the JHSC to keep minutes of its meetings summarizing what occurred in the meeting. Some jurisdictions have specific minutes forms that the JHSC must use. Employers are required to post the minutes of the most recent JHSC meeting in the workplace where workers will notice them. You also have to provide them to a government safety inspector on request.

Q11 What Role Does the JHSC Play in Workplace Inspections'

A JHSCs have legal authority to conduct or at least participate in workplace inspections. Some OHS laws specify the frequency of inspections, such as monthly or at least once before each regular JHSC meeting. Others simply require "regular" inspections or inspections at "reasonable intervals." What does that mean' The answer varies depending on the size of the workplace and the level of risk involved in the operations. In many cases, monthly inspections will be adequate. And in low risk workplaces, such as office settings, quarterly inspections may be sufficient. But high risk workplaces or high risk areas within workplaces may need to be inspected more frequently'even if monthly inspections are all that the OHS law requires. For example, you might inspect the assembly line in a factory weekly, but only inspect its administrative offices a few times a year.

Q12 What's the Purpose of JHSC Inspections'

A The basic goal of a JHSC inspection is to identify actual and potential safety hazards. While conducting the inspection, the members should not only look for hazards themselves but also speak to workers and supervisors about any safety issues or concerns they may have. Any identified safety hazards should be documented. The JHSC should discuss in its next meeting ways to address the identified hazards and make recommendations to the employer on how to do so. And then during the next inspection, the members should note whether the previously identified hazards have been properly addressed.

Q13 Must the Employer Implement All JHSC Recommendations'

A The OHS laws require employers to respond to the JHSC's recommendations, typically within 30 days. Response must be in writing and indicate whether the employer has accepted the recommendation. If the employer rejects the recommendation, the response must list the reasons why.

Q14 How Do You Know If the JHSC Is Effective'

A The JHSC should keep records of its activities so that the committee or employer can monitor its effectiveness on an annual basis. While expressly required in only a few jurisdictions, effectiveness monitoring is a Best Practice that should be undertaken at any workplace with a JHSC.