Employer Doesn’t Need JHSC’s Consent to Require Use of PPE



An employer unilaterally required workers to wear chin straps attached to safety headgear. The union argued that the employer can only introduce PPE that’s been approved by the JHSC or is required by law, which the chin straps aren’t. An arbitrator ruled that, under the OHS law and the collective agreement, the employer had the authority to require the use of PPE without the JHSC’s consent. The union’s position is inconsistent with the employer’s duties under the OSH law and could lead to an “absurd result” in which the employer’s prevented by the JHSC from carrying out its legal obligations but is successfully prosecuted for a safety violation over which it had no control, noted the arbitrator [*Gerdau Ameristeel (Whitby Plant) v. United Steelworkers, Local 6571*, [2012] CanLII 41114 (ON LA), July 19, 2012].