

# How to Perform a JHSC Training Compliance Audit



OHS laws require employers to ensure that workers who serve on the workplace Joint Health and Safety Committee (“JHSC”) or as its Health and Safety Representative (“Rep”) get specialized training. Failure to meet this obligation may not only undermine the committee or Rep’s effectiveness but also expose your company to risk of OHS penalties. **Example:** Ontario fined a company that manufactures building parts for commercial farms \$10,000 and its corporate director another \$5,000 for failing to comply with a Ministry of Labour order to establish a workplace JHSC and ensure that at least one worker and one management representative complete JHSC certification training [*Syri-Con Corporation*].

As OHS coordinator, you should perform an audit to verify that you’re in compliance with JHSC/Rep training requirements. Here are the 7 things a JHSC/Rep training compliance audit should verify.

## 1. Specialized JHSC/Rep Training Is Mandatory in Your Jurisdiction

The OHS laws of most jurisdictions (Nova Scotia and Prince Edward Island are the exceptions) expressly require employers to provide additional training to workers selected to serve as JHSC members or Reps. Such training is separate from and in addition to the training and instruction workers must get to

work safely. What's required is specialized training that teaches workers how to perform their JHSC/Rep roles and responsibilities effectively.

## **2. JHSC Members & Reps Are Properly Certified**

While specialized training is mandatory at just about any worksite where an employer must establish a JHSC or designate a Rep, there's a significant difference in approach. In New Brunswick, Newfoundland, Ontario, and Québec, JHSC members and Reps must be certified – that is, have documentation showing that they successfully completed a government-approved training course delivered by the government, the employer, or an approved training provider. Certification training has a limited shelf life and must be renewed within a specific period, typically 2 to 3 years. Certification is generally portable, meaning that currently certified workers don't have to undergo retraining just because they change companies or roles within the same company, such as where a Rep becomes a JHSC member.

## **3. JHSC/Rep Training Course Meets Required Standards**

Certification isn't required in the other 10 jurisdictions, although the training JHSC members and Reps receive must meet certain criteria, including within the content itself. While rules vary slightly, JHSC/Rep training must typically cover:

- The requirements of the jurisdiction's OHS Act and regulations.
- The functions and duties of the JHSC or Rep.
- How to perform hazard assessment and control, workplace inspections and investigations, work refusals, and other JHSC/Rep functions.
- The rights and responsibilities of JHSC members/Reps.

- JHSC/Rep recommendations.
- JHSC procedures and meetings.

There are also standards for training format, readability, and mode of delivery—classroom, online distance learning, eLearning, etc.

## **4. Your Company Pays for Required JHSC/Rep Training**

As with other forms of training required by OHS laws, training for JHSC members and Reps must be provided at the employer's expense. In addition, the time the worker takes away from work to receive the required training counts as regular work hours that can't be deducted from their wages or benefits entitlements, provided that the training program is provided by the jurisdiction's workers' comp board or OHS agency or an approved training vendor.

## **5. Required JHSC/Rep Training Is Provided to the Right People**

Because employers are on the hook for both training costs and the time trainees spend receiving it, the question of who must be trained is significant. Table 1 below summarizes the rules in each part of Canada:

**Table 1: Who Must Receive JHSC/Rep Training, by Jurisdiction**

<b>Jurisdiction</b>	<b>Certification Training</b>	<b>Training in JHSC/Rep Roles &amp; Responsibilities</b>
Federal	N/A	All JHSC members + Reps
Alberta	N/A	All JHSC members + Reps
British Columbia	N/A	All JHSC members + Reps
Manitoba	N/A	All JHSC members + Reps

<b>Jurisdiction</b>	<b>Certification Training</b>	<b>Training in JHSC/Rep Roles &amp; Responsibilities</b>
New Brunswick	All JHSC members + Reps	Not specified
Newfoundland	<ul style="list-style-type: none"> <li>• Fewer than 20 workers: Rep</li> <li>• 20 to 49 workers: JHSC co-chairs only</li> <li>• 50 or more workers: All JHSC members</li> </ul>	Not specified
Northwest Territories	N/A	JHSC co-chairs + Rep
Nunavut	N/A	JHSC co-chairs + Rep
Nova Scotia	N/A	Not specified
Ontario	At least 1 worker + 1 management JHSC member	All non-certified JHSC members + Rep
Prince Edward Island	N/A	Not specified
Québec	All JHSC members + Reps at construction sites	Not specified
Saskatchewan	N/A	JHSC co-chairs + Rep
Yukon	N/A	JHSC co-chairs + Rep

## **6. JHSC/Rep Training Is Provided Within the Required Time**

Timing may be crucial, especially if the workplace is located in a jurisdiction that specifies by when JHSC members and Reps must complete their required training:

- **British Columbia:** As soon as practicable and no longer than 6 months after the worker is selected as a JHSC member or Rep.
- **New Brunswick:** Within 12 months after designation as a JHSC member or rep; person can't be a JHSC co-chair unless they've already received the required training at the time of designation.
- **Yukon:** JHSC co-chairs and Reps must receive orientation within 90 days of designation and training within 6 months of designation.

## 7. JHSC Members & Reps Get Required Education Leave

In addition to specialized JHSC/Rep training, BC, Manitoba, Northwest Territories, Nunavut, and Saskatchewan allow JHSC members to take educational leave to attend OHS training, seminars, and courses with no loss of pay and benefits. Education leave rules vary by jurisdiction:

**Table 2: Educational Leave of JHSC Members, by Jurisdiction**

<b>Jurisdiction</b>	<b>Who Gets Education Leave</b>	<b>Education Leave Length</b>	<b>Conditions</b>
Federal	N/A	N/A	N/A
Alberta	N/A	N/A	All JHSC members + Reps
British Columbia	JHSC members but not Reps	Annual education leave of 8 hours	To attend OHS training courses conducted by or with the approval of WorkSafeBC

<b>Jurisdiction</b>	<b>Who Gets Education Leave</b>	<b>Education Leave Length</b>	<b>Conditions</b>
Manitoba	JHSC members, Reps, or persons they designate (unless the workplace is a construction project or a seasonal workplace)	Annual education leave of up to 16 hours or 2 normal work shifts, whichever is greater	To attend workplace safety and health training seminars, programs or courses of instruction: (a) Offered by the WCB; (b) Approved by the JHSC; or (c) Provided for under the current collective bargaining agreement
New Brunswick	N/A	N/A	N/A
Newfoundland	N/A	N/A	N/A
Northwest Territories	JHSC members + Reps	Not specified	To take a training program, seminar or course of instruction on health and safety provided by the WSCC or approved training agency
Nunavut	JHSC members + Reps	Not specified	To take a training program, seminar or course of instruction on health and safety provided by the WSCC or approved training agency
Nova Scotia	N/A	N/A	N/A
Ontario	N/A	N/A	N/A

<b>Jurisdiction</b>	<b>Who Gets Education Leave</b>	<b>Education Leave Length</b>	<b>Conditions</b>
Prince Edward Island	N/A	N/A	N/A
Québec	N/A	N/A	N/A
Saskatchewan	JHSC members + Reps	Up to 5 working days per year but must provide employer reasonable notice	<ul style="list-style-type: none"> <li>• To attend OHS training programs, seminars or courses of instruction</li> <li>• JHSC member/Rep gets credit for work time only if the above OHS training program, seminar or course of instruction is conducted or provided by the ministry or a ministry-approved training agency</li> </ul>
Yukon	N/A	N/A	N/A