

JHSC Membership and Co-Chair Requirements – Know the Laws of Your Province



JHSC violations open the door to more intensive scrutiny by OHS investigators.

If and when safety inspectors show up at your workplace, one of the first things they'll want to review are the joint health and safety committee (JHSC) logs and records. And, OHS lawyers caution, if the membership numbers and composition aren't right, they'll hit you with OHS orders and fines that may shake the very top levels of your company. In addition to being an offence in itself, JHSC membership violations raise a red flag that invites investigators to dig deeper for more serious OHS violations. According to an Ontario lawyer, 'a JHSC violation is like blood in the water for hungry sharks.' Here are the JHSC membership rules of each jurisdiction

JHSC Membership and Co-Chair Requirements

FEDERAL (*Canada Labour Code*)

Members: Minimum of 2 members, at least half of which are employees that don't exercise management functions who are chosen by the union or directly by employees if there's no union to represent the employees at the site (plus any alternates employer and employees select) (Sec. 135.1)

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by employee members (Sec. 135.1(7))

ALBERTA (*OHS Act*)

Members: Number of members not specified but at least half of them must be workers not associated with management who are chosen by the union(s) or directly by the workers at the site if there's no union (Sec. 13)

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by worker members (Sec. 13)

BRITISH COLUMBIA (*Workers Compensation Act*)

Members: Minimum of 4 members who work at the site, at least half of whom are workers that don't exercise management functions chosen to represent the workers by the union(s) or directly by the workers at the site if there's no union (Sec. 33)

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by worker members (Sec. 33)

MANITOBA (*Workplace Safety & Health Act*)

Members: Between 4 and 12 members who work at the site, at least half of whom are workers that don't exercise management functions chosen to represent the workers by the union(s) or directly by the workers at the site if there's no union (Sec. 40(8)(a))

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by worker members (Sec. 40(8)(b))

NEW BRUNSWICK (*OHS Act*)

Members: Whatever number employer and employees agree, provided that half represent the employer and half represent the employees at the site; JHSC at construction sites don't need even split, as long as least half the members represent employees (Secs. 14.2 to 14.4)

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by employee members (Secs. 14.2 to 14.4)

NEWFOUNDLAND (*OHS Act*)

Members: Between 2 and 12 members, at least half of whom are workers at the site that don't exercise management functions chosen to represent the workers by the union(s) or directly by the workers at the site if there's no union (Sec. 38)

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by worker members (Sec. 38)

NOVA SCOTIA (*OHS Act*)

Members: Whatever number the employer and employees agree to, provided that at least half the members are employees at the site that don't exercise management functions chosen to represent the employees by the union(s) or directly by the employees at the site if there's no union (Sec. 30(1))

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by employee members (Sec. 30(8))

ONTARIO (*OHS Act*)

Members: Minimum of 2 members for workplace with fewer than 50 regularly employed workers and minimum of 4 for workplace with 50 or more regularly

employed workers, at least half of whom must be workers who work at the site and don't exercise management functions that are chosen by the union(s) or directly by the workers at the site if there's no union (Secs. 9(6) and (7))

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by worker members (Sec. 9(11))

PRINCE EDWARD ISLAND (*OHS Act*)

Members: Whatever number the employer and workers agree to, provided that half the members are workers chosen by the union(s) or directly by the workers if there's no union (Sec. 25(6))

Co-Chairs: Not specified

QUÉBEC (*OHS Act; Health and Safety Committees Regulation*)

Members: Whatever number the employer and workers agree to, provided that at least half the members are workers chosen by the certified association or directly by the workers if the certified association doesn't represent all of the workers at the site (Act, Secs. 71 and 72); if the parties don't reach agreement, the number of worker members is: (a) 2 if there are 50 or fewer workers employed at the site; (b) 3 for sites with 51 to 150 workers; (c) 5 for sites with 151 to 500 workers; (d) 7 for sites with 501 to 1,000 workers; (e) 9 for sites with 1,001 to 1,500 workers; and (f) 11 for sites with over 1,500 workers (Reg., Sec. 4)

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by worker members (Reg., Sec. 21)

SASKATCHEWAN (Sask. Employment Act; OHS Regulation)

Members: Between 2 and 12 members, at least half of whom are workers that don't exercise management functions chosen by the union(s) or directly by the workers at the site if there's no union (Act, Sec. 3-22)

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by worker members at committee's first meeting (Reg., Sec. 4-6)

NORTHWEST TERRITORIES & NUNAVUT (*OHS Regulations*)

Members: Number required not specified, provided that there's an equal number of employer and worker members with the latter chosen by the workers at the site (Sec. 38)

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by worker members at committee's first meeting (Sec. 44)

YUKON (*OHS Act*)

Members: Between 4 and 12 members, at least half of whom are workers that don't exercise management functions chosen by the union(s) or directly by the workers

at the site if there's no union (Sec. 12(6))

Co-Chairs: Must be 2 co-chairs, 1 selected by employer members and 1 by worker members at committee's first meeting (Sec. 12(7))