

JHSCs: The 8 Things Safety Directors Must Know to Comply with JHSC Training Requirements



What's At Stake: Why JHSC Training Is So Important

In addition to compromising the committee's effectiveness, failure to ensure that JHSC members get the required training can result in significant OHS fines. Exhibit A: An Ontario company that manufactures building parts for commercial farms was fined \$10,000 and its corporate director another \$5,000 for failing to comply with an MOL order demanding that it establish a workplace JHSC and ensure that at least one worker and one management representative complete JHSC certification training [Syri-Con Corporation].

Under the IRS (Internal Responsibility System) theory of collective responsibility on which Canadian OHS law is based, joint health safety committees (JHSCs) play a huge role in ensuring workplace safety. That's why most jurisdictions require employers to ensure that JHSC members receive at least some special training in how to carry out their duties and functions. But the specific requirements vary by jurisdiction. Here's a rundown of the 8 things safety directors need to know to comply.

Defining Our Terms: JHSC Member = Health and Safety Rep

The information in this article about training JHSC members also applies to health and safety representatives, i.e., individuals who exercise the equivalent functions of committees at smaller workplaces. In other words, JHSC and safety rep. training rules are the same except where we indicate otherwise.

1. What JHSC Training Is

Like other workers, JHSC members must get training to perform their jobs safely and effectively. Such training may include internal workplace safety education and specialized training from govt.-approved providers, e.g., for electrical work or machine operation. The JHSC training this article discusses shouldn't be confused with these other kinds of training; JHSC training is a specialized course of instruction designed to prepare the trainee to perform his/her roles and responsibilities as a JHSC member. It typically covers:

- The jurisdiction's OHS Act and regulations;
- The JHSC's functions and duties;
- Preparation to perform hazard assessment and control, workplace inspections and investigations, work refusals and other JHSC functions;
- The rights and responsibilities of JHSC members;
- JHSC procedures and meetings; and
- JHSC recommendations.

Certification of JHSC Member Training

In Ontario, New Brunswick and BC, JHSC training must be certified via documentation indicating the member successfully completed the training and listing the dates. Exception: In Ontario, health and safety reps must be trained to carry out their duties competently but don't have to be certified the way JHSC members do. Alberta may also require certification but hasn't yet published its JHSC training guidance.

2. Which Jurisdictions Require JHSC Training

JHSC member training is mandatory in every jurisdiction except Nova Scotia, PEI and Qu bec where such training is recommended by government guidelines.

3. Who Pays for Training

As with other forms of training required by OHS laws, JHSC member training must be provided at the employer's expense. In

addition, the time taken for required training counts as regular work hours that can't be deducted from the JHSC member's wages or benefits.

4. Which Members Must Receive Training

Because employers are on the hook for both training costs and members' time in receiving it, the question of which JHSC members must be trained is significant. Table 1 below summarizes the different approaches:

Table 1: JHSC Members that Must Receive Training, by Jurisdiction

All JHSC members	JHSC Co-Chairs	At least 1 worker + 1 employer member	Not Specified(1)
BC, NB, MB	AB, NW/NU(2), SK(2), YK	ON	FED, MB, NL(3)

Notes

(1) OHS laws say training must be provided to JHSC 'members' but not how many or who those members are

(2) In SK and NT/NU, guidelines suggest that training also be delivered to alternate co-chairs

(3) In NL, requirements differ depending on how many workers are in the workplace:

* 50 or more workers: training must be provided to 'members'

* 10 to 49 workers: training must be provided only to co-chairs

5. When JHSC Members Must Receive Training

Three of the 11 jurisdictions where JHSC training is required specify when training must be completed:

- BC: As soon as practicable and no longer than 6 months after being designated a JHSC member (unless the member received the required training while on that or another JHSC in the past 2 years);
- New Brunswick: Within 12 months after designation (unless the member already received that training before designation)'except at construction sites, where the

member must have taken the training before, and only before, designation;

- Yukon: Within 90 days of designation.

In Ontario, JHSC (but not health and safety rep.) training must be renewed via a 6.5-hour refresher course every 3 years. Under federal law, employers must review their JHSC training program at least once every 3 years or more often in response to changes in circumstances that may affect the training's effectiveness.

6. How Long the Training Program Takes

Several jurisdictions specify the minimum length of JHSC member training, including:

- ON: 32.5 hours initial + 6.5 hours refresher training every 3 years after that (there are no such specific criteria for training of reps.); and
- NB: Training must be delivered over a period of at least 3 days but Regs. don't specify number of hours.

7. Interplay between JHSC Member Training & Education Leave Rights

Some jurisdictions give JHSC members education leave, i.e., the right to take time off for *any* OHS training with no loss of pay or benefits. It's important to understand that education leave is *in addition* to required JHSC training. But there are also subtle differences in approach. Thus, in BC, each JHSC member and health and safety rep. gets annual education leave of 8 hours and 4 hours, respectively, *in addition to* time off for required JHSC training. In MB, members also get educational leave of up to 16 hours or the hours in 2 normal work shifts, whichever is greater, but it's unclear whether that leave is in addition to JHSC training hours. In Sask. and Alberta, where JHSC training is required just for co-chairs, *any* JHSC member has the right to take leave to attend OHS training of:

- : Up to 5 working days per year, provided that the member requests it; and
- Alberta: 16 hours or 2 normal work shifts, whichever is greater.

8. Who Must Provide Training

Most jurisdictions require training to be provided by the government OHS agency or an approved third party vendor offering an approved course. In MB and under federal law, employers must develop and provide the training themselves.

Table 2: Who Must Provide Required JHSC Training, by Jurisdiction

Employer	Govt. or Govt-Approved Provider/Course	Doesn't Specify
FED(1), MB(2), YK	AB, NB(3), ON(4)	NL, SK, NWT(5), NU(5)

Notes

(1) Federally-regulated employers must create the training program in consultation with the workplace JHSC

(2) In MB, employers must provide the JHSC training at the workplace

(3) In NB, training must be provided at workplace by WorkSafeNB or trainer approved by WorkSafeNB to provide training for that workplace

(4) In ON, the certification training requirements pertain only to JHSC members and not health and safety reps.

(5) In NT/NU, JHSC members, co-chairs and reps. can attend training courses, programs or seminars without loss of pay or benefits, provided that the training is provided by the WSCC or a WSCC-approved provider