

Joint Health and Safety Committee Policy



This Model Policy establishes a template of the elements you need to address in a JHSC policy. And while it's based on BC OHS laws, it can be easily adapted for any jurisdiction.

1. PURPOSE

ABC Company has adopted this Policy to establish ground rules for the creation and efficient operation of a Joint Health and Safety Committee ("Safety Committee") at its workplaces in accordance with the [province name] Occupational Health and Safety Act ("Act"), the *Occupational Health and Safety Regulation* ("Regulation"), the ABC Company Occupational Health and Safety Program ("OHS Program"), and other applicable agreements, requirements and standards.

2. DEFINITIONS

For purposes of this Policy:

- **"Board"** means the BC Workers' Compensation Board (aka WorkSafeBC);
- **"Rules of Procedure"** means a written document issued by the Safety Committee in accordance with Section 9 of this Policy setting out the procedures the Committee will use to carry out its functions and operations;
- **"Worker" includes those defined as "workers" under the Act, to wit:**
 - Any person who enters into or works under a

services contract or apprenticeship, whether written or oral, express or implied;

- A person who is a learner, although not under a service contract or apprenticeship, who becomes subject to work hazards while undergoing training or completing probationary work required by ABC Company preliminary to employment;
- A member of a fire brigade or ambulance driver or attendant working with or without pay when serving:
 - A municipality, regional district, urban area, improvement district, board of school trustees, francophone education authority as defined in the *BC School Act*, a library board, or a parks board; or
 - A board or commission that manages or conducts work or services on behalf of any of the bodies in the bullet above;
- For the mining industry, a person while taking or attending training or instruction in mine rescue work under the conditions stipulated in subsection (d) of the definition of “worker” set out in Section 1 of the Act, or a person while engaged as a member of the inspection committee appointed or elected or appointed by the workers in the mine to inspect the mine on their behalf;
- An independent operator that the Board directs to be considered a worker subject to Part 1 of the Act under Section 2(2); and
- A person or member of a class of persons enrolled in an approved vocational or training school that the Board considers to a worker of the Crown entitled to limited workers’ comp benefits under Section 3.6 of the Act.
- A **“worker”** does **not** include a person the Board declares exempt from Part 3 of the Act;
- **“Workplace”** means any place where a worker is or is

likely to be engaged in any work and includes any vessel, vehicle, or mobile equipment used by a worker in work.

3. POLICY STATEMENT

ABC Company considers the Safety Committee to be a valuable partner in its efforts to identify, assess, and control workplace hazards and requires all personnel, including managers, supervisors, and workers to support its work and obey the provisions of this Policy.

4. ESTABLISHMENT OF SAFETY COMMITTEE

ABC Company will establish and maintain a Safety Committee for each workplace that has 20 or more workers regularly employed by XXXX or when ordered to establish one by the Board.

5. SAFETY COMMITTEE MEMBERSHIP

The Safety Committee must have at least 4 members, unless a regulation requires that the Safety Committee have a larger number of members. Safety Committees must consist of members representing workers ("worker members") and members representing ABC Company ("employer members"). At least half of the Safety Committee's members must be worker members. How long members can serve will be set out in the Rules of Procedure. The Safety Committee must have 2 co-chairs:

- One selected by worker members ("the worker co-chair");
and
- One selected employer members ("the employer co-chair").

The duties of co-chairs will be set out in the Rules of Procedure.

6. SELECTION OF WORKER MEMBERS

Worker members of the Safety Committee must be workers at the

workplace who do not exercise managerial functions at that workplace and who are selected by such workers in accordance with the following rules:

- If the workers are represented by one or more unions, worker members must be selected according to the procedures established or agreed on by the union(s);
- If none of the workers are represented by a union, the worker members must be selected by secret ballot;
- If some of the workers are represented by a union(s) and others are not, worker members must be selected both ways, i.e., in accordance with union procedures and by secret ballot of the non-union employees;
 - If there are 2 worker members to be selected, one will be selected by union procedure and one by secret ballot;
 - If there are more than 2 worker members to be selected, the number of worker members selected by each method will be determined on an equitable basis based on numbers and relative risks to health and safety:
 - Example 1: 2 by secret ballot and 1 by union procedures where non-union workers outnumber union workers 2 to 1 and all workers face the same basic risks;
 - Example 2: 1 by secret ballot and 2 by union procedures where there are equal numbers of union and non-union workers but union workers face greater health and safety hazards;
- If workers are given the opportunity to select worker members but do not do so, **ABC Company** must

seek out and assign persons to act as worker members.

7. SELECTION OF EMPLOYER MEMBERS

ABC Company will select the persons to serve as employer members of the Safety Committee. Employer members of the Safety Committee must be persons who exercise managerial functions for **ABC Company**. If possible, **ABC Company** will select managers who exercise managerial functions at the workplace for which the Safety Committee is established.

8. SAFETY COMMITTEE DUTIES & FUNCTIONS

The Safety Committee will exercise, at a minimum, the following duties and functions at the workplace:

- Identifying situations that may be unhealthy or unsafe for workers and advising on effective systems for responding to those situations, including but not limited to, by participating in workplace hazard identification, assessment, and control of hazards;
- Participating in the monitoring of the effectiveness of control measures;
- Considering and swiftly dealing with complaints related to workers' health and safety;
- Consulting with workers and **ABC Company** on issues of occupational health and safety and occupational environment;
- Making recommendations to **ABC Company** and workers for improving occupational health and safety and occupational environment of workers;
- Making recommendations to **ABC Company** for educational programs to promote worker health and safety and compliance with the Act, Regulation, OHS Program, and other applicable requirements and standards;
- Monitoring the effectiveness of such educational programs;
- Advising **ABC Company** on the OHS Program and other

policies and programs required by the Regulation and monitoring their effectiveness;

- Advising **ABC Company** on proposed changes to the workplace or work processes that may affect the effectiveness of current OHS Program measures or otherwise impact workers' health and safety;
- Participating in and ensuring the effective carrying out of the workplace safety inspections required by the Act, Regulation, and OHS Program;
- Participating in and ensuring the effective carrying out of the incident investigations;
- Consulting with **ABC Company** the safety coordinator, facility manager, Prime Contractor, or other designated individual in charge of safety for the work site on important safety matters including, but not limited to:
 - Development and review of safe work procedures for the workplace;
 - Determination of first aid services needed for the workplace;
 - Determination of PPE needed for the workplace;
 - Determination WHMIS training needed and review of the effectiveness of WHMIS measures in the workplace;
 - Development and review of the Workplace Bullying and Harassment Policy;
 - Development and review of the Working Alone or in Isolation Policy;
 - Development and review of the Violence in the Workplace Policy;
- Carrying out any other duties or functions required by the Regulation or assigned to the Safety Committee by the OHS Program.

9. Safety Committee Procedures

- A newly established Safety Committee will issue its **Rules of Procedure** within 30 days of its formation;

- Thereafter, the Safety Committee may amend the **Rules of Procedure** in accordance with the amendment procedures included in the document.

10. SAFETY COMMITTEE MEETINGS

The Safety Committee must meet regularly at least once a month. Exception: The Safety Committee may follow another meeting schedule if such a schedule is permitted or required by: The Regulation or an order of the Board. The schedule for regular monthly meetings will be posted in the workplace. The agenda for regular Safety Committee meetings will be also posted at least 5 days before the meeting, Either Committee co-chair may call a special meeting to deal with matters of urgent concern in accordance with the procedures set out in the **Rules of Procedure**. Meetings will be held at a suitable location with suitable resources provided by **ABC Company**.

11. SAFETY COMMITTEE RECOMMENDATIONS

The Safety Committee will specify in the Rules of Procedure rules governing how it will issue recommendations, including but not limited to:

- How many members must be present at a meeting for a quorum to exist;
- How many votes are required to adopt a recommendation;
- Procedures for resolving disagreements within the Safety Committee;
 - As provided by the Act, either co-chair may notify the Board if the Safety Committee is unable to reach agreement on a matter relating to the health and safety of the workers at the workplace;
 - Upon receiving such notice of impasse, the Board may investigate and attempt to resolve the matter;

The Safety Committee will issue written recommendations.

12. Response to Safety Committee Recommendations

Upon receiving a written recommendation from the Safety Committee, **ABC Company** will take the following actions:

- If reasonably possible, **ABC Company** will respond to the recommendation in writing **within 21 days of receiving the recommendation that either:**
 - Indicates that it accepts the recommendation; or
 - Lists its reasons for not accepting the recommendation;
- If ABC Company does not accept the Safety Committee's recommendation, either co-chair may report the matter to the Board, which may then investigate and attempt to resolve the matter;
- If it is not reasonably possible to respond to the written recommendation within 21 days, ABC Company will provide the Safety Committee within that 21-day period a written explanation for the delay and an indication of when a response will be provided;
 - If the Safety Committee is not satisfied that ABC Company's explanation is reasonable under the circumstances, either co-chair may report this to the Board, which may then investigate and issue an order establishing a deadline for ABC Company to respond.

13. MEETING MINUTES

After each meeting, the Safety Committee must prepare a report of the minutes of the meeting. **ABC Company will then:**

- Send a copy of the minutes to a union representing workers at the workplace if the union requests it;
- Retain a copy of the minutes for at least 2 years from the date of the meeting to which they relate;
- Ensure that copies of the minutes are readily accessible

to Safety Committee members, workers, officers of the Board, and other government officials;

- Post copies of minutes from the 3 most recent Safety Committee meetings in a conspicuous location.

14. POSTING OF SAFETY COMMITTEE INFORMATION

ABC Company will post in a conspicuous location in the workplace the following Safety Committee information:

- The names and locations of Safety Committee members;
- Minutes from the 3 most recent Safety Committee meetings; and
- Copies of any orders issued to ABC Company by the Board under Division 4 of the Act (Joint Committees and Worker Representatives) over the last 12 months.

15. RIGHTS OF COMMITTEE MEMBERS

Safety Committee members are entitled to time off from work for:

- The time they are required to spend to attend Safety Committee meetings;
- The reasonably necessary time they spend preparing for meetings; and
- The time they spend carrying out other Safety Committee duties and functions.

Time off from work under the above provisions is considered to be time worked and ABC Company must pay the member for that time.

Each Safety Committee member is entitled to 8 hours (or more where required by the Regulation) of annual educational leave to attend health and safety training courses conducted by or with the approval of the Board.

Safety Committee members may designate another member as being entitled to take all or part of the member's educational

leave.

ABC Company will provide educational leave to members without loss of pay or other benefits.

ABC Company will pay for, or reimburse the worker for, the costs of the training course and reasonable costs of attending the course.

16. ABC COMPANY SUPPORT FOR SAFETY COMMITTEE

ABC Company will provide the Safety Committee the equipment, premises, and clerical personnel necessary for it to carry out its duties and functions. At the Safety Committee's request, **ABC Company** will furnish the Safety Committee information regarding:

- The identification of known or reasonably foreseeable health or safety hazards to workers at the workplace are likely to be exposed;
- Health and safety experience and work practices and standards in similar or other industries of which **ABC Company** has knowledge;
- Orders, penalties, and prosecutions under Part 3 of the Act (Occupational Health and Safety) relating to health and safety at the workplace; and
- Any other matter prescribed the Regulation.

17. SAFETY COMMITTEE WORKPLACE INSPECTIONS

The Safety Committee will inspect the workplace at least once a month/ Where feasible, the Safety Committee will participate in special inspections required by Section 3.7 of the Regulation.

18. PRIME CONTRACTORS, CONTRACTORS & SUBCONTRACTORS

All prime contractors, contractors, and subcontractors hired to perform work at an ABC Company workplace that has a Safety

Committee will, while present at the workplace, refrain from interfering with and provide the Safety Committee the cooperation and support it needs to carry out its duties and functions under this Policy.

Prime Contractors engaged to control work at ABC Company workplaces that do not have a Safety Committee are responsible for establishing and supporting a new Safety Committee with respect to the work to the extent such a Safety Committee is required to represent workers engaged in the work under the Act or Regulation.

Legislation/Regulations/Standards

Workers Compensation Act, RSBC 1996, c 492

Occupational Health and Safety Regulation, BC Reg 296/97