

# Joint Health & Safety Committee – Know The Laws of Your Province



## ALBERTA

In Alberta, the responsibilities and obligations for establishing a **Joint Health and Safety Committee (JHSC)** fall under the [Alberta Occupational Health and Safety Act \(OHS\)](#) from **Sections 196 to 201**.

### **Part 13 Joint Health and Safety Committees and Health and Safety Representatives – Application**

This Part applies to a work site that is required to have a joint health and safety committee under section 13 of the Act or a health and safety representative under section 14 of the Act. **Section 196**.

#### **Worker membership selection**

In this section, “union” means any union that is a certified bargaining agent or has acquired bargaining rights on behalf of workers at a work site. **Section 196.1(1)**.

Worker members of a joint health and safety committee who represent non-union workers must be selected by the non-union workers. **Section 196.1(2)**.

Worker members of a joint health and safety committee who represent unionized workers must be selected by the applicable union. **Section 196.1(3).**

An **employer** must determine how many work members are needed:

(a) to equitably represent any union at the work site and non-unionized workers, and

(b) to address relevant occupational health and safety concerns. **Section 196.1(4).**

The **employer shall** specify a reasonable time by which any union and any non-unionized workers must provide the **employer** with the names of the worker representatives. **Section 196.1(5).**

If the workers, or where applicable, the union representing workers, do not select workers for the committee, then the **employer** must select those worker members. **Section 196.1(6).**

### **Co-chairs of committee**

A joint health and safety committee must have 2 co-chairs, one chosen by the persons representing the **employer** on the committee and the other chosen by the worker members on the committee. **Section 196.2.**

### **Terms of reference**

An **employer** must ensure each joint health and safety committee develops written terms of reference:

(a) outlining the process to select co-chairs,

(b) outlining the process for selecting worker members to the committee to ensure worker members are representative of the workers for that **employer**,

(c) establishing a term of office for committee members,

(d) outlining the frequency for regular committee meetings and how meeting records will be maintained,

(e) outlining processes for conducting meetings, and forwarding health and safety concerns to the attention of the **employer**,

(f) establishing a process to replace a member during the member's term of office,

(g) establishing a dispute resolution process for when the committee cannot agree on a recommendation to the **employer**, and

(h) outlining processes to address circumstances where committee members are not fulfilling their duties. **Section 197.**

**For more information:**

- **Section 199.**
- Posting names of committee members or health and safety representatives. **Section 199.1.**
- Special meetings of representatives. **Section 199.2.**
- Time away for committee or representative work and entitlement to pay. **Section 199.3.**
- **Section 201.**

Further details on the Occupational Health And Safety Code can be found at [Alberta.ca](http://Alberta.ca).

## **BRITISH COLUMBIA**

In British Columbia, under [WorkSafeBC](#) regulations, employers with 20 or more workers are required to establish a **Joint Health and Safety Committee (JHSC)** pursuant to **Sections 3.26 and 3.27.**

### **Evaluation of Joint Health and Safety Committees**

(1) In this section, a reference to a joint committee does not include a joint committee established and maintained under **section 32 of the [Workers' Compensation Act](#)**, if:

(a) an order under **section 32 (1) of the [Workers' Compensation Act](#)** respecting the joint committee provides for a variation as set out in subsection (2) (b) of that section of that Act, and

(b) the variation is in regard to evaluating the joint committee.

(2) An **employer** must ensure that, with respect to each of the employer's joint committees, a written evaluation is conducted annually by:

(a) the co-chairs of the joint committee or, with respect to each co-chair, the member or members of the joint committee designated by the co-chair, or

(b) the **employer** or a person retained by the **employer**.

(3) The evaluation must contain, but is not limited to, the following information:

(a) whether or not, throughout the period of time that is the subject of the evaluation,

(i) the joint committee met the membership requirements **under section 33 of the [Workers' Compensation Act](#)**,

(ii) worker representatives on the joint committee were selected in accordance with **section 34 of the [Workers' Compensation Act](#)**,

(iii) **employer** representatives on the joint committee were selected in accordance with **section 35 of the [Workers' Compensation Act](#)**,

(iv) the joint committee fulfilled each of its duties

and functions under **section 36 of the Workers' Compensation Act**,

(v) the joint committee met regularly as required under **section 37 (2) of the Workers' Compensation Act**,

(vi) the **employer** met the requirements under **section 39 of the Workers' Compensation Act** in respect of the written recommendations sent to the **employer** by the joint committee with a written request for a response from the **employer**, if any,

(vii) each member of the joint committee received the time off from work the member was entitled to receive under **section 40 of the Workers' Compensation Act**,

(viii) each member of the joint committee attended the occupational health and safety training courses the member was entitled to attend under **section 41 of the Workers' Compensation Act**,

(ix) the **employer** provided to the joint committee the equipment, premises, clerical personnel and information the **employer** was required to provide under **section 42 of the Workers' Compensation Act**,

(x) the joint committee prepared reports of its meetings and provided copies to the **employer** as required under **section 43 (1) of the Workers' Compensation Act**,

(xi) the **employer** met the requirements of posting and keeping posted committee information as set out in **section 44 of the Workers' Compensation Act**, and

(xii) each member of the joint committee received the instruction and training the **employer** was required to ensure was provided to the member under **section 3.27 of this regulation**;

(b) an assessment of the effectiveness of the joint committee's rules of procedure as established under **section 37 (1) of the Workers' Compensation Act**;

(c) an assessment of the overall effectiveness of the joint committee.

(4) If the **employer** or a person retained by the **employer** conducts the evaluation, the **employer** or person retained by the **employer**, as the case may be, must, as part of the evaluation, obtain and consider the input of the co-chairs of the joint committee or, with respect to each co-chair, the member or members of the joint committee designated by the co-chair, on the matters listed in subsection (3).

(5) The **employer** and the joint committee must each provide to the other a copy of the evaluation if the other does not have a copy.

(6) The joint committee must:

(a) discuss the evaluation at the joint committee meeting immediately following:

(i) receipt of the evaluation, if the **employer** or a person retained by the **employer** conducted the evaluation, or

(ii) the completion of the evaluation, if members of the joint committee conducted the evaluation, and

(b) ensure that the evaluation and a summary of the discussion referred to in paragraph (a) are included in the report of that meeting. **Section 3.26.**

**For more information:**

- Minimum training requirements for new joint committee members or workers health and safety representatives. **Section 3.27.**

Further details on the Occupational Health and Safety Regulation can be found at [BCLaws.gov.bc.ca](http://BCLaws.gov.bc.ca).

## **MANITOBA**

In Manitoba, under the [Workplace Safety and Health Act](#), employers with 20 or more workers must establish a **Joint Health and Safety Committee (JHSC)** according to **Section 40 to 41(8)**.

### **Workplace Safety and Health Committee**

An **employer** must establish a workplace safety and health committee:

(a) for each workplace where:

(i) in the case of a seasonal workplace, at least 20 of the employer's workers are involved, or are expected to be involved, in work and the work is expected to continue for at least 90 days, and

(ii) in the case of any other workplace, at least 20 of the employer's workers are regularly employed; and

(b) for any other individual workplace or class of workplace designated by a written order of the director.

**Section 40(1).**

### **Determining number of workers**

For the purposes of subsection (1), the number of workers employed at a workplace **shall** be determined by averaging, over the previous 12 months, the number of full-time and part-time workers present each working day. **Section 40(4).**

### **More than one committee in a workplace**

The director may issue a written order requiring an **employer** or prime contractor to establish more than one committee for a

workplace. The order may provide for the composition, practice and procedures of those committees. **Section 40(5).**

### **Committee for multiple workplaces**

Notwithstanding subsections (1) and (3), the director may, in accordance with the regulations, issue a written order permitting an **employer** or prime contractor to establish one committee for more than one workplace or parts of more than one workplace. The order may provide for the composition, practice and procedures of that committee. **Section 40(6).**

### **Membership of committee**

A committee:

(a) **shall** consist of not fewer than four or more than 12 persons, of whom at least 1/2 **shall** be persons

(i) representing workers who are not associated with the management of the workplace, and

(ii) appointed in accordance with the constitution of the union that is the certified bargaining agent or that has acquired bargaining rights on behalf of those workers, or where no such union exists, persons elected by the workers they represent; and

(b) **shall** have two co-chairpersons – one chosen by the **employer** members on the committee, and the other chosen by the worker members on the committee – who **shall** alternate in serving as chairperson at meetings of the committee and **shall** participate in all decisions of the committee. **Section 40(8).**

### **Duties of committee**

The duties of a committee include:

(a) the receipt, consideration and disposition of concerns



and complaints respecting the safety and health of workers;

(b) participation in the identification of risks to the safety or health of workers or other persons, arising out of or in connection with activities in the workplace;

(c) the development and promotion of measures to protect the safety and health and welfare of persons in the workplace, and checking the effectiveness of such measures;

(d) co-operation with the occupational health service, if such a service has been established within the workplace;

(e) co-operation with a safety and health officer exercising duties under this Act or the regulations;

(f) the development and promotion of programs for education and information concerning safety and health in the workplace;

(g) making recommendations to the employer or prime contractor respecting the safety and health of workers; Section 40(10).

**For more information:**

- Exception for construction project with prime contractor. **Section 40(2).**
- Committee for construction project site. **Section 40(3).**
- Reconsideration re one committee for multiple workplaces. **Section 40 (7.1).**
- Time off for committee work. **Section 40(11).**
- Training of committee members. **Section 40(13).**
- Workplace safety and health representative. **Section 41(1).**
- Appointment of representative. **Section 41(2).**
- Time off for work as a representative. **Section 41(6).**
- Training of representative. **Section 41(8).**

**Further details on The Manitoba Workplace Safety and Health**

Act and Regulation can be found at [Gov.MB.ca](http://Gov.MB.ca).

## **NEW BRUNSWICK**

In New Brunswick, under the [Occupational Health and Safety \(OHS\) Act](#), employers with 20 or more employees are required to establish a **Joint Health and Safety Committee (JHSC)** according to **Sections 14 to 16(2)**.

### **JOINT HEALTH AND SAFETY COMMITTEES**

This section does not apply to a project site. **Section 14(0.1)**.

**(1)** Every **employer** with twenty or more **employees** regularly employed at a place of employment **shall** ensure the establishment of a joint health and safety committee.

**(2)** A committee **shall** consist of such number of persons as may be agreed to by the **employer** and the **employees**.

**(3)** A committee **shall** consist of equal representation from both the **employer** and the **employees**, and the **employer shall** designate the employer's representative or representatives, and the **employees shall** designate their representative or representatives.

**(4)** Where the **employer** and **employees** cannot agree on the size of the committee, the Chief Compliance Officer may establish its size.

**(5)** The **employer** and **employee** members of a committee **shall** elect a co-chair from their respective groups.

**(6)** Subject to section 16, a committee **shall** meet at least once a month.

**(8)** A committee **shall** take and maintain minutes of its meeting on a form approved by the Commission.

(9) The **employer** at a place of employment **shall** ensure that the names of the members of the committee of the place of employment and the minutes of the most recent committee meeting are posted in a prominent place or places at the place of employment.

(10) The committee **shall** keep a copy of the minutes signed by the co-chairs of the committee for a period of three years and **shall** make it available to the Commission on request.

(13) Where a committee cannot agree on a matter related to health and safety, the committee **shall** call an officer to resolve the problem. **Section 14(1) to (13).**

### **Approved organizations that provide educational programs**

With respect to an educational program prescribed by the regulations, the Commission may approve:

- (a) an organization to deliver the educational program,
- (b) the content and duration of the educational program delivered by the approved organization, and
- (c) any other term and condition on which an approved organization may deliver the educational program. **Section 14.01.**

### **Training for committee members – non-project site**

(1) This section does not apply to a project site.

(2) An **employer shall** ensure that each person who is designated to serve on a joint health and safety committee:

- (a) has attended an educational program as prescribed by the regulations, or
- (b) attends an educational program prescribed by the regulations within twelve months after being designated, if the person has not attended such a program.

(3) Subsection (2) does not apply to a person who, immediately before the commencement of this section, was a member of the committee at a place of employment, but only for so long as that person continues to be a member of the committee at that place of employment.

(4) A person referred to in subsection (3) may attend an educational program prescribed by the regulations if the committee of which the person is a member recommends to the **employer** that the person attends, and the **employer** grants leave to the person.

(5) Where an **employer** does not grant leave in accordance with subsection (4), the Commission may order the **employer** to grant the person leave to attend the educational program.

(6) Each member of the committee **shall**, for the periods during which the member is taking any educational program required under this Act that relates to the member's service on the committee or during which the member is attending any committee meetings, receive pay at the member's rate and other benefits to which the member would otherwise be entitled. **Section 14.1(1) to 14.1(6).**

**For more information:**

- Joint health and safety committees for project site – general. **Section 14.2(1) to 14.2(8).**
- Joint health and safety committees – medium-sized project site. **Section 14.3(1) to 14.3(7).**
- Training for committee members – project site. **Section 14.5(1) to 14.5(7).**
- Functions of committee. **Section 15A.**
- Meetings of committee. **Section 16(1) and (2).**

**Further details on the Occupational Health and Safety Act can be found at [Laws.GNB.ca](https://laws.gnb.ca).**

## **NEWFOUNDLAND & LABRADOR**

In Newfoundland and Labrador, under the **Occupational Health and Safety (OHS) Act**, employers with 20 or more workers must establish a **Joint Health and Safety Committee (JHSC)** pursuant to **Section 25 PART IV and Section 36.1 to 37.**

### **Part IV Operations of committees, representatives and designates**

(1) An **employer shall** ensure that:

(a) an occupational health and safety committee is established;

(b) a worker health and safety representative is appointed;  
or

(c) a workplace health and safety designate is designated;  
and

(d) a copy of the Act and regulations under the Act are easily accessible to an **employee.**

(2) Minutes of all regular meetings and special committee meetings **shall** be recorded in the form prescribed by the commission and one copy **shall** be kept on file with the committee, one copy **shall** be filed with the commission and one copy **shall** be posted in a prominent place in the workplace.

(3) A worker health and safety representative or a workplace health and safety designate **shall** report to the commission in the form required by the commission.

(4) An occupational health and safety committee **shall**:

(a) meet within 2 weeks of its establishment;

(b) elect co-chairpersons as required by subsection 38(6) of the Act; and

(c) notify the commission of the elected co-chairs.

(5) A quorum of the committee **shall** consist of one-half of its membership, provided that both **employer** and worker members are equally represented.

(6) Where an agreement cannot be reached between co-chairpersons on convening a meeting of the committee, the minister may be requested to intervene.

(7) The minister may require that a committee have monthly meetings where a particular hazard is involved, the operations are particularly complex or large numbers of workers are involved.

(8) A representative of the **employer** and:

(a) the workers of an occupational health and safety committee;

(b) the worker health and safety representative; or

(c) the workplace health and safety designate, except where the workplace health and safety designate is the **employer**, have the right to accompany an officer of the division when the health and safety inspections are being conducted.

(9) Copies of all health and safety inspection reports made by an officer of the division, **shall** be circulated by the **employer** to:

(a) the occupational health and safety committee;

(b) the worker health and safety representative; or

(c) the workplace health and safety designate. **Section 25.**

### **Health and safety program**

(1) Where 20 or more workers are employed at a workplace, the **employer shall** establish and maintain an occupational health

and safety program in accordance with the regulations.

(2) An occupational health and safety program **shall** be established in consultation with the occupational health and safety committee at the workplace.

(3) An occupational health and safety program **shall** include those documents that may be prescribed in the regulations.

(4) An occupational health and safety program **shall** be in writing and **shall**, when requested, be provided to the occupational health and safety committee, a worker at the workplace and an officer. **Section 36.1.**

### **Health and safety policy**

(1) Where less than 20 workers are employed at a workplace, the **employer shall** establish an occupational health and safety policy in accordance with the regulations.

(2) An occupational health and safety policy **shall** be established in consultation with the worker health and safety representative or the workplace health and safety designate and posted in a prominent place at the workplace. **Section 36.2(1)(2).**

Further details on the Occupational Health And Safety Act can be found at [Assembly.NL.ca](http://Assembly.NL.ca) or at [NL.ca](http://NL.ca).

## **NOVA SCOTIA**

In Nova Scotia, under the [Occupational Health and Safety \(OHS\) Act](#), employers with 20 or more employees must establish a **Joint Health and Safety Committee (JHSC)** pursuant to **Sections 29 to 32.**

### **Requirements for Joint Occupational Health and Safety Committees**

(1) At every workplace where twenty or more persons are

regularly employed, the **employer shall** establish and maintain one joint occupational health and safety committee or, at the discretion of the **employer**, more than one such committee and, where twenty or more persons are regularly employed by one or more constructors at a project, a constructor **shall** establish and maintain a joint occupational health and safety committee for the project.

(2) At a workplace where fewer than twenty persons are regularly employed, the Director may:

(a) consult with the **employer** and **employees** at the workplace regarding whether a committee should be formed at the workplace; and

(b) order that a committee be established.

(3) Where an order respecting the establishment of a committee is given pursuant to subsection (2), the **employer shall** ensure that the committee is chosen and functioning in accordance with this Act within fifteen days of receipt of the order.  
**Section 29.**

### **Composition and procedure of committee**

(1) A committee **shall** consist of such number of persons as may be agreed to by the **employer** and the **employees** or their union or unions.

(2) At least half of the members of a committee **shall** be **employees** at the workplace who are not connected with the management of the workplace and the **employer** may choose up to one half of the members of the committee if the **employer** wishes to do so.

(3) The **employees** on the committee are to be determined by the **employees** they represent or designated by the union that represents the **employees**.

(4) A committee **shall** meet at least once each month unless:



(a) a different frequency is prescribed by the regulations;  
or

(b) the committee alters the required frequency of meetings in its rules of procedure.

(5) Where a committee alters the required frequency of meetings by its rules of procedure and the Director is not satisfied that the frequency of meetings is sufficient to enable the committee to effectively perform its functions, the frequency of meetings **shall** be as determined by the Director.

(6) An **employee** who is a member of a committee is entitled to such time off from work as is necessary to attend meetings of the committee, to take any training prescribed by the regulations and to carry out the employee's functions as a member of the committee, and such time off is deemed to be work time for which the **employee shall** be paid by the **employer** at the applicable rate.

(7) A committee **shall** establish its own rules of procedure and **shall** adhere to the applicable regulations.

(8) Unless a committee determines another arrangement for chairing the committee in its rules of procedure, two of the members of the committee **shall** co-chair the committee, one of whom **shall** be selected by the members who represent **employees** and the other of whom **shall** be selected by the other members.

(9) The rules of procedure established pursuant to subsection (7) **shall** include an annual determination of the method of selecting the person or persons who **shall**:

(a) chair the committee; and

(b) hold the position of chair for the coming year.

(10) Where agreement is not reached on:

(a) the size of the committee;

(b) the designation of **employees** to be members; or

(c) rules of procedure,

the Director **shall** determine the matter. **Section 30(1) to (10)**.

**For more information:**

- Functions of committees. **Section 31.**
- Deemed establishment of committee. **Section 32.**

**Further details on the Occupational Health and Safety Act can be found at [NSlegislature.ca](http://NSlegislature.ca).**

## **NORTHWEST TERRITORIES & NUNAVUT**

In the Northwest Territories (NT) and Nunavut (NU), employers have specific responsibilities and obligations related to the **Joint Health and Safety Committee (JHSC)** under the **Safety Act** and associated **Occupational Health and Safety (OHS) Regulations** pursuant to **Section 4.(1), 7.1(1), 28(1) and 29(1)**.

### **Health and Safety Acts**

(1) Every **employer shall:**

(a) maintain his or her establishment in such a manner that the health and safety of persons in the establishment are not likely to be endangered;

(b) take all reasonable precautions and adopt and carry out all reasonable techniques and procedures to ensure the health and safety of every person in his or her establishment; and

(c) provide the first aid service requirements set out in the regulations pertaining to his or her class of establishment.

(2) If two or more **employers** have charge of an establishment, the principal contractor or, if there is no principal contractor, the owner of the establishment, **shall** coordinate the activities of the **employers** in the establishment to ensure the health and safety of persons in the establishment. **Section 4.(1).**

Every worker employed on or in connection with an establishment **shall**, in the course of his or her employment:

(a) take all reasonable precautions to ensure his or her own safety and the safety of other persons in the establishment; and

(b) as the circumstances require, use devices and articles of clothing or equipment that are intended for his or her protection and provided to the worker by his or her **employer**, or required pursuant to the regulations to be used or worn by the worker. **Section 5.**

Every **employer shall**, at a work site, in accordance with the regulations:

(a) establish a Joint Occupational Health and Safety Committee. **Section 7.1(1).**

### **Occupational Health and Safety Regulations – Investigation of Certain Accidents**

(1) Subject to section 29, an **employer shall** ensure that an accident causing serious bodily injury or a dangerous occurrence is investigated as soon as is reasonably possible:

(a) by the Committee and **employer** or by the representative and the **employer**; or

(b) if no Committee or representative is available, by the **employer.**

(2) After the investigation of an accident causing serious

bodily injury or a dangerous occurrence, an **employer shall**, in consultation with the Committee or representative or, if no Committee or representative is available, the workers prepare a written report that includes:

(a) a description of the accident or occurrence;

(b) graphics, photographs, video, or other evidence that could assist in determining the causes of the accident or occurrence;

(c) identification of unsafe conditions, acts, omissions or procedures that contributed to the accident or occurrence.  
**Section 28(1).**

### **Preserving Scene of Accident Causing Death**

(1) Unless expressly authorized by statute or by subsection (2), a person **shall** not, other than for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of wreckage, equipment, articles, documents or other things at the scene of, or connected with, an accident causing a death until a safety officer has completed an investigation of the circumstances surrounding the accident.

(2) If an accident causing a death occurs and a safety officer is not able to complete an investigation of the circumstances surrounding the accident, the safety officer may, unless prohibited by statute, grant permission to move wreckage, equipment, articles, documents or other things at the scene or connected with the accident, to an extent that is necessary to allow work to proceed, if he or she is satisfied that:

(a) graphics, photographs, video or other evidence showing details at the scene of the accident are made or taken before granting permission; and

(b) a member of the Committee or the representative, if

available, has inspected the site of the accident and agreed that the things may be moved. **Section 29(1)**.

**For more information:**

- Protocols and procedures for the committee and representatives in the establishment of a committee including the conduct of meetings of the occupational health and safety committee. **Section 37 to 53.**

**Further details on the Occupational Health and Safety Regulations and Safety Acts can be found at [gov.nt.ca](http://gov.nt.ca) and [NT.ca](http://NT.ca).**

## **ONTARIO**

In Ontario, under the **Occupational Health and Safety Act (OHSA)**, employers with 20 or more employees must establish a **Joint Health and Safety Committee (JHSC)** pursuant to **Section 9(1) to (39)**.

### **Joint health and safety committee**

(2) A joint health and safety committee is required:

- (a) at a workplace at which twenty or more workers are regularly employed;
- (b) at a workplace with respect to which an order to an **employer** is in effect under section 33; or
- (c) at a workplace, other than a construction project where fewer than twenty workers are regularly employed, with respect to which a regulation concerning designated substances applies. **Section 9(2)**.

### **Minister's order**

(3) Despite subsections (1) and (2), the Minister may, by order in writing, require a constructor or an **employer** to

establish and maintain one or more joint health and safety committees for a workplace or a part thereof, and may, in such order, provide for the composition, practice and procedure of any committee so established. **Section 9(3).**

### **Establishment of committee**

(4) The constructor or **employer shall** cause a joint health and safety committee to be established and maintained at the workplace unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate was, on the 1st day of October, 1979, established and maintained pursuant to a collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater than, the benefits to be derived under a committee established under this section. **Section 9(4).**

### **Composition of committee**

(6) A committee **shall** consist of:

(a) at least two persons, for a workplace where fewer than fifty workers are regularly employed; or

(b) at least four persons or such greater number of people as may be prescribed, for a workplace where fifty or more workers are regularly employed. **Section 9(6).**

(7) At least half the members of a committee **shall** be workers employed at the workplace who do not exercise managerial functions. **Section 9(7).**

### **Powers of committee**

(a) identify situations that may be a source of danger or hazard to workers;

(b) make recommendations to the constructor or **employer** and

the workers for the improvement of the health and safety of workers;

(c) recommend to the constructor or **employer** and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers;

(d) obtain information from the constructor or **employer** respecting:

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or **employer** has knowledge;

(e) obtain information from the constructor or **employer** concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of occupational health and safety; and

(f) be consulted about and have a designated member representing workers be present at the beginning of, testing referred to in clause (e) conducted in or about the workplace if the designated member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid. **Section 9(18).**

(19) The members of the committee who represent workers **shall** designate one of them who is entitled to be present at the beginning of testing described in clause (18). **Section 9(19).**

**For more information:**

▪ Selection of members. **Section 9(8)(9).**

- Requirement for committee membership. **Section 9(10).**
- Committee to be co-chaired. **Section 9(11).**
- Response to recommendations. **Section 9(20).**
- Information reported to the committee. **Section 9(30).**
- Notice of accident, inspection by committee. **Section 9(31).**
- Posting of names and work locations. **Section 9(32).**
- **Section 9(33).**
- Entitlement to time from work. **Section 9(34).**
- Entitlement to be paid. **Section 9(22).**
- **Section 9(23).**
- Schedule of inspections. **Section (28)(23).**
- Certification requirement. **Section 9(12).**
- Designation of member to be certified. **Section 9(14).**
- Designation of certified members. **Section 9(15).**
- Dispute resolution. **Section 9(39).**

Further details on the Occupational Health and Safety Act can be found at [Ontario.ca](http://Ontario.ca).

## **PRINCE EDWARD ISLAND**

In Prince Edward Island, under the [Occupational Health and Safety \(OHS\) Act](#), employers with 20 or more employees must establish a **Joint Health and Safety Committee (JHSC)** pursuant to **Section 25**.

### **Joint occupational health and safety committee**

(1) At a workplace where 20 or more persons are regularly employed by an **employer**, the **employer**:

(a) **shall** establish and maintain a joint occupational health and safety committee; and

(b) may establish additional such committees.

(2) Where 20 or more persons are regularly employed by one or more constructors at a project that is expected to last three



months or more, a constructor **shall** establish and maintain a committee for the project.

### **Order**

(3) At a workplace where fewer than 20 but more than five persons are regularly employed, the Director may consult with the workers and **employers** at the workplace regarding the establishment of a committee and the Director may order that a committee be established.

(4) Where the Director orders that a committee be established under subsection (3), the **employer shall** ensure that the committee is functioning in accordance with this Act within 30 days of receipt of the order.

### **Members**

(5) A committee **shall** be composed of the number of persons:

(a) agreed to by the workers or their union, and the **employer**; or

(b) ordered by the Director.

### **Membership of committee**

(6) Membership of the committee **shall** be determined as follows:

(a) one-half of the members **shall** be selected by the union representing the workers or, in the absence of a union, by the workers that the members represent;

(b) one-half of the members **shall** be selected by the **employer**.

### **Duties of committee**

(7) The committee **shall**:

(a) cooperate to identify hazards to occupational health and safety in the workplace and effective systems to respond to the hazards;

(b) receive, investigate and promptly deal with issues respecting occupational health and safety, other than a complaint of workplace harassment;

(c) participate in inspections, inquiries and investigations respecting the occupational health and safety of workers in the workplace, other than an investigation of a complaint of workplace harassment;

(d) advise the **employer** on individual protective equipment, devices and safety features that are best suited to the needs of the workers, within the provisions of this Act and the regulations;

(e) advise the **employer** regarding a policy or program required by this Act;

(f) make recommendations to the **employer**, the workers and any other persons for the improvement of the occupational health and safety of persons at the workplace; and

(g) maintain records and minutes of committee meetings in a form and manner approved by the Director and provide an officer with a copy of those records and minutes at the request of the officer. **Section 25(1) to (7).**

**For more information:**

- Meetings of Committee. **Section 25(8)(9).**
- Time off work. **Section 25 (10).**
- Salary and benefits. **Section 25 (11).**
- Rules and procedure. **Section 25(12).**

**Further details on the Occupational Health and Safety Act can be found at [PrinceEdwardIsland.ca](http://PrinceEdwardIsland.ca).**

## QUÉBEC

In Quebec, Canada, employers have specific responsibilities and obligations related to the **Joint Health and Safety Committee (JHSC)**, as outlined in the [Act Respecting Occupational Health and Safety \(AOHS\)](#) in **Division I to Division VI**.

### **TERMS AND CONDITIONS OF APPOINTMENT – DIVISION IV**

10. Where several certified associations representing all the workers of an establishment fail to agree on the appointment of workers on a committee, the workers are appointed in accordance with the following terms and conditions:

(1) the certified association that, where applicable, represents the absolute majority of the workers **shall** appoint the absolute majority of the workers' representatives on the committee;

(2) (a) subject to the provisions in subparagraph b, the certified associations not referred to in paragraph 1 **shall** appoint, where applicable, their representatives on the committee in accordance with the following procedures:

1. the certified association that represents the highest percentage of workers of an establishment appoints a representative;

2. the percentage of the certified association that made the last appointment is reduced by half;

iii. the certified association that then represents the highest percentage of workers appoints another representative;

1. the procedure outlined in ii and iii is repeated until no more appointments remain.

A certified association may join together with one or several other certified associations for the purposes of applying this

subparagraph. The overall percentage of workers represented by the joining together in the establishment is thus taken into consideration.

Where 2 or several certified associations or groups of associations have an equal number of representatives, the representative is appointed by a draw, with each association or group of associations presenting the name of one candidate for the draw. The representative is deemed appointed by the association or group of associations whose candidate's name is drawn.

(b) if, as a result of applying the terms and conditions of appointment described in subparagraph a, a certified association or group of certified associations could not appoint a representative on the committee, and despite subparagraph a, the last representative to be appointed is appointed by a draw between the certified associations or groups of certified associations that have not appointed a representative on the committee.

A certified association authorized to appoint a workers' representative on the committee that fails to do so within 30 days after a failure to reach an agreement is noted is deemed to have refused or neglected to appoint its representative on the committee.

11. Where one certified association only represents some, but not all, of the workers of an establishment, that association **shall** appoint the majority of the workers' representatives on a committee. The other workers' representatives on the committee are appointed by the group of workers not represented by the certified association.
12. Where several certified associations represent some, but not all, of the workers of an establishment, the workers' representatives on a committee are appointed in accordance with section 10.

13. Where, as a result of applying the terms and conditions of appointment in sections 11 and 12, the group of workers not represented by a certified association is authorized to appoint a representative on a committee, the latter is appointed through a vote taken at a meeting convened for that purpose by the workers' and employer's representatives who are already committee members.
14. Where, in an establishment, the group of workers not represented by a certified association or a certified association refuses or neglects to appoint its representative on a committee, the position left vacant is filled in accordance with section 10, 11 or 12, as long as the appointment has not been made.
15. Where the workers of an establishment are not represented by a certified association, the workers' representatives on a committee are appointed through a vote taken at a meeting convened for that purpose by a worker of the establishment.

**For more information:**

- Division III – Composition of a committee. **Sections 4 to 9.**
- Division V – Rules of operation of a committee.
- Division VI – Annual report of activities.

**Further details on the Regulation respecting health and safety committees can be found at [Legisquebec.gouv.QC.ca](http://Legisquebec.gouv.QC.ca).**

## **SASKATCHEWAN**

In Saskatchewan, Canada, employers have specific responsibilities and obligations related to the **Joint Health and Safety Committee (JHSC)** under the **[Saskatchewan Employment Act](#)** according to **Division 4 – Sections 3-22(1) to 3-28(1)**.

**Occupational Health Committees and Occupational Health and**

## **Safety Representatives – Division 4**

### **Establishment of committees**

(1) Subject to the regulations made pursuant to this Part, at every place of employment where 10 or more workers of one **employer** work, the **employer shall**:

(a) establish an occupational health committee at the place of employment; and

(b) designate persons as members of the occupational health committee in accordance with this section.

(2) An occupational health committee must consist of at least two and no more than 12 people.

(3) At least half of the members of an occupational health committee must represent workers other than workers connected with the management of the place of employment.

(4) No person who represents workers **shall** be designated as a member of an occupational health committee unless the person:

(a) has been elected from the place of employment for that purpose by the workers whom the person would represent;

(b) has been appointed from the place of employment in accordance with the constitution or bylaws of the union of which the workers are members; or

(c) if more than one union represents the workers whom the person would represent on the committee, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those unions. **Section 3-22(1)**.

### **Duties of committees**

(1) The duties of an occupational health committee are the following:

- (a) to participate in the identification and control of health and safety hazards in or at the place of employment;
- (b) to cooperate with the occupational health and safety service, if any, established for the place of employment;
- (c) to establish, promote and recommend the means of delivery of occupational health and safety programs for the education and information of workers;
- (d) to maintain records with respect to the duties of the committee pursuant to this section;
- (e) to investigate any matter mentioned in section 3-31;
- (f) to receive, consider and resolve matters respecting the health and safety of workers;
- (g) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.

(2) An **employer** or contractor **shall** ensure that the duties of the occupational health committee imposed by this Part or the regulations made pursuant to this Part are not diminished by any other committee established within the place of employment by the **employer** or contractor. **Section 3-27(1)**.

### **Duties of representatives**

- (1) The duties of an occupational health and safety representative are the following:
- (a) to participate in the identification and control of health and safety hazards in or at the place of employment;
  - (b) to cooperate with the occupational health and safety service, if any, established for the place of employment;
  - (c) to receive and distribute to workers information regarding health and safety;

(d) to receive, consider and resolve matters respecting the health and safety of workers;

(e) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.

(2) The occupational health and safety representative **shall** perform his or duties in consultation with the **employer**. **Section 3-28(1)**.

**For more information:**

- Director may order additional or new occupational health committees. **Section 3-23(1)**.
- Designation of representatives. **Section 3-24(1)**.
- Duty to post names. **Section 3-25(1)**.

**Further details on The Saskatchewan Employment Act can be found at [Saskatchewan.ca](http://Saskatchewan.ca).**

## **YUKON**

In Yukon, Canada, employers have specific responsibilities and obligations related to the **Joint Health and Safety Committee (JHSC)** under the **[Occupational Health and Safety Act](#)** according to **Sections 12 and 13**.

### **Safety Committees, Representatives, And Officers**

#### **Workplaces having 20 or more employees**

(1) When 20 or more workers are regularly employed at a workplace that is classified under the regulations as an “A” or “B” hazard, the **employer shall** initiate and maintain an occupational health and safety program.

(2) Despite subsection (1), the chief industrial safety officer or the chief mines safety officer may, in writing, require a constructor or an **employer** to initiate and maintain an occupational health and safety program.



(3) When 20 or more workers are regularly employed at a workplace for a period exceeding one month, the **employer shall** cause a joint health and safety committee to be established, unless the chief industrial safety officer or the chief mines safety officer is satisfied that a safety program in which the workers participate is maintained at the workplace and that the program protects the health and safety of the workers as well or better than a committee established under this section.

(4) Despite subsection (3) the chief industrial safety officer or the chief mines safety officer may, by order in writing, require a constructor or an **employer** to establish and maintain one or more joint health and safety committees for a workplace and may, in the order, provide for the composition, practices, and procedures of any committees so established.

(5) In exercising any power conferred by subsection (2), (3), or (4), the chief officer **shall** consider:

(a) the nature of the work being done;

(b) the request of a group of workers or trade union representing the workers in the workplace;

(c) the frequency of occupational injury in the workplace or in the industry of which the constructor or **employer** is a part;

(d) the effectiveness of any health and safety programs that exist in the workplace; and

(6) A committee **shall** consist of a minimum of four and a maximum of 12 persons of whom at least half **shall** be workers who do not exercise managerial functions and **shall** be selected by the workers they represent or by the trade union, if any, that represents the workers.

(7) Committees **shall** have two co-chair, one chosen by the

**employer** members, the other chosen by the worker members, and the co-chair **shall** alternate the function of chairing the meetings of the committee and **shall** participate fully in the deliberations and decisions of the committee.

(8) When a committee has been established under this section, the **employer shall** cause the workers to select at least one health and safety representative who is from among the workers selected for the committee and who does not exercise managerial or supervisory functions.

(9) The health and safety representative shall:

(a) inspect the physical condition of the workplace or part thereof for which they have been selected once each month or at those intervals that the chief industrial safety officer or chief mines safety officer may direct;

(b) observe and if qualified to do so assist in or conduct tests for noise, lighting, and controlled products or agents in the workplace or part thereof for which they have been selected;

(10) Each committee **shall**:

(a) identify situations that may be a source of danger or hazard to workers;

(b) investigate and deal with complaints relating to health and safety of workers represented by the committee;

(c) develop and promote programs, measures, and procedures for the protection of health and safety and for the education and training of workers represented by the committee;

(d) make recommendations to the constructor or **employer** and to the workers for the improvement of the health and safety of workers;

(e) review all accident investigation reports and participate in investigations into accidents that result in or have high potential for serious or fatal injuries;

(f) inquire into matters pertaining to health and safety including consultation with persons who are technically qualified to advise the committee on those matters. **Section 12.**

**For more information:**

- Workplaces having less than 20 employees. **Section 13.**

**Further details on the Occupational Health and Safety Act can be found at [Wcb.YK.ca](http://Wcb.YK.ca).**