

Joint Health & Safety Committee Requirements at Multi-Site Companies



Occupational health and safety (OHS) laws require companies to establish a joint health and safety committee (JHSC) at each workplace with more than a specific number of workers, typically 20. A health and safety representative (HSR) is typically required at sites below the JHSC threshold but with five or more workers. What sounds like a straightforward rule can be tricky to apply, especially with single-owner companies where connected work isn't all performed in the same physical location.

Situation

An Ontario lumber company operates a sawmill and remanufacturing plant in separate buildings at the same site. While treated separately for accounting and administrative purposes, the buildings share the same address, property entrance, office, and garage. There are 16 workers in the sawmill and nine in the plant. Four loader operators who move lumber around the entire site are shared by both operations. The company has one HSR representing all workers at the site.

Under Ontario OHS laws, a workplace with five to 19 regularly employed workers must have an HSR and a workplace with 20 or more regularly employed workers must have a JHSC.

QUESTION

Is the lumber company required to establish a JHSC at the site?

1. No, because the company administers the operations as separate workplaces, neither of which regularly employs 20 or more workers.
2. Yes, because operations at the site constitute one workplace at which there are more than 20 regularly employed workers.
3. Yes, but for only the sawmill because it regularly employs 20 or more workers.
4. No, because an HSR performs the exact same functions as a JHSC.

Answer

1. **Yes, the company does need to establish a JHSC for the site because the sawmill and remanufacturing plant count as one workplace where 20 or more workers are regularly employed.**

Explanation

This scenario is based on a dispute in Ontario in which a Ministry of Labour (MOL) inspector ordered a lumber company to establish a JHSC. The company argued that although it operated its sawmill and remanufacturing plants on the same site, each was also a separate workplace. And since neither of these workplaces had 20 or more regularly employed workers, a JHSC wasn't required. The Ontario Labor Relations Board ruled that the operations constituted a single workplace with over 20 workers and ordered the company to establish a JHSC. Regardless of accounting treatment, the work done at the sawmill and remanufacturing plant were closely connected, the Board reasoned.

Why Wrong Answers Are Wrong

A is wrong because treating the operations as separate departments for accounting and administration doesn't transform them into separate workplaces under OHS JHSC requirements. Significantly, the Board noted that the company itself treated the sites as one workplace in concluding that one HSR was enough to represent both sets of workers. It just did the calculation wrong. Thus, instead of doing separate calculations for two sites of 16 and nine regularly employed workers, it should have done a single calculation for a site with 25.

C is wrong because the sawmill and remanufacturing plant were a single workplace for purposes of the JHSC calculation. Thus, as long as the **combined** worker total was above 19, the fact that neither operation alone had enough workers to meet the 20-or-more threshold was irrelevant.

D is wrong because while they overlap in functions and responsibilities, JHSCs and HSRs are not the same. So, treating them interchangeably is an OHS violation.

[*Carson Lake Lumber Ltd. v. Ontario \(Ministry of Labour\)*](#), 2001 CanLII 6719 (ON LRB)

Takeaway

Note that while JHSC and HSR worker threshold numbers are similar, there are differences in how to apply them to situations where a company performs operations across separate physical locations. So, be sure to check your province's OHS requirements in determining whether to establish a JHSC or HSR at your own workplace.