

# Required OHS Training for JHSC Members & Health & Safety Representatives



## FEDERAL

Employer must:

1. Ensure JHSC members and Reps get prescribed health and safety training and are informed of their OHS responsibilities ( *Labour Code*, Sec. 125(1)(z.01).
2. Develop the above training in consultation with the JHSC/Rep (*Committee/Reps. Reg.*: 14(1)).
3. Review training at least every 3 years or sooner if changes in circumstances suggest revision is necessary (*Committee/Reps. Reg.*: 14(2)).
4. Ensure training covers the *Canada Labour Code*, *CCOHS Regs.*, JHSC/Rep functions, JHSC rules & procedures, and consensus building principles (*Committee/Reps. Reg.*: 14(1)).

## ALBERTA

1. Employer must ensure that JHSC members and Rep are trained in the following:
  - (a) The roles and responsibilities of co-chairs and members on JHSCs and Reps;

- (b) The obligations of work site parties; and
  - (c) The rights of workers (*OHS Code*, Sec. 201)
2. Worker JHSC member or Rep is deemed to be at work during the times they perform their respective JHSC/Rep duties or attend training in connection with these duties (*OHS Code*, Sec. 199.3).

## **BRITISH COLUMBIA**

### **Mandatory JHSC Member Training**

1. Employer must ensure that each JHSC member gets at least 8 hours of instruction (*OHS Reg*, Sec. 3.27(2)).
2. Such training must be received “as soon as practicable” and no later than 6 months after the member is selected (*OHS Reg*, Sec. 3.27(2)).
3. Such training must cover:
  - the JHSC’s duties and functions under section 36 of the *Workers Compensation Act*.
  - the JHSC’s rules of procedure.
  - the requirements respecting investigations under sections 69 to 72 of the *Workers Compensation Act*.
  - the requirements respecting inspections and how to make regular inspections under the *OHS Reg*.
  - the requirements for work refusals under section 3.12 of the *OHS Reg*.
  - the requirements for evaluation of JHSCs under section 3.26 of the *OHS Reg* (*OHS Reg*, Sec. 3.27(4))
4. Employer must ensure that the JHSC member who receives the above instruction and training gets a copy of the person’s training record as soon as practicable after the training is completed and retain the record for at least 2 years until after the person is no longer a JHSC member (*OHS Reg*, Secs. 3.27(8)+(9)).
5. In addition to the above training and instruction, each

JHSC member is entitled to annual educational leave of at least 8 hours to attend OHS training courses conducted by or with the approval of WorkSafeBC (*Workers' Compensation Act*, Sec. 41(1)).

6. JHSC members may designate another member as being entitled to take all or part of the member's educational leave (*Workers Compensation Act*, Sec. 41(2)).
7. Employer must provide the above educational leave without loss of pay or other benefits and pay for, or reimburse the worker for, the costs of the training course and the reasonable costs of attending the course (*Workers' Compensation Act*, Sec. 41(3)).

### **Mandatory Safety Rep Training**

1. Employer must ensure that each Rep gets at least 4 hours of instruction (*OHS Reg*, Sec. 3.27(3)).
2. Such training must be received "as soon as practicable" and no later than 6 months after the Rep is selected (*OHS Reg*, Sec. 3.27(3)).
3. Such training must cover:
  - The Rep's duties and functions under section 36 of the *Workers' Compensation Act*.
  - The requirements respecting investigations under sections 69 to 72 of the *Workers' Compensation Act*.
  - The requirements respecting inspections and how to make regular inspections under the OHS Reg.
  - The requirements for work refusals under section 3.12 of the OHS Reg (*OHS Reg*, Sec. 3.27(5)).
4. Employer must ensure that Rep who receives above instruction and training gets a copy of the person's training record as soon as practicable after the training is completed and retain the record for at least 2 years until after the person is no longer a Rep (*OHS Reg*, Secs. 3.27(8)+(9)).

## MANITOBA

1. Employer or prime contractor must ensure that JHSC members are trained to competently fulfill their duties as JHSC members (*WSH Act*, Sec. 40(13)).
2. Employer must ensure that Reps are trained to competently fulfill their duties as Reps (*WSH Act*, Sec. 41(8)).
3. JHSC members, Reps, or their respective designates get annual education leave of up to 16 hours or 2 normal work shifts, whichever is greater, to take approved training with no loss of pay or benefits to attend workplace safety and health training seminars, programs, or courses of instruction:
  - Offered by the WCB;
  - Approved by the JHSC; or
  - Provided for under the current collective bargaining agreement covering the workers at the workplace (*WSH Act*, Secs. 44(1)+ (1.1)).
4. Exception: The requirement in subsection (3) immediately above doesn't apply to an employer at a construction project or seasonal workplace (*WSH Act*, Sec. 44(2.2)).
5. Employer must pay a JHSC member, Rep, or designate who attends a workplace safety and health training program referred to in subsection (3) at the worker's regular or premium pay, as applicable, for the greater of (i) the actual number of hours spent attending the training; and (ii) the number of hours the worker normally works during a normal shift (*WSH Act*, Sec. 44(2.1)).

## NEW BRUNSWICK

1. Employer must ensure that each person designated to serve on a JHSC or as a Safety Rep at a non-project site either has already attended or attends an educational

program within 12 months after being designated (*OHS Act*, Sec. 14.1(2)).

2. No person may be elected co-chair of a JHSC at a construction project site or serve as the safety rep at such a site unless they attend an educational program prescribed by the regulations (*OHS Act*, Secs. 14.5(2) + 17.1(2)).
3. In either case, the required educational program must be delivered over a period of at least 3 days by WorkSafeNB, an employee approved by WorkSafeNB to deliver the program for that a place of employment or an organization approved by WorkSafeNB that covers the following topics:
  - Responsibilities of JHSCs and health and safety reps.
  - Health and safety and the law.
  - Inspections and hazard identification at a place of employment.
  - Accident review.
  - Prevention resources; and
  - Elements of a sound health and safety program (*Training and Designated Trades Reg*, Secs. 2 + 3).
4. Upon successful completion of the educational program, WorkSafeNB must provide each person who attended the course a signed and dated certificate, entitled "Joint Health and Safety Committee and Health and Safety Representative Educational Program" (*Training and Designated Trades Reg*, Sec. 4).
5. JHSC members and Reps are entitled to receive pay and other benefits for the periods in which they take a required educational program at their regular rates (*OHS Act*, Sec. 14.1(6)).

## **NEWFOUNDLAND AND LABRADOR**

1. If there are 50 or more workers, employers must provide

- and pay for training of all JHSC members (*OHS Act*, Sec. 38.1(1)).
2. If there are 20 to 49 workers, employers must provide and pay for training of only the JHSC co-chairs (*OHS Act*, Sec. 38.1(2)).
  3. If there are fewer than 20 workers, employers must provide and pay for training of the safety rep (*OHS Act*, Sec. 41(2)).
  4. In all cases, training must meet WorkplaceNL's [Certification Training Standard](#) (*OHS Act*, Sec. 38.1(3)).
  5. Employer must compensate the worker for training time as if the training were regular work (*OHS Act*, Sec. 38.1(5)).

## **NOVA SCOTIA**

1. 13(2)(c) of *OHS Act* requires employer to provide JHSC members and Rep "such additional training. . . as may be prescribed by the regulations," but the regulations **don't** prescribe any special training for JHSC members or Reps.
2. [Government guidance](#) (p. 12) states that: "[JHSC members] must be properly trained to fulfill their roles effectively and efficiently. The employer is responsible to provide workplace-specific training and instruction on matters around [JHSC] responsibilities."

## **NORTHWEST TERRITORIES**

1. Employer must ensure JHSC co-chairs get training in committee's functions and duties (*OHS Regs.*, Sec. 51(1)).
2. Employer must ensure Rep gets training in a Rep's functions and duties (*OHS Regs.*, Sec. 51(2)).
3. Employer must credit the attendance of a JHSC member or Rep at a training program, seminar or course of

instruction on health and safety matters conducted or provided by the WSCC or approved training agency as time at work and ensure that the JHSC member or Rep loses no pay or benefits as a result of that attendance (*OHS Regs.*, Sec. 51(3)).

## NUNAVUT

1. Employer must ensure JHSC co-chairs get training in committee's functions and duties (*OHS Regs.*, Sec. 51(1)).
2. Employer must ensure Rep gets training in a Rep's functions and duties (*OHS Regs.*, Sec. 51(2)).
3. Employer must credit the attendance of a JHSC member or Rep at a training program, seminar or course of instruction on health and safety matters conducted or provided by the WSCC or approved training agency as time at work and ensure that the JHSC member or Rep loses no pay or benefits as a result of that attendance (*OHS Regs.*, Sec. 51(3)).

## ONTARIO

### **JHSC Member Certification Training**

1. Employer or constructor must ensure that at least one JHSC worker member and one management JHSC member successfully complete JHSC certification training (*OHS Act*, Sec. 9(12)).
2. **Exception:** JHSC member certification not required at construction projects with fewer than 50 regularly employed workers or that are expected to last less than 3 months (*OHS Act*, Sec. 9(14)).
3. JHSC members are deemed to be at work while they're fulfilling the requirements for becoming a certified member and the member's employer must pay the member for the time spent at the member's regular or premium rate

(*OHS Act*, Sec. 9(36)).

4. Exception: The above payment requirement doesn't apply to workers who are paid by the WSIB for the time spent fulfilling the requirements for becoming certified (*OHS Act*, Sec. 9(36)).
5. JHSC certification training must be provided by an approved trainer and consist of:
  - Part 1, 19.5 hours of general training; and
  - Part 2, 13 hours for trainees to apply concepts of hazard recognition, assessment, and control, and evaluation of hazard controls to at least 6 specific workplace hazards (*Program standard for joint health and safety committee training*).
6. JHSC certification must be renewed at least once every 3 years by completing approved refresher training course of at least 6.5 hours (*Program standard for joint health and safety committee training*).

## **Safety Rep Training**

Certification training is not required for Reps—although employer or constructor should still ensure Reps get training necessary to perform their functions effectively.

## **PRINCE EDWARD ISLAND**

1. 12(2)(c) of *OHS Act* requires employer to provide “such additional training of committee members as may be prescribed by the regulations,” but the regulations **don't** prescribe any special training for JHSC members.
2. If there were prescribed JHSC member training, Sections 25(10) and (11) say that worker members would be entitled to take the necessary time off work to receive it and that the time off from work must be deemed to be work time for which the worker is entitled to their usual salary and benefits, without change.



3. Although there's no prescribed JHSC member training in the OHS regulations, [Guidance from the PEI WCB](#) (p. 8) says that "Committee members should be properly trained to ensure an effective and efficient committee. The employer is responsible to provide workplace-specific training and instruction on matters around committee health and safety responsibilities".

## **QUÉBEC**

### **Training Requirements for JHSCs & Reps at Construction Sites**

1. A JHSC member formed by a principal contractor at a construction site with at least 20 workers must obtain a certificate for at least one hour of theoretical training issued by CNESST or a body recognized by CNESST that covers:
  - Prevention mechanisms applicable on a construction site;
  - The role of the JHSC and its rules of operation;
  - Follow-up on the prevention program;
  - Analysis and follow-up on accident notices;
  - Follow-up on health and safety suggestions and complaints received from construction workers, representative associations, the joint sector-based construction association, employers and the principal contractor; and
  - Follow-up on reports on inspections carried out on the construction site (*Regulation respecting prevention mechanisms specific to construction sites*, Sec. 11).
2. JHSC members don't have to take the above training if they have a health and safety coordinator training certificate or a Rep training certificate under [section 15](#) of the Reg. (*Regulation respecting prevention mechanisms specific to construction sites*, Sec. 11).

3. A designated Rep for a construction site with at least 10 workers must obtain a certificate for at least 3 hours of theoretical training issued by CNESST or a body recognized by it that covers:

- Prevention mechanisms applicable on a construction site;
- The Rep's functions, roles and responsibilities;
- Workplace inspections;
- Assistance to workers in the exercise of their OHS rights;
- The Rep's role during a government inspector's visit; and
- Accident investigation and analysis of reported incidents (*Regulation respecting prevention mechanisms specific to construction sites*, Sec. 14).

4. The designated Reps for a construction site expected to have at least 100 workers or total costs over \$12 million must obtain a certificate for at least 40 hours of theoretical training issued by CNESST or a body recognized by it that covers:

- The prevention program and the operation of a JHSC.
- Prevention mechanisms applicable on a construction site.
- The Rep's functions, roles and responsibilities.
- Workplace inspections.
- Assistance to workers in the exercise of their OHS rights.
- The Rep's role during a government inspector's visit.
- Accident investigation and analysis of reported incidents (*Regulation respecting prevention*, Sec. 15).

5. OHS laws don't include specific training required for JHSC members and Reps at non-construction sites.

## **SASKATCHEWAN**

1. Employers must ensure that Rep receives training in the duties and functions of a Rep (*OHS Regs*, Sec. 4-9(1)).
2. Employers must ensure that JHSC co-chairs receive training in the duties and functions of a JHSC (*OHS Regs*, Sec. 4-9(2)).
3. A JHSC member or Rep, upon giving the employer or contractor reasonable notice, may take up to 5 working days' leave per year (which may be in one or more periods) to attend OHS training programs, seminars or courses of instruction (*OHS Regs*, Sec. 4-9(3)).
4. If the above OHS training program, seminar or course of instruction is conducted or provided by the ministry or a ministry-approved training agency, the employer or contractor must credit the JHSC member's or Rep's attendance as time at work and ensure that the JHSC member or Rep loses no pay or other benefits (*OHS Regs*, Sec. 4-9(4)).

## **YUKON**

1. Employer or prime contractor must orient JHSC co-chairs and Reps to their functions and duties within 90 days of their selection (*WSC Act*, Sec. 41(a)).
2. Employer or prime contractor must let JHSC co-chairs and Reps participate in a government-approved training course as soon as such a course is available to them after their selection (*WSC Act*, Sec. 41(a)).
3. Employer or prime contractor must ensure that JHSC co-chairs and Reps are, within 6 months after they're selected, trained to perform their duties competently (*WSC Act*, Sec. 41(b)).

4. Employer or prime contractor must ensure that at least one JHSC worker is, within 6 months after they're selected, competently trained to participate in investigations of serious incidents, injuries, deaths and refusals of unsafe work (*WSC Act*, Sec. 41(c)).
5. Employer or prime contractor must pay for the costs of the above orientation and training (*WSC Act*, Sec. 41(d)).
6. JHSC members, co-chairs and Reps are entitled to take time away from their regular work as necessary for orientation, training and to perform their JHSC or Rep duties (*WSC Act*, Sec. 42(1)).
7. The time away under subsection (6) above is considered to be time worked for the employer, and the employer must pay the individual for that time (*WSC Act*, Sec. 42(2)).