

YOUR RIGHT TO PARTICIPATE

JOINT HEALTH & SAFETY COMMITTEES

Joint committees are required in the following workplaces:

- All workplaces where 20 or more workers are regularly employed. **Sec. 9, Sub. 2**
- All construction projects with 20 or more workers and lasting more than three months. **Sec. 9, Sub. 1(a) and 2(a)**

With the exception of construction projects, in those workplaces where a designated substance regulation applies. **Sec. 9, Sub. 2(c)**

In any workplace where an order has been issued under section 33 of the Act to control toxic substances. **Sec. 9, Sub. 2(b)**

How do you calculate the number of workers?

- To determine the number of workers in your workplace, the total number of all full-time and part-time workers on all shifts must be included. A worker does not have to be on the worksite for a full eight hours to be counted if there is a consistent pattern of employment. Managers and supervisors are also counted.

What workplaces are excluded from having joint committees?

- A construction project lasting less than three months. **Sec. 9, Sub. 1(a)**
- All workplaces with fewer than 20 workers. **Sec. 9, Sub. 2(a)**
- All workplaces that may be exempted by special regulation. **Sec. 9, Sub. 1(b)**

What about workplaces with more than one location?

- In the case of an employer with several work locations, the requirement for a joint committee applies to each location with 20 or more workers, not to the employer's entire operation.
- Some work operations have scattered work locations where no single worksite has more than 20 workers, but the whole operation may have over 20 employees. In this case, because no one worksite meets the criteria for the establishment of a joint committee, your employer is not compelled to form a committee. If a location has fewer than 20 workers and more than 5, a health and safety representative is required.

What is the minimum size of joint committees?

- All workplaces with 50 or more workers must have at least four committee members; at least one half of them must consist of workers selected by the union. **Sec. 9, Sub. 6(b)**
- All workplaces with between 20 and 49 workers must have at least two members; at least one half of these must be workers selected by the union (or unions) in the workplace. **Sec. 9, Sub. 6(a)**

How large should a committee be to work effectively?

- The Act sets the minimum size of committees. As a rule, it is important to ensure that committees are large enough to represent the concerns of all workers, with representatives from most departments or areas of the workplace.

How must committees be composed?

- All committees must have co-chairpersons, one representing workers and one representing the employer. **Sec. 9, Sub. 11**

- All committees must have at least one management and one worker member who have been certified by the Ministry of Labour (MOL) after they have met the certification training requirements established by the MOL. **Sec. 9, Sub. 12, 13, and 14**
- Worker members on the committee must come from the workplace, while employer members must come from the workplace to the extent possible.

How are health and safety committee members and health and safety representatives chosen?

- A health and safety representative is chosen from among the workers by the trade union (or unions) which represents them. **Sec. 8, Sub. 5**
- If there is a union, it (or they) will select worker members to the joint health and safety committee. If there is no union, the workers will select representatives. **Sec. 9, Sub. 8**
- If more than one union exists in a workplace, all unions are entitled to participate in the selection of worker representatives to the JHSC.

What are the rights and duties of joint committees?

- The committee has the power to identify hazards and make recommendations for their correction. **Sec. 9, Sub. 18(a) (b) (c)**
- The committee has the power to schedule monthly inspections. **Sec. 9, Sub. 26, 27 and 28**
- The committee must receive a written response to its recommendations from the employer within 21 days.
- This would also include a requirement to respond to worker member recommendations in the absence of joint recommendations.
- The committee has the power to obtain information from the employer on any actual or potential hazard or any experiences, practices, and standards of which the employer is aware. **Sec. 9, Sub. 18(d)**
- The committee must be consulted about any health and safety testing being carried out and has the right to have

a worker member present at the beginning of such testing. **Sec. 9, Sub.18 (f)**

- The committee must be consulted about hygiene testing strategies developed by the employer and has the right to have a worker member present at the beginning of testing. **Sec. 9, Sub. 18(e) and Sec. 11, Sub. 1, 2, 3, 4**
- The committee must be provided with any health and safety reports in the employer's possession.
- The employer must make workers aware that such reports exist, and workers have the right to request copies of health and safety reports. **Sec. 25, Sub. 2(I), (m)**
- The committee and the union must be given notices of all critical or fatal accidents, accidents resulting in injury, and all occupational illnesses. **Sec. 51, Sub. 1; and Sec. 52, Sub. 1, 2, 3**
- The committee, a worker, the union, or an employer has the right to request and receive an annual summary of work-related accident and illness data from the Workplace Safety and Insurance Board. The employer must post a copy of the summary in a conspicuous place in the workplace. **Sec. 12, Sub. 1 and 2**
- The committee or the health and safety representative must be given copies of any reports or orders issued to the employer by the MOL inspector. The employer must also post a copy or copies of the reports or orders in a conspicuous place in the workplace. The worker who made the health and safety complaint may request the report or order from the inspector. **Sec. 57, Sub. 10 (a) (b)**
- The committee must have an opportunity to participate in the development and implementation of worker education and training programs required by the Workplace Hazardous Materials Information System (WHMIS) regulations. **Sec. 42, Sub. 1 to 4**
- At least one management and one worker member of the committee must become certified after undergoing certification training requirements established by the Ministry of Labour (MOL). **Sec. 9, Sub. 12, 13 and 14**



- A committee is required to meet at least once every three months. But it may be necessary to meet more frequently in workplaces that are particularly hazardous. **Sec. 9, Sub. 33**
- The Act requires that minutes of meetings be recorded, maintained, and made available for review by an inspector. These should indicate the problems raised, their resolution and what action was to be taken by whom. **Sec. 9, Sub. 22**

What happens if a dispute arises over committee requirements?

- The minister should be notified of the dispute. The Ministry will refer the parties to private dispute resolution. Should this fail, the minister will make a ruling. **Sec. 9, Sub. 39**

WORKER MEMBERS OF JOINT COMMITTEES

What are the rights & duties of worker members of joint committees?

Inspections:

- A worker member selected by the workers on the committee has a right to inspect the workplace at least once a month. **Sec. 9, Sub. 23 and 26**
- Where it is not practical to inspect the entire workplace once a month, it must be inspected at least once a year. However, at least part of the workplace must be inspected once in each month in accord with a schedule of inspections that must be established by the committee. **Sec. 9, Sub. 27 and 28**
- Inspections do not have to be carried out by the same person. It is possible to select other worker members to conduct inspections. **Sec. 9, Sub. 25**
- The worker member conducting inspections must be given information from the employer to assist in the inspection. He or she must report all hazards to the committee. **Sec. 9, Sub. 29 and 30**
- The committee must review reported hazards within a reasonable period of time which may require the

committee to meet more frequently than once every three months. **Sec. 9, Sub. 30**

Investigations:

- A worker member selected by worker members of the committee has the right to investigate critical or fatal accidents. The worker must report the findings to the committee and the Ministry of Labour. **Sec. 9, Sub. 31; Reg. 834 (Critical Injury-defined)**
- Members selected to investigate where workers are killed or critically injured should interview witnesses and collect relevant information. The Act says “investigate.”

Testing for hazards:

- A worker member has the right to be present at the beginning of any health and safety testing, including hygiene testing at the workplace. **Sec. 9, Sub. 18(f); Sub. 19; and Sec. 11, Sub. 3 and 4**
- The worker member must ensure that the device or area being tested is representative of actual conditions and that the testing equipment and procedures are appropriate. He or she must be given sufficient time and information to make these determinations.

Do worker members get paid preparation time?

- Yes. Worker members must be given at least one hour paid preparation time prior to joint health and safety committee meetings. **Sec. 9, Sub. 34(a)**

Are worker members entitled to paid time off to perform their duties?

- Yes. Workers must be given time off to attend meetings, carry out their duties to inspect the workplace, investigate accidents, represent workers during refusals, witness tests and accompany inspectors.
- The Act says that the performance of these duties and rights is considered work time, paid at the worker’s regular or premium rate of pay. **Sec. 9, Sub. 35, 36; Sec. 43, Sub. 13; and Sec. 54, Sub. 5**



YOUR RIGHT TO PARTICIPATE

How do designated joint committee members become certified?

- Designated worker and employer members must be certified by the MOL after completing the training requirements established by the MOL. **Sec. 1, Sub.1; Sec.9, Sub. 12 to Sub. 17**

What if there is more than one certified member?

- If there is more than one certified member, or selection of a new certified member will mean that there is more than one, the union must designate one or more members to act as the certified person(s) to be solely entitled to exercise the rights and duties of a certified member. **Sec. 9, Sub 15**

Who pays for certification training?

- The employer must pay you during the training and assume all costs including reasonable expenses associated with the delivery of the training. **Sec. 9, Sub. 36**

Who provides certification training and what must be taught?

- The MOL has a list of approved certification training providers posted on its website. Certification training must meet the criteria set out in the MOL's "Joint Health and Safety Committee Certification Training Program Standard" found on the MOL website. <https://www.ontario.ca/page/program-standard-joint-health-and-safety-committee-training>
- On May 1 2020 changes came into effect Joint Health and Safety Committee Certification Training Program Standard" These changes do not affect the approval status of existing training providers. Changes have also been made to the training and other requirements that joint health and safety committee (JHSC) members must fulfill to become certified.

THE ROLE OF WORKER HEALTH & SAFETY REPRESENTATIVES

What are health and safety representatives and where are they required?

- A health and safety representative must be selected by the union in all workplaces where more than five, but fewer

than 20 workers are regularly employed. **Sec. 8, Sub. 1 and 5**

- Where a representative is not specifically required by the Act, the Minister of Labour may order that a representative be selected. **Sec. 8, Sub. 2**

What are the duties and rights of health and safety representatives?

- The health and safety representative has the same powers and rights as the joint committee and its worker members, except that the health and safety representative is not required to become certified. In addition, the Act is silent on the matter of paid preparation time for representatives. **Sec. 8, Sub. 6 to 16**
- The health and safety representative has a legal obligation to inspect the workplace at least once a month, in accordance with an inspection schedule agreed to by the representative and the employer. **Sec. 8, Sub.6**
- A health and safety representative has the power to recommend corrective action to the employer. **Sec. 8, Sub. 10**
- He or she must receive a written response from the employer within 21 days to all recommendations. This response must indicate a timetable for implementation or reasons for not accepting the recommendations. **Sec. 8, Sub. 12 and 13**

Can an employer or supervisor interfere with or obstruct the joint committee or health and safety representative?

- No. The law clearly forbids anyone from interfering, obstructing, or providing false information to members of a joint committee or a health and safety representative when they are performing their duties. Complaints should be filed immediately with the inspector should any obstruction occur. **Sec. 62, Sub. 5**



Table 1.1 provides additional information on Health & Safety Representatives & JHSC under OHS

Size and Duration of Project	Representative or Committee	Number of Members	Membership Requirements	Selection of Members	Powers and Rights
1 to 5 workers	None (unless the workplace uses designated substances)				
6 to 19 workers (on a project lasting more than 3 months) OR 6 plus workers (on a project lasting less than 3 months)	One Health and Safety Representative JHSC (if the workplace uses designated substances)			Selected by the other workers or their union(s)	<ul style="list-style-type: none"> Obtain information from a constructor or employer regarding the testing of equipment, materials, or chemicals in the workplace. Inspect the workplace at least once a month, with the full cooperation of constructor, employers, and workers. Ask for and obtain information regarding existing or potential hazards in the workplace. Make health and safety recommendations to a constructor or employer, who must respond in writing within 21 days, either giving a timetable for implementation or giving reasons for disagreeing with the recommendations. Where a person has been killed or critically injured in the workplace, investigate the circumstances of the accident and report findings to a director of the Ministry of Labour. Exercise all the powers granted to the Health and Safety Representative by virtue of a collective agreement.
20 to 49 workers (on a project lasting more than 3 months)	Joint Health and Safety Committee (created by the constructor)	At least two	At least one non-management worker at the project and one management representative from the project if possible.	Worker representatives selected from the site by workers or trade union(s) represented. Management representatives selected by constructor or employer.	<ul style="list-style-type: none"> Identify situations that may be a source of danger or hazard to workers. Make recommendations regarding health and safety matters. Recommend the establishment, maintenance, and monitoring of programs. Obtain information from constructors or employers regarding testing of equipment or environments and be present when testing is initiated.
50 plus workers (on a project lasting more than 3 months)	Joint Health and Safety Committee (created by the constructor)	At least four	Half non-management workers from the workplace with at least one certified. Half management representatives from the workplace if possible with at least one certified.	Worker representatives selected from the site by workers or trade union(s) represented. Management representatives selected by constructor or employer.	<ul style="list-style-type: none"> Advise the JHSC of the health and safety concerns of the workers in the trades at the workplace.
	Worker Trades Committee (created by the JHSC)	At least one worker representative from each trade	One worker representative from each trade	Members to be selected by trade workers or trade union(s) at the site. Members do not have to be workers at the site.	

