

## Health and Safety

### What is a joint health and safety committee?

A joint health and safety committee (JHSC) is composed of worker and employer representatives. Together, they should be mutually committed to improving health and safety conditions in the workplace. Committees identify potential health and safety issues and bring them to the employer's attention and must be kept informed of health and safety developments in the workplace by the employer. As well, a designated worker member of the committee inspects the workplace at least once a month.

### What is the joint health and safety committee's role?

The committee is an advisory body that helps to stimulate or raise awareness of health and safety issues in the workplace, recognizes and identifies workplace risks and develops recommendations for the employer to address these risks. To achieve its goal, the committee holds regular meetings and conducts regular workplace inspections and makes written recommendations to the employer for the improvement of the health and safety of workers.

### Why are joint health and safety committees important?

Joint health and safety committees assist in providing greater protection against workplace injury and illness and deaths. Joint health and safety committees involve representatives from workers and employers. This co-operative involvement ensures that everything possible is done to identify and eliminate or mitigate workplace health and safety hazards.

Joint health and safety committees are a key element of a well-functioning workplace internal responsibility system.

### Which workplaces must have joint health and safety committees?

<b>No. of Workers</b>	<b>Legislative requirement</b>
1 to 5	You are not required to have a JHSC or a Health and Safety Representative unless your workplace uses designated substances.
6 to 19	You are required to have one Health and Safety Representative who is selected by the workers they represent. If your workplace uses designated substances, you are required to have a JHSC.
20 to 49	You are required to have a JHSC. The committee must have at least two (2) members.
50 plus	You are required to have a JHSC. The committee must have at least four (4) members.

Workplaces that require committees include:

- any workplace that regularly employs 20 or more workers [clause 9(2)(a)]. Note that workers taking part in community participation (workfare) under the [Ontario Works Act, 1997](#) are not counted for the purpose of determining whether there are 20 or more workers regularly employed
- construction projects on which 20 or more workers are regularly employed and expected to last three months or more [clauses 9(2)(a) and 9(1)(a)]
- any workplace (other than specified construction projects) to which a designated substances regulation applies, even if there are fewer than 20 workers regularly employed in the workplace [clause 9(2)(c)]
- any workplace where a Director's order has been issued under section 33 of the Act, even if there are fewer than 20 workers regularly employed in the workplace [clause 9(2)(b)]
- any workplace or construction project in respect of which the Minister of Labour has ordered the employer or constructor to establish a committee [subsection 9(3)]
- farming operations at which 20 or more workers are regularly employed and have duties related to mushroom, greenhouse, dairy, hog, cattle or poultry farming. Detailed information is available in the Ministry of Labour's [A Guide for Health and Safety Representatives and Joint Health and Safety Committees on Farming Operations](#).

### **Who is considered “regularly employed” for the purpose of determining whether a joint health and safety committee is required at a workplace?**

Although this is a fact-specific determination which may vary by workplace, the Ministry typically considers a worker who is filling a position at the client's workplace as “regularly employed” if the position exceeds (or is expected to exceed) three months.

There may be situations where there is a high turnover of staff in a particular position, with each person working in it for less than three months. If the term of the position exceeds three months, the Ministry recommends that the position should be included in the “regularly employed” count when determining whether a health and safety representative or joint health and safety committee is required, even though no single worker may have occupied that position for more than three months.

### **Meetings**

#### **How often must the joint health and safety committee meet?**

Committee members are required to meet at the workplace at least once every three months [subsection 9(33)]. More frequent meetings may be useful particularly in industries where the work involves hazardous substances or procedures.

#### **Must the minutes be recorded? What should the minutes include?**

Minutes of each meeting must be recorded and available for review by a Ministry of Labour inspector [subsection 9(22)]. Minutes should contain details of all matters discussed, as well as a full description of issues raised, any action recommended by the committee members and the employer response to the recommendation(s). Minutes should identify members by title and not by name. Members' names should be used only for attendance purposes.

Minutes should be signed by the co-chairs and posted in the workplace within one week of the meeting. A sample template for meeting minutes is found in [Appendix B](#).

### **Are there other Procedures a Committee must follow?**

The committee may make its own rules and procedures provided that they are consistent with statutory requirements relating to committees. A template of a committee's terms of reference is found in [Appendix C](#).

## **Roles and Responsibilities**

### **What are the committee's principal functions?**

The committee has various powers, including:

- identifying actual and potential hazards in the workplace
- obtaining information from the employer relating to health and safety in the workplace
- inspecting the workplace on a regular basis
- being consulted about and having a member representing workers be present at the beginning of any health and safety-related testing in the workplace
- recommending health and safety improvements in the workplace.

To carry out its functions, the committee is required to hold meetings at least once every three months [subsection 9(33)]. There may be a need to meet more often if there are specific workplace health and safety issues to address or if the work involves hazardous substances or procedures.

Joint health and safety committees may want to consider developing a terms of reference to help guide them towards their goals. Sample terms of reference is provided in [Appendix C](#).

### **What other functions does a committee have?**

Generally speaking all committee members should be available to receive worker concerns, complaints and recommendations; to discuss issues and recommend solutions; and to provide input into existing and proposed workplace health and safety programs. Some regulations under the Act also set out additional functions for a committee, such as requiring the employer to consult with the joint health and safety committee/health and safety representative in specified circumstances. One example is the [Health Care and Residential Facilities Regulation](#), O. Reg. 67/93, which requires the employer to consult the committee or health and safety representative during the development of health and safety policies and programs, including training programs (see sections 8 and 9 of that Regulation).

Under O. Reg. 490/09 ([Designated Substances](#)), the employers are required to consult with the committees in assessments of likely worker exposures to designated substances in the workplace, and the committees are entitled to make recommendations in respect of said assessments.

Other key functions are investigating when a worker is killed or critically injured 9(31) and being present in the investigations following a work refusal – see 43(4)(a) and (7).