

WSIB

What should the committee do in the event of a worker's critical injury or death?

Members of the committee, who represent workers, must designate one or more worker members to investigate incidents in which a worker is killed or critically injured [subsection 9(31)].

The designated member(s) have the right to inspect the place where the incident occurred as well as any relevant machine, device or thing, but must not disturb the scene pending a Ministry of Labour investigation.

Following the investigation, all findings must be reported to the committee and to a Director [subsection 9(31)]. Where appropriate, the committee may wish to make specific recommendations to the employer in respect of the hazard which led to the injury or fatality.

Note: A person is "critically injured" for the purposes of the Act if he or she has an injury of a serious nature that places life in jeopardy, produces unconsciousness, results in substantial loss of blood, involves the fracture of a leg or arm but not a finger or toe, involves the amputation of a leg, arm, hand or foot but not a finger or toe, consists of burns to a major portion of the body, or causes the loss of sight in an eye (Regulation 834).

What sort of information can the joint health and safety committee expect to obtain?

The JHSC has various powers relating to the collection of health and safety-related information. For example: the JHSC has the power to obtain information from the employer about health and safety related testing and any actual or potential hazards in the workplace [clause 9(18)(e)]. The employer must share any knowledge of health and safety practices, tests and standards in the industry [clause 9(18)(d)]. The employer is further obligated to provide the joint health and safety committee with health and safety reports under clause 25(2)(l).

Where a person is killed or critically injured from any cause at a workplace the employer must immediately notify the Ministry and the JHSC [section 51].

The employer must notify the JHSC of lost time injuries caused by accident, explosion, fire or incident of workplace violence at the workplace, and must report any occupational illnesses of which he or she has knowledge [section 52].

The employer may also be required to provide other specific information to the JHSC where prescribed. Therefore, as stated previously, it is important that the employer and the JHSC be familiar with the regulations that apply to their workplace.

The [Workplace Safety and Insurance Board](#), at the request of the joint health and safety committee, is required to send an annual summary of data relating to the number of fatalities, lost workday cases, workdays lost, non-fatal cases requiring medical care (but not involving lost workdays) and incidence of occupational illnesses [section 12].

What assistance can the joint health and safety committee expect from the employer?

The Act places a general duty on an employer to assist and cooperate with the joint health and safety committee in the performance of its functions [clause 25(2)(e)].

More specific employer responsibilities with respect to the joint health and safety committee include:

- upon the request of the joint health and safety committee, provide information regarding the identification of potential or existing hazards involving materials, processes or equipment [paragraph 9(18)(d)(i)]
- upon request provide the committee with information about health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge [paragraph 9(18)(d)(ii)]
- provide the joint health and safety committee with a copy of all orders or reports issued to the employer by an inspector of the Ministry of Labour [subsection 57(10)(a)]
- provide a joint health and safety committee member with the opportunity to accompany a Ministry of Labour inspector on the physical inspection of the workplace [subsection 54(3)]
- provide a joint health and safety committee with information and assistance the committee requires for the purposes of inspecting the workplace [subsection 9(29)]
- advise the committee of the results of the assessment or reassessment of the risks of workplace violence, and provide it with a copy of the assessment if it is in writing [subsection 32.0.(3)(a)], and
- Provide any other specific information where prescribed.

It is an offence for any person to knowingly hinder or interfere with, or to give false information to a joint health and safety committee member who is in the process of exercising his or her powers and/or performing his or her duties under the Act.