Public Services Health & Safety Association™

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AN INTRODUCTION TO THE JOINT HEALTH AND SAFETY COMMITTEE (JHSC)

This PSHSA Fast Fact is intended to help JHSC members, supervisors, managers, employers, and other workers understand the role of the JHSC. Establishing a joint health and safety committee (JHSC) is a legal requirement for any Ontario workplace with 20 or more workers at any one site. The committee must have at least two members for workplaces with 20 to 49 workers, and four or more members for workplaces with 50 or more workers. (Ontario Occupational Health and Safety Act (OHSA); Sec. 9 (2) (a), (6) (a), (b).)

WHAT IS THE JHSC AND WHY DOES IT EXIST?

The JHSC audits the activities of the Internal Responsibility System (IRS). Under the IRS, all workers, supervisors and employers are legally responsible for health and safety in the workplace. The JHSC gives its members an opportunity to analyze the data they have collected from accident and incident reviews and workplace inspections, in order to determine how well the IRS is working. When the IRS is working, as it should, there is little work for the committee. When the IRS is not working, recommendations are written to the employer on what improvements should be implemented.

These activities provide the employer with information on how to improve the functioning of the IRS to ensure the protection of workers' health, safety and well-being.

If your workplace has 6 to 19 staff, a JHSC need not be established unless a designated substance is present in the workplace (Sec. 9(2)(c)).

The workers or union in workplaces employing fewer than 20 workers must select a Health and Safety Representative (see Sec. 8). If there are fewer than six workers employed, a JHSC or Health and Safety Representative is not required unless ordered by the Minister (Sec. 8 (1),(2)).

WHAT IS THE STRUCTURE OF THE JHSC?

According to the Occupational Health and Safety Act (OHSA), at least half of the JHSC members must be workers who do not exercise any managerial functions, and are selected by the workers or the unions they represent. The employer selects the remaining members.

The Ministry of Labour recommends that occupational health and safety (OH&S) professionals (e.g., occupational health nurses, safety coordinators or infection control practitioners) should act as advisors to the IRS and JHSC, but should not represent either workers or management. This ensures their objectivity when dealing with workplace safety issues.

Each JHSC must have two co-chairs; one worker member and one from management. Co-chairs are selected by the members of the JHSC (Sec. 9 (11)) and they share the responsibilities, usually by alternating their duties every other meeting.

The JHSC is to make recommendations to the employer and workers for the improvement of the Health and safety of workers (Sec 9 (18)(b). If the JHSC has failed to reach consensus about making recommendations, after attempting in good faith to do so, either co-chair of the JHSC has the power to make written recommendations to the employer.

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In addition, each JHSC needs to have at least two certified members; one worker member and one from management. (Sec. 9 (12)).

Certification is a two-part process that includes basic and workplace-specific training. This training helps the entire committee audit the IRS more effectively.

Under the Minister's Order, Sec 9 (3.1), the Minister may, order in writing an employer to establish and maintain one JHSC for more than one workplace (Multi-Site approval).

WHAT DOES THE JHSC DO AND WHAT ARE ITS RIGHTS?

The OHSA grants the JHSC certain powers, functions and duties:

- To identify hazardous situations that the IRS has missed.
- To recommend improvements for the health and safety of workers.
- To recommend the establishment, maintenance and monitoring of programs and procedures to be implemented by the IRS for the health and safety of workers.
- To obtain information from the employer about potential or existing hazards and health and safety experiences, work practices and standards in similar industries.
- To obtain information from the employer about tests related to the safety of any equipment or chemical or physical agent related to the workplace.
- To be consulted about the testing referred to above. A JHSC member may be present at the beginning of this testing if the designated member believes her/his presence is required to ensure valid testing procedures or results.
- To develop an appropriate schedule for inspecting the entire workplace when it is not practical to inspect the entire workplace every month.
- To deal with information relayed to the committee by the worker member who does inspections, within a reasonable time.
- To determine the paid time each committee member needs to prepare for committee meetings (1 hour or more is legislated (Sec. 9 (34)).
- To be consulted by management about the preparation of a chemical inventory and have access to the inventory and the relevant safety data sheets.
- To review any assessments or control programs for designated biological and chemical agents
- To be consulted about the development and review of any prescribed OH&S instruction and training for workers (e.g., Workplace Hazardous Materials Information System — WHMIS-GHS).
- To receive and review the employer's OH&S reports

Note: For facilities that are also governed by the Health Care and Residential Facilities Regulation 67/93 additional duties apply. See Sec. 8&9 in this regulation.

WHAT DOES THE JHSC NEED TO EXERCISE ITS RIGHTS EFFECTIVELY?

To be effective, a committee needs:

- Support from senior management and all levels of supervision that enforce safe work practices.
- Knowledge of the OHSA particularly, and understanding of the roles and responsibilities of the IRS specifically (Sec. 25 – 28).
- Education in OH&S issues to familiarize them with common hazards in the workplace.
- Support from workers and unions.
- Time to prepare and meet and consult with external resources.
- Terms of reference.

Terms of reference define who the members are, how they are selected, how long the term of office is, how often the JHSC meets and what defines a quorum. Terms of reference also address how agendas and minutes are prepared and distributed, what the JHSC's goals and objectives are and how to write and follow up on recommendations made to the employer.

Remember, the JHSC is a "fail-safe" for the IRS. It is the IRS that is legally responsible for the organization's OH&S program. Without this understanding, the JHSC can actually negatively affect workplace safety.