



A Guide for Employers

Joint Health and Safety Committees

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PENINSULA



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Peninsula is an employer resource for HR, workplace health and safety, and employment advice, offering guidance to small and medium-sized businesses. For more than three decades, we have supported over 50,000 businesses worldwide and across all industries.

All of our clients have immediate access to unlimited 24/7 employment advice, occupational health and safety support, legal expense insurance, on-site HR audits, a suite of employer documents and templates, online employee management tools and legislative updates, all of which are custom-tailored to their particular business. Simply put, Peninsula is the alternative solution to having your own in-house human resources team. We're here to help, however and whenever you need us.

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Who is this guide for?

This is the essential health and safety guide for small business owners.

If you are a small business owner or employer, this guide is for you.

This guide contains essential information regarding an employer's duties under provincial health and safety laws. It also provides answers to frequently asked questions concerning this topic.

You may use this guide as a reference point for:

- Health and safety standards
- Employer need-to-knows
- HR best practices
- Employment-related facts
- Legislative updates

If you have any questions regarding this guide or about how health and safety laws affect your business, please contact Peninsula to speak with our expert health and safety advisors. Our dedicated advice line is a complimentary service that's available 24/7 at **1(833) 247-3652**.

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Joint Health and Safety Committees (JHSC)

This employer guide explores your role in the Joint Health and Safety Committee selection and training process. As a small business owner, use this resource to avoid common pitfalls.

Did you know? If your business has more than 20 regularly employed workers, a Joint Health and Safety Committee (JHSC) is a requirement under the Ontario Occupational Health and Safety Act (OHSA).

The committee is made up of both worker and employer representatives and its purpose is to improve health and safety conditions in the workplace. Dependent on the size of your organization, the number of members required on the committee will vary. To ensure the committee operates effectively and achieve its goals, members must complete assigned training and assessments.

As an employer, this guide is a useful resource to help you understand the importance of a Joint Health and Safety Committee and what this means for your business under Ontario's Occupational Health and Safety Act.



About the Joint Health and Safety Committee

Your advisory committee for workplace health and safety issues.

The Joint Health and Safety Committee advises you, the employer, about potential hazards and risks in the workplace. The committee also makes recommendations to mitigate or resolve health and safety issues. Members meet regularly and inspect the workplace to identify and assess hazards.

Does your business require a Joint Health and Safety Committee or health and safety representative?

Whether your business requires a JHSC or instead, a health and safety representative is dependent on the size of your workforce. Both groups have similar functions; they work to identify workplace hazards, investigate work refusals and serious injuries, and make recommendations to the employer.

Under the Ontario Occupational Health and Safety Act (OHSA), the following requirements apply:

No. of Workers	Do you need a JHSC?
1 to 5	No. You do not need to have a JHSC or health and safety representative.
6 to 19	No, however, a health and safety representative is required.
20 to 49	Yes. The JHSC must consist of two (2) or more members.
50 plus	Yes. The JHSC must consist of four (4) or more members.

Keep in mind, your business can be required to have a JHSC despite having less than 20 regularly employed workers if:

- A designated substance regulation applies to your workplace; or
- Businesses receive a Director's or Minister's order.

Defining a 'Regularly Employed' Worker

In practice, the Ministry of Labour defines the term '**regularly-employed work**' broadly. Typically, an individual that is working (or is expected to be working) for three months is considered regularly employed.

Further, in roles where there is high staff turnover, the Ministry states that all positions that exist for longer than three months (even if different people have worked in that role over the three-month period) must be included when determining if a JHSC or health and safety representative is required.



Understanding Your Responsibilities as an Employer



When creating a Joint Health and Safety Committee (if applicable), you have the following obligations under the Occupational Health and Safety Act:

- Assist with the selection of committee members who exercise managerial functions;
- Provide committee members with appropriate training to carry out their responsibilities;
- Support the committee in carrying out their responsibilities;
- Provide information requested by the committee regarding workplace hazards, workplace violence assessments and applicable health and safety standards;
- Supply the committee copies of all Ministry of Labour inspections and workplace violence assessments;
- Designate a member of the committee to accompany an inspection officer during an investigation; and
- Respond to recommendations made by the JHSC within 21 days.

It is considered an offence to interfere with the JHSC or to prevent the committee from carrying out their responsibilities outlined in the Act. As an employer, you must be cooperative and assist the JHSC when required.



Joint Health and Safety Committee Selection Process

The JHSC plays an important role in workplace health and safety. As an employer, you are responsible for ensuring workers understand the selection process and their right to vote.

Committee Requirements

- Half of the committee consists of non-management workers. Workers select their representatives on the committee by nominating and voting for candidates.
- The other half of the committee consists of management. Ideal candidates will have extensive knowledge of operations within the business and health and safety concerns. These individuals are chosen by the employer.
- The names of all committee members must be posted in the workplace

How Non-Management Members are Elected and your role as the Employer

- ✓ Notify staff that positions on the JHSC are available
- ✓ Describe the nomination and selection process
- ✓ Outline the responsibilities required to candidates, and if nominated, verify that they accept
- ✓ Choose a date, time and voting system
- ✓ Count all votes for nominees
- ✓ Announce the results



Training Joint Health and Safety Committee Members

At least two (2) members (one being from management and one representing workers) must be certified under the Occupational Health and Safety Act. If workers were previously certified under the Workplace Safety and Insurance Act (WSIA) prior to April 01, 2012, they are considered certified under OHSA.

Certification is not only a mandatory legal requirement, it is also a critical part of health and safety. Certified employees will be more effective at identifying hazards, preventing accidents, and recommending changes to the workplace. It is possible to have more than two certified members on the committee. Although it is not required for all additional members to have health and safety training, members can receive specialized training through health and safety associations.

How to get Certified

Certificates are obtained through the Ministry of Labour. Training consists of two parts:

- **Part I: Basic Certification** – The first part of training gives an overview of health and safety standards that can be applied to every workplace. It also gives members an understanding of their role on the Joint Health and Safety Committee and describes procedures to assess hazards.
- **Part II: Workplace-Specific Hazard Training** – Employers choose at least 6 hazards that apply or could apply to the workplace. This portion of the training focuses on identifying and mitigating the risk associated with these hazards and includes a reassessment of concepts from part I.

The second part of training must be completed within six months of completing the first part in order to receive the certification.

Refresher Training

Your employees must be trained every three (3) years in order to keep their certification status. Refresher training consists of an overview of both parts I and II as well as any changing legislation or best practices.

Additional Training

All new members should receive an orientation that outlines the responsibilities and goals of the JHSC. It is also considered good practice to provide additional training to members that will be inspecting the workplace.



General Procedures



When training new members, it is important to make sure they understand the general procedures the committee must follow in order to carry out their responsibilities.

Making Recommendations

When the committee makes a recommendation on health and safety matters, this should be made in writing and include:

- The date;
- Any background information about the issue or hazard and why it needs to be addressed; and
- How the proposed recommendations will be effective in addressing the workplace issue or hazard.



General Procedures

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Disagreement About Recommendations

If the committee cannot agree on a recommendation, a co-chair member has the ability to make written recommendations on the committee's behalf. The written recommendations must state the reasons for agreement and disagreement and summarize how the committee tried to reach an agreement.

Work Refusal

When an employee refuses work, a committee member must be present when the resulting investigation takes place. If the issue is not resolved immediately, the JHSC member is required to participate in an additional investigation with an inspector from the Ministry of Labour.

Critical Workplace Injury and/or Death

The JHSC must designate at least one member to investigate critical workplace injuries and incidents where workers are killed. The scope of the investigation includes the location, machinery, and devices relevant to the accident, whereby all details of the incident are recorded. It is important to note that the JHSC member should not alter the site of the accident because a Ministry of Labour Inspector will also investigate.

JHSC Meetings

As your health and safety advisory board, the committee should hold ongoing meetings, conduct regular workplace inspections, and make written recommendations to improve the work environment. You should train your committee members with the following information, that they:

- Must meet at least once every three months;
- Have one of the two co-chairs present for each meeting;
- Be provided with an agenda from your co-chairs at least one week in advance;
- Must be present in all meetings; and
- Record detailed meeting minutes for distribution to the employer and committee members.



Summary

Joint Health and Safety Committees

Members of the Joint Health and Safety Committee are appointed to assess and provide feedback about health and safety in the workplace. As an employer, it is your responsibility to ensure members are trained according to OHSA requirements, and that you assist them in carrying out their responsibilities. The committee is an integral part of your employees exercising their right to participate in health and safety matters, and it is vital that members receive the support and training they need.

Learn More

If you have questions about Joint Health and Safety Committees in Ontario, contact Peninsula. We are dedicated to providing small business owners with HR support. Call us today.

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