

JOINT HEALTH AND SAFETY COMMITTEES

Ontario's *Occupational Health and Safety Act* (the *Act*) is built on the principle that workers and employers must work together to identify and resolve health and safety problems in the workplace. To meet this goal, joint health and safety committees are required by law in many Ontario workplaces. This download provides answers to commonly asked questions about joint health and safety committees.

What is a joint health and safety committee?

A joint health and safety committee is an advisory group required under s.9 of the *Act*. The committee is made up of management and worker representatives who work together to identify health and safety problems in the workplace and recommend solutions. Members meet regularly to:

- discuss health and safety concerns;
- make recommendations to the employer; and
- follow-up on progress made.

When is a committee required?

Under s.9 of the *Act*, joint committees are generally required in workplaces where:

- 20 or more workers are regularly employed; or
- a toxic substance order applies; or
- a designated substance regulation applies (e.g., a regulation for lead or isocyanates).

If your company employs more than five but fewer than 20 workers, you may be required to have a health and safety representative, not a committee.

How must the committee be composed?

The *Act* (s.9) is quite specific about how committees must be composed:

- They must be made up of at least two persons in workplaces where fewer than 50 workers are regularly employed [s.9(6)(a)]
- They must have four members where there are 50 or more workers [s.9(6)(b)]
- They must have two co-chairs – one worker member and one management member [s.9(11)]
- At least half the members must be workers who do not exercise managerial functions (these members must be selected by the workers or the trade union, if there is one) [s.9(7)]
- The remaining members must be selected by the employer from among persons who exercise managerial functions [s.9(9)]
- At least one of the members representing workers and one representing managers must be certified (the certified member representing workers is to be selected by the same workers or trade union that selected the worker members of the committee) [s.9(12)]

What is a certified member?

A certified member is a worker or management committee member who has received special training in occupational health and safety and has been certified by the Workplace Safety and Insurance Board (WSIB). Among other things, these individuals have the power to stop work in specific circumstances and to investigate complaints that dangerous circumstances exist. If a certified member resigns or is unable to act, the employer

must ensure there is a replacement within a reasonable period of time.

What are the functions and powers of the committee?

The *Act* sets out certain functions and powers that apply to the committee as a whole, and specific duties and powers that apply to worker members.

The committee's key functions are to:

- identify hazards in the workplace (hazard identification is done through such activities as workplace inspections, accident investigations and information analyses); and
- make recommendations to the employer on health and safety issues and on programs and procedures to improve health and safety.

To carry out these functions, the committee has the power to obtain information from the employer on:

- Potential or existing hazards of materials, processes or equipment;
- The health and safety experience and work practices of other workplaces (if available);
- Safety and health tests of machines, equipment and materials [s.9(18)]

The committee also has the power to obtain information about the company's compensation claims from the WSIB. [s.12]

What are the powers and functions of worker members?

Certain powers and functions apply specifically to worker members of the committee. These are:

- Inspect the workplace at least once a month [s.9(26)]
- Investigate accidents where there is a critical injury or death [s.9(31)]
- Represent a worker during a work refusal [s.43(3)]
- Accompany a Ministry of Labour inspector

during an inspection of the workplace [s.54(3)]

- Be present at the start of safety or industrial hygiene tests [s.(13)]

What are the responsibilities of the employer?

The *Act* places a general duty on the employer to cooperate with and help the joint committee to carry out its responsibilities. In particular, the employer must:

- Provide any information that the committee has the power to obtain from the employer (this includes current material safety data sheets; suppliers' information on devices that emit hazardous agents; and copies of any assessment reports on chemical or biological agents); [s.9(18)(d)(e)(f)]
- Respond to committee recommendations, in writing, within 21 days and include an implementation timetable or reasons for disagreement, if any [s.9(20)(21)]
- Give the committee copies of all orders and reports issued by the Ministry of Labour inspector
- Report any workplace deaths, injuries or illnesses to the committee

The employer must also consult with the committee:

- About assessment and control programs for designated substances
- In the development and review of instruction and training for workers exposed or likely to be exposed to hazardous materials and physical agents

How frequently must the committee meet?

Committees are required by the Act to meet at least once every three months. Members must be given at least one hour of paid time to prepare for meetings. They must also be given paid time to attend committee meetings (as well as to carry out other duties, such as inspecting the workplace). The committee must maintain minutes of its proceedings and keep these available for examination by a Ministry of Labour inspector. [s.9(22)(33)(34)(35)].

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