



AN INTRODUCTORY GUIDE
TO **HEALTH AND SAFETY**
IN SCHOOLS AND SCHOOL
BOARDS

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PART 1

Introduction

We all share the goal of ensuring that our workplaces are safe and healthy.

The *Occupational Health and Safety Act* (OHSA) and the regulations thereunder provide the legal framework for achieving that goal. The OHSA sets out the rights and duties of all the “parties” in the workplace. It establishes procedures for dealing with workplace hazards and it provides mechanisms for enforcement where compliance has not been achieved voluntarily.

The OHSA makes clear that employers have the greatest responsibility with respect to health and safety in the workplace. However, all parties have a role to play in order to ensure that workplace health and safety requirements are met. All parties share the responsibility for promoting health and safety in the workplace and all parties have a role to play to ensure that the workplace complies with the statutory requirements set out under the Act.

Changes to the OHSA were made in 1990 to reinforce the Internal Responsibility System (IRS) and the other workplace structures, in particular the joint health and safety committees (JHSC), which are key to establishing the IRS and a strong health and safety culture in every workplace.

COMMONLY USED ACRONYMS

JHSC - joint health and safety committee

MLTSD - Ministry of Labour, Training and Skills Development

OHSA - *Occupational Health and Safety Act*

IRS - Internal Responsibility System

PART 2

Internal Responsibility System

What is the Internal Responsibility System?

The Internal Responsibility System (IRS) is built on the premise that everyone in the workplace shares direct responsibility for health and safety as an essential part of their job. It does not matter who or where the person is in the organization, they achieve health and safety in a way that suits the kind of work they do.

Each person takes the initiative on health and safety issues and works to solve problems and make improvements to their workplace on an ongoing basis. They do this both individually and co-operatively with others.

Everyone in the workplace - both employees and employers - are responsible for their own safety and for the safety of their co-workers.

It should be one of the personal responsibilities of any organization's director to ensure that a system of direct responsibility for health and safety within the organization is established, promoted, and improved over time. Successful implementation of the IRS should result in progressively longer intervals between accidents and fewer work-related illnesses.

In addition to those with direct responsibility for health and safety (the health and safety officer), several people within an organization have additional responsibilities for health and safety, including:

- Unions
- Joint health and safety committee(s) (JHSC)
- Employer health and safety staff
- Other staff

The IRS puts in place an employee/employer partnership to ensure that workplaces are safe and to make it the joint responsibility of both employees and employers to identify and manage the risks in a workplace [OHS Act Sec. 25 to 28].

Outside organizations that assist the IRS include:

- The Ministry of Labour, Training and Skills Development (MLTSD)
- The Ministry of Health
- Local public health units and public health nurses
- Union staff
- The Workplace Safety and Insurance Board (WSIB)
- Safe workplace associations (e.g., Occupational Health Clinics For Ontario Workers [OHCOW])

What are the keys to a successful Internal Responsibility System?

- Everyone must have a sincere desire to prevent workplace-related accidents and illnesses.
- Everyone must accept that workplace-related accidents and illnesses have causes that can be eliminated or greatly reduced.
- Everyone must accept that risk can be continually reduced, so that the time between workplace-related accidents and illnesses get longer and longer.
- Everyone must accept that health and safety is an essential part of doing their work – health and safety is not an extra, it is part of the job.
- Every person must have a clear understanding of what they are responsible for, what they can do to initiate change, and how and when things must be done.
- Every person must be asked regularly to explain what they have done to ensure health and safety on the job and in the workplace.

- Everyone must have a clear understanding of their own skills, abilities, and limitations, and should have the capacity to carry out their responsibilities.
- Everyone must attempt to avoid conflict when trying to reduce risk.
- As an individual, each person must go beyond just complying with health and safety rules and standards, and strive to improve work processes to reduce risk.
- When an individual cannot reduce risk by themselves, then they must co-operate with others to go beyond just complying with health and safety rules and standards, and strive to improve work processes to reduce risk.
- Everyone must understand the IRS process, believe in it, and take steps to make it effective at all levels of the organization.
- No one should be fearful of reprisals when initiating or using IRS processes.

Since the IRS is the foundation for the JHSC, it follows that the JHSC also has the responsibility to ensure that the IRS is working as well as it possibly can.

See also: labour.gov.on.ca/english/hs/pubs/mining/syn_minirs_2.php

PART 3

Safe Workplaces

A. EMPLOYERS AND SUPERVISORS' GENERAL RESPONSIBILITIES (OHSA)

What are employers and supervisors' main responsibilities under the *Occupational Health and Safety Act*?

Because employers and supervisors have the most authority in the workplace, they also have the greatest responsibility for the health and safety of workers.

Employers and supervisors are primarily responsible for creating and maintaining a safe and healthy workplace.

The OHSA requires that employers and supervisors:

- Take every reasonable precaution for a worker's protection [OHSA Sec. 25(2)(h)].
- Provide information, instruction, and supervision to enable the worker to protect their health and safety [OHSA Sec. 25(2)(a)].
- Advise workers of any potential or actual dangers in their workplace [OHSA Sec. 27(2)(a)].
- Provide workers with training and instructions on workplace hazards and procedures to protect the worker [OHSA Sec. 26 (1)(k)(1)].
- Co-operate with members of the JHSC and with health and safety representatives [OHSA Sec. 25(2)(e)].

B. WORKERS' RIGHTS AND GENERAL RESPONSIBILITIES (OHSA)

What are a worker's rights under the *Occupational Health and Safety Act*?

The OHSA provides all workers with three essential rights.

1. **The right to know** the hazards in their job. Your school board (employer) or administrator (supervisor) must tell you about anything in your job that can harm you [OHSA Sec. 25(2)(a)]. Your school board must make sure that you are provided with the information and protection you need so that you can work safely [OHSA Sec. 25(2) and Sec. 27(2)]. This includes providing information related to the risk of workplace violence from any person with a history of violence if you are likely to encounter that person in the course of your work and the risk of violence is likely to expose you to physical injury [OHSA Sec. 32.0.1 to 32.0.4].
2. **The right to participate** in making the workplace (school) healthy and safe [OHSA Sec. 43]. Every school should have a health and safety representative [OHSA Sec. 9]. Report any unsafe situations [OHSA Sec. 28] to the health and safety representative and to the site supervisor (principal or designate). Participate in all training and information sessions to help you work safely [OHSA Sec. 25(2)(a)].
3. **The right to refuse unsafe work.** You have an obligation to report an unsafe situation to the workplace supervisor (school principal or designate) [OHSA Sec. 28]. If the unsafe situation is not corrected and you still feel endangered, you have the right (without reprisal) to refuse to work [OHSA Sec. 43] until the matter is investigated and addressed.

Note for teachers: before refusing unsafe work, you must ensure that students are safe [O. Reg. 857]. A work refusal by a teacher cannot result in circumstances where the life, health, or safety of a student is placed in imminent jeopardy.

What are a worker's responsibilities under the *Occupational Health and Safety Act*?

Workers have a duty to co-operate with employers and co-workers to ensure a safe workplace [OHSA Sec. 28].

A worker must report any hazard or contravention of the Act to the employer or supervisor [OHSA Sec. 28(1)(c) and 28(1)(d)]. As a best practice, it is also advisable to alert the health and safety representative at the worksite (and/or the worker member of the JHSC) that the matter has been presented to the employer (supervisor). If the matter is not resolved to the worker's satisfaction, a worker should then formally inform the JHSC, which has the power to make recommendations to the employer in respect of the identified hazard.

The worker also has the option to exercise their other rights under the OHSA, as appropriate.

While at work a worker must:

- Take reasonable care for their own health and safety.
- Take reasonable care for the health and safety of others.
- Comply with any reasonable instructions, policies, and procedures given by the employer/manager/controller/supervisor of the workplace.

PART 4

Joint Health and Safety Committees – General

What is a joint health and safety committee?

A JHSC is composed of worker and employer representatives (employer representatives cannot outnumber worker members on a JHSC). Together, members of the JHSC should be 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. All committee members must be kept informed of health and safety developments in the workplace by the employer.

In school boards, the JHSC will be either single-site or multi-site (sometimes referred to as multi-workplace). A single-site JHSC focuses on one workplace while a multi-site JHSC is established for multiple workplaces with the same employer.

Whether a single-site or a multi-site JHSC, the rights, responsibilities, duties, and functions of the workplace parties remain the same when it comes to ensuring that each workplace is safe.

What are the joint health and safety committee's main functions?

The JHSC 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 (monthly) basis.
- Being consulted about health and safety-related measures in the workplace.
- Providing input into existing and proposed workplace health and safety programs.
- Having a member representing workers present at the beginning of any health and safety-related testing in the workplace.
- Accompanying an MLTSD inspector on the physical inspection of the workplace.
- Participating in the investigation of a work refusal.
- Participating in the investigation of incidents in which a worker is killed or critically injured.
- Recommending health and safety improvements in the workplace.

Why are joint health and safety committees important?

JHSCs assist in providing greater protection against workplace injury, illness, and death. A properly functioning JHSC includes representatives from workers and employers, and this co-operative involvement ensures that everything possible is done to identify and eliminate or mitigate workplace health and safety hazards.

JHSCs are a key element of a well-functioning workplace IRS. The JHSC should:

- Hold regular meetings.
- Obtain information from the employer relating to health and safety in the workplace.
- Help to raise awareness of health and safety issues in the workplace.
- Be consulted about any health and safety-related issues in the workplace.
- Ensure that a worker-member conducts regular monthly workplace inspections to identify workplace hazards or potential risks.
- Make written recommendations to the employer to address risks and practices for the improvement of the health and safety of workers.

It is through the JHSC that workers can ensure employers are held accountable, and that the employer and supervisor(s) can be required to meet their responsibilities in maintaining a safe workplace for their employees.

What are the employer's responsibilities regarding the joint health and safety committee?

The OHSA places a general duty on an employer to assist and co-operate with the JHSC, including but not limited to:

- Cause a JHSC to be established and maintained at a workplace where one is required [OHSa Sec. 9(4)].
- Select committee members who exercise managerial functions for the employer to sit on the JHSC [OHSa Sec. 9(9)].
- Assist and co-operate with committee members in the carrying out of their duties [OHSa Sec. 25(2)(e)].
- Provide the committee with information relating to hazards in the workplace and any work practices and standards in similar industries [OHSa Sec. 9(18)(d)].
- Provide the committee with a copy of all orders or reports issued to the employer by an MLTSD inspector [OHSa Sec. 57(10)].
- Informing the committee of any work-related incidents involving injury, death, or occupational illness [OHSa Sec. 51 and 52].
- Consult with the JHSC, or health and safety representative where there is no JHSC, about having a designated member representing workers be present at the beginning of testing of any equipment, machine, device, article, thing, material, or biological, chemical, or physical agent, in or about a workplace for the purpose of occupational health and safety [OHSa Sec. 9(18)(e)(f)].
- Consult with the JHSC, or health and safety representative where there is no JHSC, on the development of health and safety programs and policies (including training programs), where prescribed.
- Provide a JHSC member representing the workers with the opportunity to accompany an MLTSD inspector on the physical inspection of the workplace [OHSa Sec. 54(3)].

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

In addition to the general duty to “assist and co-operate,” more specific employer responsibilities with respect to the JHSC include:

- Upon the request of the JHSC, provide information regarding the identification of potential or existing hazards involving materials, processes, and/or equipment [OHSa Sec. 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 [OHSa Sec. 9(18)(d)(ii)].
- Provide the JHSC with information and any assistance the committee requires for the purposes of inspecting the workplace [OHSa Sec. 9(29)].
- Informing the committee of any work-related incidents involving injury, death, or occupational illness [OHSa Sec. 51 and 52].
- Provide the JHSC with a copy of all orders or reports issued to the employer by an inspector of the MLTSD [OHSa Sec. 57(10)(a)].
- Provide information and reports to the JHSC members concerning the conducting or taking of tests of

any equipment, machine, device, article, thing, material, or biological, chemical, or physical agent, in or about a workplace for the purpose of occupational health and safety; and be consulted about, and have a designated member representing workers be present at the beginning of testing previously referred to [OHSA Sec. 9(18)(e)(f)].

- Provide the JHSC member representing workers with the opportunity to accompany an MLTSD inspector on the physical inspection of the workplace [OHSA Sec. 54(3)].
- Provide information to the health and safety representative(s) as required under any applicable designated substances regulation.
- Advise the JHSC members of the results of the assessment or reassessment of the risks of workplace violence, and provide a copy of the assessment if it is in writing [OHSA Sec. 32.0.(3)(a)].
- Provide any other specific information where prescribed.

What other information can the joint health and safety committee members or the health and safety representative expect to obtain?

The JHSC, or the health and safety representative, has various powers related to the collection of health and safety-related information.

- The health and safety representative has the power to obtain information from the employer about health and safety-related testing and any actual or potential hazards in the workplace [OHSA Sec. 8(11)].
- The employer must share any knowledge of health and safety practices, tests, and standards in the industry [OHSA Clause 8(11)(a), (b), and (c)]. The employer is further obligated to provide the health and safety representative with health and safety reports under OHSA Clause 25(2)(1).
- Where a person is killed or critically injured from any cause at a workplace, the employer must immediately notify the MLTSD and the JHSC or the health safety representative [OHSA Sec. 51].
- The employer must notify the JHSC or the health and safety representative of lost-time injuries caused by accident, explosion, fire, or incident of workplace violence workplace violence, and must report any occupational illnesses of which they have knowledge [OHSA Sec. 52].
- The employer may also be required to provide other specific information to the JHSC or the health and safety representative where prescribed (OHSA Part VII). For example, employers are required to provide written notice to the MLTSD, the JHSC, and the teacher federation/education worker union within four days of being advised that a worker has an occupational illness (including COVID-19) from exposure in the workplace, or if a claim has been filed with the WSIB by or on behalf of the worker with respect to an occupational illness, including an occupational infection.

Note: Any instances of occupationally acquired illnesses shall be reported to the WSIB within 72 hours of receiving notification of said illness.

- The WSIB, at the request of the JHSC or the health and safety representative, 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 incidences of occupational illnesses [OHSA Sec. 12].

Which workplaces must have joint health and safety committees?

NO. OF WORKERS	LEGISLATIVE REQUIREMENT
1 to 5	Not required to have a JHSC (or a health and safety representative) unless a designated substance regulation applies to the workplace, or a “Director’s Order” has been issued under Section 33 of the Act, or the MLTSD has ordered the employer to establish a committee.
6 to 19	Required to have one health and safety representative who is selected by the workers they represent or by the union representing workers. If a designated substance regulation applies to the workplace, a “Director’s Order” has been issued under Section 33 of the Act, or the MLTSD has ordered the employer to establish a committee a JHSC is required.
20 to 49	Required to have a JHSC. The committee must have at least two members.
50 plus	Required to have a JHSC. The committee must have at least four members.

Who is considered “regularly employed” for the purpose of determining if a health and safety representative or a joint health and safety committee is required at a workplace?

This is a fact-specific determination, which may vary by workplace. The MLTSD typically considers a worker who is filling a position at the employer’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 MLTSD recommends that the position should be included in the “regularly employed” count when determining whether a health and safety representative or JHSC is required, even though no single worker may have occupied that position for more than three months.

PART 5

Health and Safety Representatives Where No Joint Health and Safety Committee Exists

Are there workplaces where no health and safety worker representative is required?

Unless they are subject to a designated substances regulation or a Director's or Minister's order, workplaces with five or fewer regularly employed workers are not required to have either a JHSC or a worker health and safety representative.

How are health and safety representatives selected?

In workplaces where the number of workers regularly exceeds five, and at which no JHSC is required, employers must ensure that workers select a health and safety representative [OHS Act Sec. 8(1)].

Or, if determined advisable by the Minister, the selection of a worker health and safety representative shall be made by those workers who do not exercise managerial functions and who will be represented by the health and safety representative in the workplace; or where there is a trade union(s) representing such workers, by the trade union(s) [OHS Act Sec. 8(5)].

Like JHSC members, the health and safety representative should be committed to improving health and safety conditions in the workplace, and it is important that the employer and the health and safety representative be familiar with the legislation and other regulations that apply to their workplace.

Is a health and safety representative entitled to get paid for their time?

Yes.

A health and safety representative is entitled to take time from work as is necessary to carry out their duties, to carry out monthly inspections of the workplace, participate in work refusal investigations, and inspect the place where a person is killed or critically injured at a workplace.

A health and safety representative must be paid at either their regular rate or, where applicable, their premium rate of pay when absent from work for the purposes of carrying out their duties under the OHS Act [Sec. 8(15)].

Do health and safety representatives need special training or certification?

At the present time, the OHS Act does not require that the health and safety representative(s) be specifically trained. However, there have been amendments to the OHS Act related to training requirements for health and safety representatives, but these have not yet been put into effect. When these amendments do come into effect, they will require that, unless otherwise prescribed, the employer must ensure that the health and safety representative(s) receives training that enables them to effectively exercise their powers and perform their duties [OHS Act Sec. 8(5.1)].

ROLES AND RESPONSIBILITIES

Does a health and safety representative have different responsibilities from a joint health and safety committee member?

Where there is no JHSC, the health and safety representative has the same rights, duties, responsibilities, and powers as a JHSC member. These include:

- Identifying actual and potential workplace hazards [OHSA Sec. 8(10)].
- Inspecting the workplace at least once a month [OHSA Sec. 8(6)] or, if that is not practical, inspecting the workplace at least once a year and at least part of the workplace each month [OHSA Sec. 8(7)] in accordance with a schedule agreed upon by the representative and the employer [OHSA Sec. 8(8)].
- Being consulted about, and being present at the beginning of, health and safety-related testing in the workplace [OHSA Sec. 8(11)].
- Making recommendations to the employer about health and safety in the workplace [OHSA Sec. 8(10)].
- Participating in the first and second stage investigation of work refusals [OHSA Sec. 43(4) and (7)].
- Inspecting workplaces when there are critical injuries or fatalities [OHSA Sec. 8(14)].
- Accompanying an MLTSD inspector on the physical inspection of the workplace [OHSA Sec. 54(3)].

PART 6

Joint Health and Safety Committees – Continued

In school boards, the JHSC will be either single-site or multi-site (sometimes referred to as multi-workplace). A single-site JHSC is restricted to one workplace while a multi-site JHSC is established for multiple workplaces with the same employer. The Minister of Labour, Training and Skills Development determines whether a JHSC can be established for more than one workplace [OHSA Sec. 9(3.1) and 9(5)].

How are the joint health and safety committee members selected?

At least half the JHSC members must be worker-members (specifically workers who do not exercise managerial functions) at the workplace, who are selected by the workers. In a unionized workplace, the worker-members must be chosen by the trade union or unions [OHSA Sec. 9(7) and 9(8)].

The employer chooses the remaining members from persons in the workplace who exercise managerial functions [OHSA Sec. 9(9)]. It is recommended that the employer select members by giving consideration to their knowledge of operations and health and safety processes and procedures in the workplace.

How do the responsibilities and duties of multi-site (multi-workplace) joint health and safety committee members differ from regular joint health and safety committee members?

Whether a single-site or a multi-site JHSC, the rights, responsibilities, duties, and functions of the workplace parties set out in the OHSA remain the same, with the understanding that any reference to “workplace” for a multi-site JHSC refers to each of the individual workplaces covered by the multi-site JHSC agreement.

A. SINGLE-SITE JOINT HEALTH AND SAFETY COMMITTEES

How many members must a joint health and safety committee have?

In workplaces in which 20 to 49 workers are regularly employed, the OHSA requires the JHSC to have a minimum of two members [OHSA Sec. 9(6)(a)] – one worker selected, one management appointed.

Where there are 50 or more workers regularly employed, the committee must have at least four members or any other number prescribed in regulation [OHSA Sec. 9(6)(b)].

At least half the members must be workers employed at the workplace who do not exercise managerial functions [OHSA Sec. 9(7)]. The employer is required to select the remaining members from persons who exercise managerial functions for the employer [OHSA Sec. 9(9)].

The MLTSD recommends that JHSCs be representative of the entire workplace. For example, if a workplace has a plant, office, laboratory, and/or warehouse, the committee should include representatives from each of these areas. Similarly, if the workplace has teachers, education support workers, office/clerical workers, and custodians, the JHSC should include representatives from each of these workgroups.

Are the names of the joint health and safety committee members be posted in the workplace?

The names and work locations of all JHSC members must be posted in the workplace by the employer [OHSA Sec. 9(32)].

How long is a committee member's term on the joint health and safety committee?

The Act does not specify requirements relating to the terms of the JHSC members. The MLTSD recommends a term of at least one year. Where there is more than one worker-member and one employer-member, terms should be staggered to allow for continuity. Any vacancies should be filled as quickly as possible.

Do committee members get paid for their time when doing joint health and safety committee work?

A member of the JHSC is considered to be “at work” when performing specified activities related to their role on the JHSC and must be paid at either their regular rate or, where applicable (i.e., when duties take them beyond their usual hours of work), their premium rate of pay [OHSA Sec. 9(35)].

Those activities for which a member of the committee must be paid are:

- Preparing for and attending meetings of the committee [OHSA Sec. 9(34)(a) and (b)].
- Performing inspections of the workplace [OHSA Sec. 9(26) and (27)].
- Investigating incidents where a worker is killed or critically injured at a workplace [the OHSA requires that a member of the committee be designated to perform this role, see: OHSA Sec. 9(31)].
- Becoming trained as a certified member of the committee, except in specified circumstances [OHSA Sec. 9(36)].

Are joint health and safety committee members entitled to paid preparation time?

Yes.

Each committee member must be paid for one hour of preparation time before every JHSC meeting. If it becomes apparent that one hour is not sufficient, the committee can decide that more paid preparation time is required, and the employer must remunerate the members accordingly [OHSA Sec. 9(34)(a)].

B. MULTI-SITE (MULTI-WORKPLACE) JOINT HEALTH AND SAFETY COMMITTEES

A multi-site JHSC is a committee that is established and maintained for more than one workplace, each of which would normally require its own JHSC. Generally, this arrangement must be approved by order of the Minister (or delegate) under Sec. 9(3.1) of the OHSA.

The Minister's authority to permit a multi-site JHSC is currently delegated to the regional directors of the MLTSD. When approving a multi-workplace JHSC, the Minister (or regional director) may specify what the composition, practices, and procedures of the JHSC will be. These practices and procedures may differ from and replace the usual OHSA requirements.

Example: A multi-site JHSC only for workers belonging to the same union, working in separate schools for the same employer (e.g., unionized secondary teaching staff in schools within the same school board).

Multi-site JHSCs in the education sector for teachers can be unique. See labour.gov.on.ca/english/hs/pubs/jhsc_multiwork/appendix_b.php for more details.

How many members is a multi-site joint health and safety committee required to have?

Section 9(6) of the OHSA sets out minimum requirements for the composition of a JHSC – at least two members if the workplace has fewer than 50 workers, and at least four members if there are 50 or more workers. At least half the members of the JHSC must be workers employed at the workplace who do not exercise managerial duties and/or functions.

In practice, most Ministers' orders made under Sec. 9(3.1) of the OHSA allowing for a multi-site JHSC also require the JHSC to have more than the minimum number of worker and employer members in order to ensure that the JHSC can effectively exercise its powers and fulfill its functions.

Specifically, the MLTSD recommends that the JHSC be representative of the entire workplace. For example, if a multi-site workplace includes a plant, office, laboratory, and/or warehouse, the JHSC should include representatives from each of these areas, or if a multi-site workplace includes teachers, education support workers, office/clerical workers, and maintenance and custodians, the JHSC should include representatives from each of these workgroups.

What is the “workplace” with respect to required frequency of inspections for workplaces with a multi-site joint health and safety committee?

Each workplace covered by the multi-site JHSC is considered to be “the workplace” for the purposes of inspection frequency. The existence of a multi-site JHSC does not convert multiple workplaces into a single workplace.

Inspection frequency is mandated by Sec. 9(26) and 9(27) of the OHSA, which require that the workplace be inspected at least once a month and, if that is not practical, the entire workplace must be inspected at least once a year with at least part of the workplace inspected each month.

How often should a multi-site joint health and safety committee meet?

Multi-site JHSCs should meet at least once every three months [OHSA Sec. 9(33)] on a pre-determined schedule (central agreement Part A article 21.6) and as outlined in the JHSC's terms of reference.

Can a multi-site joint health and safety committee use video conferencing or other technology to help carry out its functions?

Video conferencing may be an effective way for members of a multi-site JHSC to communicate with one another, with other workplace parties, and to reduce travel costs. It may also be a reasonable option for carrying out regular JHSC meetings. It will be up to the workplace parties to demonstrate that the use of video conferencing or other technology meets the requirements set out in their terms of reference.

Are the names of the joint health and safety committee members posted in the workplace?

The names and work locations of all JHSC members must be posted in the workplace by the employer [OHSA Sec. 9(32)].

For more information related to multi-site JHSCs please see the [Multi-workplace Joint Health and Safety Committee Guidance | Ministry of Labour \(gov.on.ca\)](#)

See also: [Appendix A: Relevant Provisions of OHSA | Multi-workplace Joint Health and Safety Committees Guidance | Ministry of Labour \(gov.on.ca\)](#)

PART 7

Designated Worker Members – Multi-site Joint Health and Safety Committee Only

Who is a “designated worker-member” for the purposes of a multi-site JHSC?

Section 9(3.2) of the OHSA: In an order under OHSA Sec. (3.1), the Minister may,

- (a) provide that the members of a committee who represent workers may designate a worker at a workplace who is not a member of the committee to inspect the physical condition of the workplace under OHSA Sec. 9(23) and to exercise a committee member’s rights and responsibilities under Sec. 43(4)(a) and 43(7), (11), and (12); and
- (b) require the employer to provide training to the worker to enable the worker to adequately perform the tasks or exercise the rights and responsibilities delegated by the committee.

Section 9(3.3) of the OHSA: If a worker is designated under Clause (3.2)(a), the following apply:

1. The designated worker shall comply with this section as if the worker were a committee member while exercising a committee member’s rights and responsibilities.
2. OHSA Sec. 9(35), 43(13), 55, 62(5)(a) and (b), and 65(1) apply to the designated worker as if the worker were a committee member while the worker exercises a committee member’s rights and responsibilities.
3. The designated worker-member does not become a member of the JHSC as a result of the designated worker-member’s designation.

In an order issued under Sec. 9(3.1) of the OHSA, the Minister (or regional director) may specify that the members of a multi-site JHSC who represent workers may designate a worker who is not a member of the committee, at any of the workplaces served by the committee, to:

- Inspect the physical condition of the workplace [OHSA Sec. 9(23)].
- Participate in the investigation of a work refusal, by exercising the rights and responsibilities that a committee member would normally have under OHSA Sec. 43(4)(a), (7), (11), and (12).

The worker-members of a multi-site JHSC do not give up or lose their power to carry out the above duties if they designate a worker under OHSA Sec. 9(3.2).

A worker does not become a member of the multi-site JHSC as a result of being a designated worker. However, they must comply with Sec. 9 of the OHSA as if they are a member of the committee, and certain corresponding rights and entitlements of committee members also apply to a designated worker-member (see notes above).

What training must an employer provide to a designated worker-member under Clause 9(3.2)(a) of the OHSA?

If an order under OHSA Sec. 9(3.1) provides that the multi-site JHSC may designate a worker, the order may also specify that the employer must provide training to the designated worker to enable the worker to adequately perform the tasks that the worker-members of the committee may have delegated, which are limited to performing workplace inspections and exercising a committee member’s rights and responsibilities with respect to work refusals (see notes above).

PART 8

Certified Joint Health and Safety Committee Members

Do joint health and safety committee members need special training or certification?

Certified health and safety committee members play a key role on the JHSC.

Unless otherwise prescribed in regulation, the OHSA requires that at least two members of the JHSC (one representing workers and one representing management) be certified.

In order to be certified, a person must complete both parts of the mandatory training:

1. Part One, Basic Certification
2. Part Two, Workplace-Specific Hazard Training

Refresher training is required every three years to maintain certification. A certified member may request a one-time exemption from refresher training if they are an active member (i.e., engaged as a member of the workplace JHSC within the past twelve months).

Part One, Basic Certification provides an overall knowledge of health and safety that applies to all workplaces.

Part Two, Workplace-Specific Hazard Training focuses on significant hazards in the workplace. Employers are required to select a minimum of six hazards relevant to the workplace. It covers RACE (recognize, assess, control, and evaluate) methodology on how to assess those hazards and ways to control and/or eliminate them.

Certified members are not required for JHSCs at workplaces that regularly employ fewer than 20 workers [Sec. 4 of O. Reg. 385/96].

Although it would be beneficial for all members of the JHSC to have health and safety certification training it is currently not a requirement under the OHSA.

Note that a JHSC's terms of reference may provide for the certification training of additional JHSC members.

Are committee members entitled to be paid when attending certification training?

A member who is participating in a training program to meet the requirements for becoming a certified member is considered to be "at work". These members must be paid by the employer at either their regular rate or, where applicable, their premium rate of pay [OHSA Sec. 9(36) and 9(37)].

Can more than two members of the joint health and safety committee be certified?

Yes.

The Act specifies the minimum number of members of the JHSC who must be certified. However, the employer may have more than two members of the committee certified.

If there is more than one certified member representing workers, the workers (or the union where applicable) must designate one or more certified worker-member(s) who then become solely entitled to exercise the rights and are required to perform the duties of a certified member representing workers [OHSA Sec. 9(15)].

Similarly, if there is more than one certified member representing the employer, the employer must designate one or more of them who will then become solely entitled to exercise the rights and are required to perform the duties of a certified member representing the employer [OHSA Sec. 9(16)].

Do certified joint health and safety committee members have added responsibilities?

Yes.

Because certified members receive special training in workplace health and safety, they are given additional powers and responsibilities under the OHSA. For example, the certified employer-member or the certified worker-member can initiate a bilateral work stoppage (OHSA Sec. 45) and the two certified members can, under specified circumstances, collectively order the employer to stop work that together they determine is dangerous to a worker [OHSA Sec. 45(4)].

As previously stated, if there is more than one certified member representing workers on the JHSC, the workers (or the union where applicable) must designate one or more certified members who then become solely entitled to exercise the rights and are required to perform the duties of a certified member representing workers [OHSA Sec. 9(15)].

Similarly, if there is more than one certified member on the JHSC representing the employer, the employer must designate one or more of them who will then become solely entitled to exercise the rights and are required to perform the duties of a certified member representing the employer [OHSA Sec. 9(16)].

How many certified members is a multi-site joint health and safety committee required to have?

Section 9(12) of the OHSA requires an employer to ensure that a JHSC has at least two certified members, one representing the employer and one representing workers.

When exercising discretion to determine the composition of a multi-workplace JHSC, the Minister (or regional director) may decide that more than two certified members are needed to ensure that the certified members can effectively exercise their powers and fulfil their roles on the JHSC.

The size and location of workplaces served by the JHSC will be considered. In practice, most Minister's orders made under OHSA Sec. 9(3.1) provide for more than the minimum number of certified members on a multi-site JHSC.

What if a certified member resigns or cannot serve on the committee?

The OHSA specifically addresses the issue of absent certified members under Sec. 9(17). If a certified member resigns or is unable to act, the employer shall within a reasonable time, take all the steps necessary to ensure that the requirement is met to have at least one member of the committee representing the employer certified and at least one member of the committee representing the workers are certified [OHSA Sec. 9(12)].

PART 9

Joint Health and Safety Committee Meetings

How often must the joint health and safety committee meet?

Committee members are required to meet at least once every three months [OHSa Sec. 9(33)]. More frequent meetings may be useful. Meeting dates should be established by the committee co-chairs on a pre-set schedule and additional meetings may be set by the co-chairs at the conclusion of each committee meeting, as required.

Section 21 of Part A of the *2019-2022 OECTA Central Agreement* requires that the worker and employer co-chairs set a mutually agreeable schedule of JHSC meetings for the next school year and the schedule of meeting dates is to be shared with all members of the JHSC prior to the end of June (Clause 21.6.1).

Who chairs the joint health and safety committee meetings?

Committees must be co-chaired by two members. One of the co-chairs is chosen by the members who represent workers, the other by members who exercise managerial functions [OHSa Sec. 9(11)]. It is recommended that the co-chairs alternate the chairing of each meeting.

How is a joint health and safety committee meeting agenda prepared?

Agendas for meetings should be prepared by the co-chairs and should be distributed one week in advance of the committee meeting. Part A of the *2019-2022 OECTA Collective Agreement* requires that the agenda for each JHSC meeting include workplace violence as a standing item (Clause 21.6.2).

A JHSC member who wishes to have items added to the meeting agenda should make such request to the co-chairs.

Is a quorum needed to hold a joint health and safety committee meeting?

The OHSa does not specify any requirements related to quorums for meetings of JHSCs. As part of its terms of reference, the JHSC can determine its own rules for quorum at a meeting as long as they are consistent with statutory requirements (i.e., members representing both workers and the employer must be present). Ideally, both co-chairs should be present at every meeting.

Are there recorded minutes of the joint health and safety committee meetings? What should the minutes include?

Yes.

Minutes of each committee meeting must be recorded and be available for review by an MLTSD inspector [OHSa Sec. 9(22)].

Minutes should contain details of all matters discussed, a full description of issues raised, any action recommended by the committee members, and the employer response to the recommendation(s).

Minutes should be signed by the co-chairs and posted in the workplace within one week of the meeting.

PART 10

Joint Health and Safety Committee Terms of Reference

Are there other procedures the joint health and safety committee must follow?

The OHSA does not spell out detailed procedures about how a JHSC must operate, but it does set out the key requirements to be met. Other than the requirements contained in the Act, a JHSC may establish its own procedures. It can be helpful for any committee to create terms of reference and written procedures, even if there is no legal requirement to do so.

Generally, terms of reference describe the purpose and structure of any committee. Terms of reference set out a road map and they give a clear path for the members by stating what needs to be done (legislated requirements), by whom, and when. Terms of reference help keep a committee on track by clarifying the meeting procedures to be followed, and they help new members integrate into the way the committee functions. Terms of reference should be reviewed on an annual basis at minimum.

A JHSC may make its own rules and procedures (terms of reference), provided they are consistent with statutory requirements relating to JHSCs.

The JHSC's "terms of reference" refer to a written document that outlines the proposed structure, composition, and function of a multi-workplace JHSC. It is signed by the workplace parties for the purposes of submission to the regional director as part of a request for a Minister's order under Sec. 9(3.1) of the OHSA.

Items that could be included in a JHSC's terms of reference include:

- Committee structure, having considered legislated requirements.
- Procedure for the co-chairs to facilitate the operations and actions of the committee.
- Method for the selection of alternates and a protocol for their attendance at committee meetings.
- Meeting schedule, setting out the frequency and location for meetings.
- Procedure for the attendance of resource persons at committee meetings.
- The number of certified members (if more than the minimum number) and a method for their selection.
- Schedule for inspection of the workplace and provisions for the conduct of inspections, including a process by which the worker-members shall designate from among themselves the member(s) to perform the workplace inspections.
- Process to develop and convey recommendations in writing arising from inspections back to the co-chairs, the committee members, and the employer.
- Method and system for providing accident statistics and other health and safety information.
- Procedure for accident investigations, including types and severity of accidents to be investigated (beyond the legal requirements), including a method for designating a worker-member to conduct the investigations.
- Method and system for reporting an accident investigation to the committee.
- Procedure for selection of members representing workers or designated workers in the workplace to accompany MLTSD inspectors during a physical inspection of the workplaces, or any part or parts thereof.
- Procedure for the selection of a member representing workers or designated worker-members in the workplace for the purposes of the statutory provisions for investigating a work refusal.
- Procedure for the selection of a worker-member to attend the commencement of workplace testing.

- Arrangements with respect to minutes of meetings, including the requirement to identify issues and set out recommendations, the responsibility of taking, reviewing, circulating, and editing of the minutes, and the preparation of agendas for meetings and notices of meetings.
- Determination of a quorum for a committee meeting.
- Method or system for achieving consensus at meetings.
- Procedure for dispute resolution by the committee.
- Procedure to address situations when the co-chairs do not agree on a recommendation.
- Procedure for the referral of issues to the committee.
- Entitlement of payment for members attending meetings or carrying out duties and responsibilities under the OHSA or regulations.
- Regular review of committee and members' responsibilities, including confidentiality and effectiveness.
- Other health and safety matters the workplace parties or committee members consider appropriate or necessary.

A template of items to be considered for inclusion in the JHSC's terms of reference can be found on the MLTSD website at [Appendix C: Suggested Topics for Terms of Reference | Multi-workplace Joint Health and Safety Committees Guidance | Ministry of Labour \(gov.on.ca\)](#)

If a school board wishes to establish a multi-site JHSC that includes both teachers and non-teaching staff, a Minister's Order under Subsection 9(3.1) of the OHSA is required with a written terms of reference agreed to by all interested parties representing both management and workers (there are different rules if the multi-site JHSC is only for teachers).

Can the workplace parties amend an existing terms of reference for a multi-site joint health and safety committee without requesting approval from the Ministry of Labour, Training and Skills Development?

No. If changes to the terms of reference are wanted by any signatory party to the original terms, the parties should jointly submit the amended terms for review and approval by the MLTSD.

PART 11

Other Health and Safety Roles and Responsibilities

What are some of other joint health and safety committee member responsibilities?

All JHSC members should be able to receive worker concerns, complaints, and recommendations, and be able to discuss health and safety-related issues and recommend solutions to the employer. In addition, there are several specific additional roles and responsibilities to be carried out by JHSC members.

A. DESIGNATED SUBSTANCES

In accordance with OHS Regulation 490/09 – designated substances – employers are required to consult with the JHSC in assessments of likely worker exposures to designated substances in the workplace, and the JHSC is entitled to make recommendations in respect of said assessments.

Designated substances include: acrylonitrile, arsenic, asbestos, benzene, coke oven emissions, ethylene oxide, isocyanates, lead, mercury, silica, and vinyl chloride.

B. WORKPLACE INSPECTIONS

Who carries out the monthly workplace inspections?

JHSC worker-members must select someone from their group to inspect the workplace [OHS Sec. 9(23)]. The Act requires that the selected member be a certified member if possible [OHS Sec. 9(24)].

Where a multi-site committee has been established by an order of the MLTSD, under OHS Sec. 9(3.1), the JHSC members may designate a worker who is not on the committee to perform workplace inspections designated worker-member.

Situations that may be a source of danger or may be a hazard to workers must be reported to the JHSC [OHS Sec. 9(30)].

How often must workplace inspections be carried out?

The workplace must be inspected at least once a month, unless a different schedule of inspections is ordered by an MLTSD inspector, or is prescribed in a regulation under the OHS Sec. 9(26).

Where it is not practical to inspect the workplace on a monthly basis (e.g., where the workplace is too large or where parts are shut down on a seasonal basis), the JHSC must ensure that the workplace is fully inspected at least once a year and ensure that at least part of the workplace is inspected each month [OHS Sec. 9(27)] in accordance with a schedule established by the JHSC [OHS Sec. 9(28)].

C. WORK REFUSALS

What should the health and safety representative do in the event of a work refusal?

The health and safety representative must be present during the employer or supervisor's investigation of a work refusal [OHS Sec. 43(4)]. Stage 1 of the investigation is typically conducted by the worksite supervisor.

If the issue is not resolved, the employer, the worker, or a representative of one of them, must notify an MLTSD inspector [OHSA Sec. 43(6)]. The health and safety representative must be consulted by the MLTSD inspector who conducts the investigation [OHSA Sec. 43(7)].

The MLTSD inspector is required to investigate the work refusal in consultation with specified persons, including the health and safety representative where applicable [OHSA Sec. 43(7)].

What should the joint health and safety committee do in the event of a work refusal?

A committee member who represents workers (if possible, the certified worker-member), must be present during the employer or supervisor's investigation of a work refusal [OHSA Sec. 43(4)]. The first stage of the work refusal investigation is typically conducted by the site supervisor.

If the issue is not resolved following the employer's Stage 1 investigation under OHSA Sec. 43(4), the employer, a worker, or other person on behalf of the employer or worker, must notify an MLTSD inspector [OHSA Sec. 43(6)]. The inspector is required to investigate the work refusal in consultation with specified persons, including the JHSC member where applicable [OHSA Sec. 43(7)].

D. HEALTH AND SAFETY-RELATED TESTING IN THE WORKPLACE

What does the joint health and safety committee representative do in the event of the employer undertaking safety-related testing in the workplace?

Members of the committee will be consulted about the proposed testing and receive information as a result of the testing. In addition, the members of the JHSC who represent workers must designate one or more worker-members to be present at the beginning of any health and safety-related testing in the workplace [OHSA Sec. 9(18) and (19), Sec. 11 (1 to 4)].

The employer is also required to provide a JHSC member representing workers with the opportunity to accompany an MLTSD inspector on the physical inspection of the workplace [Subsection 54(3)].

E. CRITICAL INJURY/DEATH OF A WORKER

What should the health and safety representative do in the event of a critical injury or death?

The health and safety representative has the power to inspect the place where the incident occurred as well as any relevant machine, device, or thing, and shall report their findings in writing to the MLTSD [OHSA Sec. 8(14)].

Where appropriate, the health and safety representative may wish to make specific recommendations to the employer in respect of the hazard which led to the injury or fatality [OHSA Sec. 8(10)].

Note: A person is "critically injured" for the purposes of the OHSA if they have 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 (OHSA Regulation 420/21).

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

Members of the JHSC who represent workers must designate one or more worker-member(s) to investigate incidents in which a worker is critically injured or killed [OHSA Sec. 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 an MLTSD investigation.

Following the investigation, all findings must be reported to the committee and to a director [OHSA Sec. 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.

PART 12

Joint Health and Safety Committee – 21 Day Recommendations

What should happen after a source of danger or hazard is reported to the joint health and safety committee?

If a source of actual or potential workplace danger is reported to the committee as an ongoing concern by a worker or worker(s) the JHSC or members of the committee would then typically review the report(s) and, if applicable, make a written recommendation to the employer to address the concern(s) or identified hazard(s) [OHSA Sec. 9(18) (b)].

The OHSA requires that the employer provide a written response within 21 days, to any written recommendations from the JHSC [OHSA Sec. 9(20)].

If the employer agrees with the recommendations, the response must include a timetable for implementation. If the employer disagrees with a recommendation, the response must give the reasons for disagreement [OHSA Sec. 9(20) and 9(21)].

Although the OHSA does not stipulate that the JHSC is supposed to work on a consensus basis it is highly recommended. However, there will be situations where a consensus may be not reached.

What if the joint health and safety committee cannot reach a consensus on a recommendation?

If the committee fails to reach a consensus about making recommendations to the employer after trying to reach a consensus in good faith, either co-chair of the JHSC has the power to make unilateral written recommendations to the employer [OHSA Sec. 9(19.1)].

In these instances, written recommendation(s) may include the following:

1. A summary of the position of the members of the JHSC who supported the recommendations.
2. A summary of the position of the members of the JHSC who did not support the recommendations.
3. Information about how the committee attempted to reach consensus.

Must an employer act on the joint health and safety committee recommendations?

An employer who receives written recommendations from the JHSC or one of the co-chairs must provide a written response to the committee within 21 calendar days [OHSA Sec. 9(20)]. If the recommendations are accepted, a timetable for action must be outlined and provided to the JHSC. If an employer decides against acting on all or some of the recommendations, reasons must be given in writing [OHSA Sec. 9(21)].

PART 13

References and Other Sources of Information

Occupational Health and Safety Act

Guide for health and safety committees and representatives | Ontario.ca

Health and Safety Representatives - Information and Guidance | Ontario.ca

MLTSD Glossary of Terms

Appendix A: Relevant Provisions of OHSA / Ministry of Labour (gov.on.ca)

Workplace Safety and Protection Services - Guides and Toolkits

General Questions and Answers | Multi-workplace Joint Health and Safety Committees Guidance | Ministry of Labour (gov.on.ca)

Appendix C: Suggested Topics for Terms of Reference | Multi-workplace Joint Health and Safety Committees Guidance | Ministry of Labour (gov.on.ca)

Multi-workplace Joint Health and Safety Committee Guidance | Ministry of Labour (gov.on.ca)

Appendix B: Questions and Answers for School Boards and Schools | Multi-workplace Joint Health and Safety Committees Guidance | Ministry of Labour (gov.on.ca)

Appendix C: Suggested Topics for Terms of Reference | Multi-workplace Joint Health and Safety Committees Guidance | Ministry of Labour (gov.on.ca)

O. Reg. 490/09: DESIGNATED SUBSTANCES (ontario.ca)

Guide to the *Occupational Health and Safety Act*: Part V

Guide to the *Occupational Health and Safety Act*: Part VI

R.R.O. 1990, Regulation 834 – Critical Injury Defined

Workplace Safety and Insurance Board

R.R.O. 1990, Reg. 857: TEACHERS (ontario.ca)

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