



**Ken Rayner:**

Ontario's joint health and safety committees play a crucial role in identifying hazards, improving workplace conditions, and ensuring compliance with the *Occupational Health and Safety Act*. But how do they work? Who needs one? And how many members are required? And how can they make a real impact on occupational health and safety? That's what we're breaking down today on the IHSA Safety Podcast.

**Announcer:**

It's time for the *IHSA Safety Podcast*.

**Ken Rayner:**

Welcome to the *IHSA Safety Podcast*. I'm your host, Ken Rayner. Workplace committees focused on health and safety are typically found in provincial legislation right across Canada. In Ontario, and several other provinces such as Alberta, British Columbia, and New Brunswick, the committees are known as joint health and safety committees. In federal legislation, they're referred to as workplace health and safety committees. Irrespective of the different names, the function of these committees across Canada is very similar.

So for our discussion today, we're going to approach it from the viewpoint of an Ontario provincial joint health and safety committee and provide guidance when the federal legislation is significantly different. So there's a lot of ground to cover on this. So we're actually going to break this topic into a series of three episodes. And to provide us with all the relevant information, very glad to welcome back to the podcast, IHSA's Alain Leger, and Doug Heintz. Welcome back, gentlemen.

**Alain Leger:**

Thanks, Ken. Thanks for having us.

**Doug Heintz**

Thank you, Ken. Good to be here.

**Ken Rayner:**

All right. Let's get going. Hey, we're providing some really foundational basic information to Ontario workplaces out there that are wondering, "Hey, if I'm provincially regulated, what do I have to do now that I'm reaching 20 employees or I'm over 20 employees, what do I have to do?" And in the same light what do we have to do if you're federally regulated and you're in that same boat? So why don't we jump into it? Again, we're going to approach this from the viewpoint of an Ontario joint and safety committee, being that the federal and the provincial are very, very closely aligned, and we're going to talk about the differences and point them out as we go through it on the federal side. So, Alain, let's jump right in and say, what is a joint health and safety committee within an Ontario workplace?

**Alain Leger:**

Thanks, Ken. So a joint health and safety committee is composed of workers and employee representatives. Together they should be mutually committed to improving health and safety conditions in the workplace.

**Ken Rayner:**

All right, there we go. And what about the role of a joint health and safety committee in Ontario?

**Alain Leger:**

So the committee is an advisory body that helps raise awareness and health and safety issues in the workplace. They help recognize and identify workplace risks and develop recommendations to the employer to address those risks. The committee itself holds regular meetings and conducts workplace inspections and makes written recommendations to the employer.

**Ken Rayner:**

Okay. Let's get a little bit more philosophical. We've talked about what is the role of a health and safety committee in Ontario? What exactly it is? Now let's talk about the why, which is again, maybe not completely baked into legislation. So Doug, let's start with you. Why do you think a joint health and safety committee is so important in the workplace?

**Doug Heintz:**

As Al alluded to, the committee exists to address health and safety matters that apply to their specific workplace, but it's that opportunity for two-way communication—for information to go from workers to management so they understand what's going on in the shop floor and from management to communicate down to workers about expectations. And it's that coming together of equals when they meet to ensure that that opportunity happens. And the concept it's baked into provincial occupational health and safety legislation, the internal responsibility system, really the spirit is “who better to address workplace health and safety issues than the people that work there and the people that own the business?”

**Ken Rayner:**

Right on. Well said. Love it. So Alain, what about workplaces that based on Ontario legislation must have joint health and safety committees? When must an employer strike up a committee?

**Alain Leger:**

So if you have 20 or more, so 20 to 49 employees, it's a legislative requirement that you have a joint Health and Safety Committee and your committee must have at least two members. If you have 50 or more workers in your workplace, then again you're required to have a joint health and safety committee, but that committee must have at least four members on it.

**Ken Rayner:**

Okay, there we go. And Doug, are the federal requirements any different?

**Doug Heintz:**

Yeah, so the similarity would be that 20 or more requires a workplace health and safety committee, slightly different terminology, as you alluded to earlier. The committee's required, but they don't have a break point where more than two is required. So that's where the recommendation for participation from all facets of a business. If we're talking transportation you have a warehouse, you probably have trucks on the road, you've got a maintenance facility, great consideration to have worker representation from those various parts of the business. So consideration to exceed what the minimal requirement is.

**Ken Rayner:**

Yep. Love it. So again, just make sure that we're clear on that, from the guidance that Alain gave, that is the minimum requirements in the "Green Book", not necessarily what an employer has to have as committee members. So if you need to cast a wide net and make sure that you've got representation across areas of your business that are going to feed in that information then you can have more than two if you have 20 or more employees, and you can have more than four if you've got 50 or more.

So those are minimum requirements, but certainly making sure that you're encapsulating all of the activities in the business so you're really feeding in that information to that committee. All right. Doug, I'm going to put this one back to you because you were kind enough to join us on a couple episodes recently on the *IHSA Safety Podcast* where we were talking about health and safety reps. And I know this question came up, what about workplaces in Ontario with fewer than 20 workers, both from a provincial and a federal perspective? Do they require a joint health and safety committee?

**Doug Heintz:**

So less than 20 workers does not require a joint health and safety committee. In provincial legislation there's some specifics where you might have designated substances where that would be a requirement, but to the greatest extent, an individual from the worker side, the terminology is health and safety representative would be what takes the place of a workplace or joint health and safety committee.

**Ken Rayner:**

And so that's in provincial, a health and safety rep is required between six and 19 employees and then in federal legislation, anything less than 20 employees requires a health and safety rep.

**Doug Heintz:**

That's correct.

**Ken Rayner:**

All right. Now we also have other committees in the workplace, both from a provincial and a federal perspective. So Alain, why don't you tell us a little bit about the worker trades committee? And then

Doug, I'm going to pass it on to you just to maybe explain a little bit more about the policy committee if I could. So Alain, what is a worker trades committee and when is it required within provincial legislation?

**Alain Leger:**

So, a worker trade committee is a committee that represents workers employed in each of the trades at the project. So these members must be selected by the workers employed in the trades they represent or if a trade union, excuse me, represents workers, they've got to be selected by the union. That committee's primary responsibility is to inform the joint Health and Safety Committee of any health and safety concerns that workers employed in these trades have at the workplace.

Ken Rayner:

And Doug, what does the policy committee do within a federal setting?

Doug Heintz

Yeah, so the policy committee is required in federal workplaces where they normally employ 300 or more employees. And the reason the policy committee exists, again, joint or the workplace health and safety would still exist within that federal workplace, but then in excess of 300 that's where the policy committee comes into play. And that could be 300 in one location or 300 across the organization. And if we think about a situation where the workplace has various locations, what a great way to provide consistency in your health and safety program, policies, and procedures to have individuals from those various locations get together and meet to discuss those policy creation and that sort of thing.

**Ken Rayner:**

There's a little bit of terminology difference between federal and provincial when it talks about employees employed at the workplace. So in provincial legislation they talk about having workers regularly employed and in the federal they talk about it being normally employed. I think those words, for the most part, mean the same thing. I don't have a law degree hanging on my wall so I don't want to say that's legal advice, but for me logically that's pretty much the same thing using different terminology. So Alain, for the purposes of the provincial legislation they talk about who needs to be considered regularly employed for the purpose of determining whether a joint Health and Safety Committee is required at the workplace because the language is you need to have 20 or more employees regularly employed. So what does that mean?

**Alain Leger:**

So the ministry typically considers a worker who's filling a position at the client's workplace as regularly employed if the position exceeds or is expected to exceed three months.

Ken Rayner:

So there we go. If you've got people coming in and out on a weekly basis that's not part of it. Based on seasonal business we're looking at regularly employed for longer than three months based on the

Ministry of Labor Immigration Training and Skills development. All right, Doug, to the best of your knowledge, is that anything different from a federal perspective?

**Doug Heintz**

So I did a little research and I couldn't find the definition of normally employed. I'm going to maybe not say this is what it means, but I'm just a thought for consideration. And when we look at legislation it is the minimum requirement and so as a provincial safe work association, we often get questions about what's required. And I've asked people on occasion to just put the legislation aside for a second and ask themselves, does it make sense for your business? And if it does, then you're meeting legislation or possibly exceeding and you don't have to worry about where that fine line is.

So as it relates to normally employed if the number of employees I have is waffling somewhere around that 20 range and it ebbs and flows a little bit above a little bit below based on seasonal requirements or otherwise, my advice would be why not just put a joint health and safety committee or a federally workplace health and safety committee into play? And then you don't have to worry about whether you are meeting legislative requirements. And that committee then has the ability to have a desired effect, health and safety workplace, that two-way communication.

**Ken Rayner:**

I love it. Doug, thanks so much. That's a great reminder because sometimes we do I think in our association, focus in on the legislation and a great reminder that the legislation is the minimum requirement. That's not the ceiling, that's not what you strive for from a best practice perspective. Typically, companies that are establishing best practices are going well above and beyond what is cited in legislation and they're doing it with the spirit and the intent of improving their business and keeping their workers safe.

So I love that. Great nugget. And you know what, since that was such a great nugget let's end on that one. Let's wrap this one up. So thank you very much to Alain and Doug for the first part of this series on joint health and safety committees and workplace health and safety committees. And thank you very much to the listeners for listening to our series. And be sure to subscribe and like us on your podcast channel and visit us at [ihsa.ca](http://ihsa.ca) for a wealth of health and safety resources and information.

**Announcer:**

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