

# CAUT Health and Safety Fact Sheet



## JHSC Tips and Pointers

ISSUE 17

### The Right to Participate

There are three basic health and safety rights for workers enshrined in Canadian health and safety law: the Right to Know, the Right to Participate, and the Right to Refuse Unsafe Work.

The joint health and safety committee (JHSC) is the Right to Participate in your workplace health and safety issues by providing the link between the workers and the employer. The JHSC – half of whom are academics and general staff and half of whom are administration – has jurisdiction to deal with health and safety issues on your campus. The occupational health and safety acts (OHSA) provide for joint committees, although they are not mandatory in all provinces.

In every jurisdiction, workers have the exclusive right to choose their workplace health and safety committee member(s). In workplaces where there are more than one worker union or association, each union/association negotiates how many of their members will sit on the committee. JHSC members should be elected through a general membership meeting. Ministry of Labour inspectors will want to ensure that association members choose their own representatives.

Having a JHSC and having the right to determine who will represent you on the committee ensures you have a say in determining whether and how safety hazards in your workplace are addressed.

Support for the JHSC members is crucial – the membership need to be the eyes and ears for the committee, alerting them to new hazards, as well as to old ones that have not been dealt with effectively.

This fact sheet will outline some helpful tips on how a joint committee functions, identifies some of the duties for which its members will be responsible, and provides a resource list when assistance is needed. Keep in mind that each OHSA has minor variations to the following information – be familiar with what your particular act requires.

### Composition

- comprised of management and worker representatives
- workers choose their own representatives
- at least half of the committee members must be worker representatives – there cannot be more management than workers
- each OHSA will lay out the *minimum* number of committee members
- each union/association has members on the committee
- co-chaired by one management and one worker representative

The goal of workplace health and safety is for workers to remain safe and healthy.

The key is prevention

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## Role and Responsibilities

- acts as an advisory body – however, its “recommendations” are binding on the employer
- identifies hazards and obtains information
- recommends action plans for prevention
- investigates work refusal cases
- participates in accident investigations
- monthly workplace inspections

## Training

JHSC members have the right to appropriate health and safety training in order to carry out the duties required of them under their particular act. Although each OHSA does not necessarily spell out this right, the right exists as the result of language that refers to “necessary information to carry out their duties”. It is essential that every workplace union or association insist its JHSC members have training so their committee member(s) can function effectively and knowledgeably on behalf of their respective memberships.

Training should include:

- committee responsibilities and authority
- occupational health and safety law
- hazard recognition and control methods
- job safety analysis
- occupational hygiene
- workplace inspections
- accident investigations
- prevention methods
- effective oral communication

Good training also includes identifying and mapping hazards that provide a link to “body mapping”, which identifies disease or injury connected to workplace hazards. Both of these methods are important in developing effective prevention models. CAUT provides basic JHSC and hazard-specific training.

## At the Source, Along the Path, At the Worker

These three Principles of Control should be kept in the forefront while attending to committee duties:

### At the Source:

Eliminate, Reduce and Substitute hazards

### Along the Path:

Prevent hazards from reaching workers

### At the Worker:

Last resort - requires Personal Protective Equipment (PPE)

## Control Measures

When implementing an action plan to control hazards, ensure that they:

- adequately control hazard
- cause no undue discomfort or stress
- will protect every worker
- eliminate hazard in workplace and surrounding community
- will not create new hazards

JHSC members are considered to be at work while carrying out their duties. This includes preparation time for and attendance at committee meetings, inspections, work refusals, etc. It is against the law for any employer or person acting on behalf of the employer, to take actions against a worker fulfilling their functions on the JHSC.

## Meeting Minutes and OHSA

Meeting minutes are legal documents, and are the first piece of information a Ministry of Labour Inspector will ask to review if they visit your worksite. Every meeting should have a written record which includes items discussed, issues for action, timelines, and who has responsibility for each task. Minutes should be reviewed and signed off by each of the co-chairs, *after* corrections and amendments are made. They must be posted, along with a copy of the occupational health and safety act, *in a conspicuous place*, so that everyone in the workplace has an opportunity to read them.

## Inspections and Orders

Inspecting a large workplace can be an onerous but not insurmountable duty. The committee should work out a monthly inspection program which ensures that every building is inspected

thoroughly and in a timely manner on a monthly basis. Certain areas, such as laboratories, have specific regulations involving stringent inspection protocols, and they are often done much more frequently than regular inspections. Anyone doing inspections in these areas will need site-specific training.

Look for safety, biological, chemical and ergonomic hazards. Each committee should have hazard-specific inspection forms that properly capture all the data necessary for an accurate inspection: diagrams, equipment, chemicals, checklists and a section for a report.

Ministries of Labour inspectors have the right to enter a workplace to inspect for hazards. They can be called upon for assistance by the committee or to investigate health and safety violations or refusals of unsafe work. Committee members have the right to accompany inspectors during inspections and investigations.

## Right to Refuse

Every worker has the right to refuse unsafe work. They only need “reasonable cause to believe” the work is unsafe.

Ensure that your members know how to exercise this right (refer to your OHSA for the protocol) and use it when necessary. JHSC members have the right to be informed “forthwith” when a work refusal has been implemented, and to attend the investigation.

## Prevention

The goal of workplace health and safety is for workers to remain safe and healthy. The key to that is prevention, and this should be the starting point for every discussion and decision-making process by the committee members. It is the role of the committee to develop safety programs for the employer to implement to ensure all staff are properly apprised of, and trained in safety hazards and safe work practices.

Workers have a Right to Know about any potential for hazards in their environment – encourage your members to take a proactive approach by asking for hazard identification and hazard-specific training.

## Resources

It is not practical for JHSC members to know all relevant legislation or techniques of control for every hazard – but it is essential to know where to look for help. This toolkit gives you a starting point for resources:

Alberta Workers' Health Centre  
[www.workershealthcentre.ca](http://www.workershealthcentre.ca)

Barefoot Research  
(Body and Hazard Mapping)  
[www.ilo.org](http://www.ilo.org)

Body Mapping Kit -  
Where Does It Hurt?  
CAUT JHSC Training Module

Centres for Disease Control  
[www.cdc.gov](http://www.cdc.gov)

Health and Safety Guides  
[www.ccohs.ca](http://www.ccohs.ca)

Ministries of Labour  
(JHSC Guidelines)

Occupational Health Clinics  
for Ontario Workers  
[www.ohcow.on.ca](http://www.ohcow.on.ca)

Manitoba Federation of Labour,  
Occupational Health Centre, Inc.  
[www.mflohc.mb.ca](http://www.mflohc.mb.ca)

WHMIS  
[www.hc-sc.gc.ca/whmis](http://www.hc-sc.gc.ca/whmis)

Workers Health and Safety  
Centre [www.whsc.on.ca](http://www.whsc.on.ca)

## Sources

Canadian Centre for  
Occupational Health and Safety  
[www.ccohs.ca](http://www.ccohs.ca)

Occupational Health Clinics  
for Ontario Workers  
[www.ohcow.on.ca](http://www.ohcow.on.ca)

Ministries of Labour

Worker's Health and Safety  
Centre [www.whsc.on.ca](http://www.whsc.on.ca)



Photos: photos.com 2008

Know the hazards you may be encountering **before** entering the area to be inspected.

Actively solicit information from staff for any known hazards and to assist with data-gathering.