

**Joint Health and Safety Committee**

Participant Handbook

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**Table of Contents**

[Introduction 3](#_Toc481677482)

[AgSafe 3](#_Toc481677483)

[WorkSafeBC (Workers’ Compensation Board) 4](#_Toc481677484)

[Workers Compensation Act 5](#_Toc481677485)

[Part 3 – Occupational Health and Safety 5](#_Toc481677486)

[Exercise #1 – General Duties 8](#_Toc481677487)

[Joint Health and Safety Committee (Joint Committee) 9](#_Toc481677488)

[Workers Compensation Act 9](#_Toc481677489)

[Part 3 – Occupational Health and Safety 9](#_Toc481677490)

[SAMPLE – Joint Health and Safety Committee Terms of Reference 12](#_Toc481677491)

[Workers Compensation Act (continued): 15](#_Toc481677492)

[Exercise #2 – Joint Committee Basics 18](#_Toc481677493)

[Occupational Health & Safety Regulation 19](#_Toc481677494)

[Workplace Inspections 20](#_Toc481677495)

[Refusal of Unsafe Work 21](#_Toc481677496)

[Joint Health and Safety Committees 23](#_Toc481677497)

[Consultation with the Joint Committee 26](#_Toc481677498)

[Joint Committee and Annual Reviews 28](#_Toc481677499)

[Joint Committee Recommendations 29](#_Toc481677500)

[Resources 31](#_Toc481677501)

# Introduction

This course has been designed to provide participants with a basic knowledge and understanding with respect to Joint Health and Safety Committee requirements.

The material is presented from the employer’s perspective. There are activities and exercises to reinforce the information presented and to encourage discussion and interaction between the participants.

Please feel free to bring up questions and examples of your own experiences. The instructor will also welcome private discussions at the breaks should your question be more specific.

As with all issues that arise with respect to the workers’ compensation system, if after this seminar you still have questions, we welcome participants to call an advisor for further advice and assistance.

# AgSafe

We are committed to creating a safe work environment for British Columbia’s agricultural and associated industries.

Our mandate is to develop and provide health and safety services. With the help of our Safety Consultants and Advisors across the province, we provide site-specific health and safety programs, training courses, resource materials and advice.

# WorkSafeBC (Workers’ Compensation Board)

The Workers Compensation Board is an administrative body that implements and enforces the provisions of the Act and the Regulation. The Act is a provincial government statute.

WorkSafeBC is typical of other Workers’ Compensation Boards found across Canada. It is based upon a presumption of no fault insurance with broad coverage for most workers in the province. WorkSafeBC is under provincial jurisdiction and is not affiliated with any of the other provincial Workers’ Compensation Boards.

**The three major functions of WorkSafeBC are:**

1. **Prevention of Workplace injuries / occupational Diseases (Prevention)**

Most employers will recognize the prevention function of WorkSafeBC. Board Officers conduct inspections of worksites to educate workers and employers, and to ensure compliance with the Regulation. The statutory authority of Board Prevention Officers includes:

* Performing workplace inspections
* Writing orders requiring compliance with the Act and the Regulation
* Search and seizure of evidence
* Recommending financial penalties and sanctions for non-compliance
* Investigating discriminatory action complaints

1. **Compensation for Injured Workers (Claims)**

This is the largest function of the Board; WorkSafeBC provides annual benefits to injured/ill workers in excess of 1.5 billion dollars. This function includes the determination of claims acceptability for health care, wage loss, vocational rehabilitation and disability pensions, along with the ongoing management of individual worker’s claim files.

1. **Collection of Assessments (Assessments)**

Funds are collected from employers to create and maintain the WorkSafeBC Accident Fund to pay for workers’ claims. Some of the functions of the Assessment Department include:

* Employer registrations
* Calculation of Experience Ratings
* Contractor liability
* Penalties and Audits
* Collection actions

The act also stipulates *“The maintenance of reasonable standards for the protection of the health and safety of workers in British Columbia and the occupational environment in which they work.”* On this point, the Act requires employers to establish a Joint Committee at workplaces where 20 or more workers are regularly employed. WorkSafeBC may also require other workplaces to establish a Joint Committee.

# Workers Compensation Act

## Part 3 – Occupational Health and Safety

**111 Board's mandate under this Part**

1. In accordance with the purposes of this Part, the Board has the mandate to be concerned with occupational health and safety generally, and with the maintenance of reasonable standards for the protection of the health and safety of workers in British Columbia and the occupational environment in which they work.
2. In carrying out its mandate, the Board has the following functions, duties and powers:
3. to exercise its authority to make regulations to establish standards and requirements for the protection of the health and safety of workers and the occupational environment in which they work;
4. to undertake inspections, investigations and inquiries on matters of occupational health and safety and occupational environment;
5. to provide services to assist joint committees, worker health and safety representatives, employers and workers in maintaining reasonable standards for occupational health and safety and occupational environment;

**Division 3 – General Duties of Employers, Workers and Others**

**General Duties of employers**

**115 General duties of employers**

1. Every employer must
2. ensure the health and safety of
   1. all workers working for that employer, and
   2. any other workers present at a workplace at which that employer's work is being carried out, and
3. comply with this Part, the regulations and any applicable orders.
4. Without limiting subsection (1), an employer must
5. remedy any workplace conditions that are hazardous to the health or safety of the employer's workers,
6. ensure that the employer's workers
7. are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work,
8. comply with this Part, the regulations and any applicable orders, and
9. are made aware of their rights and duties under this Part and the regulations,
10. establish occupational health and safety policies and programs in accordance with the regulations,
11. provide and maintain in good condition protective equipment, devices and clothing as required by regulation and ensure that these are used by the employer's workers,
12. provide to the employer's workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace,
13. make a copy of this Act and the regulations readily available for review by the employer's workers and, at each workplace where workers of the employer are regularly employed, post and keep posted a notice advising where the copy is available for review,
14. consult and cooperate with the joint committees and worker health and safety representatives for workplaces of the employer, and
15. cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

**116 General duties of workers**

1. Every worker must
   1. take reasonable care to protect the worker's health and safety and the health and safety of other persons who may be affected by the worker's acts or omissions at work, and
   2. comply with this Part, the regulations and any applicable orders.
2. Without limiting subsection (1), a worker must
   1. carry out his or her work in accordance with established safe work procedures as required by this Part and the regulations,
   2. use or wear protective equipment, devices and clothing as required by the regulations,
   3. not engage in horseplay or similar conduct that may endanger the worker or any other person,
   4. ensure that the worker's ability to work without risk to his or her health or safety, or to the health or safety of any other person, is not impaired by alcohol, drugs or other causes,
   5. report to the supervisor or employer
3. any contravention of this Part, the regulations or an applicable order of which the worker is aware, and
4. the absence of or defect in any protective equipment, device or clothing, or the existence of any other hazard, that the worker considers is likely to endanger the worker or any other person,
   1. cooperate with the joint committee or worker health and safety representative for the workplace, and
   2. cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

**117 General duties of supervisors**

1. Every supervisor must
   1. ensure the health and safety of all workers under the direct supervision of the supervisor,
   2. be knowledgeable about this Part and those regulations applicable to the work being supervised, and
   3. comply with this Part, the regulations and any applicable orders.
2. Without limiting subsection (1), a supervisor must
   1. ensure that the workers under his or her direct supervision
3. are made aware of all known or reasonably foreseeable health or safety hazards in the area where they work, and
4. comply with this Part, the regulations and any applicable orders,
   1. consult and cooperate with the joint committee or worker health and safety representative for the workplace, and
   2. cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

\* See guideline [G-D3-116 Orders to workers](https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-guidelines/guidelines-for-workers-compensation-act#SectionNumber:G-D3-116) for more information.

**118 Coordination at multiple-employer workplaces**

1. In this section:

**"multiple-employer workplace"** means a workplace where workers of 2 or more employers are working at the same time;

**"prime contractor"** means, in relation to a multiple-employer workplace,

* 1. the directing contractor, employer or other person who enters into a written agreement with the owner of that workplace to be the prime contractor for the purposes of this Part, or
  2. if there is no agreement referred to in paragraph (a), the owner of the workplace.

1. The prime contractor of a multiple-employer workplace must
   1. ensure that the activities of employers, workers and other persons at the workplace relating to occupational health and safety are coordinated, and
   2. do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Part and the regulations in respect of the workplace.
2. Each employer of workers at a multiple-employer workplace must give to the prime contractor the name of the person the employer has designated to supervise the employer's workers at that workplace.

# Exercise #1 – General Duties

Who is legally responsible for the safety activities shown below?

1. Employer
2. Worker
3. Supervisor
4. Joint Committee
5. Maintenance manager
6. All the above

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Individual Answer** | **Group Answer** | **Reference** |
| 1. Ensure workers are made aware of their rights and duties |  |  |  |
| 1. Recommend actions that will improve the effectiveness of the Safety program. |  |  |  |
| 1. Ensure that only authorized, adequately trained workers operate machinery or equipment. |  |  |  |
| 1. To carry out work in accordance with established safe work procedures. |  |  |  |
| 1. Provide a safe work place. |  |  |  |
| 1. Instruct new workers on safety procedures. |  |  |  |
| 1. Wear Personal Protective Equipment. |  |  |  |
| 1. Evaluate safety performance of supervisors. |  |  |  |
| 1. Not engage in horseplay or similar conduct. |  |  |  |
| 1. Cooperate with the Joint Committee. |  |  |  |

# Joint Health and Safety Committee (Joint Committee)

A Joint Committee is a committee made up of worker and employer representatives working together to identify and resolve health and safety problems in the workplace.

To be successful, the committee must operate in an atmosphere of cooperation and be effective in promoting and monitoring a sound occupational health and safety program.

While the employer is ultimately responsible for the overall safety program, the committee is responsible for identifying and recommending solutions to the supervisor or employer. However, if the problem is not corrected, a committee member should be contacted.

The Committee’s role in the workplace includes:

* To promote safe work practices
* To assist in creating a safe and healthy workplace
* To recommend actions which will improve the effectiveness of the occupational health and safety program and
* To promote compliance with the Act and the Regulation.

# Workers Compensation Act

## Part 3 – Occupational Health and Safety

### Division 4 – Joint Committees and Worker Representatives

**125 When a joint committee is required**

An employer must establish and maintain a joint health and safety committee

* + 1. in each workplace where 20 or more workers of the employer are regularly employed, and
    2. in any other workplace for which a joint committee is required by order.

**126 Variations in committee requirements**

1. Despite section 125, the Board may, by order, require or permit an employer to establish and maintain
   1. more than one joint committee for a single workplace of the employer,
   2. one joint committee for more than one workplace or parts of more than one workplace of the employer, or
   3. one joint committee for the workplace or parts of the workplaces of a number of employers, if the workplaces are the same, overlapping or adjoining.
2. An order under subsection (1) may
   1. specify the workplace, workplaces or parts for which a joint committee is required or permitted, and
   2. provide for variations regarding the practice and procedure of a joint committee from the provisions otherwise applicable under this Part or the regulations.

**127 Membership of joint committee**

A joint committee for a workplace must be established in accordance with the following:

1. it must have at least 4 members or, if a greater number of members is required by regulation, that greater number;
2. it must consist of worker representatives and employer representatives;
3. at least half the members must be worker representatives;
4. it must have 2 co-chairs, one selected by the worker representatives and the other selected by the employer representatives.

**128 Selection of worker representatives**

1. The worker representatives on a joint committee must be selected from workers at the workplace who do not exercise managerial functions at that workplace, as follows:
   1. if the workers are represented by one or more unions, the worker representatives are to be selected according to the procedures established or agreed on by the union or unions;
   2. if none of the workers are represented by a union, the worker representatives are to be elected by secret ballot;
   3. if some of the workers are represented by one or more unions and some are not represented by a union, the worker representatives are to be selected in accordance with paragraphs (a) and (b) in equitable proportion to their relative numbers and relative risks to health and safety;
   4. if the workers do not make their own selection after being given the opportunity under paragraphs (a) to (c), the employer must seek out and assign persons to act as worker representatives.
2. The employer or a worker may request the Board to provide direction as to how an election under subsection (1) (b) is to be conducted.
3. The employer, or a union or a worker at a workplace referred to in subsection (1) (c), may request the Board to provide direction as to how the requirements of that provision are to be applied in the workplace.

**129 Selection of employer representatives**

1. The employer representatives on a joint committee must be selected by the employer from among persons who exercise managerial functions for the employer and, to the extent possible, who do so at the workplace for which the joint committee is established.
2. For certainty, an individual employer may act as an employer representative.

**130 Duties and functions of joint committee**

A joint committee has the following duties and functions in relation to its workplace:

1. to identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations;
2. to consider and expeditiously deal with complaints relating to the health and safety of workers;
3. to consult with workers and the employer on issues related to occupational health and safety and occupational environment;
4. to make recommendations to the employer and the workers for the improvement of the occupational health and safety and occupational environment of workers;
5. to make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with this Part and the regulations and to monitor their effectiveness;
6. to advise the employer on programs and policies required under the regulations for the workplace and to monitor their effectiveness;
7. to advise the employer on proposed changes to the workplace, including significant proposed changes to equipment and machinery, or the work processes that may affect the health or safety of workers;
8. to ensure that accident investigations and regular inspections are carried out as required by this Part and the regulations;
9. to participate in inspections, investigations and inquiries as provided in this Part and the regulations;
10. to carry out any other duties and functions prescribed by regulation.

**131 Joint committee procedure**

1. Subject to this Part and the regulations, a joint committee must establish its own rules of procedure, including rules respecting how it is to perform its duties and functions.
2. A joint committee must meet regularly at least once each month, unless another schedule is permitted or required by regulation or order.

## SAMPLE – Joint Health and Safety Committee Terms of Reference

1. **Name of Health and Safety Committee**

A reference for identification where there are other committees in an organization or multiple locations each with a joint committee.

1. **Constituency**

Identify the parts of the operation or the group or group of workers represented by the committee. For example:

|  |  |  |
| --- | --- | --- |
|  | **Worker Representative** | **Employer Representative** |
| **Department #1** |  |  |
| **Department #2** |  |  |
| **Department #3** |  |  |
| **Department #4** |  |  |

1. **Duties and Functions of the Committee**
2. Identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations.
3. Consider and expeditiously deal with complaints relating to the occupational health and safety of workers.
4. Consult with workers and the employer on issues related to occupational health and safety and occupational environment.
5. Make recommendations to the employer and the workers for the improvement of the occupational health and safety of workers and compliance with the regulations, and monitor their effectiveness.
6. Make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the Regulation, and monitor their effectiveness.
7. Advise the employer or programs and policies required under the Regulation for the workplace and monitor their effectiveness.
8. Advise the employer on proposed changes to the workplace or the work processes that may affect the health or safety of workers.
9. Ensure that incident investigations and regular inspections are carried out as required by the Regulation.
10. Participate in inspections investigations and inquiries as provided by the Regulation.
11. When necessary, request information from the employer about:
    1. Known or reasonably foreseeable health or safety hazards to which workers at the workplace are likely to be exposed.
    2. Health and safety experience and work practices and standards in similar or other industries of which the employer has knowledge.
12. Carry out any other duties and functions prescribed by the Regulation.
13. **Records**

The committee will keep accurate records of all matters that come before it. The committee will maintain copies of its minutes for a period of at least 2 years from the date of the joint health and safety committee meetings to which they relate. (Note: first aid records should be kept for at least 3 years; education and training related records should be kept for at least 3 years after the training session.)

1. **Meetings**
2. The committee will meet monthly on the (\_\_\_\_\_\_\_\_\_\_) working day of each month.
3. Special meetings if required, will be held at the call of the co-chairs.
4. A quorum shall consist of a majority of members (\_\_\_\_\_\_\_\_).
5. The committee will add procedures it considers necessary for the meetings.
6. **Agendas and Meeting Reports**
7. An agenda will be prepared by the co-chairs and distributed to members prior to the meeting.
8. A report of the meeting will be prepared as soon as possible after the meeting and will be made available to the employer, Joint Health and Safety Committee members, workers and the Workers’ Compensation Board.
9. A copy of the report of each meeting will be posted promptly, in a place readily accessible to employees for whom this committee is responsible.
10. **Composition of the Committee**
11. The committee shall consist of members.
12. One worker representative will be elected from each of the following areas:
    1. (List the areas or group)
13. One employer representative will be appointed from each of the following areas:
    1. (List the areas or group)
14. **Co-chairs**
15. The committee will elect co-chairs from its membership.
16. The worker representatives shall select a co-chair.
17. The employer representatives shall select a co-chair.
18. The co-chairs shall:
19. Control the meetings
20. Ensure the maintenance of an unbiased viewpoint
21. Arrange the agendas
22. Review previous meeting reports and material prior to the meetings
23. Arrange for the meeting place
24. Notify members of meetings
25. Prepare meeting agendas
26. Prepare meeting reports
27. Forward a copy of meeting reports to the employer for distribution
28. Prepare recommendations(s) and forward to the employer for a response
29. Prepare all correspondence
30. **Terms of Office**
31. Committee members will sit on the committee for \_\_\_\_\_\_ years. (Note: committees are more effective if terms of office overlap for committee members. This allows a mix of new an experienced committee members on the committee, even after elections).
32. If a member of the committee chosen by the workers is unable to complete the term of office, the workers will choose another member.
33. If a member of the committee appointed by the employer is unable to complete the term of office, the employer will appoint another member.
34. All members will arrange to have an alternate member to attend meetings in their place, when they are unavailable to attend.
35. **Recommendations to the Employer will meet these guidelines:**

* Directly related to Health and Safety.
* Doable (reasonably capable of being done).
* Complete (employer will not need more information to make a decision).

1. **Assistance in resolving disagreements within committee**

If the joint health and safety committee is unable to reach agreement on a matter relating to the health or safety of workers at the workplace, a co-chair of the committee may report this to WorkSafeBC, which may investigate and attempt to resolve the matter.

1. **Amendments**

These terms of referenced may be amended by vote of the committee members.

# Workers Compensation Act (continued):

**132 Assistance in resolving disagreements within committee**

1. If a joint committee is unable to reach agreement on a matter relating to the health or safety of workers at the workplace, a co-chair of the committee may report this to the Board, which may investigate the matter and attempt to resolve the matter.
2. If the Board considers that a joint committee is unable to reach agreement on a matter relating to the health or safety of workers at the workplace, the Board, on its own initiative, may investigate the matter and attempt to resolve the matter.

**133 Employer must respond to committee recommendations**

1. This section applies if a joint committee sends a written recommendation to an employer with a written request for a response from the employer.
2. Subject to subsections (4) and (5), the employer must respond in writing to the committee within 21 days of receiving the request, either
   1. indicating acceptance of the recommendation, or
   2. giving the employer's reasons for not accepting the recommendation.
3. If the employer does not accept the committee's recommendations, a co-chair of the committee may report the matter to the Board, which may investigate and attempt to resolve the matter.
4. If it is not reasonably possible to provide a response before the end of the 21 day period, the employer must provide within that time a written explanation for the delay, together with an indication of when the response will be provided.
5. If the joint committee is not satisfied that the explanation provided under subsection (4) is reasonable in the circumstances, a co-chair of the committee may report this to the Board, which may investigate the matter and may, by order, establish a deadline by which the employer must respond.
6. Nothing in this section relieves an employer of the obligation to comply with this Part and the regulations.

**134 Time from work for meetings and other committee functions**

1. A member of a joint committee is entitled to time off from work for
   1. the time required to attend meetings of the committee, and
   2. other time that is reasonably necessary to prepare for meetings of the committee and to fulfill the other functions and duties of the committee.
2. Time off under subsection (1) is deemed to be time worked for the employer, and the employer must pay the member for that time.

**135 Educational leave**

1. Each member of a joint committee is entitled to an annual educational leave totalling 8 hours, or a longer period if prescribed by regulation, for the purposes of attending occupational health and safety training courses conducted by or with the approval of the Board.
2. A member of the joint committee may designate another member as being entitled to take all or part of the member's educational leave.
3. The employer must provide the educational leave under this section without loss of pay or other benefits and must pay for, or reimburse the worker for, the costs of the training course and the reasonable costs of attending the course.

**136 Other employer obligations to support committee**

1. The employer must provide the joint committee with the equipment, premises and clerical personnel necessary for the carrying out of its duties and functions.
2. On request of the joint committee, the employer must provide the committee with information respecting
   1. the identification of known or reasonably foreseeable health or safety hazards to which workers at the workplace are likely to be exposed,
   2. health and safety experience and work practices and standards in similar or other industries of which the employer has knowledge,
   3. orders, penalties and prosecutions under this Part or the regulations relating to health and safety at the workplace, and
   4. any other matter prescribed by regulation.

**137 Committee reports**

1. After each joint committee meeting, the committee must prepare a report of the meeting and provide a copy to the employer.
2. The employer must
   1. if so requested by a union representing workers at the workplace, send a copy of the reports under subsection (1) to the union,
   2. retain a copy of the reports for at least 2 years from the date of the joint committee meeting to which they relate, and
   3. ensure that the retained reports are readily accessible to the joint committee members, workers of the employer, officers and other persons authorized by the Board or the minister.

**138 Employer must post committee information**

At each workplace where workers of an employer are regularly employed, the employer must post and keep posted

* + 1. the names and work locations of the joint committee members,
    2. the reports of the 3 most recent joint committee meetings, and
    3. copies of any applicable orders under this Division for the preceding 12 months.

**139 Worker health and safety representative**

1. A worker health and safety representative is required
   1. in each workplace where there are more than 9 but fewer than 20 workers of the employer regularly employed, and
   2. in any other workplace for which a worker health and safety representative is required by order of the Board.
2. The worker health and safety representative must be selected in accordance with section 128 from among the workers at the workplace who do not exercise managerial functions at that workplace.
3. To the extent practicable, a worker health and safety representative has the same duties and functions as a joint committee.
4. Sections 133 to 136 apply in relation to a worker health and safety representative as if the representative were a joint committee or member of a joint committee.

**140 Participation of worker representative in inspections**

If

1. this Part or the regulations give a worker representative the right to be present for an inspection, investigation or inquiry at a workplace, and
2. no worker representative is reasonably available,

the right may be exercised by another worker who has previously been designated as an alternate by the worker representative.

# Exercise #2 – Joint Committee Basics

When must an employer establish a Joint Committee?

What’s the minimum number of members on a Joint Committee?

How many members of the Joint Committee must be worker representatives?

How many co-chairs are there on a Joint Committee?

How often must a Joint Committee meet?

How long must committee reports be retained?

How are worker representatives selected?

How long does an employer have, to respond to a written recommendation from a Joint Committee?

Who on the Joint Committee can report to the Board a disagreement on a matter relating to the health and safety of workers at the workplace?

## Occupational Health & Safety Regulation

The Regulation contains legal requirements that must be met by all workplaces under the inspectional jurisdiction of WorkSafeBC. This includes most workplaces in B.C., except mines and federally chartered workplaces such as banks, interprovincial and international transportation, telephone systems, and radio, television, and cable services.

The purpose of the Regulation is to promote occupational health and safety and to protect workers and other persons present at workplaces from work-related risks to their health, safety, and well-being.

Compliance with the requirements provides the basis on which workers and employers, in cooperation, can solve workplace health and safety problems. The requirements are not an end in themselves, but are a foundation upon which to build an effective health and safety program.

WorkSafeBC is committed to the regular review of the requirements of the Regulation based on regulatory experience and changes in knowledge, technology, and work practices. All interested parties are invited to forward suggestions for improvement to WorkSafeBC.

Note: The requirements of the Regulation are adopted under the authority of the Act as amended from time to time.

Many parts of the Regulation have associated guidelines, which are used to help interpret and apply the Regulation. Other policies and practices of WorkSafeBC are set out in the Prevention Manual.

**How the Regulation is organized**

This section provides brief information about the 34 Parts of the Regulation.

**Parts 1-4: Core Requirements**

The **Core Requirements** apply to all workplaces, and include:

Part 1: Definitions – A list of words used in the Regulation that have specific meanings.

Part 2: Application – A description of how the Regulation is applied.

Part 3: Rights and Responsibilities – Details about elements of a health and safety program, investigations and reports, workplace inspections, the right to refuse work and first aid.

Part 4: General Conditions – Requirements for such aspects of workplace safety as building and equipment safety, emergency preparedness, preventing violence, working alone, ergonomics, illumination, indoor air quality, smoking, and lunchrooms.

**Parts 5-19: General Hazard Requirements**

Parts 5-19 deal with general hazards found in a number of workplaces, usually higher-hazard operations. Topics include the safe use of chemicals, confined space entry procedures, guarding of machinery and the use of mobile equipment. In many workplaces, including office environments, only a small portion of these requirements apply.

**Parts 20-34: Industry / Activity Specific Requirements**

Parts 20-34 deal with requirements that apply to specific industries – such as forestry, oil and gas, and construction – or to specific hazardous activities – such as blasting, diving, firefighting, and evacuation and rescue.

**Part 28 – Agriculture is divided into four Divisions:**

Division 1 – General Conditions

Division 2 – Hazardous Substances

Division 3 – Personal Protective Equipment

Division 4 – Equipment

**Occupational Health and Safety Regulation**

**Part 3 Rights and Responsibilities**

## Workplace Inspections

Under the Regulation, employers and workers have the right to have a representative accompany the Occupational Safety Officer during regular WorkSafeBC inspections. The worker representative should be selected from the Joint Committee. As well, committee members may be required to participate in inspections of their own workplace to identify hazards due to conditions or practices (the Regulation 3.5-3.8)

Any deficiencies found during regular inspection by committee members should be reported to the supervisor. If corrective action is not taken to the satisfaction of the committee, the item should be included on the agenda for consideration at the next meeting.

Inspections should be made far enough ahead of the meeting so that minor housekeeping items can be corrected in time and the committee can concern itself with more significant matters.

**3.5 General Requirement**

Every employer must ensure that regular inspections are made of all workplaces, including buildings, structures, grounds, excavations, tools, equipment, machinery and work methods and practices, at intervals that will prevent the development of unsafe working conditions.

**3.7 Special inspections**

A special inspection must be made when required by malfunction or accident.

**3.8 Participation of the Safety Committee**

An inspection required by section 3.5 and a major inspection required by section 3.7 must, where feasible, include the participation of members of the joint committee or the worker health and safety representative, as applicable, but

If there is no committee or worker health and safety representative the employer must designate an employer representative and the union must designate a worker representative, or

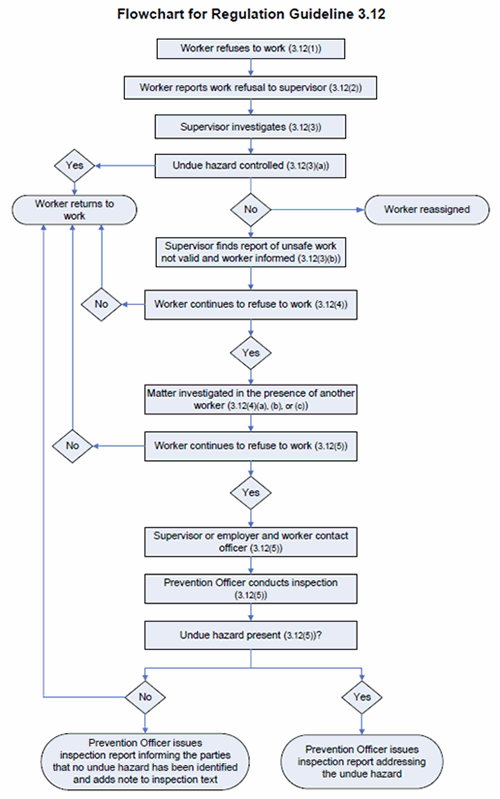
If there is no union, the employer must invite the workers to designate one of their number.

Please note: There is further information on inspections under Sections 4.3 and 4.9 of the Regulation. WorkSafeBC also has a publication titled Safety Inspections Workbook which is accessible online.

## Refusal of Unsafe Work

**3.12 Procedure for refusal**

1. A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.
2. A worker who refuses to carry out a work process or operate a tool, appliance or equipment pursuant to subsection (1) must immediately report the circumstances of the unsafe condition to his or her supervisor or employer.
3. A supervisor or employer receiving a report made under subsection (2) must immediately investigate the matter and
   1. ensure that any unsafe condition is remedied without delay, or
   2. if in his or her opinion the report is not valid, must so inform the person who made the report.
4. If the procedure under subsection (3) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of
   1. a worker member of the joint committee,
   2. a worker who is selected by a trade union representing the worker, or
   3. if there is no joint committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.
5. If the investigation under subsection (4) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor, or the employer, and the worker must immediately notify an officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.



Role of worker member.

## Joint Health and Safety Committees

**3.26 Evaluation of joint committees** New Item

* 1. In this section, a reference to a joint committee does not include a joint committee established and maintained under section 126 of the Workers Compensation Act, if
     1. an order under section 126(1) of the Workers Compensation Act respecting the joint committee provides for a variation as set out in subsection (2)(b) of that section of that Act, and
     2. the variation is in regards to evaluating the joint committee.
  2. An employer must ensure that, with respect to each of the employer's joint committees, a written evaluation is conducted annually by
     1. the co-chairs of the joint committee or, with respect to each co-chair, the member or members of the joint committee designated by the co-chair, or
     2. the employer or a person retained by the employer.
  3. The evaluation must contain, but is not limited to, the following information:
     1. whether or not, throughout the period of time that is the subject of the evaluation,

1. the joint committee met the membership requirements under section 127(a) to (d) of the Workers Compensation Act,
2. worker representatives on the joint committee were selected in accordance with section 128 of the Workers Compensation Act,
3. employer representatives on the joint committee were selected in accordance with section 129 of the Workers Compensation Act,
4. the joint committee fulfilled each of its duties and functions under section 130 of the Workers Compensation Act,
5. the joint committee met regularly as required under section 131 (2) of the Workers Compensation Act,
6. the employer met the requirements under section 133 of the Workers Compensation Act in respect of the written recommendations sent to the employer by the joint committee with a written request for a response from the employer, if any,
7. each member of the joint committee received the time off from work the member was entitled to receive under section 134 of the Workers Compensation Act,
8. each member of the joint committee attended the occupational health and safety training courses the member was entitled to attend under section 135 of the Workers Compensation Act,
9. the employer provided to the joint committee the equipment, premises, clerical personnel and information the employer was required to provide under section 136 of the Workers Compensation Act,
10. the joint committee prepared reports of its meetings and provided copies to the employer as required under section 137(1) of the Workers Compensation Act,
11. the employer met the requirements of posting and keeping posted committee information as set out in section 138 of the Workers Compensation Act, and
12. each member of the joint committee received the instruction and training the employer was required to ensure was provided to the member under section 3.27 of this regulation;
    * 1. an assessment of the effectiveness of the joint committee's rules of procedures as established under section 131(1) of the Workers Compensation Act;
      2. an assessment of the overall effectiveness of the joint committee.
    1. If the employer or a person retained by the employer conducts the evaluation, the employer or person retained by the employer, as the case may be, must, as part of the evaluation, obtain and consider the input of the co-chairs of the joint committee or, with respect to each co-chair, the member or members of the joint committee designated by the co-chair, on the matters listed in subsection (3).
    2. The employer and the joint committee must each provide to the other a copy of the evaluation if the other does not have a copy.
    3. The joint committee must
       1. discuss the evaluation at the joint committee meeting immediately following
13. receipt of the evaluation, if the employer or a person retained by the employer conducted the evaluation, or
14. the completion of the evaluation, if members of the joint committee conducted the evaluation, and
    * 1. ensure that the evaluation and a summary of the discussion referred to in paragraph (a) are included in the report of that meeting.

**3.27 Minimum training requirements for new joint committee members or worker health and safety representatives**  New Item

* 1. In this section, a reference to a joint committee does not include a joint committee established and maintained under section 126 of the Workers Compensation Act, if
  2. an order under section 126(1) of the Workers Compensation Act respecting the joint committee provides for a variation as set out in subsection (2)(b) of that section of that Act, and
  3. the variation is in regards to providing instruction and training to the members of the joint committee.
  4. The employer must ensure that each member of the employer's joint committees who was selected on or after April 3, 2017 to be a member receives, as soon as practicable but no more than 6 months after becoming a member, a total of at least 8 hours of instruction and training, as set out in subsection (4).
  5. The employer must ensure that the worker health and safety representative at each of the employer's workplaces who was selected on or after April 3, 2017 to be a representative receives, as soon as practicable but no more than 6 months after becoming a representative, a total of at least 4 hours of instruction and training, as set out in subsection (5).
  6. The instruction and training referred to in subsection (2) must include the following topics:
  7. the duties and functions of a joint committee under section 130 of the Workers Compensation Act;
  8. the rules of procedure of the joint committee as established under or set out in section 131 of the Workers Compensation Act;
  9. the requirements respecting investigations under sections 173 to 176 of the Workers Compensation Act;
  10. the requirements respecting inspections under sections 3.5, 3.7 and 3.8 of this regulation and how to make regular inspections under section 3.5 of this regulation;
  11. the requirements respecting refusal of unsafe work under section 3.12 of this regulation;
  12. the requirements respecting the evaluation of joint committees under section 3.26 of this regulation.
  13. The instruction and training referred to in subsection (3) must include the topics described in subsection (4)(a), (c), (d) and (e).
  14. Subsection (2) does not apply in respect of a person who is a member of a joint committee if
  15. 2 years or less before becoming a member of the joint committee, the person was a member of that joint committee or a different joint committee, and
  16. the person, as a member of the joint committee or a different joint committee as set out in paragraph (a), received at least 8 hours of instruction and training on the topics described in subsection (4).
  17. Subsection (3) does not apply in respect of a person who is a worker health and safety representative at a workplace if
      + 1. 2 years or less before becoming a worker health and safety representative at the workplace, the person was
      1. a member of a joint committee, or
      2. a worker health and safety representative at that workplace or a different workplace, and
         1. the person, as a member of a joint committee, or as a worker health and safety representative at the workplace or a different workplace, as set out in paragraph (a), received at least 4 hours of instruction and training on the topics described in subsection (5).
  18. The employer must ensure that a person who receives instruction and training as set out in subsection (2) or (3) receives a copy of the person’s training record as soon as practicable after the training is completed.
  19. The employer must, with respect to each person who receives instruction and training as set out in subsection (2) or (3), keep the person’s training record until 2 years from the date the person ceases to be a member of the employer’s joint committee or a worker health and safety representative, as applicable.
  20. For greater certainty, the instruction and training required under subsection (2) or (3) of this regulation is not educational leave as set out in section 135 of the Workers Compensation Act.

[Enacted by B.C. Reg. 312/2016, effective April 3, 2017.]

**Participation in Investigations**

**3.28 Participation by employer or representative of employer and worker representative**  New Item

For the purposes of section 174(1.1)(c) of the Workers Compensation Act, the following activities are prescribed:

1. assisting the persons carrying out the investigation with gathering information relating to the investigation;
2. assisting the persons carrying out the investigation with analyzing the information gathered during the investigation;
3. assisting the persons carrying out the investigation with identifying any corrective actions necessary to prevent recurrence of similar incidents.

## Consultation with the Joint Committee

**Part 4 General Conditions**

**Working Alone**

**4.21 Procedures for checking well-being of worker**

1. The employer must develop and implement a written procedure for checking the well-being of a worker assigned to work alone or in isolation.
2. The procedure for checking a worker's well-being must include the time interval between checks and the procedure to follow in case the worker cannot be contacted, including provisions for emergency rescue.
3. A person must be designated to establish contact with the worker at predetermined intervals and the results must be recorded by the person.
4. In addition to checks at regular intervals, a check at the end of the work shift must be done.
5. The procedure for checking a worker's well-being, including time intervals between the checks, must be developed in consultation with the joint committee or the worker health and safety representative, as applicable.
6. Time intervals for checking a worker's well-being must be developed in consultation with the worker assigned to work alone or in isolation.

**Ergonomics**

**4.53 Consultation**

1. The employer must consult with the joint committee or the worker health and safety representative, as applicable, with respect to the following when they are required by the Ergonomics (MSI) Requirements:
   * 1. risk identification, assessment and control;
     2. the content and provision of worker education and training;
     3. the evaluation of the compliance measures taken.
2. The employer must, when performing a risk assessment, consult with
   * 1. workers with signs or symptoms of MSI, and
     2. a representative sample of the workers who are required to carry out the work being assessed.

**Part 5 Chemical Agents and Biological Agents**

**Controlling Exposure**

**5.59 Investigating symptoms**

1. If a worker exhibits signs or reports symptoms of overexposure to a hazardous substance present in the workplace, the employer must investigate and assess the potential for exposure.
2. If the assessment demonstrates that the signs or symptoms can be caused by exposure to a hazardous substance that is present in the workplace, further investigation must be conducted, in consultation with the joint committee or the worker health and safety representative, as applicable, to address and resolve the worker's concern.
3. Records of the investigation required under subsection (2) must be made available to workers, and maintained by the employer for a minimum of 10 years.

**Part 8 Personal Protective Clothing and Equipment**

**General Requirements**

**8.4 Workplace Evaluation**

If an evaluation of workplace conditions is required to determine appropriate personal protective equipment, the evaluation, where practicable, must be done in consultation with the joint committee or the worker health and safety representative, as applicable, and with the worker who will use the equipment.

Respirators

**8.33 Selection**

1. The employer, in consultation with the worker and the occupational health and safety committee, if any, or the worker health and safety representative, if any, must select an appropriate respirator in accordance with [CSA Standard CAN/CSA-Z94.4-93, Selection, Use, and Care of Respirators](https://community.csagroup.org/login.jspa?referer=%252Findex.jspa).
2. Only a respirator which meets the requirements of a standard acceptable to the Board may be used for protection against airborne contaminants in the workplace.

**Part 9 Confined Spaces**

**9.11 Qualifications**

1. The hazard assessment and written confined space entry procedures must be prepared
2. by a qualified person who has adequate training and experience in the recognition, evaluation and control of confined space hazards, and
3. in consultation with the person assigned overall responsibility for administration of the confined space entry program and with the joint committee or the worker health and safety representative, as applicable.
4. For the purposes of subsection (1)(a) qualifications which are acceptable as evidence of adequate training and experience include
   1. certified industrial hygienist (CIH), registered occupational hygienist (ROH), certified safety professional (CSP), Canadian registered safety professional (CRSP) or professional engineer (P. Eng.), provided that the holders of these qualifications have experience in the recognition, evaluation and control of confined space hazards, or
   2. Repealed. [B.C. Reg. 243/2006, effective January 1, 2007.]
   3. other combination of education, training and experience acceptable to the Board.

## Joint Committee and Annual Reviews

**Part 5 Chemical Agents and Biological Agents**

**Workplace Hazardous Materials Information System (WHMIS)**

**5.5 WHMIS program**

If hazardous products are used in the workplace the employer, in consultation with the joint committee or health and safety representative, as applicable, must establish and maintain an effective WHMIS program, as part of the overall workplace health and safety program, which

1. addresses applicable WHMIS Requirements including education and training,
2. is reviewed at least annually, or more frequently if required by a change in work conditions or available hazard information, and
3. provides for the periodic evaluation of the knowledge of workers using suitable means such as written tests and practical demonstrations.

**Controlling Exposure**

**5.54 Exposure control plan**

1. An exposure control plan must be implemented when
2. exposure monitoring under section 5.53(3) indicates that a worker is or may be exposed to an air contaminant in excess of 50% of its exposure limit,
3. measurement is not possible at 50% of the applicable exposure limit, or
4. otherwise required by this Regulation.
5. The exposure control plan must incorporate the following elements:
   1. a statement of purpose and responsibilities;
   2. risk identification, assessment and control;
   3. education and training;
   4. written work procedures, when required;
   5. hygiene facilities and decontamination procedures, when required;
   6. health monitoring, when required;
   7. documentation, when required.
6. The plan must be reviewed at least annually and updated as necessary by the employer, in consultation with the joint committee or the worker health and safety representative, as applicable.

**Emergency Procedures**

**5.97 Emergency plan**

1. The personal protective equipment program must be reviewed annually by the employer in consultation with the joint committee or the worker health and safety representative, as applicable.
2. The annual review must
   1. assess exposure control measures to ensure their continued effectiveness,
   2. determine the need for further control,
   3. ensure the adequacy of instruction, and
   4. for respirators, assess the adequacy of exposure monitoring data and assess the need for further monitoring, and ensure the adequacy of the fit test program.

## Joint Committee Recommendations

Remember that under the Regulation sections 3.9-3.11, unsafe or harmful conditions found during a workplace inspection must be fixed without delay. Also, anytime an employee sees an unsafe or harmful condition or act, it must be reported as soon as possible to a supervisor or to the employer. The supervisor or employer must investigate and make sure that any corrective action is taken without delay.

When these steps are followed, most issues will not reach the Joint Committee. As a result, the committee should only be dealing with outstanding issues that have been reported to the supervisor or employer but not corrected.

Joint Committee members discuss unresolved issues at their meetings. Issues might also include injury/illness problem areas identified by review of records and statistics. The committee can decide if any action should be taken. If committee members agree on the action to be taken, they decide between two options.

**Option 1 – Deal with the Issue Immediately**

If a management representative on the committee can deal with the issue (authorize work to be completed, make a decision, etc.), then the issue is addressed from within the committee. For these reasons, try to make sure that a high-level management representative is on the committee. Then issues can be dealt with immediately.

**Option 2 – Create a Recommendation**

If a management representative can’t deal with the issue (outside his/her authority, etc.), then the co-chairs, with help from the committee, need to write a recommendation to the employer.

Issues Requiring Formal Recommendations

* There are several issues that typically require a formal recommendation. They usually involve:
* Policy, directive or procedure creation or revision.
* Changes to equipment, office layouts or product purchasing normally requiring allocation of funds.
* Training or orientation programs for employees.
* Commitment and follow-up issues where earlier approved corrective action has been ignored or gone unnoticed.
* Matters which require review and/or agreement of other divisions, departments, areas, etc.

**Writing an Effective Recommendation**

It is important for committee co-chairs and members to learn how to write an effective recommendation.

Effective recommendations include:

* The issue
* The background
* All the options
* A suggested timeline

This information helps management understand the issue and better equips them to take action.

# Resources

AgSafe

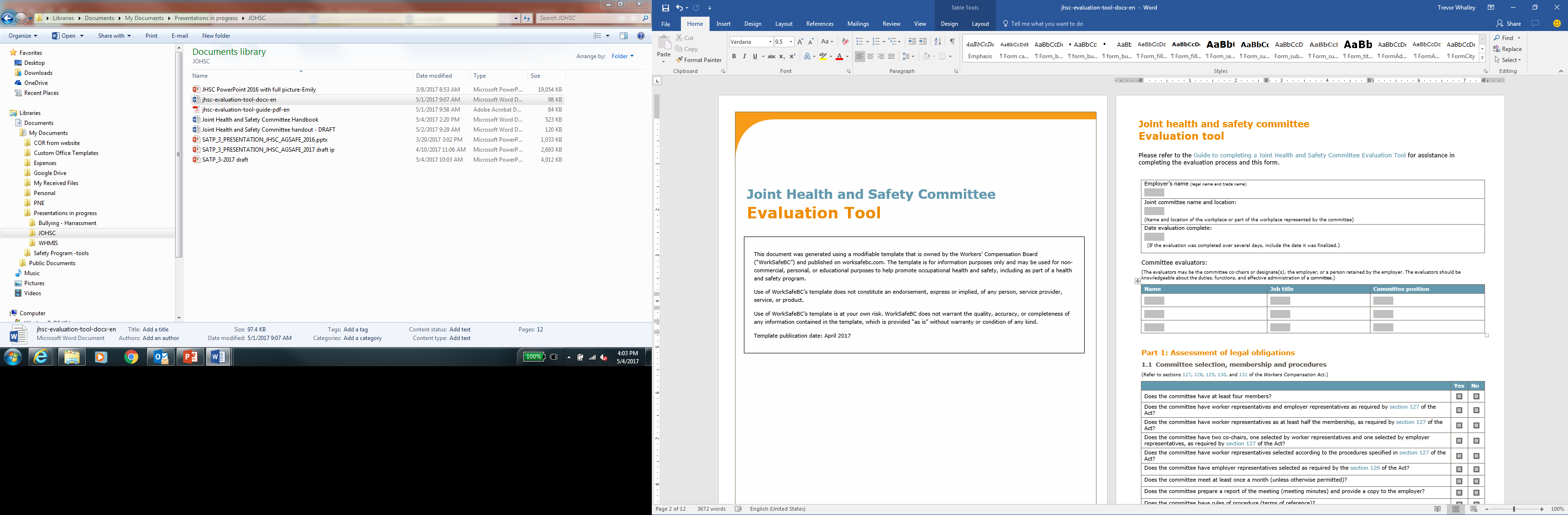
[www.agsafebc.ca](http://www.agsafebc.ca)

WorkSafeBC

[www.worksafebc.com](http://www.worksafebc.com)

WorkSafeBC Publications and pamphlets (available at [www.worksafebc.com](http://www.worksafebc.com))

Joint Committee Evaluation Tools:



Joint Committee Foundation Workbook

Safety Inspections Workbook

This is a Joint Committee tool that was developed with funds from WorkSafeBC’s Research Secretariat in partnership with UBC-School of Population & Public Health, BCPSA and the BCGEU. It is an “open” resource, meaning that it can be used by anyone who is looking for help with Joint Committees.

<http://ghrp.ubc.ca/products/johs-tool/>

