

Joint Committees and Worker Representatives

NEW committee members who join after April 3, 2017, must receive a total of eight hours of instruction and training, within their first six months.

31 General requirements for employer to establish joint committee

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

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

32 Variations in committee requirements

1. Despite section 31, the Board may, by order, require or permit an employer to establish and maintain:
 - a. more than one joint committee for a single workplace of the employer,
 - b. one joint committee for more than one workplace or parts of more than one workplace of the employer, or
 - c. 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
 - a. specify the workplace, workplaces or parts for which a joint committee is required or permitted, and
 - b. provide for variations regarding the practice and procedure of a joint committee from the provisions otherwise applicable under the Occupational Health and Safety (OHS) provisions or the regulations.

33 Membership of joint committee

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

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

34 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:
 - a. 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
 - b. if none of the workers are represented by a union, the worker representatives are to be elected by secret ballot
 - c. 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

- d. 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.

35 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.

36 Duties and functions of joint committee

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

- a. to identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations
- b. to consider and expeditiously deal with complaints relating to the health and safety of workers
- c. to consult with workers and the employer on issues related to occupational health and safety and occupational environment
- d. to make recommendations to the employer and the workers for the improvement of the occupational health and safety and occupational environment of workers
- e. to make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the OHS provisions and the regulations and to monitor their effectiveness
- f. to advise the employer on programs and policies required under the regulations for the workplace and to monitor their effectiveness
- g. 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
- h. to ensure that accident investigations and regular inspections are carried out as required by the OHS provisions and the regulations
- i. to participate in inspections, investigations and inquiries as provided in the OHS provisions and the regulations
- j. to carry out any other duties and functions prescribed by regulation.

37 Joint committee procedure

1. Subject to the OHS provisions 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.

38 Board 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.

39 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
 - a. indicating acceptance of the recommendation, or
 - b. 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.
6. On receiving a report under subsection (5), the Board may investigate the matter and may, by order, establish a deadline by which the employer must respond.
7. Nothing in this section relieves an employer of the obligation to comply with the OHS provisions and the regulations.

40 Time from work for meetings and other committee functions

1. A member of a joint committee is entitled to time off from work for
 - a. the time required to attend meetings of the committee, and
 - b. other time that is reasonably necessary to prepare for meetings of the committee and to fulfill the other duties and functions 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.

41 Educational leave for committee members

1. Each member of a joint committee is entitled to an annual educational leave totaling eight 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.

42 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
 - a. the identification of known or reasonably foreseeable health or safety hazards to which workers at the workplace are likely to be exposed,
 - b. health and safety experience and work practices and standards in similar or other industries of which the employer has knowledge,
 - c. orders, penalties and prosecutions under the OHS provisions or the regulations relating to health and safety at the workplace, and
 - d. any other matter prescribed by regulation.

43 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:
 - a. if so, requested by a union representing workers at the workplace, send a copy of the reports under subsection (1) to the union,
 - b. retain a copy of the reports for at least 2 years from the date of the joint committee meeting to which they relate, and
 - c. 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.

44 Employer must post committee information

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

- a. the names and work locations of the joint committee members,
- b. the reports of the 3 most recent joint committee meetings, and
- c. copies of any applicable orders under this Division for the preceding 12 months.

45 Worker health and safety representative

1. A worker health and safety representative is required
 - a. in each workplace where there are more than 9 but fewer than 20 workers of the employer regularly employed, and
 - b. 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 34 [*selection of worker representatives on joint committee*] 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 39 to 42 [*rules respecting joint committees*] apply in relation to a worker health and safety representative as if the representative were a joint committee or member of a joint committee.

46 Participation of alternate for worker representative

1. This section applies if
 - a. the OHS provisions or the regulations give a worker representative the right to be present for an inspection, investigation or inquiry at a workplace, and
 - b. no worker representative is reasonably available.
2. The right to be present may be exercised by another worker who has previously been designated as an alternate by the worker representative.

<https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-regulation/part-03-rights-and-responsibilities>