



## JOHS Committee Evaluation

Site/School Name: \_\_\_\_\_ Date Evaluation Completed: \_\_\_\_\_

### JOHS Committee Evaluators:

Full Name	Job Title/ Employee Group	Co-Chair (Y/N)

**Instructions:** The JOHS Committee Evaluation is to be completed by the site based JOHS Committee co-chairs. If a co-chair is not able to complete the Evaluation, the co-chair must appoint a JOHS Committee member to participate on their behalf. There must be a worker and employer JOHS representative completing the Evaluation.

If there are any questions regarding the Evaluation, please contact District OHS (250-475-4192).

*WCA - Workers' Compensation Act*

*OHSR - Occupational Health and Safety Regulation*

Relevant Legislation	JOHS committee selection, membership and procedures	Yes	No
WCA 127(a)	Does the Committee have at least four members?		
WCA 127(b)	Does the Committee have worker representatives and employer representatives?		
WCA 127(c)	Does the committee have worker representatives at least half the membership (quorum, 50% or < worker representation)?		
WCA 127(d)	Does the Committee have two co-chairs, one selected by worker representatives and one selected by employer representatives?		
WCA 128	Does the Committee have worker representatives selected according to the WCA procedures? -selected by union, if applicable, and if union does not appoint, the employer can appoint a worker representative.		
WCA 129	Does the Committee have employer representative (persons who exercise managerial functions for the employer) selected?		
WCA 131(2)	Does the Committee meet at least once a month?		
WCA 137(1)	Does the Committee prepare JOHS meeting minutes and provide a copy to the employer?		
WCA 131(1)	Does the Committee have a Terms of Reference (TOR)?		
Relevant Legislation	Support for JOHS Committee	Yes	No
WCA 134	Did Committee members attend meetings during work hours?		
WCA 134 (1(b))	Did Committee members receive paid time off work that is reasonably necessary to prepare for meetings and fulfill other duties and functions?		
WCA 136 (1)	Did the employer provide equipment, premises, and clerical personnel necessary for the carrying out of the Committee's duties and functions?		

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WCA 136 (2(a))	Did the employer provide information requested by the Committee, including information on health and safety hazards?		
WCA 138	Has the employer posted and kept posted: <ul style="list-style-type: none"> <li>The names and work locations of Committee members</li> <li>The reports (minutes) of at least the three most recent Committee Meetings</li> <li>Open orders and orders for 7 days after compliance is achieved</li> </ul>		
<b>Relevant Legislation</b>	<b>Training and education for JOHS Committee members</b>	<b>Yes</b>	<b>No</b>
OHSR 3.27(3)	Did new members, as of April 3, 2017, receive the minimum of eight hours of instruction and training that is required within six months of becoming a committee member?		
WCA 135 (1)	Did all Committee members receive the annual educational leave totalling eight hours to which they are entitled, in order to attend occupational health and safety training courses?		
WCA 135 (3)	Did Committee members receive educational leave without loss of pay or other benefits?		
WCA 135 (3)	Did the employer pay for, or reimburse, Committee members for the costs of the training course and the reasonable costs of attending?		
WCA 135 (2)	Did a Committee member designate another member as being entitled to take all, or part, of the member's educational leave?		
<b>Relevant Legislation</b>	<b>JOHS Committee recommendations</b>	<b>Yes</b>	<b>No</b>
WCA 130 (d) & 133	Does the Committee's TOR include provisions for how to make recommendations to the employer?		
	<b>Within the past 12 months, has the Committee sent written recommendations to the employer with a request for a response from the employer? If yes, complete the questions in gray below.</b>		
	Were the JOHS Committee's recommendations described clearly?		
TOR	Were recommendations made in accordance with the JOHS Committee's TOR?		
WCA 133 (2) & (4)	Did the employer respond in writing within 21 days? If the employer did not respond within that timeframe, did they explain the delay and indicate when a response would be provided?		
WCA 133 (2)	Where the employer did not accept the Committee's recommendations, did the employer provide written reasons for not accepting the recommendations?		
	Where the employer did not accept the recommendations, did the employer provide alternatives?		
WCA 133 (3)	If the employer did not accept the JOHS Committee's recommendations, did the Committee ask WorkSafeBC to investigate and attempt to resolve the matter?		
<b>Relevant Legislation</b>	<b>Duties and functions of the JOHS Committee</b>	<b>Yes</b>	<b>No</b>
WCA 130 (a)	Identified situations that may be unhealthy or unsafe for workers – this may include reviewing incident and near miss reports to look for accident trends, or reviewing the effectiveness of a risk assessment?		
WCA 130 (a)	Advised on effective systems for responding to situations that may be unhealthy or unsafe?		
WCA 130 (b)	Considered and expeditiously dealt with complaints related to the health and safety of workers?		
WCA	Consulted with workers and the employer on issues related to workplace health		

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130 (c)	and safety and the work environment?		
WCA 130 (d)	Made recommendations to the employer and workers about the improvement of workplace health and safety and work environment?		
WCA 130 (e)	Made recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the WCA and the OHSR, and monitored their effectiveness?		
WCA 130 (f)	Advised the employer on programs and policies required under the OHSR and monitored their effectiveness?		
WCA 130 (g)	Advised 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?		
WCA 130 (h) & OHSR 3.28	Ensured that accident investigations are carried out as required by the WCA and the OHSR? References: WCA (173-176), OHSR (3.28) and OHS Manual: Section 6		
WCA 130 (h-i) & OHSR 3.5	Ensured that regular inspections are carried out as required by the WCA and the OHSR? References: OHSR (3.5) and OHS Manual: Section 2		
WCA 130 (i)	Applicable JOHS Committee members participated in inspections, investigations, risk assessments, and inquiries as required in the WCA and the OHSR? References: WCA (175-176 & 182) and OHSR (3.8 & 3.28)		
OHSR 3.12(4)	Participated in the procedure for resolving refusals of unsafe work.		
If you answered 'No' or were not sure of the answer to any of the questions above, please provide further information on how the JOHS Committee fulfilled each of its duties and functions.			

### JOHS Committee Effectiveness

The following are characteristics of an effective JOHS committee's Terms of Reference (TOR):

- Committee members know the role of the Committee and the extent of its authority.
- Committee members actively contribute to a set of regularly reviewed objectives.
- TOR meets the minimum legal requirements of section 131 of the WCA. Please note, District OHS created the TOR to meet the legislative requirements.
- TOR is developed collaboratively with the participation of JOHS Committee members.
- TOR is reviewed periodically and reflects the JOHS Committee's current process and mandate.

With these criteria in mind, how effective is your JOHS Committee in relation to TOR?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Very ineffective	Somewhat ineffective	Moderately effective	Somewhat effective	Very effective

If you answered 'No' to any of the items listed above please elaborate:



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The following are characteristics of an effective JOHS Committee's meeting attendance and participation:

- Agenda is distributed prior to JOHS meetings.
- Agenda is used at meetings to guide discussion and keep the JOHS meeting on time.
- Relevant documents (reports, etc.) are distributed and reviewed prior to meetings.
- JOHS Committee members are given time that is reasonably necessary to prepare for committee meetings (as per *section 134* of the *WCA*).
- JOHS Committee members regularly attend JOHS meetings.
- Alternates are selected in case of member absence.
- Employer and worker co-chairs take turns running the meeting.
- JOHS committee members are engaged and participate in discussions.
- Employer and worker representatives participate equally, with no one group dominating discussions.
- Regular attendance is supported by the employer. This includes removing barriers such as scheduling, and back up coverage.

With these criteria in mind, how effective is your Committee in relation to meeting attendance and participation?

<input type="checkbox"/> Very ineffective	<input type="checkbox"/> Somewhat ineffective	<input type="checkbox"/> Moderately effective	<input type="checkbox"/> Somewhat effective	<input type="checkbox"/> Very effective
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If you answered 'No' to any of the items listed above please elaborate:

The following are characteristics of an effective JOHS Committee's meeting minutes:

- Meeting minutes provide a full and accurate record of the JOHS meeting, and include:
  - Who attended the meeting.
  - The issues that were discussed.
  - Reports, statistics, and other documents reviewed.
  - Any action required, the name of the person assigned to complete the action, its priority, and the expected completion date.
- Outstanding action items are tracked and monitored to completion.
- JOHS minutes are circulated to members promptly.
- JOHS minutes are adopted at the next meeting.

With these criteria in mind, how effective is your JOHS Committee in relation to meeting minutes?

<input type="checkbox"/> Very ineffective	<input type="checkbox"/> Somewhat ineffective	<input type="checkbox"/> Moderately effective	<input type="checkbox"/> Somewhat effective	<input type="checkbox"/> Very effective
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If you answered 'No' to any of the items listed above please elaborate:

<b>JOHS Committee response to refusals of unsafe work</b>	Yes	No
Has the JOHS Committee been aware of any refusals of unsafe work at your workplace in the past 12 months?		
Is the JOHS Committee informed of work refusals even when the matter is resolved by the worker and the supervisor?		
Are JOHS Committee members trained in their role in the procedure for refusal of unsafe work?		
How effective is the JOHS Committee in participating in the procedure for responding to refusals of unsafe work?		
<input type="checkbox"/> Very ineffective	<input type="checkbox"/> Somewhat ineffective	<input type="checkbox"/> Moderately effective
<input type="checkbox"/> Somewhat effective	<input type="checkbox"/> Very effective	

## JOHS Committee Evaluation

<b>JOHS Committee meetings and communication</b>	Yes	No
Does the JOHS Committee seek out and explore different opinions to ensure issues and concerns are fully considered?		
Is the JOHS Committee generally able to reach agreement on matters relating to health and safety of workers?		
Do the co-chairs demonstrate effective communication, conflict resolution, and facilitation skills?		
Does the JOHS Committee regularly follow up on the implementation of decisions and recommendations?		
Does the JOHS Committee proactively identify possible barriers to the implementation of health and safety decisions and recommendations, and propose solutions?		
<b>Communication with workers</b>		
Do workers regularly approach JOHS Committee members to make suggestions or to discuss health and safety matters?		
Is there effective JOHS Communication between the Committee and workers?		
<b>Communication with the employer</b>		
Is the employer representative on the JOHS Committee someone with decision-making authority?		
Does the employer regularly seek out the opinions of the JOHS Committee on existing and potential workplace health and safety issues, including proposed changes to the workplace?		
Does the employer share health and safety information with the JOHS Committee? (This may include industrial hygiene testing results, WorkSafeBC reports or statistics, other occupational and safety health reports, etc.)		
<b>Workplace inspection, hazard identification risk assessment and control</b>	Yes	No
Does the JOHS Committee confirm that workers who conduct workplace inspections are trained to do so?		
Do JOHS Committee members interact with a representative sample of workers when conducting workplace inspections?		
Does the JOHS Committee ensure a cross-section of equipment, work methods, and work practices are inspected and/or observed when conducting workplace inspections?		
Do inspections consider hazards of the occupational environment? (This may include risk assessments related to specific tasks or work procedures.)		
Are inspections tailored to workplace-specific hazards?		
Is information from workplace inspection reports reviewed by Committee members to ensure: -hazards are addressed and corrective action noted & -to identify any trends that may be developing?		
<b>Incident investigation</b>	Yes	No
Have worker and employer representatives received appropriate training on incident investigation process?		
Do JOHS Committee members understand the purpose of preliminary and full investigation reports, including the statement of sequence of events?		
Are incident investigations focused on improving workplace health and safety?		
Do worker representatives actively participate in incident investigations, and is that participation reflected in the investigation reports (e.g. signed by JOHS rep)?		
Does the JOHS Committee receive the preliminary and full incident investigation reports in a timely manner?		



## JOHS Committee Evaluation

### Committee Response to the Evaluation

(Refer to section 3, 26 (4), (5), and (6) of the OHSR)

If the Evaluation is not performed by the committee co-chairs, the person who conducts the Evaluation must obtain and consider the input of the co-chairs, or designates. Describe how the evaluators consulted the co-chairs (or designates) in the evaluation.

Co-Chair signatures:

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Employer's signature:

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**After the completion of the Evaluation, please ensure:**

- The employer received and signed a copy of the Evaluation.
- The Evaluation is reviewed at the next JOHS meeting and including in the JOHS meeting minutes.

Include any general comments from the Committee in response to the Evaluation. This may include areas where the worker and employer representatives may have disagreed on the Evaluation results.

### Legislative References

#### *Occupational Health and Safety Regulation (OHSR)*

##### *Workplace Inspections*

###### **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.*

###### **3.8 Participation of the committee or representative**

*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*

- (a) 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*
- (b) if there is no union the employer must invite the workers to designate one of their number.*

##### *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*

- (a) ensure that any unsafe condition is remedied without delay, or*
- (b) 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*

- (a) a worker member of the joint committee,*
- (b) a worker who is selected by a trade union representing the worker, or*
- (c) 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.*

##### *Joint Health and Safety Committees*

###### **3.26 Evaluation of joint committees**

*(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*

- (a) 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*
- (b) 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*

- (a) 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*
- (b) the employer or a person retained by the employer.*

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- (3) The evaluation must contain, but is not limited to, the following information:
- (a) whether or not, throughout the period of time that is the subject of the evaluation,
    - (i) the joint committee met the membership requirements under section 127(a) to (d) of the Workers Compensation Act,
    - (ii) worker representatives on the joint committee were selected in accordance with section 128 of the Workers Compensation Act,
    - (iii) employer representatives on the joint committee were selected in accordance with section 129 of the Workers Compensation Act,
    - (iv) the joint committee fulfilled each of its duties and functions under section 130 of the Workers Compensation Act,
    - (v) the joint committee met regularly as required under section 131 (2) of the Workers Compensation Act,
    - (vi) 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,
    - (vii) 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,
    - (viii) 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,
    - (ix) 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,
    - (x) 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,
    - (xi) the employer met the requirements of posting and keeping posted committee information as set out in section 138 of the Workers Compensation Act, and
    - (xii) 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;
  - (b) an assessment of the effectiveness of the joint committee's rules of procedures as established under section 131(1) of the Workers Compensation Act;
  - (c) an assessment of the overall effectiveness of the joint committee.
- (4) 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).
- (5) 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.
- (6) The joint committee must
- (a) discuss the evaluation at the joint committee meeting immediately following
    - (i) receipt of the evaluation, if the employer or a person retained by the employer conducted the evaluation, or
    - (ii) the completion of the evaluation, if members of the joint committee conducted the evaluation, and
  - (b) 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**

- (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
- (a) 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
  - (b) the variation is in regards to providing instruction and training to the members of the joint committee.
- (2) 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).
- (3) 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



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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).

(4) The instruction and training referred to in subsection (2) must include the following topics:

(a) the duties and functions of a joint committee under section 130 of the Workers Compensation Act;  
(b) the rules of procedure of the joint committee as established under or set out in section 131 of the Workers Compensation Act;

(c) the requirements respecting investigations under sections 173 to 176 of the Workers Compensation Act;

(d) 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;

(e) the requirements respecting refusal of unsafe work under section 3.12 of this regulation;

(f) the requirements respecting the evaluation of joint committees under section 3.26 of this regulation.

(5) The instruction and training referred to in subsection (3) must include the topics described in subsection (4)(a), (c), (d) and (e).

(6) Subsection (2) does not apply in respect of a person who is a member of a joint committee if

(a) 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

(b) 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).

(7) Subsection (3) does not apply in respect of a person who is a worker health and safety representative at a workplace if

(a) 2 years or less before becoming a worker health and safety representative at the workplace, the person was

(i) a member of a joint committee, or

(ii) a worker health and safety representative at that workplace or a different workplace, and

(b) 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).

(8) 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.

(9) 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.

(10) 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.

### *Participation in Investigations*

#### **3.28 Participation by employer or representative of employer and worker representative**

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

(a) assisting the persons carrying out the investigation with gathering information relating to the investigation;

(b) assisting the persons carrying out the investigation with analyzing the information gathered during the investigation;

(c) assisting the persons carrying out the investigation with identifying any corrective actions necessary to prevent recurrence of similar incidents.

### **Workers' Compensation Act (WCA)**

#### *Part 3 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

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- (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.

### **126 Variations in committee requirements**

(1) Despite section 125, 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 this Part or the regulations.

### **127 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.

### **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:

- (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.

### **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:

- (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 this Part 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;

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(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 this Part and the regulations;

(i) to participate in inspections, investigations and inquiries as provided in this Part and the regulations;

(j) 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.

### **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

(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, 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

(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 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

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- (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 this Part or the regulations relating to health and safety at the workplace, and
- (d) 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
  - (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.

### **138 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.

## **Part 3 Division 10 - Accident Reporting and Investigation**

### **172 Immediate notice of certain accidents**

- (1) An employer must immediately notify the Board of the occurrence of any accident that
  - (a) resulted in serious injury to or the death of a worker,
  - (b) involved a major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation,
  - (c) involved the major release of a hazardous substance,
  - (c.1) involved a fire or explosion that had a potential for causing serious injury to a worker, or
  - (d) was an incident required by regulation to be reported.
- (2) Except as otherwise directed by an officer of the Board or a peace officer, a person must not disturb the scene of an accident that is reportable under subsection (1) except so far as is necessary to
  - (a) attend to persons injured or killed,
  - (b) prevent further injuries or death, or
  - (c) protect property that is endangered as a result of the accident.

### **173 Incidents that must be investigated**

- (1) An employer must conduct a preliminary investigation under section 175 and a full investigation under section 176 respecting any accident or other incident that
  - (a) is required to be reported by section 172,
  - (b) resulted in injury to a worker requiring medical treatment,
  - (c) did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or
  - (d) was an incident required by regulation to be investigated.
- (2) Subsection (1) does not apply in the case of a vehicle accident occurring on a public street or highway.

### **174 Investigation process**

- (1) An investigation required under this Division must be carried out by persons knowledgeable about the type of work involved and, if they are reasonably available, with the participation of the employer or a representative of the employer and a worker representative.
  - (1.1) For the purposes of subsection (1), the participation of the employer or a representative of the employer and a worker representative includes, but is not limited to, the following activities:
    - (a) viewing the scene of the incident with the persons carrying out the investigation;
    - (b) providing advice to the persons carrying out the investigation respecting the methods used to carry out the investigation, the scope of the investigation, or any other aspect of the investigation;

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(c) other activities, as prescribed by the Board.

(2) Repealed.

(3) The employer must make every reasonable effort to have available for interview by a person conducting the investigation, or by an officer, all witnesses to the incident and any other persons whose presence might be necessary for a proper investigation of the incident.

(4) The employer must record the names, addresses and telephone numbers of persons referred to in subsection (3).

### **175 Preliminary investigation, report and follow-up action**

(1) An employer must, immediately after the occurrence of an incident described in section 173, undertake a preliminary investigation to, as far as possible,

(a) identify any unsafe conditions, acts or procedures that significantly contributed to the incident, and

(b) if unsafe conditions, acts or procedures are identified under paragraph (a) of this subsection, determine the corrective action necessary to prevent, during a full investigation under section 176, the recurrence of similar incidents.

(2) The employer must ensure that a report of the preliminary investigation is

(a) prepared in accordance with the policies of the board of directors,

(b) completed within 48 hours of the occurrence of the incident,

(c) provided to the Board on request of the Board, and

(d) as soon as practicable after the report is completed, either

(i) provided to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, posted at the workplace.

(3) Following the preliminary investigation, the employer must, without undue delay, undertake any corrective action determined to be necessary under subsection (1) (b).

(4) If the employer takes corrective action under subsection (3), the employer, as soon as practicable, must

(a) prepare a report of the action taken, and

(b) either

(i) provide the report to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, post the report at the workplace.

### **176 Full investigation, report and follow-up action**

(1) An employer must, immediately after completing a preliminary investigation under section 175, undertake a full investigation to, as far as possible,

(a) determine the cause or causes of the incident investigated under section 175,

(b) identify any unsafe conditions, acts or procedures that significantly contributed to the incident, and

(c) if unsafe conditions, acts or procedures are identified under paragraph (b) of this subsection, determine the corrective action necessary to prevent the recurrence of similar incidents.

(2) The employer must ensure that a report of the full investigation is

(a) prepared in accordance with the policies of the board of directors,

(b) submitted to the Board within 30 days of the occurrence of the incident, and

(c) within 30 days of the occurrence of the incident, either,

(i) provided to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, posted at the workplace.

(3) The Board may extend the time period, as the Board considers appropriate, for submitting a report under subsection (2)(b) or (c).

(4) Following the full investigation, the employer must, without undue delay, undertake any corrective action determined to be necessary under subsection (1)(c).

(5) If the employer takes corrective action under subsection (4), the employer, as soon as practicable, must

(a) prepare a report of the action taken, and

(b) either

(i) provide the report to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, post the report at the workplace.

### **182 Representation on inspection**

(1) Subject to this section, if an officer makes a physical inspection of a workplace under section 179,

(a) the employer or a representative of the employer, and



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(b) a worker representative or, if there is no worker representative or the worker representative is not reasonably available, a reasonably available worker selected by the officer as a representative, are entitled to accompany the officer on the inspection.

(2) A worker is to be considered not reasonably available for the purposes of subsection (1) if the employer objects to that person's participation in the inspection on the basis that it would unduly impede production, but the employer may only object to one person on this ground.

(3) Despite subsection (1), an officer may conduct a physical inspection of a workplace in the absence of a person referred to in that subsection if the circumstances are such that it is necessary to proceed with the inspection without the person.

(4) The time spent by a worker accompanying an officer under this section is deemed to be time worked for the employer, and the employer must pay the worker for that time.

(5) Nothing in this section requires the Board or an officer to give advance notice of an inspection.

(6) If an inspection involves the attendance of an officer at a workplace for a period longer than one day, the rights under this section may be abridged by direction of the officer.