

# Regulatory Change: A Primer on Joint Health and Safety Committees

## Changes to the Occupational Health and Safety Regulation

On April 3, 2017, changes to the Occupational Health and Safety Regulation regarding joint health and safety committees and worker health and safety representatives will take effect.

These changes result from B.C. government amendments to the *Workers Compensation Act* in 2015. The first of these to affect joint committees was the *Workers Compensation Amendment Act, 2015* (Bill 9), which made changes to employer incident investigations. This amendment requires employers to perform a preliminary investigation within 48 hours of a health and safety incident, and to perform a full investigation within 30 days.

The second amendment, the *Workers Compensation Amendment Act (No.2), 2015* (Bill 35), received Royal Assent on November 17, 2015, and made a number of changes to Part 3 of the Act. Among these changes were provisions to expand the role of joint occupational health and safety committees in workplace health and safety.

The amendments to the Act led to these changes in the Regulation:

- Evaluation of joint committees
- Minimum training requirements for new joint committee members and new worker health and safety representatives
- Examples of what it means for employer and worker representatives to participate in employer incident investigations

### Evaluation of Joint Committees

Section 3.26 of the Regulation requires that an employer ensure that an annual written evaluation is conducted on each of its joint committees.

The employer must ensure that an evaluation is conducted by either:

- The co-chairs of the joint committee, or a member of the joint committee designated by the co-chairs
- The employer or a person retained by the employer

The evaluation must consider:

- The membership of the committee
- The selection of worker and employer representatives
- Whether the joint committee fulfilled its duties and functions
- The committee's meeting schedule
- The effectiveness of the joint committee's rules of procedures, or terms of reference
- The employer's response to written recommendations from the joint committee
- Time off from work for committee members to attend meetings and other committee functions
- Education leave for committee members
- The employer's support for the committee
- Reports of committee meetings , or meeting minutes

- Posting of committee information
- Instruction and training of committee members
- The overall effectiveness of the joint committee

The person conducting the evaluation must obtain and consider the input of the joint committee co-chairs.

Once the evaluation is complete:

- Copies of the evaluation must be provided to both the employer and the joint committee.
- The joint committee must discuss the evaluation at its next meeting and record the discussion in the meeting minutes.

## Training

Section 3.27 of the Regulation requires that worker health and safety representatives and members of a joint committee receive instruction and training. The person who received the training and instruction must receive a copy of their training record. The employer must keep records of all instruction and training provided to worker health and safety representatives and joint committee members. The employer records must be kept for two years after the person ceases to be a worker health and safety representative or leaves the joint committee.

### Training for Joint Committee Members

Any member of a joint committee who is selected on or after April 3, 2017 must receive a total of eight hours of instruction and training. This instruction and training must be received as soon as practicable (but no more than six months) after becoming a member of the joint committee. This instruction and training is in addition to the annual entitlement of eight hours of educational leave to attend occupational health and safety training courses, set out in section 135 of the Act.

The instruction and training must include the following topics:

- Duties and functions of a joint committee
- Joint committee terms of reference
- Requirements respecting accident and incident investigations
- Requirements respecting workplace inspections, including how to make regular workplace inspections
- Requirements respecting refusal of unsafe work
- Requirements respecting the evaluation of joint committees

If, within two years of becoming member of the joint committee, a person was a member of the same or a different joint committee and received the required joint committee member instruction and training, then the member is not required to repeat the instruction and training.

### Training for Worker Health and Safety Representatives

A worker health and safety representative who is selected on or after April 3, 2017 must receive a total of four hours of instruction and training. This instruction and training must be received as soon as practicable (but no more than six months) after becoming a worker health and safety representative.

The instruction and training must include the following topics:

- Duties and functions of a worker health and safety representative
- Requirements respecting accident and incident investigations
- Requirements respecting workplace inspections, including how to make regular workplace inspections
- Requirements respecting refusal of unsafe work

If, within two years of becoming worker health and safety representative, a person was a worker health and safety representative, or a member a joint committee, and received the required worker health and safety representative or joint committee member instruction and training, then the worker representative is not required to repeat the instruction and training.

## Participation in Employer Incident Investigations

The Act stipulates that employer incident investigations must be carried out with the participation of employer and worker representatives. Section 174 specifies that the participation of an employer (or representative of the employer) and worker representative includes, but is not limited to:

- Viewing the incident scene with the persons carrying out the investigation
- Offering advice on the investigation's scope and methods
- Taking part in other activities set out in the Regulation.

Section 3.28 of the Regulation prescribes three additional activities. The participation of an employer (or representative of the employer) and worker representative includes assisting the persons carrying out the investigation with:

- Gathering information relating to the investigation
- Analyzing the information gathered during the investigation
- Identifying any corrective actions necessary to prevent recurrence of similar incidents

For more information, including training resources, please see:

- [Joint health and safety committees](#)
- [Joint health & safety committee member training](#)
- [Conducting an employer incident investigation](#)