

Prevention Services Division

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Division des services de prévention

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June 10, 2004

"The Employer"

This is in reply to the employer's letter dated December 18, 2003 requesting a deviation from Section 14 (1) of the *Occupational Health and Safety Act (OHS Act)*. As the employer is aware, Section 14 (1) of the *OHS Act* states that:

Subject to subsection (1.1), every employer with twenty or more employees regularly employed at a place of employment shall ensure the establishment of a joint health and safety committee.

While the employer's Department has several offices across the Province with 20 or more employees regularly employed (and therefore would require its own JHSC), what the employer proposed instead is one JHSC with representation from each office.

The reason stated for the employer's request is due to the fact that there are 6 workplaces within a region, in 4 different areas. The department consists of 3 previously separate units/departments with a total of approximately 130 employees.

The employer's letter of December 18, 2003, as well as a follow-up email which was received on February 10, 2004, outlines the current regional structure in the employer's new Department as well as the proposed structure for the employer's JHSC. The current structure includes:

Based on the information the employer has provided, four locations would require their own JHSC. Instead the employer proposed the formation of one JHSC (for all four locations) to be located in one area, the office with the most employees. The proposed structure of the new JHSC would include:

1st Location:

- 1 employee representative
- 1 employer representative
- 2 employee representatives

2nd Location:

- 1 employer representative

3rd Location:

- 1 employee representative
- 1 employer representative

4th Location:

- 1 employee representative

The proposed structure would result in a JHSC with 8 members and equal representation.

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The Chief Compliance Officer has reviewed the employer's proposal and agrees with the concept of one JHSC with the following conditions:

1. The proposal will be for one year only at which time the structure and the effectiveness of the JHSC will be reviewed by the WHSCC;
2. That one employee representative be added at the 2nd location and that one employer representative be added from a separate location to ensure equal representation;
3. On-going monthly workplace inspections will be carried out and documented for each site;
4. Terms of reference for the JHSC will be developed in consultation with the members of the JHSC;
5. Employees from all of the sites will receive instruction on the new structure, membership of the JHSC, how they can reach their JHSC representative, access the minutes from the Committee and the results of the workplace inspections.

By copy of this letter the Chief Compliance Officer has advised the WHSCC staff of the decision. Please note that WHSCC can provide assistance as the employer establishes the structure of the employer's new committee.

Yours truly,

Chief Compliance Officer