

RECOMMENDATION #4

AMEND OHSA TO ALLOW THE INCLUSION OF A DESIGNATED WORKER MEMBER OF THE JHSC IN WORKPLACE INVESTIGATIONS UNDER CERTAIN CIRCUMSTANCES

DESCRIPTION

The *Occupational Health and Safety Act* does not provide an automatic right of the worker members of the Joint Health and Safety Committee (JHSC) to jointly investigate workplace violence incidents that are not considered critical.

Occupational Health and Safety Act Section 9 (31)

Idem

(31) The members of a committee who represent workers shall designate one or more such members to investigate cases where a worker is killed or critically injured at a workplace from any cause and one of those members may, subject to subsection 51 (2), inspect the place where the accident occurred and any machine, device or thing, and shall report his or her findings to a Director and to the committee.

RECOMMENDED SOLUTION AND INTENDED OUTCOME

Insert into 9 (31) after from any cause, “or in the event of workplace violence....”

Where the JHSC believes that the committee should be included in a workplace violence incident investigation, the worker members shall select one such member to participate jointly with an employer member, and the request will not unreasonably be denied.

RECOMMENDED IMPLEMENTATION

MEDIUM

1. Follow the government’s process to develop and introduce the language suggested above.

NOTE:

- A challenge to implement this recommendation may be funding from already stressed organizational budgets.
- Some of the proposed wording will require consultation to ensure that it is clearly defined and understood.