

Bill 18: *What you need to know*

Bill 18, *An Act to Amend the Occupational Health and Safety Act*, was proclaimed in June 2007. This new legislation affects any workplace with a Joint Health and Safety Committee (JHSC) or health and safety representative. (Bill 18 can be viewed online at www.whscc.nb.ca.) These changes relate to the training of JHSC members, the structure of JHSCs on project sites, and monthly workplace health and safety inspections.

JHSC training requirements

Under these amendments, employers must ensure that all new JHSC members have attended a three-day educational program within 12 months after being elected or designated.

The WHSCC has provided this training, free of charge, since 2003, and many JHSC members already have the required training. The WHSCC will continue to deliver the JHSC training program, free of charge, in both official languages in various locations across the province. There is no expiry date on the training. With larger companies, the WHSCC can train a representative from within that workplace, who can then in turn provide

the training to co-workers at their own workplace. The employer is responsible for the members' wages and benefits during the three-day training.

While current JHSC members are exempt from the new training requirement, the legislation provides that current members who have not received the JHSC training may request it through their JHSC to their employer.

These amendments to training requirements will increase the value and effectiveness of JHSCs in reducing accidents, and, ultimately, will help reduce employer premiums.

Project sites

Construction projects are different from fixed workplaces. Projects may involve a number of employers, contractors, sub-contractors and trades, are of a non-permanent nature, and involve different workers at different phases of the project. Therefore the structure of the JHSC should provide for these variables.

There will be different requirements depending upon the size of the project.

Please note that existing project sites will not be required to change the composition of their JHSCs or number of representatives. The WHSCC will provide for a phased implementation, over time, of these requirements.

Small project sites – these are sites with six to 29 employees regardless of project duration, or 30 to 499 employees, with 90 days or less project duration.

- There must be one health and safety representative for a site with up to 50 employees. This representative is chosen by both the contractor and the employees. For every additional 50 employees working at the site (or any portion in excess of a multiple of 50 employees), an additional health and safety representative must be designated. The contractor and the employees must do this jointly, and within two weeks after work on the project site has begun. If a health and safety representative leaves, or if an additional representative is needed because of an increase in the number of employees, the representative would have to be replaced (or added) in a similar manner within two weeks.

Medium project sites – these are sites with 30 to 499 employees, with a project duration of more than 90 days.

- Within two weeks of becoming a “medium-sized” project site, the contractor must ensure that a JHSC is established. This JHSC must have both employer and employee representatives, with at least half designated by employees (minimum

two), and at least one employer representative being the contractor’s representative.

- Where there are two or more employers on the project site, if the employer has six or more employees, those employees must designate a person to serve on the committee as an employee representative. The employer may choose to designate a person to serve on the committee as an employer representative, but it is not mandatory. Employees of one employer may designate an employee working for another employer as an employee representative.

Large project sites – these are sites with 500 or more employees working at any time.

Within two weeks of becoming a “large” project site, the contractor must ensure that a JHSC is established. This JHSC must have both employer and employee representatives, with at least half designated by employees (minimum two), and at least one employer representative being the contractor’s representative.

Where there are one or more employers engaged in work on a project site and the employees of those employers are working in the same trade, the employees working in that trade must designate a person to serve on the committee as an employee representative. If they choose to do so, employees who work in one trade may designate a person who works in another trade to serve as an employee representative. Similarly, employers who provide services in one trade may designate an employer from another trade to serve as an employer representative.

The trades are:

- Carpenters
- Labourers
- Bricklayers
- Ironworkers
- Sheet metal workers
- Heat and frost insulators
- Electricians
- Plumbers and pipefitters
- Millwrights
- Equipment operators
- Roofers
- Boilermakers
- Painters
- Elevator construction

The legislation provides for representation for a trade not designated above, if the JHSC believes that it is beneficial that they be represented. The JHSC may designate the trade and advise the contractor of the trade designation. When this occurs, the employer must ensure that the contractors and employees in that trade are advised of the designation.

The following provisions apply to all project sites:

Where a JHSC is established for a project site, both the employer and employee representatives must elect a co-chair from their respective groups.

A project site JHSC must operate until the project is completed, regardless of the number of employees working on the site.

Project site health and safety representatives and JHSCs have the same authority as their counterparts at fixed workplaces. The name(s) of the health and safety representative(s), once designated, must

be posted in a prominent place at the project site.

Project site JHSCs must meet monthly and are required to take and maintain meeting minutes on a WHSCC-approved form, promptly provide the contractor with a copy of the minutes signed by the JHSC co-chairs, and remit copies of the meeting minutes to the WHSCC.

Monthly health and safety inspections

While employers were already obliged under the legislation to ensure that the workplace poses minimal risk to employees, the amendments now require that employers ensure that their workplace is inspected at least once a month to identify any health and safety hazards. The WHSCC does recognize that many companies already conduct these monthly inspections. Under the new amendments, however, every employer must develop a monthly inspection program with their JHSC (or the health and safety representative where one exists in place of a JHSC) and the employer must share with them the results of each inspection. If your workplace has fewer than 20 employees, the results of your inspection must be kept and made available upon request by a WHSCC health and safety officer.

The WHSCC has revised the JHSC handbook. [Click here for an online copy.](#)

The WHSCC will be holding information sessions to explain the legislation changes throughout the province in the near future. Notice of these sessions will be posted on our website (www.whsc.nb.ca) and in the newspapers.

If you have any questions regarding these amendments, please contact the regional office in your area by calling the toll-free number.

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