

Summary of JHSC Legislative Requirements on Project Sites

- Small projects: refers to projects with fewer than 30 employees (regardless of project duration), or projects with 30-499 employees, if the project is less than 91 days.
- Medium projects: refers to projects with a project duration more than 90 days, with 30-499 employees.
- Large projects: refers to projects with 500 or more employees, regardless of project duration.

| Summary of Requirements | Section of Legislation | Small Projects | Medium Projects | Large Projects |
|--|------------------------|----------------|-----------------|----------------|
| Workplace Inspections | | | | |
| Requires all employers to do monthly inspections. | 9(2)(a.1) | X | X | X |
| Develop inspection program in co-operation with a committee or a health and safety representative. | 9(3) | X | X | X |
| Establishment of JHSC | | | | |
| Once a committee is established, that committee must be maintained until the job is completed. | 14.2(3) | | X | |
| A JHSC on a project site must meet at least monthly. | 14.2(4) | | X | X |
| A JHSC must take minutes and provide a signed copy by co-chairs to the (principal) contractor. It must retain minutes for a minimum of three years and have them available to WorkSafeNB on request. | 14.2(5) | | X | X |
| WorkSafeNB can be called to solve dispute not resolved by JHSC. | 14.2(6) | | X | X |
| Provisions of Section 15 of the current <i>OHS Act</i> apply with some modifications. | 14.2(7) | | X | X |
| The (principal) contractor is responsible to post names of committee members and minutes of meetings. | | | X | X |
| (Principal) contractor responsible to establish JHSC committee within two weeks of project start. | 14.3(2)* 14.4(3)** | | X* | X** |
| Minimum size of committee is three, provided that at least two are employee representatives and the employer representative is designated by the contractor. | 14.3(3)* 14.4(4)** | | X* | X** |
| Where an employer has six or more employees, that employer may have a representative on the JHSC. The employees must designate a representative | 14.3(4) | | X | |
| The six or more employees referred to in 14.3 (4) can select their representative from another employer who is already on the JHSC. | 14.3(5) | | X | |
| Once the size of the project exceeds 499, any committee existing at that time must be restructured to meet the large size project requirements. | 14.3(6) | | X | |
| The records from the previous committee become property of the new committee. | 14.3(7) | | X | |
| For the purposes of JHSC changes, the following trades are found in the Regulations: carpenter, labourer, bricklayer, ironworker, sheet metal worker, heat and frost insulator, plumber and pipefitter, electrician, millwright, equipment operator, roofer, boilermaker, painter, elevator constructor. | 14.4(1) | | | X |

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|--|-----------------------------------|-----------------------|------------------------|-----------------------|
| Committee membership is determined by the trades listed in the Regulation. For example, if there are three electrical contractors on site with each having 20 employees, that trade has one employer representative and one employee representative. | 14.4(5) | | | X |
| Workers in one trade can select a representative from another trade as their committee representative. | 14.4(6) | | | X |
| Employers in one trade may select the employer representative of another trade to represent them on the JHSC as well. | 14.4(7) | | | X |
| The committee may expand the trade list as required. | 14.4(8) | | | |
| If a new trade is included in the committee, the same rules apply to that new trade. | 14.4(9) | | | X |
| Any co-chairs must have the mandatory training within one year of this legislation coming into effect. | 14.5(2) | | X | X |
| Any committee member must have the mandatory training within two years of the legislation coming into effect. | 14.5(3) | | X | X |
| Persons who have served on a JHSC in the 12 months before this legislation coming into effect do not require the mandatory training (grandfather clause). | 14.5(4) | X* | X | X |
| A person grandfathered in Subsection 4 may request the training and the employer may approve the request. | 14.5(5) 17.1(9)* | X* | X | X |
| Where there is a dispute between a member of the committee and the employer, WorkSafeNB may issue an order for that person to attend training. | 14.5(6) 17.1(10) | X* | X | X |
| The employer is required to pay for wages and benefits for attending committee meetings and training (For a H&S representative, pay and benefits is mostly for attending training.). | 14.5(7) 17.1(8)* | X* | X | X |
| A person designated as a H&S representative must have the mandatory training within one year of this legislation coming into effect. A H&S representative who has served in that capacity or as a member of a JHSC within 12 months of this legislation coming into effect does not require the training. | 17.1(2) | X | | |
| The H&S representative is chosen jointly by the employees and employer on the project site within two weeks of the project beginning, or when a replacement is required. | 17.1(3) | X | | |
| One H&S representative can represent up to 50 employees. If there are more than 50 employees on the project site, additional H&S representatives are required. | 17.1(4) | X | | |
| Where there is a dispute between the workplace parties as to who will be the H&S representative, each party may choose their own representative. | 17.1(5) | X | | |
| A health and safety representative has all the powers of a JHSC. | 17.1(7) | X | | |