

## LEGISLATIVE INTERPRETATIONS

Topic: JHSC Minutes – Format and Content	Issued by: Director, Compliance and Regulatory Review
Statute: Occupational Health and Safety Act	Date Issued: September 1, 2016
Section: 14(8)	Date Revised:

### Question 1:

Who approves the form on which a joint health and safety committee (JHSC) maintains its minutes?

### Answer 1:

A directive issued by WorkSafeNB’s president and chief executive officer in 2004 sub-delegated the authority to approve the JHSC minutes form to WorkSafeNB’s chief compliance officer (CCO), or a delegate appointed by the CCO.

### Question 2:

What elements are required for WorkSafeNB to consider a form to be acceptable?

### Answer 2:

WorkSafeNB would consider the JHSC minutes form to be acceptable when it contains, at a minimum, the following:

#### ***Header Information:***

- Employer’s name: For fixed workplaces, the employer’s legal or trade name. For project sites, the name of the contractor responsible for the project site.
- Name and complete civic address of workplace:
- Document title: Minutes of Joint Health and Safety Committee Meeting
- Date: Date the meeting was held. Must also include the previous meeting’s date and the date of the next meeting.
- Name of co-chairs: Name of both the employer and employee representatives.

- Members present: List all members participating in the meeting, including whether they are an employer or employee representative.
- Absent members: List of members not participating in the meeting, including whether they are an employer or employee representative.

***Body of Minutes:***

- Review of agenda: The minutes must include who read the agenda and who proposed its acceptance with or without amendments.
- Review of last meeting's minutes: The minutes must note who read the minutes of the last meeting and who proposed their acceptance with or without amendments.
- Business carried forward: Review and record any concerns resolved and concerns in progress, although it is not necessary to take minutes of the discussion. For each recommendation past target date, carefully re-examine the problem, and discuss the recommended action and target date. Enter these in the minutes.
- Where it is part of the JHSC's terms of reference :
  - Review of incident/accident reports: Any incidents/accidents reviewed must be listed in the minutes. Do not record names of concerned parties. Concerns arising from incidents and accidents reviewed can each be treated as an additional item under "New Business".
  - Review of inspection reports: Any inspection reports reviewed by the JHSC must be listed in the minutes. Recommendations that contain specific action items will be made based on the deficiencies identified in the inspection reports. Recommendations must become part of the meeting and be included in the minutes.
  - Review of complaints: Any complaint brought forward to the JHSC must be listed in the minutes. The JHSC will ensure that all complaints have been properly communicated to the supervisors and management responsible.
- New business: Ensure each new concern is a valid health or safety matter and that the problem is properly identified. Ensure the recommendation is a specific action that can be completed within a definite timeframe. Record the concerns, the recommended action, the person responsible and assign a realistic completion date. All recommendations recorded in the JHSC minutes must be taken forward to the employer by the JHSC co-chairs.
- Co-chair signature lines: Both co-chairs must sign and date the minutes once approved.

## Referenced Legislation

### ***Occupational Health and Safety Act***

“Chief Compliance Officer” means the Chief Compliance Officer designated under section 5;

“Commission” means the Workplace Health, Safety and Compensation Commission\* established under the *Workplace Health, Safety and Compensation Commission and Workers’ Compensation Appeals Tribunal Act*, (known as WorkSafeNB)

“committee” means a joint health and safety committee established in accordance with this Act;

**5(1)** The Lieutenant-Governor in Council may appoint occupational health and safety officers for the purpose of carrying out the provisions of this Act and the regulations and designate one of the officers as the Chief Compliance Officer.

**5.1** The Chief Compliance Officer may delegate any or all of his powers, duties, authority or discretion to another occupational health and safety officer, in such manner and subject to such terms and conditions as the Chief Compliance Officer considers appropriate.

**14(8)** A committee shall take and maintain minutes of its meeting on a form approved by the Commission\*.

### ***Workplace Health, Safety and Compensation Commission and Workers’ Compensation Appeals Tribunal Act***

**16(1)** The Commission\* or the President and Chief Executive Officer of the Commission\* may delegate any of their powers, duties, authority or discretion under this Act, the *Workers’ Compensation Act* or the *Occupational Health and Safety Act*, to one or more persons in such a manner and subject to such terms and conditions as the Commission, the President and Chief Executive Officer, as the case may be, considers appropriate.

**16(2)** A person may sub-delegate any powers, authority, duty or discretion which has been delegated to the person under subsection (1), if permitted to do so by the terms and conditions of the delegation.

**16(3)** A decision, order or ruling of a person to whom the Commission\* has made a delegation under subsection (1) or of a person to whom a sub-delegation has been made under subsection (2) shall be deemed to be a decision, order or ruling of the Commission.

\*WorkSafeNB