

# LEGISLATIVE INTERPRETATIONS

Topic: JHSC – Pay for committee members	Issued by: VP, WorkSafe Services
Statute: <i>Occupational Health &amp; Safety Act</i>	Date Issued: December 11, 1998
Subsection: 14.1(6)	Date Revised: February 4, 2014

**14.1(6)** Each member of the committee shall, for the periods during which the member is taking any educational program required under this Act that relates to the member’s service on the committee or during which the member is attending any committee meetings, receive pay at his or her rate and other benefits to which he or she would otherwise be entitled.

**Question**

Where a member of the JHSC is paid a production bonus, should the worker receive the bonus for time spent participating in committee meetings?

**Response**

The purpose of the requirement of the Act is that the worker should be “made whole”. That is to say that a worker who serves on the committee should be put in the same position he or she would have been if he or she had not served. A worker is not expected to lose such things as money, vacation, sick leave, medical/dental benefits or anything else to which he/she would have been entitled if he/she had worked instead of participated at the meeting. To do otherwise, would be a deterrent to workers serving on the committee.

Production bonuses (sometimes piece work) can be earned individually or in teams. To determine what a bonus might have been, an employer could look to the worker’s average bonus, or the team’s bonus.

The method of determining “pay at his rate and other benefits” will be related to the facts surrounding each individual employee’s circumstance. It is, of course, best determined by the employer and the employee because they have access to the terms of employment.

