

## **Safety & Health at Work Act and the Joint Health & Safety Committee**

The Joint Health & Safety Committee (JHSC) is designed to ensure that the workers right to know is preserved and to allow for them to have consultation on safety and health related issues of concern to the company. The key section of the Safety & Health at Work Act 2005 (SHaW 05) which relates to JHSCs is **Section 103**. This section is concerned with the need for a Safety Consultation process as outlined in ILO Convention 155 and Recommendation 164 respectively.

Section 103 of SHaW 05 can be summarised as follows;

- The employer must consult with his/her employees on matters related to the promotion of safety and health in the workplace.
- Employees must participate in the developments of arrangements for promoting safety and health.
- The consultation mechanism to be used depends on the numbers of employees, in cases where there are 24 or fewer; compliance is achieved by staff having one or more Safety delegates. Where there are 25 or more employees there shall be a JHSC.
- The JHSC must be comprised of equal numbers of management and staff representatives
- JHSC must meet at least once per quarter and minutes of the meetings need to be made and kept available for inspection by the necessary authority.
- Employee representatives are to be independently selected by their staff colleagues.
- Duly elected worker representatives are to have access to information related to all workplace hazards.
- The JHSC employee representatives may take samples and conduct tests.
- The JHSC shall make recommendations for the promotion of sound Safety & Health practices and recommendations shall be implemented if “practicable”.
- The Chief Labour Officer (or his agent) shall be duty bound to resolve any issues relating to the practicability of any recommendation.

All committee members should be familiar with the contents of Section 103 of our legislation and it is recommended that they be familiar with C155 and R164. At the very first meeting of the committee, the chairperson should circulate copies of the relevant section to all members of the committee. See Appendix A for Section 103 of SHaW 05.

### **APPENDIX A**

#### **SECTION 103 – SHAW 05**

**103. (1) Every employer in a workplace shall**

*(a) Consult with his employees or their representatives for the purpose of developing measures to promote safety and health at such workplace; and*

*(b) Make arrangements for the participation of the employees in the improvement and development of such measures.*

*(2) Consultation for the purpose of subsection (1) shall be effected as follows*

*(a) in workplaces where there are 25 or more persons employed through the meeting of a Health and Safety Committee consisting of representatives appointed by the employer and representatives appointed by the employees; and*

*(b) In workplaces where there are less than 25 persons employed and it is not practical to have a Health and Safety Committee, through one or more safety delegates appointed by the employees.*

*(3) The Health and Safety Committee referred to in subsection*

*(2) Shall meet no less than once a quarter and its records kept available for inspection.*

*(4) Copies of all reports relating to the workplace safety and health conditions and the environment must be forwarded to at least one member of the Health and Safety Committee appointed by the employees.*

*(5) Where there is a Health and Safety Committee*

*(a) The Committee shall comprise an equal number of employers' and employees' representatives;*

*(b) The employees' representatives shall be appointed through their trade union or recognized staff association, where the employees are represented by such trade union or staff associations;*

*(c) The employees' representatives shall be granted access to information relating to all workplace hazards and to all reports relating to the workplace environment;*

*(d) The employees' representatives may conduct tests and take samples of hazardous materials;*

*(e) The recommendations of the Health and Safety Committee shall, if practicable, be implemented;*

*(f) It shall be the duty of the Chief Labour Officer to resolve any issues relating to the practicability of any recommendations made pursuant to sub-paragraph*

*(e) and any declaration by the Chief Labour Officer in that regard shall be conclusive.*