

MOL Permits Employer To Have Multi-Workplace Joint Health And Safety Committee, Union's Challenge Dismissed



A union has lost a request to suspend a Ministry of Labour Director's order allowing a school board to establish a multi-workplace joint health and safety committee.

The Ontario *Occupational Health and Safety Act* requires a joint health and safety committee at each workplace where twenty or more workers are regularly employed. The default rule under the OHSA is that each workplace should have its own committee. However, the Minister of Labour or his or her delegate has the power to make an Order permitting one joint health and safety committee to cover multiple workplaces.

The Peel District School Board received an Order from a Ministry of Labour Director permitting it to establish and maintain a multi-workplace joint health and safety committee according to certain "terms of reference".

The Canadian Union of Public Employees challenged the MOL Director's multi-workplace Order at the Ontario Labour Relations Board, and asked the OLRB to suspend that Order pending the outcome of the appeal.

The OLRB refused to suspend the Order, deciding that the OLRB "appears to have no jurisdiction to deal with anything but an inspector's order", not an Order of the Minister of Labour or an MOL Director. As such, the OLRB had no authority to suspend the multi-workplace Order.

This decision shows that when one workplace party asks the Minister of Labour to permit a multi-workplace joint health and safety committee, the time for parties to make submissions is before the Minister (or MOL Director) makes his or her decision. Effectively, there is no appeal to the OLRB.

Canadian Union of Public Employees v Peel District School Board, 2014 CanLII 38304 (ON LRB)

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