



Guide to Workplace Health & Safety Committees



WCB Information Series publication

Promoting Safe Workplaces...
Protecting Employers & Workers

COMMITTEES

Workplace Guide to Occupational Health and Safety Committees

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Guide to Health and Safety Committees

This guide will outline the legislated requirements around health and safety committees. It will also provide information on how committees function effectively in the workplace. Joint health and safety committees are groups of worker and employer representatives working together to identify and solve health and safety problems at the work site. The primary purpose of the committee is to facilitate communication on health and safety issues. An effective committee will help reduce losses associated with accidents and occupational illness.

Education sessions on how to get a safety committee active or more involved are available from the Workers Compensation Board by calling the Occupational Health and Safety Education Consultant at (902) 368-5698, toll free at 1-800-237-5049.

Who Needs an Occupational Health and Safety Committee?

Under Section 25 of the Occupational Health and Safety Act, Health and Safety Committees are mandatory in all workplaces with over 20 regularly employed persons. Regularly employed persons are defined as persons employed over 12 weeks.

Benefits of an Occupational Health and Safety Committee

Communication is the key to an effective health and safety system. The committee provides a link between the people doing the work and the people directing it. This brings a broad range of expertise and experience to assist with identifying hazards and finding solutions. Committees bring health and safety issues out into the open to have them resolved. The improved communication reduces accidents, benefits production and contributes to the sense of team work in the workplace.

With an effective health and safety committee:

- Accidents are reduced.
- Awareness of health and safety is improved.
- A broad base of expertise and experience is available for solving problems.
- Co-operation is encouraged through better communication.
- All workers have a way to express concerns and have them addressed.

The Internal Responsibility System

The Internal Responsibility System is the philosophical foundation of the Occupational Health and Safety Act. It is based on the principle that all persons in the workplace have a responsibility for health and safety in their environment. When all workers are aware of hazards and can contribute to improving safety and health, there are fewer accidents.

The heart of the Internal Responsibility System is the participation of workers and employers to co-operatively identify hazards and find solutions to them. This is the role of the safety committee. The committee's duty is to note where the problems are and to make recommendations to correct them.

Legislated Requirements Pertaining to Occupational Health and Safety Committees

Section 25 of the Occupational Health and Safety Act requires that:

Health and safety committees be established and maintained in any workplace with more than 20 regularly employed employees. Constructors on a project that is expected to last more than three months must establish and maintain a committee for the project. This may mean that some employees are on two safety committees, one for their regular workplace and one for the project. A committee may be ordered to be established in a smaller workplace if the risk merits a committee.

At least one half of the committee members must be workers who do not have any managerial functions. These members are to be selected by the workers or the union if there is one.

The size of the committee is not dictated in the Act. It is recommended there be one representative from each division or section of the workplace.

The committee shall meet at least once each month. This may be changed by the committee in the rules of procedure if there is a good reason. For example, if your business is seasonal you may not need to meet as frequently during the slow season.

Committee meetings and related work are to be done on paid time.

Committees shall establish their own rules of procedure. See page 8 for details.

Section 27 of the Occupational Health and Safety Act 'Information Responsibilities' requires that:

An employer who receives written recommendations and a request for a response from a committee or representative must respond in writing within 30 days. The response must either indicate acceptance of the recommendation or give reasons for disagreement and propose an alternative. Where it is not possible to provide a response, a reason for the delay and a time frame for a response must be given. If the committee or representative is not satisfied with the response to a written request in reasonable circumstances, they shall report this to an OHS officer of the Workers Compensation Board.

The employer must notify the committee or representative of all reports on inspections, monitoring and testing, and make them available to the committee or representative. These will be made available by the Occupational Health and Safety Officer or the individual hired to do the testing.

Committee minutes, member list, contact information and all reports must be posted where workers have access to them.

Committee members representing workers are to be given the opportunity to accompany the OH&S officer when a safety inspection is done.

What is an Occupational Health & Safety Representative?

Section 26 of the Occupational Health and Safety Act states that workplaces employing between 5 and 19 persons must have a safety representative selected by workers. The person should not have any managerial or supervisory functions.

This requirement relates to workplaces, not necessarily employers. Under this definition, an employer with 30 workers working out of three sites with no workplace holding more than 20 workers, would not require a safety committee. The workplace(s) with over five workers would require a safety representative. The employer would be required to have a safety program in place because the requirement for safety programs is tied to the employer and not the workplace. In this case, it would be advisable to have a safety representative from each workplace to meet with management on safety issues to help develop and implement the safety program.

In some cases an employer will need to establish a combination of safety committees and safety representatives if there are workplaces with over twenty employees and workplaces with between five and nineteen employees.

The Director of Occupational Health and Safety for the Workers Compensation Board may require a committee or a safety representative be established at a work place if it is deemed necessary to maintain health and safety.

Role of the Committee (Section 25 of the Act)

1. To involve all persons in the workplace in health and safety concerns by responding to and discussing health and safety concerns brought up by co-workers.
2. To hold monthly meetings and encourage each member to contribute their own expertise
3. To identify health and safety hazards in the workplace and make recommendations to correct them.
4. To receive and investigate complaints about safety. Ensure these are referred to supervisors, reported to the committee and followed up.
5. To educate fellow workers about risks and safe procedures.
6. To orient new workers to health and safety risks and procedures.
7. To participate in accident investigations and regularly scheduled inspections as outlined in the rules of procedure drawn up by the committee.
8. To advise management on corrections for safety problems and monitor effectiveness.
9. To obtain information when necessary and advise on appropriate protective devices, equipment and clothing.
10. To advise on the establishment of appropriate health and safety programs, education and training.
11. To maintain records of meetings and activities.
12. To attend right to refuse situations (Section 28 of the Act, page 7 of this guide).
13. Have a member accompany the WCB Occupational Health and Safety officer on inspections.

Role of Chairperson

It is recommended committees have co–chairs, one from management and one from worker representatives who alternate chairing duties. The duties include:

- Run the meetings. This means starting and stopping on time, keeping discussion on track, and sticking to the agenda.
- Help members agree on the problem and arrive at a consensus on the solution. A consensus is more effective than a majority rules system.
- When necessary ensure recommendations are presented to the employer in writing, with a request for a written response, and the committee is informed of the employer's response.
- Ensure everyone has an opportunity to share facts and ideas.
- Schedule meetings, arrange time, dates, and place.

Role of the Secretary

The secretary can be a committee member or someone brought in to do minutes. Secretaries can play an important role in clarifying decisions for the minutes. The secretary will:

1. Compile the agenda and notify members of meeting times and location.
2. Prepare minutes, ensure they are agreed to, circulate reports and ensure minutes are posted.
3. Point out those items recorded in past minutes that require discussion or follow up by the committee.
4. Where necessary clarify what decisions have been made.

Points to Remember

The committee's main function is to help improve health and safety. It is essential that worker / management issues are kept separate.

The committee is an advisory body. It does not have the authority to dictate changes. Its role is to recommend. This means that the committee cannot be held responsible for violations of the OH&S Act.

Training is recommended for safety committee members. The most common topics are OH&S legislation, workplace inspection, accident investigation and injury prevention.

Safety committees are most effective if they are clear about their role. It helps to meet regularly and carry out the basic functions of workplace inspection and accident investigation.

The committee is not responsible for discipline regarding health and safety. Its role is to be the eyes and ears of safety concerns. Problems around compliance with health and safety procedures or personal protective equipment are the responsibility of supervisors. The committee's role here could be to look at why compliance is a problem. There may be a better solution.

The Role of the Health and Safety Committee in the Occupational Health and Safety Program.

Section 23 of the Occupational Health and Safety Act requires any employer with more than twenty regular employees to establish a health and safety program.

This means that workplaces requiring a committee will also require a program. The program consists of a committee, a means to identify hazards and develop written work procedures for them, accident investigation, workplace inspection, and written documentation of all these plus record keeping and training. The requirements are outlined in the Guide to Workplace Health and Safety Programs.

The role of the committee in the program is to monitor its effectiveness. The committee cannot develop the program by meeting once a month. The program is the responsibility of the employer and it is recommended that a person be assigned to co-ordinate it. Committee members can contribute as needed but this would usually be time separate from normal committee member duties. An outside consultant can be brought in to assist with development.

The committee contributes to the program by conducting workplace inspections and following up on recommendations. The health and safety co-ordinator, if any, maintains the documentation, creates written work procedures with worker and committee input, and ensures training is done and records are kept.

Role of the Committee in a Refusal to Work - Section 28

Any worker has the right and the responsibility to refuse work if that worker believes the work is dangerous. The committee is a part of the decision around resolving the risk or perceived risk. The process is:

If a worker believes a task or situation is dangerous they should report the concern to the supervisor immediately. The worker then goes to a safe place but stays at the workplace, as he or she may be assigned to do other work.

The supervisor should investigate the work refusal promptly and in the presence of the worker. If the supervisor agrees with the worker and finds it unsafe, the problem must be fixed before any more work can be carried out.

If the supervisor disagrees with the worker and believes the task is safe and the worker still feels unsafe, the concern is reported to the health and safety committee. The supervisor may ask another worker to do the job only if he informs the other person of the reasons for the refusal.

The committee will investigate the situation. If they agree with the refusal they will recommend that the problem be fixed. If they disagree, the worker will be advised to return to work. There will be cases when the committee is unsure or does not agree. In these cases the committee should consult standards, review procedures, or call an expert to help with the decision.

If the workplace does shift work or has situations where all committee members will not be available, the number and distribution of members required to make a decision should be decided on when the rules of procedure are established.

If the worker, committee or supervisor still feels unsafe and the problem is not solved, the work refusal may be continued and WCB's Occupational Health and Safety Division must be called. If the time is not in normal working hours use the 24 hour emergency number 902-628-7513. Otherwise, call toll free at 1-800-237-5049 or 902-368-5680.

The WCB OH&S officers will expect the committee to be involved in any work refusal before they are contacted.

When the above steps have been followed, an officer will investigate the concern as soon as possible and make a recommendation either to correct the situation

or advise the worker to return to work. The worker exercising the right to refuse is protected from recriminations by the Act, to the point where the WCB OH&S officer advises him or her to return to work.

Rules of Procedure

Each committee must establish its own rules of procedure. They must fall within the guidelines of the Occupational Health and Safety Act.

Rules of procedure, or terms of reference, answer the following questions:

1. How often will the committee meet and for how long? The Act specifies monthly unless there are reasons to change this.
2. How many members will you have? This will depend on the size of the workplace and the hazards found there.
3. How long will members serve? A minimum of one year is suggested, but 2 to 4 years is preferred.
4. Will there be one chair or co-chairs?
5. How will the co-chairs be selected? How long will the term be?
6. How will the secretary be selected and how long will the term be?
7. How and where will records be kept? They should be kept for at least 5 years.
8. Will you require a quorum? What will the ratio be?
9. Will you name alternates? If you do, what training will they receive?
10. Will you operate by consensus? How will decisions be made?
11. If you do shift work how will members coming in for meetings be compensated?
12. How much and what type of training will members be given?
13. How much preparation time will be allowed and for which duties will it be allowed?
14. How will you receive complaints? In most work places a verbal complaint reported to a member is sufficient. In some cases written complaints may be necessary.

Workplace Inspections

The purpose of inspections is to identify hazards and recommend corrective actions before an accident occurs. A check list and discussion with workers in the area being inspected will ensure you are seeing everything. These are required in the section of the legislation requiring health and safety programs. (23)

Considerations for Workplace Inspections:

1. How often will the inspections be performed? Will they be announced or random?
2. Who on the committee will do them and how will they be organized?
3. How will you determine what areas to inspect? OH&S recommends a job hazard analysis.
4. Will you do the entire workplace at one time or divide it?
5. Will members be trained?
6. What forms will you use? How will you report results, Will you use a checklist?
7. How will you follow up?

Accident Investigation

The purpose of accident investigation is to identify the real cause of an accident and take steps to prevent another one. Persons assigned to do this should receive training.

This is also a requirement in Section 23 of the OH&S Act.

Considerations for Accident Investigation:

- Who will investigate accidents?
- Will you investigate all accidents?
- Will you investigate incidents or near misses?
- When will you investigate?
- What forms will you use?
- What type or training will you get?
- How much time will be allotted to do the investigation?
- How will recommendations be followed up?

Suggestions for Holding a Meeting

- Start and end on time. Members will lose interest if the time requirement is too great. Discuss ongoing concerns and progress made. This does not necessarily have to go into the minutes.
- Review any concerns past due. This may indicate a problem with the clarity or appropriateness of the concern.
- Ensure new items are valid safety concerns.
- Look at each new item to ensure the concerns are completely identified and are clear.
- Ensure recommendations are practical, measurable, and doable.
- Does the person assigned to the action have the authority to carry out the recommendation?

Agenda

The agenda keeps the meeting organized. It should be prepared and circulated in advance. It also helps keep the meeting to scheduled times. An agenda should include:

1. Minutes of last meeting, if they have not been circulated.
2. Date, time and place of meeting.
3. Review of unfinished business.
4. Reports.
5. New business.
6. Any special sessions or training planned.

Minutes

Minutes and any reports or investigations received must be posted. A sample form is on the following page.

| | |
|---------------------------|-------------------------------|
| _____ Name of Employer | _____ Civic Address |
| _____ Date of Meeting | _____ Date of Last Meeting |
| _____ Co-Chair | _____ Secretary |
| _____ Members Present | _____ Phone Number |

BUSINESS CARRIED FORWARD

| Original Date | Concern | Target Date | Action and by Whom |
|---------------|---------|-------------|--------------------|
| | | | |

NEW BUSINESS

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

RIGHTS AND RESPONSIBILITIES UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT.

Worker Responsibilities

- Report all unsafe conditions and hazards.
- Follow safe work procedures.
- Use personal protective equipment when necessary.
- Co-operate with the Health and Safety committee or representative.

Worker Rights

- The right to know about potential hazards.
- The right to participate in making the workplace safe and healthy. This participation can be in the form of being a safety representative or in consultation with the employer, supervisor or representative.
- The right to refuse unsafe work. There is a protocol to follow in refusing unsafe work:
 1. Inform the supervisor.
 2. If he/she is unable to resolve the problem call in the safety committee for an opinion.
 3. If the issue is still unresolved the worker or the health and safety committee may call in the WCB, OH&S officer. The worker concerned must stay in the workplace while the officer is called in to make a determination. The employer has the right to assign the worker to alternate work. Another worker can be asked to do the work that was refused provided that he/she is informed of the safety concerns and refusal.

Employer Responsibilities

The Act requires employers to ensure health and safety of persons at the workplace. They are required to:

- Provide and maintain equipment, machines, materials in a safe manner.
- Provide training and supervision necessary to ensure the health and safety of workers.
- Ensure that workers, particularly supervisors are familiar with workplace hazards and the procedures to minimize risks.
- Operate the business so workers are not exposed to health or safety hazards.

For details on responsibilities consult the Occupational Health and Safety Act and Regulations.



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