

Health and safety committees and representatives

OHS information for employers, prime contractors and workers

This bulletin gives information about joint work site health and safety committee (HSC) and health and safety (HS) representative requirements at Alberta work sites.

Key information

- The Alberta *Occupational Health and Safety (OHS) Act*, Regulation and Code give legal requirements about HSCs and HS representatives.
- The legal requirements are minimum standards. Work site parties may exceed these, or apply for variations.
- OHS statutory directors have authority to require employers to establish an HSC or designate an HS representative at any work site.

What is an HSC or HS representative?

HSC – A group of worker and employer representatives working together to identify and solve health and safety concerns at the work site.

HS representative – An individual worker representative who promotes health and safety awareness and works with the employer to address health and safety concerns at the work site.

- The internal responsibility system gives all work site parties accountability for health and safety, in proportion to their authority on the work site.
- HSCs and HS representatives are an important part of this internal responsibility system and help

ensure everyone is aware of their OHS rights, roles and responsibilities.

When is an HSC or HS representative required?

Employer-wide HSC/HS representative

When work is expected to last 90 days or more, an employer must:

- establish an HSC if the employer has 20 or more full and part-time workers in total, or
- designate an HS representative if the employer has 5 to 19 full and part-time workers in total.

Section 18 of the *OHS Act* gives the requirements for determining the number of workers.

Work sites with multiple employers

A work site with two or more employers/self-employed persons and work that is expected to last 90 days or more requires:

- an HSC if there are 20 or more full and part-time workers in total on the site, or
- an HS representative if there are 5 to 19 full and part-time workers in total on the site.

As per Figure 1 at the end of this bulletin:

- If there is a prime contractor on the work site, they must establish the HSC or coordinate the appointment of an HS representative for the site.
- If there is no prime contractor, all employers and self-employed persons must coordinate the establishment of a joint work site HSC for that work site.



A self-employed person is defined in the *OHS Act* as “a person who is engaged in an occupation but is not in the service of an employer for that occupation.”

OHS Act, s. 1(qq)



A work site is defined in the *OHS Act* as “a location where a worker is, or is likely to be, engaged in any occupation and includes any vehicle or mobile

equipment used by a worker in an occupation.”

OHS Act, s. 1(bbb)

Variations

An employer or prime contractor may apply for an approval for variations to the practices and procedures of the HSC under section 16(4) of the *OHS Act* or for an alternative to an HS representative under section 17(1). The alternative measure must ensure the health and safety of workers.

For more information on applying for an HSC or HS representative approval, see **Applying for a health and safety committee or representative approval (LI030-2)**.



Under sections 16 (1)(b) and 17 (1)(b) of the *OHS Act*, a statutory OHS director can require an HSC to be established, or an HS representative to be designated at any work site.

Working with the HSC or HS representative

Part 1 of the *OHS Act* includes a general duty requirement for employers to ensure, as far as it is reasonably practicable to do, that health and safety concerns raised by workers, supervisors, self-

employed persons and the HSC or HS representative are resolved in a timely manner.

The *OHS Act*, Regulation and Code also contain a number of more specific legal requirements for issue resolution, information provision, consultation and cooperation, which employers, prime contractors and other work site parties must meet in order to ensure that HSCs and HS representatives can carry out their work effectively. Work site parties must consult the OHS legislation to ensure they are aware of all requirements.

Additionally, OHS officers may order employers to take particular measures to work with the HSC/HS representative, if the officer concludes that doing so is appropriate to remedy a contravention of the legislation.

Appointments and selections

HSC membership and co-chairs

HSCs must have at least four members. At least half the members must represent the workers.

- Worker representatives are selected by the workers, or by the union constitution, if one exists.
- Employers select their representatives.

Each committee must have two co-chairs.

- Employer members on the HSC choose an employer co-chair.
- Worker members on the HSC choose a worker co-chair.

HS representatives

Workers or the union, if one exists, select or appoint a worker as their HS representative. The employer then formally designates that worker as the HS representative.

Term of office

Committee members or HS representatives are appointed or selected to a term of no less than one-year, and hold office until reappointed or re-elected, or until a replacement is appointed or selected. Members or representatives can hold office indefinitely.

If there is a union, the union's constitution may specify the term of office.

Posting contact information

Workers and other parties at the work site should be able to contact a committee member or their HS representative with a concern or question. The employer or prime contractor must post the names and contact information of committee members or HS representatives.

Time away from regular duties

HSC members/HS representatives are entitled to take the following time away from their regular duties:

- the amount of time that they determine is necessary to prepare for each meeting
- time required to attend each meeting
- time required to attend approved health and safety training
- time that the committee or representative determines is necessary to carry out the members' duties as a committee member under the *OHS Act*, Regulation and Code

HSC members/HS representatives are working when they carry out their committee or representative duties and must be paid at their applicable rate of pay.

Training

With reasonable notice, employers and/or prime contractors must permit all HSC members /HS representatives to take whichever is greater – 16 hours annually or the number of hours the worker normally works during two shifts – to attend work site health and safety training programs, seminars or courses.

Employers or prime contractors must ensure:

- HSC co-chairs receive mandatory training about the duties and functions of the committee.
- HS representatives receive mandatory training about the duties and functions of a representative.

Only Government of Alberta approved training providers can offer mandatory HSC/HS

representative training. For more on this training, see **Mandatory health and safety committee and representative training (LI054)**.



HSC members who are not co-chairs may take the mandatory training, but are not required to do so.

During training, the HSC co-chairs, members and HS representatives are at work and must be paid at their applicable rate of pay.

Applicable rate of pay

The phrase “applicable rate of pay” refers to the rate of pay that a worker is entitled to under any particular circumstances. If there is an employment contract/collective agreement, it must be interpreted to determine the applicable rate of pay.

Example 1: If the worker's employment contract has a particular rate of pay for attendance of meetings of this nature, that pay rate is applicable.

Example 2: If the worker is working overtime to attend the meeting, the worker is entitled to overtime pay in accordance with the collective agreement or employment contract, and the Employment Standards Code.

Meeting frequency

HSC meetings

The HSC must meet within 10 days after being established and every quarter thereafter. The meetings must be during normal work hours.

An HSC must convene a special meeting if requested to do so by an OHS officer.

Employer and HS representative meetings

Employers and HS representatives must meet regularly to discuss health and safety matters. HS representatives may call special meetings with the employer if there are urgent matters.

HSC-specific rules

Terms of reference

An HSC must establish terms of reference that:

- ensure, to the extent practicable and subject to the membership requirements, that the committee's membership provides representation of all relevant OHS concerns,
- set out a process for replacing members of the committee if they depart during their term in office,
- establish a dispute resolution process to use if the committee fails to reach a consensus about recommendations to be put forward, and
- create a process for coordinating with other HSCs established by the same employer (or prime contractor).

The terms of reference may also address other items to support the effective operation of the HSC.

Quorum

If some HSC members cannot attend a meeting, the meeting can still take place. However, in order for the committee to make decisions, there must be a quorum. This means:

- at least half of the HSC members are present,
- at least half of the members present represent workers, and
- at least one employer member is present.



Any business of a joint work site health and safety committee that is conducted where a quorum is not present is not validly transacted, and any meeting of a committee that is held where a quorum is not present is not a valid meeting of the committee.

OHS Act, s. 26(2)

Chairing

The co-chairs alternate in serving as chair at HSC meetings and participate in all decisions of the committee.

The HSC co-chairs ensure that:

- minutes of each meeting of the committee are recorded, copies of the minutes approved by the committee are given to the employer within seven days after the day the meeting was held, and
- copies of the minutes approved by the committee are posted or provided by electronic means at the work site within seven days after the day the meeting was held.

Meeting minutes

HSC meeting minutes must be recorded. Minutes are a written record of what went on at the meeting. They should also include administrative information, such as the date of the meeting and a list of members who were present.

The employer or the prime contractor must maintain a copy of the minutes for two years and have them readily available for inspection by an HSC member or an OHS officer.

HSC and HS representative duties

HSC members have a number of duties and functions they must fulfill to help prevent workplace injuries and illness. HS representatives perform the same duties as HSCs, with any necessary modification.

These duties and functions include:

- receipt, consideration and disposition of health and safety concerns and complaints,
- participating in the identification of hazards to workers or other persons arising out of, or in connection with, activities at the work site,
- developing and promoting measures to protect the health and safety of persons at the work site and check the effectiveness of the measures,
- cooperating with an OHS officer exercising duties under the *OHS Act*, Regulation and Code,
- developing and promoting programs for education and information concerning health and safety,
- making recommendations to the employer, prime contractor or owner respecting the health and safety of workers,

- participating in investigating serious injuries and incidents at the work site,
- maintaining records in connection with the concerns and complaints received,
- attending to other matters relating to the duties of the committee, and
- other duties as may be specified in the *OHS Act*, Regulation and Code.

Work site inspections

Inspecting the work site at regular intervals is a key HSC/HS representative duty. Regular inspections reduce injuries and illnesses, and improve the internal responsibility system.

An inspection is a planned walkthrough of the work site to identify health or safety hazards that may be present. An inspection may examine a selected work area, a particular hazard, certain types of machinery, tools, equipment or specific work practices.

HSCs must inspect work sites at least once before each quarterly meeting. HS representatives do not have set minimum frequencies, but must conduct regular inspections. Factors such as the size of the work site, type of activities and the number of workers can help employers and workers determine the best inspection frequency for their work sites.

Employers can help HSCs or HS representatives plan and schedule inspections, and may assist with developing inspections checklists.

OHS officers conducting work site inspections can request HSC co-chair or HS representative accompaniment. The requested parties must accompany the officer on the inspection.

Work site investigations

Employers or prime contractors must report serious incidents as defined in the *OHS Act* s. 40(2) as soon as possible to OHS. Employers or prime contractors must investigate all serious incidents, regardless of whether or not OHS investigates.

HSC co-chairs or HS representatives may participate in the investigation of serious incidents, as well as any other incident that injures a person, or that had the potential to cause a serious injury.



The investigation of serious incidents must be conducted with the participation of the joint work site health and safety committee or health and safety representative, if there is one at the work site.

OHS Act, s. 40(6)

Effective incident investigations identify direct and indirect causes of incidents. A focus on fact-finding, not fault-finding will prevent similar incidents.

Work site parties, including those investigating incidents, must not disturb the scene of a reportable incident unless they:

- are directed to do so by an OHS officer
- have to attend to someone who has been injured or killed
- have to take action to prevent further injuries
- have to protect property that has been endangered by the incident

A written report must be prepared for each incident investigation. The co-chairs or HS representative must be provided with a copy of the report once the investigation is complete.



Disclosure of personal information

A joint work site health and safety committee member or a health and safety representative must not

disclose personal information of an identifiable individual unless the disclosure is required by law.

OHS Code, s. 199

If an OHS officer conducts an incident investigation, they may request HSC co-chair/HS representative accompaniment during their investigation. The requested parties must accompany the officer.

Work refusals



Right to refuse

A worker may refuse to work or to do particular work at a work site if the worker believes, on reasonable grounds, that there is a dangerous condition at the work site or that the work constitutes a danger to the worker's health and safety.

OHS Act, s. 31(1)

Work refusals can involve several different parties at the work site. Where an HSC/HS representative exists, the following provides a brief summary of the steps that require their involvement. For further guidance, consult the *OHS Act*.

- If a worker believes that the assigned work is dangerous, the worker may refuse to work and must promptly report the refusal and the reason for it to their employer or supervisor.
- If the dangerous condition is not remedied immediately, the employer will inspect the condition with both the worker and the HSC worker co-chair or HS representative, when it is reasonably practicable and safe to do so.
- When the inspection is completed, the employer will
 - prepare a written report of the refusal, the inspection, and action taken, and
 - provide a copy of the report to the worker and the HSC/HS representative.

Actions taken as a result of the inspection can include measures to address any identified hazards

If the dangerous condition still exists, the HSC co-chair, HSC representative, the worker or any work site party may file a complaint with OHS, as per section 32 of the *OHS Act*.

OHS dispute referral

If the HSC or HS representative and the employer cannot resolve a health and safety matter, any work site party can refer the issue to OHS. OHS can only address health and safety concerns covered under OHS legislation.

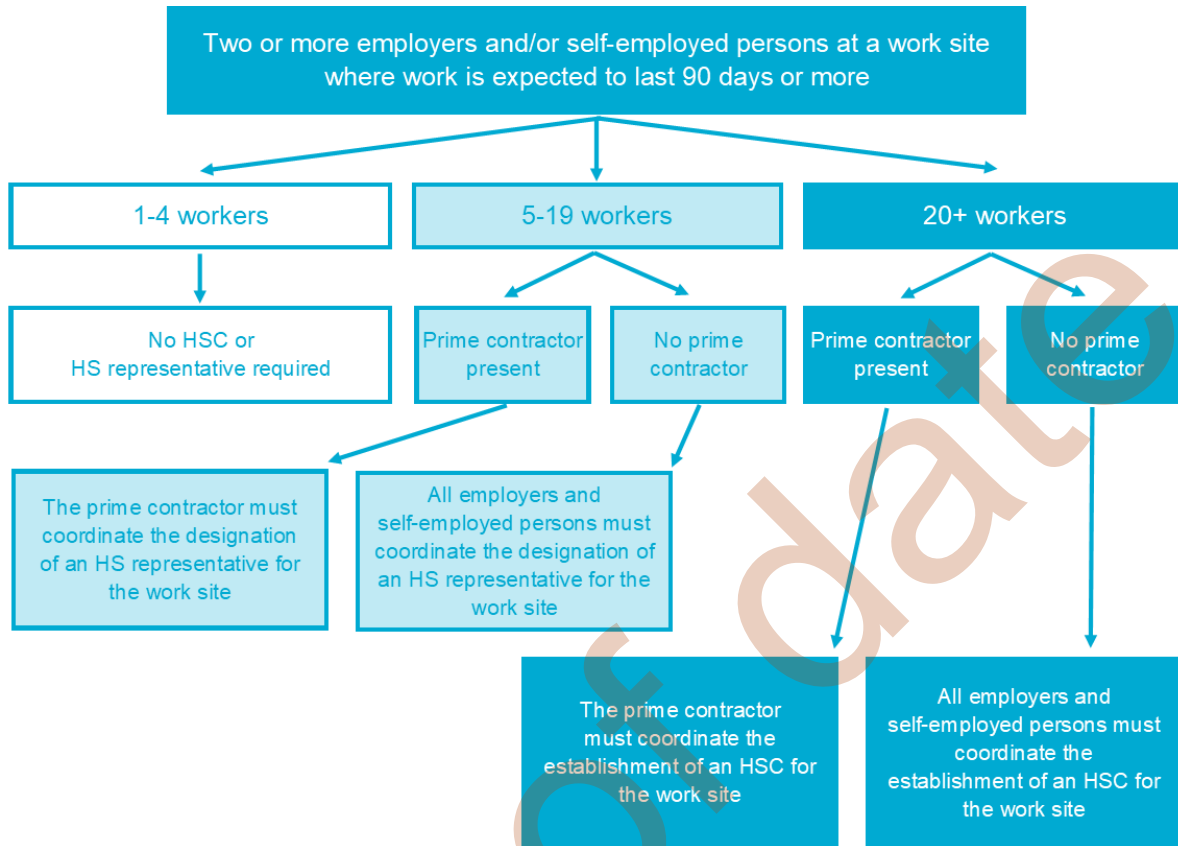
OHS will not participate in dispute resolution unless both the employer and the HSC/HS representative have met their responsibilities to resolve the matter, as outlined in section 21(1) of the *OHS Act*:

- The health and safety concern must be brought to the attention of the employer, self-employed person or prime contractor.
- If the HSC or HS representative makes a recommendation to the employer about a health and safety concern, the employer must:
 - resolve the situation within 30 days (if it is possible for the employer to do so) and inform the HSC/HS representative, or
 - if the matter cannot be resolved within 30 days, inform the HSC/HS representative in writing how and when it will be addressed, or
 - explain to the HSC/HS representative in writing why they do not agree there is a health and safety concern, or why they disagree with any recommendation.

When the OHS Contact Centre receives a complaint, an OHS officer will confirm that both the employer and the HSC or HS representative have met the above responsibilities, and assess the health and safety concern. If needed, the officer may inspect the work site.

- If there are compliance issues, the officer may issue an order for compliance.
- If there are no compliance issues, the officer refers the matter back to the HSC or HS representative.

Figure 1: HSC and HS representative requirements for multiple employer work sites



Contact Us

OHS Contact Centre

Anywhere in Alberta

- 1-866-415-8690

Edmonton & area

- 780-415-8690

Deaf or hearing impaired:

- 1-800-232-7215 (Alberta)
- 780-427-9999 (Edmonton)

PSI Online Reporting Service

alberta.ca/report-potentially-serious-incidents.aspx

Website

alberta.ca/occupational-health-safety.aspx

For more information

Participation in health and safety for small business owners and workers: OHS information for businesses with less than 20 workers (LI055)
ohs-pubstore.labour.alberta.ca/li055

Mandatory health and safety committee and representative training: OHS information for employers and workers (LI054)
ohs-pubstore.labour.alberta.ca/li054

HSC/HS representative approved trainers (EDU009)
ohs-pubstore.labour.alberta.ca/edu009

Applying for an HSC or HS representative approval: OHS information for employers and prime contractors (LI030-2)
ohs-pubstore.labour.alberta.ca/li030-2

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