

# Joint work site health and safety committees

## OHS information for workers, employers, and prime contractors

### KEY INFORMATION

- A joint work site health and safety committee (HSC) is required on work sites where there are 20 or more workers and the work is expected to last 90 days or more
- The employer must provide adequate resources, time and training to help the committee function effectively
- The HSCs role is to advise and assist, not assume managerial responsibilities for health and safety at the workplace

### What is a joint work site health and safety (HSC) committee?

An HSC is a group of worker and employer representatives working together to identify and solve health and safety concerns at the work site. They also promote awareness and interest in health and safety. HSCs form an important part of the internal responsibility system and help ensure that work site parties are aware of their roles and responsibilities in the workplace.

HSCs also provide support for the three basic rights that all Albertans have in protecting their health and safety: the right to know, the right to participate, and the right to refuse dangerous work.

Employers and multi-employer/self-employed person work sites that employ 20 or more (in total) full-time and part-time workers and have work that is expected to last 90 days or more are required to establish an HSC.

### Who is responsible for establishing an HSC?

The employer is responsible for establishing an HSC at the work site. For work sites that have multiple employers or self-employed people, the prime contractor is responsible for establishing a HSC. If there is no prime contractor, all employers and self-employed people shall coordinate the establishment of a HSC for that work site.

### What are the duties of HSCs?

HSC members have a number of duties and functions they must fulfill to help prevent workplace injuries and illness, including:

- receive and address concerns and complaints about the health and safety of workers,
- participate in the identification of hazards to workers or other persons arising out of or in connection with activities at the work site,
- develop and promote measures to protect the health and safety of persons at the work site and check the effectiveness of the measures,
- cooperate with an OHS officer exercising duties under the *Occupational Health and Safety Act (OHS Act)*, the Regulations and the OHS Code,
- develop and promote programs for education and information concerning health and safety,
- make recommendations to the employer, prime contractor or owner respecting the health and safety of workers,
- participate in investigating serious injuries and incidents at the work site,
- maintain records in connection with the concerns and complaints received,
- attend to other matters relating to the duties of the committee, and
- other duties as may be specified in the *OHS Act*, Regulations and Code.

## What are other HSC duties?

In consultation with the HSC the employer must:

- develop and implement of the violence prevention plan and the harassment prevention plan, and
- review the violence and harassment prevention plans when an incident occurs, when the committee recommends it, or every three years.

Employers, contractors and prime contractors have a duty to:

- consult and cooperate with HSCs to develop policies, procedures and codes of practice for their work sites,
- provide committees with reasonable opportunity to inform workers on OHS matters,
- allow committee members to examine records, policies, procedures, codes of practice, reports or manufacturer specifications required under OHS legislation, and
- give information or documents addressed to the HSC as soon as possible after it is received.

## Who is on the HSC?

The HSC has at least four members and at least half of them represent the workers. The worker representatives are selected by the workers, or by the union agreement, if one exists. The employer appoints the employer representatives.

## Selection of co-chairs

Each committee must have two co-chairpersons. An employer co-chair is chosen by the employer members on the committee and the worker co-chair is chosen by the worker members.

## How do I contact the HSC members?

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

## Terms of Reference

An HSC must establish terms of reference that:

- ensures the committee's membership represents all OHS concerns at their worksite,
- sets out a process for replacing members of the committee if they depart,
- establishes a dispute resolution process to use if the committee fails to reach a consensus about recommendations to be put forward, and
- creates 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 committee.

Terms of office, quorum, and other items that support an effective committee are addressed in the *OHS Act*.

## Term of office

Committee members are elected to a term of not less than one-year. Members may continue to hold office until reappointed or re-elected, or until a replacement is appointed or elected. Members can hold office indefinitely. If the worker member is part of a union, the term of office of the worker member is the term specified in the union's constitution.

## Meeting quorum

If some 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 must be present, both worker members and employer members are represented, and that at least half of those present represent workers.

## How often does the committee have to meet?

The HSC must meet within 10 days after being established and every quarter after.

## What are other rules around HSC meetings?

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

HSC shall hold its meetings and carry out its duties and functions during normal work hours.

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

The co-chairs of an HSC must 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

The minutes of each HSC meeting must be recorded. Minutes are a written record of what went on at the meeting. They detail any work site hazards that were discussed during the meeting and recommendations that were made to address those hazards. 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 shall maintain a copy of the minutes for two years and have them readily available for inspection by an HSC member or an OHS officer.

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 26(2)

## Are committee members entitled to take time away from their regular duties?

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

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

HSC members are deemed to be working while performing committee work and are entitled to be compensated at the applicable rate of pay.

### Applicable rate of pay

The term "rate of pay" would be the rate of pay that worker is entitled to in these circumstances.



For example, should the worker's employment contract have a particular rate of pay for attendance of meetings of this nature, that would be applicable. If no special provision is made, it would be necessary to interpret the employment contract/collective agreement to determine their applicable rate of pay.

Another example would be if the worker is working overtime to attend the meeting. If that is the case, then the worker would be entitled to overtime pay in accordance with the collective agreement or employment contract and the Employment Standards Code.

## Are HSC members entitled to training?

To ensure a successful committee, a prime contractor or employer must provide the HSC co-chairs with training about the duties and functions of the committee. The employer shall permit each member of the committee to take

### 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



whichever is greater – 16 hours or the number of hours the worker normally works during two shifts – to attend work site health and safety training programs, seminars or courses. During training, the committee members are deemed to be at work and must be paid at their regular rate of pay.

## What is the role of the HSC regarding inspection of the work site and incident investigations?

The HSC members play an important role in work site inspections and incident investigations. A brief summary of these duties are outlined in this section. For additional information, please refer to the additional resources at the end of this bulletin.

### Participation in work site inspections

Inspecting the work site at regular intervals is one of the duties of the committee. Regular inspections have been shown to reduce injuries and illnesses, and to 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 or particular hazard, certain types of machinery, tools or equipment, or specific work practices.

The HSC must inspect the worksite at least once before each quarterly meeting. The employer and HSC may consider the size of the work site, type of activities, the number of workers, and other factors to determine if more frequent inspections are needed.

In addition to providing the training, resources and time needed to carry out the duties of a committee member, the employer can help the committee members plan and schedule inspections and assist with developing inspections checklists.

If an OHS officer conducting a work site inspection requests it, the co-chair representing workers will accompany the officer on the inspection.

### Participation in work site investigations

Serious incidents as defined in the *OHS Act 40(2)* must be reported immediately to OHS. The employer is responsible for conducting an investigation into all of these serious incidents regardless of whether or not OHS conducts an investigation.

The employer and HSC must prepare a plan for investigating incidents. The plan must include the necessary procedures, personnel and resources required to conduct an investigation. In addition to conducting their own investigations, committees must accompany an OHS officer during an investigation, if requested.

The co-chairs of the HSC 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.

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

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



*OHS Act 40(6)*

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

### 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 31(1)*

## What is the role of the HSC regarding work refusals?

Under the *OHS Act*, workers have the right to refuse any work they believe in good faith to be a danger to their health and safety. The right to refuse is based on having reasonable grounds to believe on the part of the worker that the work is dangerous.

Work refusals could involve several different parties at the work site. Where an HSC exists, the following provides a brief summary of the steps that involve the HSC. For further guidance on the procedure, consult the *OHS Act*.

- If a worker believes that the assigned work is dangerous, the refusal and the reason for the refusal is promptly reported to the employer or supervisor.
- If the dangerous condition is not remedied immediately, the condition is inspected by the employer, the worker, and the HSC co-chair that represents the worker.
- When the inspection is completed, the employer will prepare a written report of the refusal, the inspection, and action taken.
- A copy of the report is provided to the worker and the HSC.

The action taken as a result of the inspection could include measures to address any identified hazards, or if the dangerous condition still exists, the HSC co-chair, the worker, or any work site party may contact OHS for advice.

### Contact Us

#### OHS Contact Centre

Throughout Alberta

- 1-866-415-8690

Edmonton & Surrounding area

- 780-415-8690

Deaf or hearing impaired:

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

#### Website

[work.alberta.ca/ohs-contact-us](http://work.alberta.ca/ohs-contact-us)

## FOR MORE INFORMATION

**Do I need a joint work site health and safety committee or a health and safety representative? OHS information for workers, employers, and prime contractors (LI037)**

**Health and safety representatives - OHS information for workers, employers, and prime contractors (LI040)**

**Worker participation in health and safety - OHS information for workers, employers, and prime contractors, without health and safety committees or representatives (LI041)**

### Get Copies of *OHS Act, Regulation and Code*

#### Alberta Queen's Printer

[qp.gov.ab.ca](http://qp.gov.ab.ca)

#### Occupational Health and Safety

[work.alberta.ca/ohs-legislation](http://work.alberta.ca/ohs-legislation)

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