

Part 13 Joint Work Site Health and Safety Committee

Highlights

- As stated in Section 196, this Part only applies to work sites that the Minister of Employment and Immigration requires to have a joint work site health and safety committee. For all other work sites in Alberta, the establishment of a committee is voluntary.
- This Part states the rules under which a joint work site health and safety committee required by Ministerial Order must operate.

Requirements

Section 196 Ministerial Order

Joint work site health and safety committees are only mandatory for those employers and work sites required by Ministerial Order to have a committee. For all other work sites in Alberta, the establishment of a committee is voluntary.

Where the OHS Code refers to or requires something of a joint work site health and safety committee, the requirement only applies to a committee that has been mandated by Ministerial Order. An employer wishing to use the requirement for a voluntary joint work site health and safety committee is encouraged to do so.

Work sites throughout the province are routinely inspected or monitored for compliance with the *OHS Act* and regulations by occupational health and safety officers. If an employer fails to adequately address health and safety concerns, an officer may, using the criteria listed below, request the employer to voluntarily create a committee. The request is formalized in a written agreement, signed by the employer and the officer. The committee is required to operate within the principles and structure specified in this Part, and to perform the activities described in section 31 of the *OHS Act*. These activities are described in detail later in this explanation.

The following criteria will be used by officers as the basis for the request:

- (a) repeated violations of the *OHS Act* or regulations;
- (b) failure to comply with orders to correct safety hazards;
- (c) repeated substantive worker complaints within a brief period of time;
- (d) a lost-time claim rate exceeding the industry average; and
- (e) poor communication between the employer and worker on health and safety matters.

If the voluntary arrangement is not agreeable to the employer, or the conditions of an existing agreement are not being met, the officer will recommend to the Minister that the work site be designated as requiring a mandatory committee. The designation will be by a Ministerial Order in accordance with the *OHS Act*. The designation is not intended to be punitive. It is a method of improving communication between the employer and workers and encouraging an awareness of, and commitment to, health and safety at the work site.

The employer of the designated work site will be contacted by the Minister or Deputy Minister to discuss the intent of the designation, the importance of complying with the *OHS Act* and regulations and the importance of the committee to health and safety.

An up-to-date listing of employers required to have a committee by Ministerial Order will be maintained at the Workplace Health and Safety Web site at



www.employment.alberta.ca/SFW/6698.html

Required committee activities

As described in section 31 of the *OHS Act*, a committee is required to

- (a) identify situations at the work site that may be unhealthy or unsafe,
- (b) make recommendations to prime contractors, contractors, employers and workers that improve the health and safety of workers at the work site,
- (c) establish and maintain educational programs regarding the health and safety of workers at the work site, and
- (d) carry out those duties and functions required by the OHS Code.

Alberta Employment and Immigration has prepared several Safety Bulletins to help employers and workers establish and maintain effective committees. These resource materials are listed below.

For more information

 http://employment.alberta.ca/documents/WHS/WHS-PUB_li003.pdf
Joint Work Site Health and Safety Committee Member's Guide

 http://employment.alberta.ca/documents/WHS/WHS-PUB_li004.pdf
Joint Work Site Health and Safety Committee Handbook

 http://employment.alberta.ca/documents/WHS/WHS-PUB_li005.pdf
Employer's Guide: Health and Safety Committees

Sections 197 to 207 Committee operation

These Sections describe how a joint work site health and safety committee is created and is to operate. Some basic rules of the committee are:

(a) Membership (section 197)

Subsections 31(3) of the *OHS Act* states that the number of employer representatives on the committee must not exceed the number of worker representatives. The number of members required is

- Worker representatives 2-6 members
- Employer representatives 1-6 members

(b) Committee co-chairs (section 201)

The committee must have two co-chairs. Worker members must select one co-chair from among themselves. Employer members must select one co-chair from among themselves.

(c) Meetings (section 203)

Committee meetings must take place at least once in each calendar month.

(d) Quorum (section 204)

To be able to hold an official meeting, one-half of the committee's members must be present at the meeting. Of the members attending the meeting,

- (i) both worker and employer members must be present, and
- (ii) at least one-half of those present must be worker members.

(e) Duty to inspect work site

The committee must perform inspections at the work site at least once before each regular committee meeting.