



Labour

Information on **OCCUPATIONAL HEALTH AND SAFETY**

6B WORK PLACE HEALTH AND SAFETY COMMITTEES

INTRODUCTION

The *Canada Labour Code* protects the rights of employers and employees and establishes a framework for the resolution of disputes. The objective of Part II of the Code is to reduce, as much as possible, the number of employees who suffer casualties as a result of their work activities.

This pamphlet explains the Code's requirements regarding **work place health and safety committees**, to address health and safety issues.

1. To whom does the requirement apply?

The requirement applies to every employer in the federal jurisdiction. A work place health and safety committee must be established for each work place, controlled by the employer, that has 20 or more employees.

2. Who sits on the work place health and safety committee?

A work place health and safety committee consists of at least two persons. They are appointed by the employer, in accordance with the following conditions: at least half of the committee members are employees who do not exercise managerial functions. These members are selected by the trade union representing the employees in consultation with any employees who are not so represented. If they are not members of a union, then the employees at large will select their committee representatives.

If the organization does not have a policy committee, then a work place health and safety committee, when dealing with an issue that would have gone to the policy committee, can select two additional members. One of those additional members is selected by the trade union or by the employees at large.

A work place health and safety committee is led by two chairpersons, one of whom is chosen by the employer-members and the other by the employee-members.

Terms of office are not to exceed two years.

3. What are the powers and duties of a work place health and safety committee?

There are several. The work place health and safety committee will:

- consider and expeditiously dispose of health and safety complaints;
- participate in the development, implementation and monitoring of programs to prevent work place hazards, including ergonomic related hazards, if there is no policy committee in the organization;
- participate in all inquiries, investigations, studies, and inspections pertaining to the health and safety of employees;
- participate in the implementation and monitoring of a program for the provision of personal protective equipment, clothing, devices, or materials, and, if there is no policy committee, participate in the development of the program;
- ensure to keep adequate records of work accidents, injuries, health hazards, health and safety complaints and regularly monitor this data;
- cooperate with health and safety officers;
- participate in the implementation of changes that may affect occupational health and safety, including work processes and procedures, and, if there is no policy committee, participate in the planning of the implementation of those changes;
- assist the employer in investigating and assessing the exposure of employees to hazardous substances;
- inspect each month all or part of the work place, so that every part of the work place is inspected at least once a year;
- participate in the development of health and safety policies and programs, if there is no policy committee.
- participate in the development, implementation and monitoring of a work place violence prevention policy, if there is no policy committee in the organization.

The committee may request from an employer any information that it considers necessary to identify existing or potential hazards in the work place. It has full access to all government and employer reports, studies and tests relating to the health and safety of employees. Of course, the committee does not have access to the medical records of any individual except with the person's consent.

4. Do the members of the work place health and safety committee receive training?

Yes. The Code requires the employer to ensure that committee members receive the necessary training in health and safety and are informed of their responsibilities under Part II of the Code.

5. Are there exemptions from the requirements?

The Minister of Labour may exempt an employer from the requirement to establish a work place health and safety committee if the Minister receives a request to do so and is satisfied that the work place is relatively free from risks to health and safety. The factors that the Minister must consider in determining whether to exempt an employer are listed in the Code. Those factors include the risk of injury or illness from hazardous substances in the work place; the physical and organizational structure of the work place and the types of work being done; the nature of the operation, the work processes and the equipment used; the number of disabling injuries in the work place in relation to the number of hours worked in the work place; the occurrence of incidents having serious effects on health and safety; and any contraventions of Part II of the Code.

When exempted from the requirement, the employer must appoint a health and safety representative for that work place.

6. Is the employer required to compensate the members?

Yes. The employer must pay committee members at their regular rate of pay or premium rate of pay, as specified in the collective agreement or, if there is no collective agreement, in accordance with the employer's policy.

The requirement to compensate members applies to:

- attending meetings or performing any of their other functions; and
- preparation time and traveling as authorized by both chairpersons of the committee.

7. How often will the committees meet?

Each work place health and safety committee is required to meet 9 times a year, at regular intervals and during regular working hours. If circumstances make additional meetings necessary, they should be held during or outside regular hours, whatever is required.

The employer must ensure the availability in the work place of premises, equipment and personnel for the efficient operation of the committee.

8. What other administrative issues do I need to know about?

First, with respect to **rule-making**, the work place health and safety committee can establish its own rules of procedure pertaining to the administration and operation of the committee (e.g., meeting times and places).

Secondly, with respect to **record-keeping**, the committee must keep accurate records of all matters that come before it, as well as minutes of all meetings. They are to be made available to a health and safety officer if they are requested.

Thirdly, with respect to **liability**, no committee member is personally liable for anything done, or not done, in good faith under the authority of the committee.

Finally, with respect to **regulations**, the Minister of Labour retains the right to make certain regulations which may apply to all of the work place health and safety committees, to a group of committees, or to a single committee. For instance, the Minister may specify the method of selecting members of a committee if the employees are not represented by a trade union. The Minister may make a regulation specifying the manner in which a committee may exercise its powers and perform its functions.

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