



Labour

Information on **OCCUPATIONAL HEALTH AND SAFETY**

6C HEALTH AND SAFETY REPRESENTATIVES

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 **health and safety representatives** to address health and safety issues.

The Code requires each employer in the federal jurisdiction to appoint a health and safety representative for each work place, controlled by the employer, with fewer than 20 employees.

In addition, the legislation stipulates that, if a work place has been exempted from the requirement to establish a work place health and safety committee, it still must have a health and safety representative.

1. How are the health and safety representatives selected?

The employees of the work place who do not exercise managerial functions select, from among those employees, the person to be appointed health and safety representative.

If the employees are represented by a trade union, then the union selects the person to be appointed, after consulting any employees who are not in the union.

2. What are the powers and duties of a health and safety representative?

There are several. The health and safety representative will:

- consider and expeditiously dispose of health and safety complaints;
- ensure to keep adequate records of work accidents, injuries, health hazards, health and safety complaints and regularly monitor this data;
- meet with the employer as necessary to address health and safety issues;
- if there is no policy committee, or in some cases no work place committee, participate in the development, implementation and monitoring of programs to prevent hazards in the work place, including ergonomic related hazards, that also provide for the education of employees in health and safety matters related to those hazards;
- participate in all inquiries, investigations, studies, and inspections pertaining to the health and safety of employees;
- 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;
- inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year;
- participate in the development of health and safety policies and programs, if there is no policy committee;
- assist the employer in investigating and assessing the exposure of employees to hazardous substances;
- participate in the implementation and monitoring of a program for the provision of personal protective equipment, clothing, devices or materials and, where there is no policy committee, participate in the development of the program.
- if there is no policy committee, or in some cases no work place committee, participate in the development, implementation and monitoring of a work place violence prevention policy.

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

3. Do health and safety representatives receive training?

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

4. Is the employer required to compensate a health and safety representative?

Yes. The employer must pay a health and safety representative at the 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 health and safety representatives applies to:

- attending meetings or performing any of their other functions; and
- preparation time and traveling as required.

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

First, with respect to **liability**, no health and safety representative is personally liable for anything done, or not done, in good faith under the authority of Part II of the Code.

Secondly, with regard to **regulations**, the Minister of Labour may make regulations specifying the qualifications and terms of office of a health and safety representative, and the method of selecting a health and safety representative if the employees are not represented by a trade union. The Minister may also make a regulation specifying the manner in which a health and safety representative may exercise his or her powers and perform his or her function.

Thirdly, with respect to **record-keeping**, the health and safety representative must keep records of all matters that come before him or her. They are to be made available to a health and safety officer if they are requested.

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