



# Workplace Health and Safety Committees - Overview



# OVERVIEW

## 1. Requirements Internal Responsibility System

## 2. Duties

## 3. Appointment of members

## 4. Function

- Access to information
- Failure to select members
- Alternate members and chairpersons
- Meetings, minutes, rules and limitation of liability
- Vacancy and quorum

## 5. Training

## 6. Annual Reports



# REQUIREMENTS

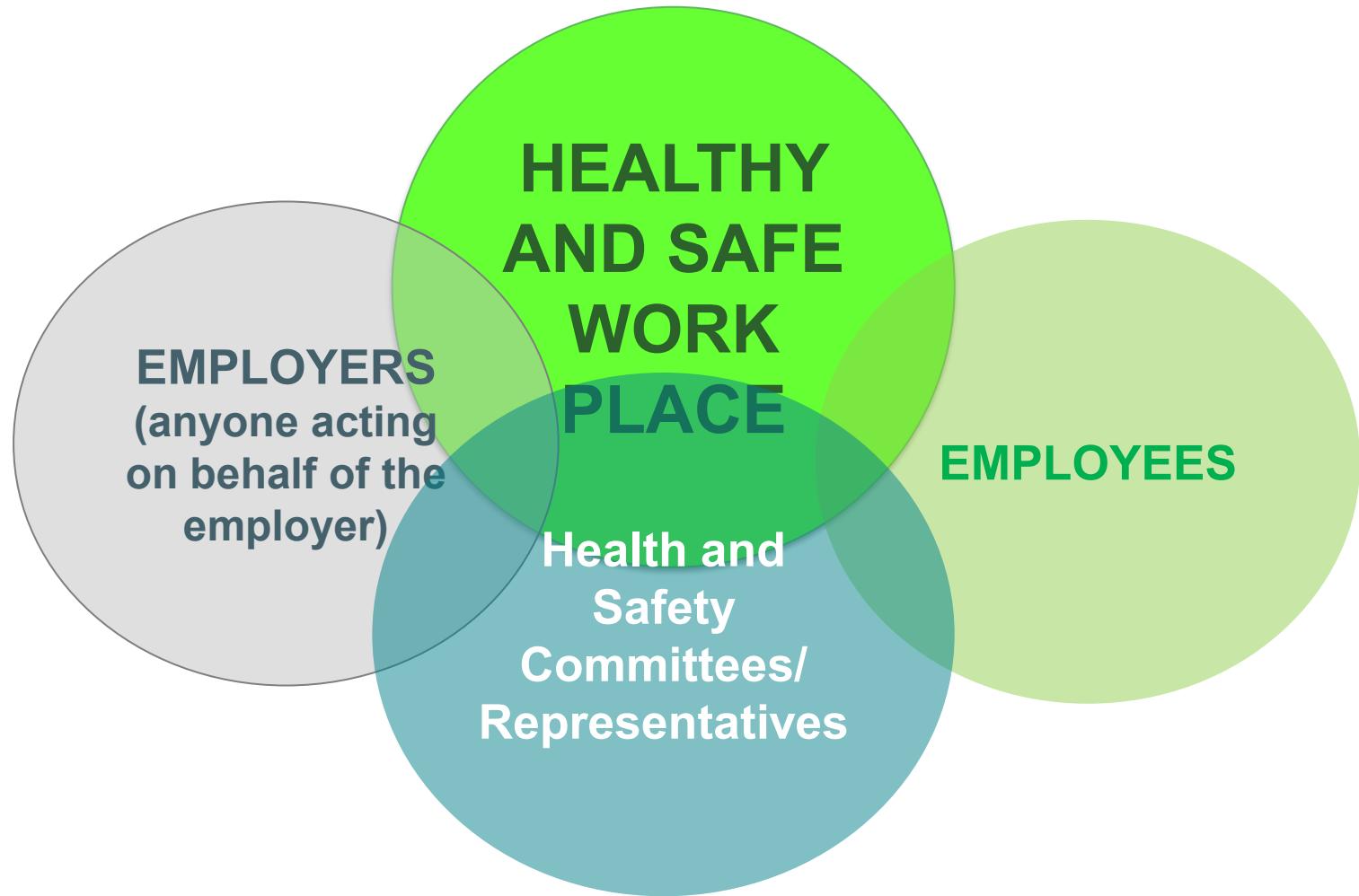
Employers who normally employ directly **300** or more employees are required to establish a Policy Health and Safety Committee.

For each work place controlled by the employer at which **20 or more** employees are normally employed, the employer is required to establish a work place health and safety committee.

For each work place at which **fewer than 20** employees are normally employed, the employer is required to appoint as prescribed a health and safety representative for that work place.



# INTERNAL RESPONSIBILITY SYSTEM



# DUTIES

## Workplace Health and Safety Committees:

- consider and expeditiously resolve complaints relating to the health and safety of employees;
- participate in the implementation and monitoring (***if there is no policy committee then also in the development***) of the program for the prevention of hazards (***including unique hazards such as harassment and violence in the workplace***) in the work place that also provides for the education of employees in health and safety matters and those hazards;



## Workplace Health and Safety Committees:

- participate in all inquiries, investigations (for example: ***investigations relating to Refusals to Work and Investigations by the Head of Compliance and Enforcement***), studies and inspections pertaining to the health and safety of employees, including any consultations that may be necessary with persons who are professionally or technically qualified to advise the committee on those matters.

HOWEVER, a work place committee **SHALL NOT PARTICIPATE** in any investigations relating to an occurrence of harassment and violence in the work place.



## Workplace Health and Safety Committees:

- participate in the implementation and monitoring (***if there is no policy committee then also in the development***) of a program for the provision of personal protective equipment, clothing, devices or materials;
- ensure that adequate records are maintained on work accidents, injuries and health hazards relating to the health and safety of employees and regularly monitor data relating to those accidents, injuries and hazards;
- cooperate with the Head of Compliance and Enforcement designated by the Minister of Labour;



## Workplace Health and Safety Committees:

- participate in the implementation (***if there is no policy committee then also in the planning of the implementation***) of changes that might affect occupational health and safety, including work processes and procedures;
- 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 each year; and
- ***If there is no policy committee*** participate in the development of health and safety policies and programs.



# APPOINTMENT OF MEMBERS

A work place health and safety committee shall consist of at least two persons and at least half of the members shall be employees who:

- **DO NOT** exercise managerial functions; and
- have been selected by the employees, if the employees are not represented by a trade union, or
- have been selected by the trade union representing employees, in consultation with any employees who are not so represented.

The members of a committee selected by the employer must be employees who exercise managerial functions.



# FUNCTION - ACCESS TO INFORMATION

A work place health and safety committee:

- may request from an employer any information that the committee considers necessary to identify existing or potential hazards with respect to materials, processes, equipment or activities
- shall have full access to all government and employer reports, studies and tests relating to the health and safety of the employees, or to the parts of those reports, studies and tests that relate to the health and safety of employees.

However, work place health and safety committees **SHALL NOT** have access to the medical records of any person except with the person's consent.



## FAILURE TO SELECT MEMBERS

If a trade union fails to select an employee member for a workplace health and safety committee, the Head of Compliance and Enforcement may notify in writing the local branch of the trade union and send a copy of any such notification to the trade union's national or international headquarters and to the employer, indicating that the committee is not established until an employee member is selected as prescribed.

If an employee member is not selected as prescribed, the employer is required to perform the functions of the committee until selection of all members is completed and the committee is established.



## ALTERNATE MEMBERS

Employer and employee members may select alternate members to serve as replacements when unable to perform their functions. Alternate members are selected and trained in the same manner as regular members.

## CHAIRPERSONS

A work place health and safety committee shall have two chairpersons selected from among the committee members. One of the chairpersons shall be selected by the employee members and the other shall be selected by the employer members.

The chairpersons must act alternately and have the following responsibilities:

- scheduling the committee meetings and notifying the members of those meetings;
- preparing the agenda of each committee meeting;
- ensuring that each item under discussion at a committee meeting concludes with a decision; and
- ensuring that the committee carries out its functions.



## MEETINGS

A work place health and safety committee is to meet during regular working hours at least nine times a year at regular intervals and, if other meetings are required as a result of an emergency or other special circumstances, the committee is to meet as required during regular working hours or outside those hours.

## MINUTES

The committee is to ensure that accurate records are kept of all health and safety matters that come before the committee and that minutes are kept for each meeting. The minutes and records are to be made available to the Head of Enforcement and Compliance upon request.

**NOTE:** matters such as collective agreement grievances and/or collective bargaining matters should not be discussed at a workplace health and safety committee meeting.



As soon as feasible after each committee meeting, the minutes must be provided to both chairpersons for their approval. Once approved, the chairperson selected by the employer members must provide a copy of the minutes to the employer, and each member of the committee.

The employer must then:

- make a copy of the minutes readily available to the employees for a period of one month;
- keep a copy of the minutes for a period of two years after the day on which the meeting was held;
- provide a copy of the minutes to the work place committee, in the case of minutes of a policy committee meeting;
- provide a copy of the minutes to the policy committee, at its request, in the case of minutes of a work place committee meeting.



# RULES

A work place health and safety committee is to establish its own rules of procedure in respect of the terms of office, **not exceeding two years**, of its members and the time, place and frequency of regular meetings of the committee and may establish any rules of procedure for its operation that it considers advisable.

# LIMITATION OF LIABILITY

No person serving as a member of a work place health and safety committee is personally liable for anything done or omitted to be done by the person in good faith under the authority of the *Canada Labour Code*, Part II and associated legislation.



## VACANCIES

If a work place health and safety committee member ceases to be a member and by reason of the vacancy the composition of the committee fails to meet the requirements of section 135.1 of the *Canada Labour Code*, Part II, a new member must be selected and appointed within 30 days after the day on which the vacancy occurs.

## QUORUM

A quorum of a committee consists of the majority of members, at least half of which are employee members and at least one of which is an employer member.



## PAYMENT OF WAGES

Work place health and safety committee members are entitled to take the time required, during their regular working hours to attend meetings or to perform any of their other functions; and for the purposes of preparation and travel, as authorized by both chairpersons of the committee.

A committee member shall be compensated by the employer for their prescribed functions whether performed during or outside the member's regular working hours, at the member's 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. This applies to alternate members only while they are actually performing the functions of the committee member they are replacing.



# TRAINING

Training for members of work place health and safety committees must be developed by the employer after consultation with the committees concerned. The training must be reviewed and updated at least once every three years, and whenever there is a change of circumstances that may affect the content of the training, and must include the following aspects:

- a) the Act and any regulations made under it;
- b) the means that allow the committee members and the health and safety representatives to fulfill their responsibilities under the Act;
- c) the rules of each of the committees; and
- d) the principles of **CONSENSUS BUILDING** regarding health and safety issues.



## CONSENSUS

Is used to fulfill work place health and safety committee member duties such as *“consider and expeditiously dispose of complaints relating to the health and safety of employees”* because consensus building allows for shared proposals and decisions that address health and safety matters brought forth to the committee.

Consensus building takes an inclusive and collaborative approach reinforcing the internal responsibility system.



## ANNUAL REPORT

On or before March 1 each year, the chairperson selected by the employer members of the work place committee must:

- submit to the Head of Compliance and Enforcement an annual report of the committee's activities during the 12-month period ending on December 31 of the preceding year; and
- provide a copy of the report to the employer.

The employer must then post, for a period of two months, a copy of the report in a conspicuous place in the workplace, accessible to all employees.





**SCHEDULE**  
(Subsection 8(2))



Employment and Social  
Development Canada / Emploi et Développement  
social Canada

(For Labour Program use only)

Department File No.  
Regional Office

**WORK PLACE COMMITTEE REPORT**

Employee name and mailing address:	Committee exemption under paragraph 1.65(3)(a) of the Act: <input type="checkbox"/> Yes
Business number:	Number of employees represented by committee: <input type="text"/>
Committee name/work place/mailing address if different from above:	Number of employee committee members selected by trade union(s): <input type="text"/>
	Number of employee committee members selected by employees not represented by trade union(s): <input type="text"/>
	Number of employer committee members selected by the employer: <input type="text"/>
	Total number of committee members: <input type="text"/>
Name of contact person: Telephone number:	Name(s) of trade union(s) who selected employee committee members:

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	EDM
Meetings:	Regular: <input type="checkbox"/>												
	Special: <input type="checkbox"/>												
Expenditures:	Personnel: <input type="checkbox"/>												
	Materials: <input type="checkbox"/>												
Materials for search:	Personnel: <input type="checkbox"/>												
	Materials: <input type="checkbox"/>												
Expenses, cost of travel, accommodations:													
Investigations:													
Programs, measures, and processes: unresolved													
Health and safety issues:	Identified: <input type="checkbox"/>												
	Materials: <input type="checkbox"/>												
	Unresolved: <input type="checkbox"/>												
Injuries:	Catastrophic injuries: <input type="checkbox"/>												
	Minor injuries: <input type="checkbox"/>												
	Total loss due to injuries: <input type="checkbox"/>												

Please highlight any special programs, inquiries, unresolved issues or other points that could be significant to the Committee that occurred during the previous 12 months ending December 31. (Attach sheet for additional information.)

--

**Employee chairperson**

Name of employee chairperson:

Signature:

Date:

**Employer chairperson**

Name of employer chairperson:

Signature:

Date:

--

--

--



## REFERENCES

- [Canada Labour Code](#)
- [Policy Committees, Work Place Committees and Health and Safety Representatives Regulations](#)
- [Occupational health and safety in federally regulated workplaces - Canada.ca](#)
- [Interpretations, Policies and Guidelines \(IPGs\) - Canada.ca](#)
- [Reports and publications: Occupational health and safety - Canada.ca](#)
- [Work place health and safety committees - Canada.ca](#)
- [Canadian Centre for Occupational Health and Safety](#)



# LABOUR PROGRAM STRUCTURE

- The **Minister of Labour** has the authority to delegate the powers, duties and functions of the Minister set out in the Code, Part II, to a **Head of Compliance and Enforcement** through delegation and authorization instruments.
- The **Head of Compliance and Enforcement (Head)** has the overarching accountability and responsibility to exercise most of the powers. The Head strategically delegates these powers, duties and functions to enable the administration and enforcement of Part II of the Code.
  - Eliminates the risk of political interference
  - Ensures the integrity of high profile accident investigations
  - Protects the information during an investigation, and when initiating a prosecution



# COMPLIANCE AND ENFORCEMENT CONTINUUM

Part II of the Code is enforced by the following series of escalating actions that depend on the seriousness of the violation and the co-operation of workplace parties

