

Health and safety committees and representatives

OHS information for employers and workers

This bulletin gives information about Alberta's joint health and safety committee (HSC) and health and safety representative (HS representative) requirements.

KEY INFORMATION

- The *Occupational Health and Safety (OHS) Act and Part 13 of the OHS Code* give the legal requirements for HSCs and HS representatives in Alberta.

HSC and HS representative roles

HSC – A group of worker and employer representatives working together to address health and safety concerns.

HS representative – An individual worker representative who works with the employer to address health and safety concerns.

- HSCs and HS representatives are an important part of the internal responsibility system because they allow meaningful participation in health and safety.
- HSCs and HS representatives serve as advisors to the employer.
- Regulated work site parties who have control of work sites – such as prime contractors and employers – are responsible for implementing solutions.

INTERNAL RESPONSIBILITY SYSTEM

The internal responsibility system gives everyone in the workplace accountability for health and safety, in proportion to their authority and control on the work site.

For more information, read [Occupational health and safety and the internal responsibility system](#).

Establishing an HSC or HS representative

Sections 13 and 14 of the *OHS Act* outlines when an employer must put an HSC in place or designate a HS representative.

- An employer must establish an HSC if the employer regularly employs 20 or more workers.
- An employer must designate an HS representative if the employer regularly employs five to 19 workers.
- OHS statutory directors can also require an HSC or an HS representative at any work site.

REGULARLY EMPLOYED

The OHS Regulation states unwaged workers (volunteers) are not included in the count of regularly employed workers, for the purposes of determining if an HSC or HS representative is required.

VOLUNTEERS

Volunteers are workers with the same rights and protections under OHS legislation. Although they don't count as regularly employed (see above), volunteers can still serve as an HSC member or an HS representative.

CONSULTATION

Employers must consult with unions representing their workers before putting a required HSC or HS representative in place.

Work sites with multiple employers

If there are two or more employers at a work site, the employers may be required to work together to establish an HSC or designate an HS representative. Workers from any of the employers on site can be selected for these roles.

- If there are 20 or more regularly employed workers in total at the site, the employers must establish a work site HSC.
- If there are five to 19 regularly employed workers in total at the site, the employers must designate a work site HS representative.
- When there is a prime contractor at a work site, they must establish a system to ensure compliance with OHS laws and employer-worker cooperation on health and safety. The prime contractor must also designate a person to

ensure cooperation and system implementation. (An HSC or HS representative is not required).

- Workers at a work site with a prime contractor can still access their employer-based HSC or HS representative.

For more information, read [Prime contractor role and duties](#).



HSC membership

The *OHS Act* set out the basic rules for HSC structure. These are:

- HSCs must have worker and employer members. Worker members represent the workers and employer members, their employer.
- Worker members must work for the employer. They cannot be managers or supervisors.
- Unionized workers must be represented, if applicable.
- There can't be more employer members than worker members on a HSC.

Part 13 of the OHS Code gives further direction about HSC membership. Under the code, employers must decide how many worker members the HSC needs, and set a reasonable timeframe for the selection. The number of worker members must fairly represent both unionized and non-unionized workers. There also must be the right number and type of worker members to address relevant health and safety concerns.

- Applicable unions select HSC members to represent unionized workers.
- Non-unionized workers select their own HSC members.
- If worker members aren't selected by the union or non-unionized workers within the set time, the employer must select those worker members.

The employer selects the HSC employer members.

HSC co-chairs

HSCs must have two co-chairs. Employer members select one co-chair, and worker members, the other co-chair.

HS representative designation

Under the *OHS Act*, employers designate an HS representative, if one is required. HS representatives must work for the employer. They cannot be managers or supervisors.

HSC and HS representative duties

The core duties of an HSC are set out in section 13(6) of the *OHS Act*. These are:

- The receipt, consideration and disposition of worker health and safety concerns.
- Participating in the employer's hazard assessment process.

- Making recommendations about worker health and safety to the employer.
- Reviewing the employer's work site inspection records.

HS representatives perform the same duties as HSCs.

However, they can modify these as needed, because they are one person (not a group).

Alberta OHS officers may ask HSC members or HS representatives to accompany them on inspections.

Employer duties

Related general duties

Part 1 of the *OHS Act* sets out general obligations for all regulated work site parties. An employer's general duties include requirements related to both HSCs and HS representatives.

- Employers must ensure, as far as reasonably practicable, that health and safety concerns raised by workers, supervisors and the HSC or HS representative are resolved in a timely manner.
- Employers must ensure that HSCs or HS representatives comply with their legislated HSC or HS representative requirements.
- Employers must make health and safety information related to work site hazards, controls, work practices and procedures readily available to workers, HSCs, HS representatives or prime contractors.
- Employers must make sure that workers and the HSC or HS representative have ready access to the OHS legislation.

Part 13 Code requirements

Part 13 of the OHS Code sets out requirements for employers in relation to HSC and HS representatives. Along with their duties in relation to establishing HSC membership, employers must:

- Ensure the HSC develops a written term of reference that includes the elements specified in the code. (See below.)
- Keep a record of HSC member or HS representative names and contact information.
- Clearly post how to contact the HSC or HS representative at all applicable work sites. (Or share by another means, if the HSC or HS representative agree.)
- Keep HSC special meeting minutes readily available for two years, in case either an HSC member or Alberta OHS officer wants to see them.
- Ensure HSC members or HS representatives are trained per code requirements. (See below.)

Other legislated requirements

Other provisions of the *OHS Act* and Code include employer requirements related to HSCs or HS representatives. These support the HSC and HS representative's core duties and their role in an effective internal responsibility system.

For example, from the *OHS Act*, employers must report work refusals to the HSC or HS representative as soon as possible. Employers also must provide specific reports – such as work refusal reports or certain investigation reports – to the HSC or HS representative.

As well, from the OHS Code, there are a number of employer requirements related to HSCs or HS representatives.

- Section 22(3) requires employers inform the HSC or HS representative about worker overexposures, in writing.
- Sections 390(2), 390.4(2) and 390.7 set out requirements that involve HSCs or HS representatives in the development, implementation, and review of violence and harassment prevention plans.
- Section 397(2) requires HSC or HS representative involvement in developing and implementing certain procedures related to hazardous products.
- Sections 470 and 411(1) ensure HSCs and HS representatives have access to safety data sheets and, in the case of an employer who manufactures a hazardous product, toxicological data.

HSC terms of reference

Section 197 of the OHS Code says that an HSC's terms of reference must include:

- The term of office for HSC members.
- How often the HSC meets and how it keeps records.
- Processes for:
 - Selecting co-chairs.
 - Selecting worker members that represent the employer's workers.
 - Conducting meetings.
 - Forwarding health and safety concerns to the employer.
 - Replacing a member during their term of office.
 - Resolving disputes, if the HSC members can't agree on a recommendation to the employer.
 - Addressing circumstances where HSC members are not carrying out their duties.

These are minimum requirements only. HSCs can include other processes or requirements in their terms of reference, as needed to carry out their role and duties.

Quorum

Quorum is the minimum number of HSC members who must be present at a meeting to carry out valid business. At least half of the members must be present for there to be a quorum. Both worker and employer members must be present with at least half of those present being worker members.

Training

Under the OHS Code, employers must train HSC members or HS representatives. The training must include:

- The roles and responsibilities of co-chairs, HSC members and HS representatives.
- Work site party obligations.
- Worker's rights under the *OHS Act*.

Employers can develop and provide the training themselves, or use an outside training provider.

FARMS AND RANCHES

The *OHS Act* and Part 13 of the OHS Code apply to certain farm and ranch operations. Where applicable, farm and ranch employers of waged, non-family workers only have to train HSC co-chairs or HS representatives – not all HSC members.

For more information, read [Health and safety on Alberta farms and ranches](#).

Special meetings

HS representatives can call special meetings with an employer to deal with health and safety concerns at the work site.

An HSC must hold a special meeting if asked to do so by an OHS officer. HSCs can also call special meetings if they are following a process specified in their terms of reference.

At work

Workers who are HSC members and HS representatives are considered to be "at work" when they are performing their duties, functions or attending training related to those duties.

The *OHS Act* stipulates that HSCs must hold their meetings and carry out their duties and functions during normal working hours. HS representatives also must carry out their duties and functions during normal working hours.

Voluntary HSCs or HS representatives

If an employer or multi-employer work site is not required to have a HSC or HS representative, they may still put one in place. In this case, the employer, employers or prime contractor (as applicable) can establish its own processes and rules for the voluntary HSCs or HS representatives. The rules about HSCs and HS representatives only apply when those are required under the *OHS Act* and Code.

A voluntary HSC can exist alongside, but can't replace, a required HS representative.

Contact us

OHS Contact Centre

Anywhere in Alberta

- 1-866-415-8690

Edmonton and surrounding area

- 780-415-8690

Deaf or hard of hearing (TTY)

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

Notify OHS of health and safety concerns

alberta.ca/file-complaint-online.aspx

Call the OHS Contact Centre if you have concerns that involve immediate danger to a person on a work site.

Report a workplace incident

alberta.ca/ohs-complaints-incidents.aspx

Website

alberta.ca/ohs

Get copies of the OHS Act, Regulation and Code

Alberta Queen's Printer

qp.gov.ab.ca

OHS

alberta.ca/ohs-act-regulation-code.aspx

For more information

Health and safety on Alberta farms and ranches (BP029)

ohs-pubstore.labour.alberta.ca/bp029

Incident reporting and investigation (LI016)

ohs-pubstore.labour.alberta.ca/li016

Occupational health and safety and the internal responsibility system (LI051)

ohs-pubstore.labour.alberta.ca/li051

Participation in health and safety for small business owners and workers (LI055)

ohs-pubstore.labour.alberta.ca/li055

Prime contractor role and duties (LI018)

ohs-pubstore.labour.alberta.ca/li018

Right to refuse dangerous work (LI049)

ohs-pubstore.labour.alberta.ca/li049

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