



Compliance Guide

Topic: Health and Safety Committees and Health and Safety Representatives
Applicable Legislation: Alberta Occupational Health and Safety Act, Part 3
Applicable unique farming and ranching requirements within the Alberta OHS Code: None

Background

A Health and Safety Committee (HSC) or Health and Safety Representative (HS Rep) can be useful tool on your farm or ranch operation. By helping workers to get involved, and ensuring ongoing communication, you can make positive changes to your health and safety management system and culture.

Requirements are determined based on employer size.

Do I need a committee or representative?

20+ workers	=	Health and Safety Committee (HSC)
5-19 workers		Health and Safety Representative (HS Rep)

You must also consider whether the workers are working at one or multiple work sites.

****Find additional criteria including number of workers and multiple sites in Appendix 1.***

Once you've decided whether you will require a committee or representative, you will then need to consider how and when to involve them into your safety plan.

Employer Responsibilities

As an employer, you will be responsible to ensure that a HSC or HS Rep has the tools and resources necessary to succeed. Some of your obligations to the HSC or HS Rep will include:

- Provide information and rescues
- When requested by an OHS Officer, ensure a worker member participates in an inspection
- Post the names of HSC members or the HS Rep
- Respond, in writing, to recommendations made by the HSC or HS Rep
- Provide any written directives or reports from OHS
- Cooperate with the committee



Purpose and Functions

The general purpose and functions of health and safety committees and health and safety representatives are similar, and include:

- Assisting in the hazard assessment process (identification and control)
- Help establish general safety policies and procedures
- Participate in and conduct regular safety inspections
- Receipt and consideration of safety concerns expressed by workers
- Design and delivery of safety training or safety initiatives
- Involvement of OHS inspections
- Investigation of workplace incidents (including potentially serious incidents)
- Investigation of dangerous work refusal.
- Record and retention of meeting minutes
- Making recommendations to management with the respect of worker health and safety

Health and Safety Representative (HS Rep)

If you've decided a health and safety representative is required for your farming or ranching operation, there are a few things you need to know. Let's start with what a health and safety representative is. Your health and safety representative (HS Rep) will work with you to address health and safety concerns at the work site. This helps boost your safety system and promote awareness. The HS Rep will also provide support for the three basic rights of workers: the right to know, the right to participate and the right to refuse dangerous work.

The HS Rep should be chosen by the workers of your farm business or you may designate a worker to fulfill the role.

They will be responsible for several duties and functions once they are chosen. These duties and functions will include:

- Receive and address concerns and complaints about health and safety of workers.
- Participate in the hazard identification and control processes
- Develop, promote and educate other workers on health and safety initiatives
- Cooperate with an OHS officer
- Make recommendations to the employer for the betterment of the health and safety of workers
- Participate in any incident, injury, or near miss investigations and unsafe work refusals
- And maintain records

Some other things you'll need to keep in mind for your HS Rep include:

- Contact information for the HS Rep must be posted conspicuously where it can be seen by other workers
- The HS Rep must hold office for a term of not less than one year and may continue to hold office until successors are selected or appointed.
- Meetings shall be conducted regularly with the HS Rep to discuss health and safety matters.
- The HS Rep shall receive training on the duties and functions of the representative from an organization approved by the Minister. In addition, they will be permitted to take the greater of 16 hours or the number of hours the worker normally works during two shifts to attend health and safety training, seminars or courses.
- The HS Rep must be involved in inspecting the work at regular intervals to identify health or safety hazards that may be present.



Health and Safety Committee (HSC)

Building a Health and Safety Committee (HSC) is slightly more complicated. A HSC will be a very useful tool in helping you create and maintain a healthy and safe working environment on your farming or ranching operation. You will have to put in the work up front to make sure your HSC is efficient and meaningful.

The following are roles HSC members will be responsible for:

- Attend scheduled meetings, or designate an alternate to attend
- Gather information if assigned by the committee to do so
- Contribute ideas and experience
- Receive worker concerns and convey them to the committee or supervisor
- Participate in the hazard assessment process
- Participate in workplace safety inspections
- Participate in incident investigations, near miss investigation and dangerous work refusal investigations.
- Accompany OHS officers during inspections if requested
- Attend required safety training
- Lead by example

Composition of the Health and Safety Committee

Number of Representatives

The minimum number of required representatives is **four**, with at least half being workers who are not involved in management level activities at the worksite. The larger the worksite, the more representatives may be needed on the committee to adequately represent the health and safety interests of both workers and the employer.

The committee must **have two co-chairs**; one **employer co-chair**, chosen by employer members of the committee, and one **worker co-chair**, chosen by the worker members. The co-chairs will be responsible for calling meetings.

Selecting Committee Members

The employer will select the employer members (representatives of management). The workers must elect/select worker representative members. If there is a lack of interest, workers may be designated by management.



Training Committee Members

Committee co-chairs need to receive **specific training on duties and responsibilities of the committee**. This training must come from an organization approved by the minister to deliver the training.

Employers must permit remaining members to attend health and safety training programs, seminars, or courses of instruction if requested. The time allowed annually for committee members is the greater of 16 hours or the number of hours the worker normally worked during two shifts.

Term of Office for Committee

Members of a Health and Safety Committee must hold office for a term of **not less than one year and may continue to hold office until their successors are selected or appointed**.

Contact Information

Workers will need to know how to contact a member of the committee with a concern, therefore, the employer must **post the names and contact information of the committee members**. It must be posted where it can be viewed by every worker representative by a committee.

Terms of Reference

Where a Health and Safety Committee will be required, a Terms of Reference must be developed. This document is a written **set of procedures for how the committee will function**. It will outline the structure, roles and responsibilities and terms of office.

The terms of reference will include:

- Anything to support the effective operation of the committee
- A written process on how the committee addresses OHS concerns at their work site
- A Process for replacing members of the committee if they depart
- A dispute resolution process to use if the committee fails to reach a consensus about recommendations to be put forward

Committee Meetings

A member of the Committee must be given such time from work as is necessary to attend the Committee meetings and suffer no loss of pay for carrying out their duties.

Frequency

Within 10 days of its establishment, a health and safety committee must meet. After that, the OHS Act required the committee to **meet at least quarterly**. The committee may meet more often if they choose to do so, and a special meeting may be called at the request of either co-chair to deal with urgent matters. An OHS Officer may also require a committee to hold a special meeting.

Meetings must be held during normal working hours.



Minutes

Meetings must be recorded, resulting in meeting minutes. Meeting minutes must

- be approved by those who attended the meeting and are considered accurate
- be provided to the employer within seven days after the meeting
- be posted in the workplace or provided electronically within seven days after the meeting
- retained for at least two years
- be kept readily available for inspection by a member of OHS officer

Quorum

Quorum means having a minimum number of members present at a meeting to make the proceedings of that meeting valid. **Quorum is met if at least half of the committee members are present if representatives from both the employer and workers are present and at least half of the persons present are worker representatives.** Decisions or recommendations made at a meeting are not binding if quorum is not met.

Legislation

Part 3, Joint Work Site Health and Safety Committees and Health and Safety Representatives, was introduced into the Alberta Occupational Health and Safety Act in June 2018. It required employers who employed more than 20 workers to implement a Health and Safety Committee and employers who employed between 5-19 workers to designate a Health and Safety Representative.

AgSafe Alberta Recommendations

After developing a committee or designating your representative, work together to develop various elements. Don't be afraid to tap into the various resources available to you. Your workers are a great place to start, as they'll act as subject matter experts and help you build a system reflective of the environment and the hazards they're exposed to. 2. AgSafe Alberta is available with baseline manuals as a starting point for compliance and Advisors ready to assist you. 3. Multiple resources are available through the Government of Alberta website, including templates or information packages.

Sources:

http://www.qp.alberta.ca/1266.cfm?page=O02P1.cfm&leg_type=Acts&isbncIn=9780779800865&display=html

<https://open.alberta.ca/dataset/8857048f-fa8f-4bcc-a537-41312302d01a/resource/863f7baa-c7d8-463a-ac4a-be8c9d27f349/download/ohs-multiple-work-sites.pdf>



Appendix 1

Health and Safety Committee (HSC) and Health and Safety Representative (HS Rep) Criteria

Number of Workers:

As the work you are carrying out might be seasonal in nature, it will help to consider some additional criteria when determining whether you might need a committee or representative.

Take the average number of full-time and part-time workers employed by the employer daily on each working day

- a.) Over the previous 12 months if operation began at least 12 months prior to the calculation
- b.) Since operations began if operations began less than 12 months prior to the calculation, or
- c.) Expected to be present over the duration for a new operation lasting 90 days or more but less than 12 months.

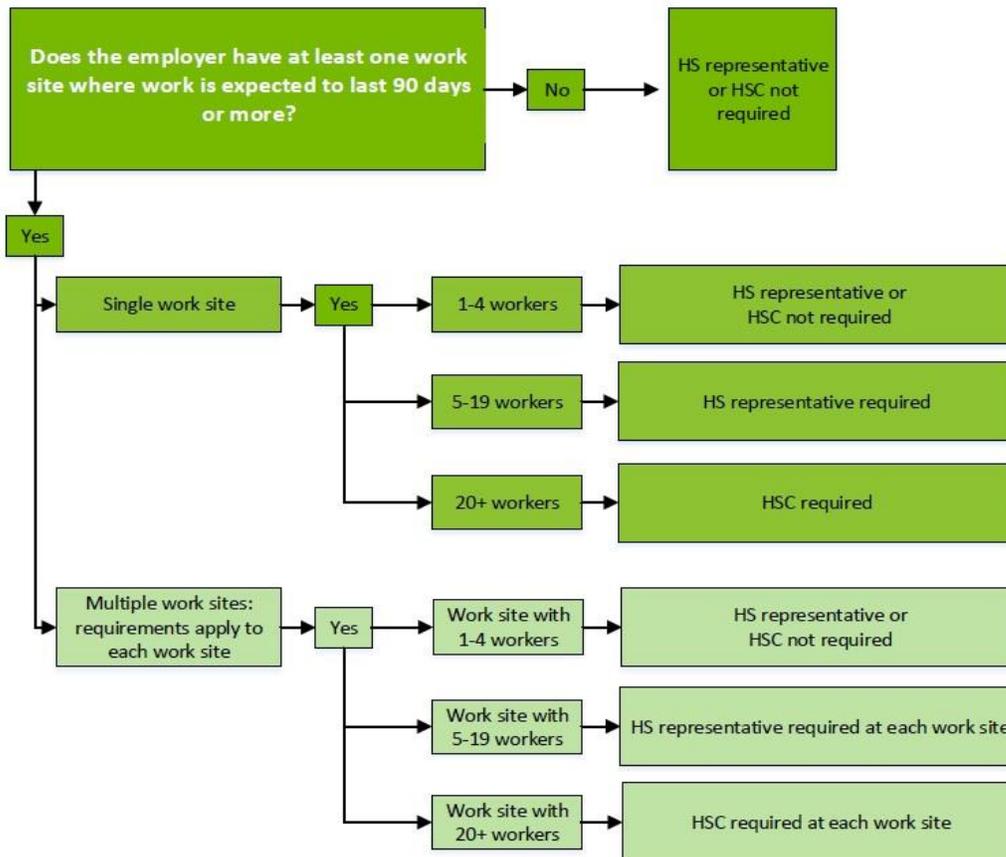
Number of worksites:

Employers will need to consider the number of workers at a work site to determine whether a committee or representative is necessary. The determination is not made based on the total number of workers employed by an employer.

Consider the decision trees on the following pages (Figure 1 and 2)



Figure 1 - Single Employer Decision Tree – single employer with single or multiple work sites

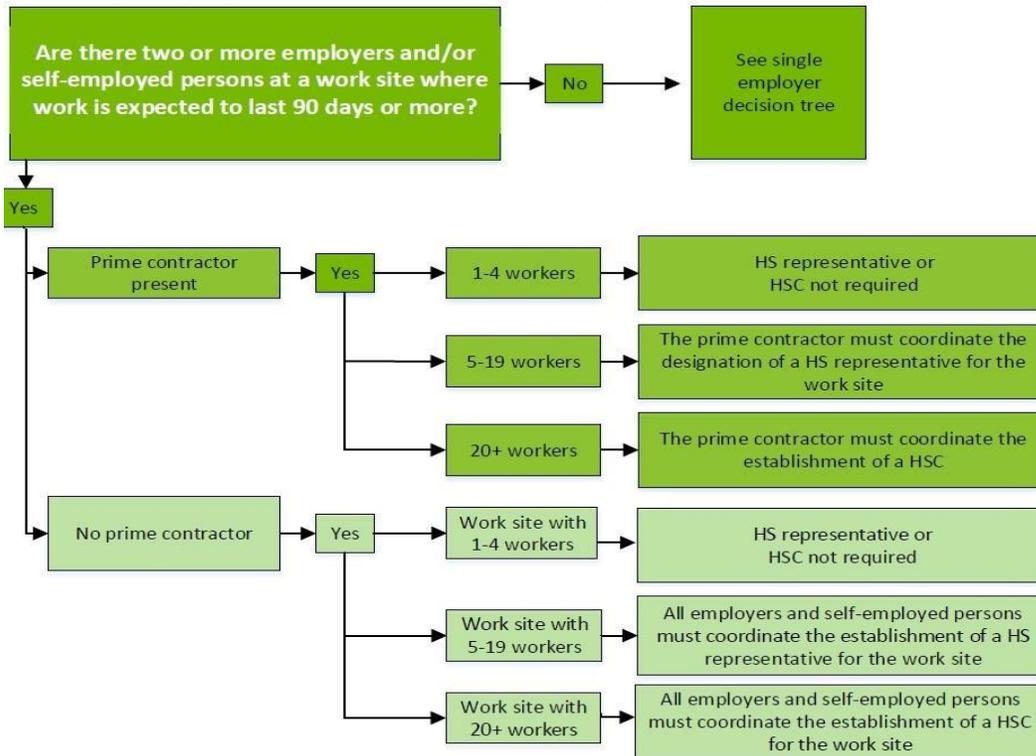


Notes:

- (1) An employer may apply for an approval for variations to the form and function of the HSC under Section 16(4) of the OHS Act or under Section 17(1) for an alternative to HS representative. The alternate measure must ensure the health and safety of workers.
- (2) A work site is defined in Section 1(bbb) of the OHS Act as “a location where a worker is, or is likely to be, engage in any occupation and includes any vehicle or mobile equipment used by a worker in any occupation.”
- (3) the number of workers is determined by Section 18 of the OHS Act, which states that “the number of workers must be determined by the average number of full-time and part-time workers employed by the employer and self-employed persons at the work site on a daily basis on each working day.”
- (4) a self-employed person is defined in Section 1(qq) of the OHS Act as “a person who engages in an occupation, but not in the service of an employer for that occupation.”



Figure 2 - Multiple Employer Decision Tree – multiple employers and/or self-employed person



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(4) section 10(1) of the OHS Act requires that “every construction and oil and gas work site or a class of worksites designated by a Director must have a prime contractor if there are two or more employers or self-employed persons, or one or more employers and one or more self-employed persons involved in work at the work site.

(5) a self-employed person is defined in Section 1(qq) of the OHS Act as “a person who engages in an occupation, but not in the service of an employer for that occupation.”

Figure 1 and 2 Resource: <https://open.alberta.ca/dataset/8857048f-fa8f-4bcc-a537-41312302d01a/resource/863f7baa-c7d8-463a-ac4a-be8c9d27f349/download/ohs-multiple-work-sites.pdf>