

<b>CATEGORY:</b>	<b>Human Resources</b>	<b>POLICY NO.:</b>	
<b>SUBJECT:</b>	<b>Health &amp; Safety Representative Terms of Reference, Roles and Responsibilities</b>	<b>PAGES:</b>	<b>3</b>
<b>APPROVED BY:</b>	Click here to enter text	<b>DATE:</b>	<b>13-Sep-17</b>

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Where no committee is required under section 9 of the Occupational Health & Safety Act and the number of workers regularly exceeds five, the employer shall cause the workers to select at least one health & safety representative from among the workers at the workplace who do not exercise managerial functions (subsection 8(1)).

The selection of a health & safety representative shall be made by workers who do not exercise managerial functions and who will be represented by the health & safety representative in the workplace (subsection 8(5)). The employer shall ensure that a health & safety representative receives training to enable him/her to effectively exercise the powers and perform the duties of a health & safety representative (subsection 8(5.1)). The training described in subsection 8(5.1) shall meet such requirements as may be prescribed (subsection 8(5.2)).

A health & safety representative is deemed to be at work while he/she is receiving the training described in subsection 8(5.1) and the representative's employer shall pay the representative for the time spent, at the representative's regular or premium rate as may be proper (8(5.3)).

## **POWERS OF THE HEALTH AND SAFETY REPRESENTATIVE:**

A health and safety representative has the power,

- to obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace for the purpose of occupational health and safety 8(11a)
- to be consulted about, and be present at the beginning of, testing referred to in clause (a) conducted in or about the workplace if the representative believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid 8(11b)
- to obtain information from the constructor or employer respecting 8(11c)
  - the identification of potential or existing hazards of materials, processes or equipment, and
  - health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge
- Identify actual and potential workplace hazards [subsection 8(10)]

## PROCEDURES

1. A health and safety representative is entitled to take time from work as is necessary to carry out his or her duties to carry out monthly inspections of the workplace and inspect the place where a person is killed or critically injured at a workplace. A health and safety representative must be paid at either their regular rate or, where applicable, their premium rate of pay when absent from work for the purposes of carrying out his or her duties under the Act [subsection 8(15)].
2. The health and safety representative must be present during the **employer or supervisor's** investigation of a work refusal [subsection 43(4)].
3. The health and safety representative has the power to inspect the place where a person is killed or critically injured at a workplace as well as any relevant machine, device or thing and shall report his or her findings in writing to the Ministry of Labour [subsection 8(14)].

**Note:** A person is “critically injured” for the purposes of the Act if he or she has an injury of a serious nature that places life in jeopardy, produces unconsciousness, results in substantial loss of blood, involves the fracture of a leg or arm but not a finger or toe, involves the amputation of a leg, arm, hand or foot but not a finger or toe, consists of burns to a major portion of the body, or causes the loss of sight in an eye (Regulation 834)

4. The health and safety representative shall inspect the workplace at least once a month [subsection 8(6)] or, if that is not practical, inspect the workplace at least once a year and at least part of the workplace each month [subsection 8(7)] in accordance with a schedule agreed upon by the representative and the employer (constructor) [subsection 8(8)]
5. Where a person is killed or critically injured from any cause at a workplace the employer must immediately notify the Ministry and the health and safety representative [section 51]. The employer must notify the health and safety representative of lost time injuries caused by accident, explosion, fire or incident of workplace violence at the workplace, and must report any occupational illnesses of which he or she has knowledge [section 52].
6. The Workplace Safety and Insurance Board, at the request of the health and safety representative, is required to send an annual summary of data relating to the number of fatalities, lost workday cases, workdays lost, non-fatal cases requiring medical care (but not involving lost workdays) and incidence of occupational illnesses [section 12].
7. The health and safety rep. shall make recommendations to the employer [subsection 8(10)] about health and safety in the workplace,
8. The Act places a general duty on an employer to assist and cooperate with the health and safety representative in the performance of his or her functions [clause 25(2) (e)].

More specific employer responsibilities with respect to the health and safety representative include:

- provide the health and safety representative with a copy of all orders or reports issued to the employer by an inspector of the Ministry of Labour [subsection 57(10)]

- provide a health and safety representative with the opportunity to accompany a Ministry of Labour inspector on the physical inspection of the workplace [subsection 54(3)]
  - provide a health and safety representative with information and assistance the representative requires for the purposes of inspecting the workplace [subsection 8(9)]
  - advise the health and safety representative of the results of the assessment or reassessment of the risks of workplace violence, and provide him or her with a copy of the assessment if it is in writing [subsections 32.0.3(3) and (4)], and
  - Provide any other specific information where prescribed.
9. It is an offence for any person to knowingly hinder or interfere with, or to give false information to a health and safety representative who is in the process of exercising his or her powers and/or performing his or her duties under the Act.

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_