

Health and safety representatives

OHS information for workers, employers, and prime contractors

KEY INFORMATION

- A health and safety representative (HS representative) is required on work sites where there are 5 to 19 workers and the work is expected to last 90 days or more
- The HS representative is chosen by the workers, unless prescribed by a union agreement
- The HS representative participates in workplace inspections, incident investigations, and work refusals

What is a health and safety representative?

A health and safety representative (HS representative) works with the employer to identify and solve health and safety concerns at the work site. The HS representative also promotes awareness and interest in health and safety.

HS representatives form an important part of the internal responsibility system by creating mutual accountability for health and safety. The obligation for the employer to provide training to HS representative helps ensure that both parties are aware of their roles and responsibilities in the workplace.

HS representatives also provide support for the three basic rights that all Albertans have in protecting their health and safety: the right to know, the right to participate, and the right to refuse dangerous work.

How are HS representatives chosen?

The HS representative is chosen by the workers, unless prescribed by a union agreement.

What are the duties of HS representatives?

HS representatives have a number of duties and functions to help prevent injuries and illness. Similar to a health and safety committee, these duties include:

- receive and address concerns and complaints about the health and safety of workers,
- participate in the identification of hazards to workers or other persons arising out of, or in connection with, activities at the work site,
- develop and promote measures to protect the health and safety of persons at the work site and checking the effectiveness of the measures,
- cooperate with an OHS officer exercising their duties,
- develop and promote programs for education and information concerning health and safety,
- make recommendations to the employer, prime contractor or owner respecting the health and safety of workers,
- participate in investigations of serious injuries and incidents at the work site,
- maintain records in connection with concerns and complaints,
- attend to other matters relating to the duties of the HS representative, and
- other duties as may be specified in the *Occupational Health and Safety Act (OHS Act), Regulations and Code*.

What are other HS representative duties?

In consultation with the HS representative the employer must:

- develop and implement the violence prevention plan and the harassment prevention plan, and
- review the violence and harassment prevention plans when an incident occurs, when the HS representative recommends it, or every three years.

Employers, contractors and prime contractors have a duty to:

- consult and cooperate with HS representatives to develop policies, procedures and codes of practice for their work sites,
- provide HS representatives with reasonable opportunity to inform workers on OHS matters,
- allow HS representatives to examine records, policies, procedures, codes of practice, reports or manufacturer specifications required under OHS legislation, and
- give information or documents addressed to the HS representative as soon as possible after it is received.

How do I contact my HS representative?

Workers and other parties at the work site need to be able to contact their HS representative with a concern or question. The employer or prime contractor must post the contact information of the HS representative where it can be seen by all the workers they represent.

Are there requirements for employer and HS representative meetings?

An employer, or a prime contractor if there is one, shall meet with the HS representative regularly to discuss health and safety matters.

The employer or prime contractor should work with the HS representative to determine how often meetings take place and what record is made of meetings.

The act does not prescribe a minimum number of required meetings, nor does it require that minutes of those meetings be taken and kept.

An HS representative may call a special meeting with an employer or a prime contractor to deal with urgent concerns at the work site.

The HS representative shall hold meetings and carry out duties and functions during normal working hours.

Are HS representative entitled to training?

The prime contractor or employer must provide the HS representative with training about the duties and functions of the HS representative. The employer shall permit the HS representative to take the greater of 16 hours or the number of hours the worker normally worked during two shifts, to attend work site health and safety training programs, seminars or courses of instruction.

Are HS representative entitled to time away from their regular duties?

HS representatives are entitled to take the following time away from their regular duties:

- amount of time that the representative determines is necessary to prepare for each meeting with the employer or prime contractor,
- time required to attend each meeting,
- time required to attend approved health and safety training, and
- time that the representative determines is necessary to carry out their duties under the *OHS Act*, the Regulation and Code.

HS representatives are deemed to be working while receiving mandatory OHS training, or performing committee work and are entitled to be compensated at the applicable rate of pay.

Applicable rate of pay

The term “rate of pay” would be the rate of pay that worker is entitled to in these circumstances.



For example, should the worker's employment contract have a particular rate of pay for attendance of meetings of this nature, that would be applicable. If no special provision is made, it would be necessary to interpret the employment contract/collective agreement to determine their applicable rate of pay.

Another example would be if the worker is working overtime to attend the meeting. If that is the case, then the worker would be entitled to overtime pay in accordance with the collective agreement or employment contract and the Employment Standards Code.

the work performed, the hazards encountered, size of the work site, the number of workers, and the nature of the work being done.

In addition to providing the training, resources and time needed to carry out the duties of an HS representative, the employer can help the HS representative plan and schedule inspections and assist with the development of inspections checklists.

If an OHS officer conducting a work site inspection requests it, the HS representative, shall accompany the officer on the inspection.

Disclosure of personal information

A joint work site health and safety committee member or a health and safety representative must not disclose personal information of an identifiable individual unless the disclosure is required by law.

OHS Code s.199



What is the role of the HS representative regarding inspection of the work site and incident investigations?

The HS representative plays an important role in work site inspections and incident investigations. A summary of these duties is outlined below.

Participation in work site inspections

Inspecting the work site at regular intervals is one of the key duties of the HS representative. Regular inspections have been shown to reduce injuries and illnesses and to improve the internal responsibility system.

An inspection is a planned walkthrough of the work site to identify safety or health hazards that may be present. An inspection may examine a selected work area or particular hazard, certain types of machinery, tools or equipment, or specific work practices.

While no specific time period is stated for HS representatives, inspection intervals should be based on factors such as the type of work site,

Participation in work site investigations

Serious incidents as defined in the *OHS Act* 40(2) must be reported immediately to OHS. The employer is responsible for conducting an investigation into all serious incidents regardless of whether or not OHS conducts an investigation.

The HS representative may participate in the investigation of serious incidents, as well as any other incident that injures a person, or that had the potential to cause a serious injury.

Effective incident investigations will identify direct and indirect causes of incidents and focus on fact-finding, not fault-finding, with the aim of preventing similar incidents.

The investigation of serious incidents must be conducted with the participation of the joint work site health and safety committee or health and safety representative, if there is one at the work site.

OHS Act 40(6)



The employer and HS representative should prepare a plan for investigating incidents. The plan should include the necessary procedures, personnel and resources required to conduct an investigation. In addition to conducting their own investigations, representatives must accompany an OHS officer during an investigation if requested to do so by an officer.

A written report must be prepared for each incident investigation. The HS representative must be provided with a copy of these reports once the investigation is complete.

What is the role of the HS representative regarding work refusals?

Under the *OHS Act*, workers have the right to refuse any work they believe in good faith to be a danger to their health and safety. The right to refuse is based on a genuine and good faith belief on the part of the worker that the work is dangerous. A work refusal is initiated by the worker and when initiated in good faith, shall not result in discriminatory action by the employer.

Right to refuse

A worker may refuse to work or to do particular work at a work site if the worker believes on reasonable grounds that there is a dangerous condition at the work site or that the work constitutes a danger to the worker's health and safety.

OHS Act 31(1)



Work refusals could involve several different parties at the work site. Where an HS representative exists, the following provides a summary of the steps that involve the HS representative.

1. If a worker believes that the assigned work is dangerous, the refusal and the reason for the refusal is promptly reported to the employer or supervisor.
2. If the dangerous condition is not remedied immediately, the condition is inspected by the employer, the worker, and the HS representative.
3. On completion of the inspection the employer will prepare a written report of the refusal, the inspection, and action taken.
4. A copy of the report is provided to the worker and the HS representative.

The action taken as a result of the inspection could include measures to address any identified hazards, or if the dangerous condition still exists, the HS representative, the worker, or any work site party may contact OHS for advice.

Get Copies of *OHS Act, Regulation and Code*

Alberta Queen's Printer
qp.gov.ab.ca

Occupational Health and Safety
work.alberta.ca/ohs-legislation

FOR MORE INFORMATION

Joint work site health and safety committees - OHS information for workers, employers, and prime contractors (LI036)

Do I need a joint work site health and safety committee or a health and safety representative? OHS information for workers, employers, and prime contractors (LI037)

Worker participation in health and safety - OHS information for workers, employers, and prime contractors, without health and safety committees or representatives (LI041)

Contact Us

OHS Contact Centre

Throughout Alberta

- 1-866-415-8690

Edmonton & surrounding area

- 780-415-8690

Deaf or hearing impaired:

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

Website

[work.alberta.ca/ohs-contact us](http://work.alberta.ca/ohs-contact-us)

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