**ABCABC**

**Health and Safety Representative Roles and Responsibilities**

**Mandatory selection of Health and Safety Representative**

* Where no committee is required under section 9 and where the number of workers regularly exceeds 5, the employer shall cause the workers to select at least one health and safety representative from among the workers at the workplace who do not exercise managerial functions. (subsection 8(1)
* Selection of a health and safety representative shall be made by those workers (or trade union if applicable) who do not exercise managerial functions and who will be represented by the health and safety representative in the workplace (subsection 8(5))

**Monthly Inspections**

* 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)].
* Health & Safety Representative will identify hazards as per ABCABC’s Workplace Inspection Policy & Procedures.

**Recommendations to Employer**

* The Health & Safety representative has the power to identify situations that may be a source of danger or hazard to workers and to make recommendations or report his or her findings to the employer (subsection 8(10)). Appendix A

**Powers of the health and safety representative:**

* Identify actual and potential workplace hazards [subsection 8(10)]
* Be consulted about and being present at the beginning of health and safety-related testing in the workplace [subsection 8(11)]
* Make recommendations to the employer [subsection 8(10)] about health and safety in the workplace, and
* Participate in the first and second stage investigation of work refusals [subsections 43(4) and (7)] and inspecting workplaces when there are critical injuries or fatalities [subsection 8(14)].

**General Procedures**

1. A worker must report any hazard or contravention of the Act to the employer or supervisor [clauses 28(1)(c) and 28(1)(d)]. As a best-practice it may also be advisable to alert the health and safety representative that the matter has been presented to the employer. If the matter is not resolved to the worker’s satisfaction, a worker may choose to inform the health and safety representative about the identified hazard or contravention.
2. 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)].
3. An employer shall ensure that a health and safety representative receives training to enable him/her to effectively exercise the powers and perform the duties of a health and safety representative. (subsection 8 (5.1)) The training shall meet such requirements as may be prescribed (subsection 8 (5.2)). The health and safety representative receiving training shall be paid for time spent at representative’s regular or premium rate as may be proper (subsection 8 (5.3))
4. The health and safety representative must be present during the **employer or supervisor’s** investigation of a work refusal [subsection 43(4)]. This investigation is typically conducted by the supervisor. If the issue is not resolved, the employer, the worker, or a representative of one of them, must notify a Ministry inspector [subsection 43(6)]. The health and safety representative must be consulted by the inspector who conducts the investigation [subsection 43(7)]. The inspector is required to investigate the work refusal in consultation with specified persons, including the health and safety representative where applicable [subsection 43(7)].
5. The health and safety representative has the power to inspect the place where the incident occurred 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)]. Where appropriate, the health and safety representative may wish to make specific recommendations to the employer in respect of the hazard which led to the injury or fatality [subsection 8(10)].

**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)

1. The health and safety representative has various powers relating to the collection of health and safety-related information. For example: the health and safety representative has the power to obtain information from the employer about health and safety related testing and any actual or potential hazards in the workplace [subsection 8(11)]. The employer must share any knowledge of health and safety practices, tests and standards in the industry [clauses 8(11)(a),(b), and (c)] The employer is further obligated to provide the health and safety representative with health and safety reports under clause 25(2)(l)].
2. 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].
3. The employer may also be required to provide other specific information to the health and safety representative where prescribed. Therefore, as stated previously, it is important that the employer and the health and safety representative be familiar with the regulations that apply to their workplace.
4. The HSR can request from the employer a copy of the [Workplace Safety and Insurance Board](http://www.wsib.on.ca/en/community/WSIB) 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].
5. 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:

* upon the request of the health and safety representative, provide information regarding the identification of potential or existing hazards involving materials, processes or equipment [paragraph 8(11)(c)(i)]
* 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)]
* provide the information to the health and safety representative as required under any applicable designated substances regulation
* 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.

1. 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.

Appendix A

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| **HEALTH AND SAFETY REPRESENTATIVE**  **RECOMMENDATION FORM** | |
| Recommendation #: | Date: |
| Identified Problem/Hazard: | |
| Recommended Solution: | |
| Health and Safety Representative Signature: |  |
| Response by Employer:  Employer Signature and Date: | |