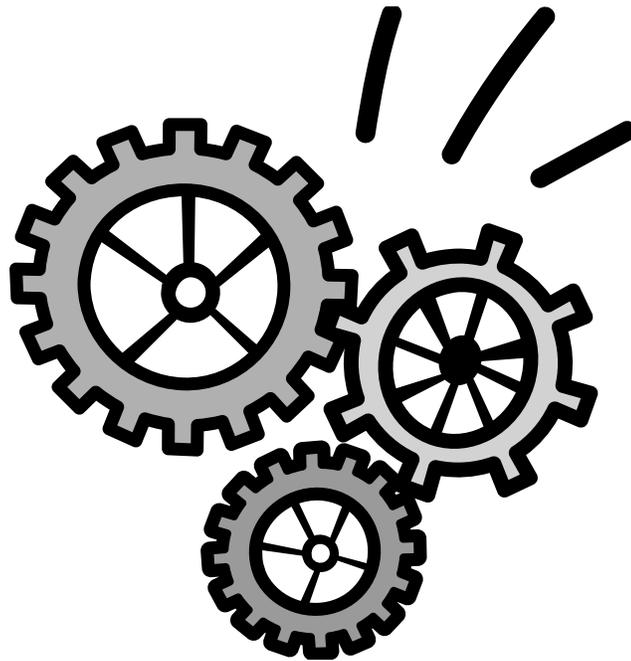


*An employer's guide to
developing a*

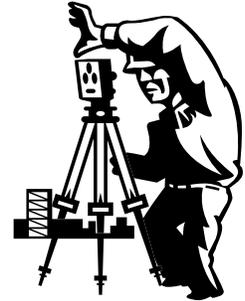
**LABOR/MANAGEMENT
SAFETY COMMITTEE**



Minnesota Department of Labor and Industry
Workplace Safety Consultation
May 2002

Labor-management safety committee program information

The Minnesota Department of Labor and Industry (DLI) and the Bureau of Mediation Services have joined together to provide Minnesota employers with program guidance and assistance with labor-management safety committees. The emphasis of this program is to create and maintain effective labor-management safety committees for employers that are required by legislation to have such a committee.



Legislation passed in 1992 required employers with more than 25 workers to have a joint labor-management safety committee, but that legislation did not contain specific guidelines or instructions and carried no formal citation or penalty for noncompliance.



In 1994, the Legislature approved funding for assistance to help employers form safety committees and to train safety committee members. The work has been coordinated by DLI Workplace Safety Consultation and the Bureau of Mediation Services. Since the inception of this program, more than 400 employers have been assisted with orientation and training of safety committee members. A professional safety consultant is available at no cost to assist qualifying employers with all aspects of safety committee development.



The 1995 Workers' Compensation Reform Bill contained legislation that also impacted safety committees. All public and private employers with more than 25 employees are required to establish and administer joint labor-management safety committees *and* employers with 25 or fewer employees must have a safety committee if they have a high lost-workday incident rate — in the top 25 percent of premium rates for all classes. This new law also allows Minnesota OSHA to cite (as serious) employers that are required to have a joint labor-management safety committee, but do not.



For further information, contact Workplace Safety Consultation at (651) 284-5060.

How to develop a safety and health committee

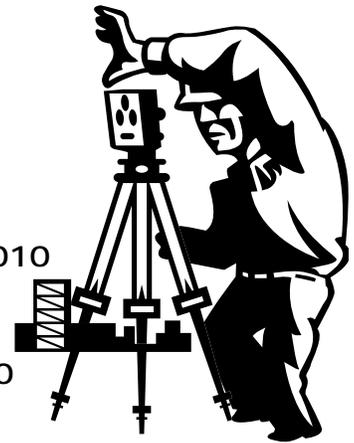
The following five phases and basic steps are designed to provide employers with a systematic approach to use to plan, develop and implement a safety and health committee.

A firm's organizational structure, method of operation, management system and specific needs will govern its approach and the number of steps in each phase. Management commitment, employee participation, planning, training, documentation, communication and follow-up are all key elements in a safety committee's success.

Phase I — Lay the groundwork

- 1 Become familiar with the rules. 5208
- 2 Determine whether you need a safety committee. 5208.0010
Are multiple locations required? 5208.0020
- 3 Identify location(s) needing safety committees. 5208.0020
- 4 Develop or modify your existing safety and health policy. 5208.0070
Topics or items to address:
 - Reasons for establishing a safety committee;
 - Need for employee cooperation and support at all levels of the organization, including management, supervisory and worker;
 - Brief general statement regarding roles, responsibilities and expectations of management, supervisors and workers;
 - Signature of employer or CEO.

Note: This could be a project for your safety committee
- 5 Communicate the company policy to all managers, supervisors and workers by means of memos, meetings, newsletters, bulletin boards, etc.
- 6 Identify, and communicate with managers, who will be involved with or affected by the safety committee. Let those people know the safety committee's purpose, when the safety committee will start and what will be expected of them to support the committee.
- 7 Begin educating employees through meetings, newsletters, memos, postings, etc. Let them know the safety committee's purpose, when the safety committee will be active and what is expected of employees to support the committee. This education process will be ongoing.



Phase II – Determine safety committee membership



- 1 Upper management determines committee size.
- 2 Management identifies and talks to potential employer representatives regarding safety committee participation. Labor organizations conduct a similar process.

Safety committee participant characteristics to look for:

- Dedication to preventing injury/illness accidents;
- Interest in serving;
- Communication skills;
- Ability to see other viewpoints;
- Credibility;
- Ability to get things done.

- 3 Appoint and notify employer representatives. Stagger terms.
- 4 Have employees elect their employee representatives or solicit volunteers. Methods: education and promotion via newsletters, posters, memos, group meetings, personal encouragement and other activities.
- 5 Ensure all major work activities are represented.
- 6 Notify volunteers or elected employee representatives of acceptance as committee members. Methods: written and oral.
- 7 Inform all employees, including management, of names of committee members.
- 8 Send rules and support information to safety committee members. Have them become familiar with content. **5208**
- 9 Notify employee representatives and their management/supervisors. Ensure they are aware of time and compensation requirements. **5208.0030**
- 10 Conduct introductory safety committee training for members and provide support materials. Training topics should include: organization, operation, meeting methods and other such topics to improve the committee's efficiency and effectiveness. Workplace Safety Consultation can recommend resources and provide other assistance.

Phase III – Form safety committee

- 1 Become familiar with the characteristics of a successful safety committee. A good committee:
 - Is well organized;
 - Has clearly defined purposes;
 - Has realistic and measurable objectives and completion dates;
 - Knows the extent of its authority;
 - Follows established procedures;
 - Is supported by employer, CEO and management in terms of time, effort and money;
 - Clearly defines members' roles and responsibilities;
 - Seeks employee input;
 - Keeps well-documented minutes and notes.
- 2 Determine what is needed to develop and set-up a safety committee:
 - Safety committee purposes;
 - Division of tasks into phases;
 - Projected completion dates for each task and phase;
 - Management's commitment, support and involvement;
 - Communication methods;
 - Position within the organizational structure;
 - Training needs and schedules;
 - Tracking system to determine and evaluate progress;
 - Safety committee organization;
 - Reporting systems;
 - Need for several meetings when organizing;
 - Safety committee recordkeeping system;
 - Follow-up activities.
- 3 Plan a safety committee organizing meeting and elect co-chairs.
- 4 Set-up safety committee meetings:
 - Monthly or quarterly schedule;
 - Day of the week (Tuesday, Wednesday or Thursday is recommended);
 - Time of day (midmorning or midafternoon recommended);
 - Location (quiet atmosphere);
 - Purpose;
 - Election of a chairperson and selection of a secretary;
 - Discussion of roles and responsibilities;
 - Writing of a safety committee policy.

Note: This may require more than one meeting.
- 5 Develop an agenda and send it to committee members three to five days before the meeting, so members may prepare.



- 6** Have representatives review rules and this information prior to attending the first meeting.
- 7** Send copies of the agenda to employee representatives and management or supervisors. Post the agenda where employees will see it.
- 8** Put a copy of the agenda in the safety committee file.

Phase IV – Conduct safety committee meeting



1 Conduct safety committee meeting:

- Start on time;
- Elect a chairperson(s): one labor, one management — one to conduct the meeting and one to record actions (reverse roles at each meeting);
- Follow the agenda;
- Take written minutes;
- Set meeting management ground rules;
- Establish authority of committee;
- Discuss duties: i) as required by law; and ii) as assigned by management;
- Determine logistics: i) scheduled inspections; ii) inspection team members; and iii) reporting procedures;
- Discuss committee's recordkeeping system;
- Resolve issues and make written recommendations;
- Assign individuals or teams to tasks and set completion dates;
- Set-up next committee meeting and topics;
- Post minutes to inform employees;
- Send minutes to each committee member.

2 Develop a safety committee policy, if one is not already established. Be sure to communicate the policy to all levels in the company. You may include explanations about:

- Eliminating accident losses;
- Why the committee is being established;
- How the committee fits into the organization;
- Committee goals and objectives;
- Member roles and responsibilities;
- The committee's authority;
- The need for cooperation and contribution by management and employees;
- Communication methods.

Note: Accomplishing this task may take several meetings. It is important that the statement be signed by top management to indicate support. Be sure the safety committee policy is communicated to all company employees and levels.

3 Discuss the safety committee's purpose and operation. 5208

4 Train safety committee members about:

- Workplace hazard identification associated with your business;
- Accident and incident investigation principles.

5 Record all training given to safety committee members.

Applicable statutes and rules

182.676 Safety Committees

182.676 Minnesota Statutes 1999

Every public or private employer of more than 25 employees shall establish and administer a joint labor-management safety committee.

Every public or private employer of 25 or fewer employees shall establish and administer a safety committee if:

- The employer has a lost-workday case incidence rate in the top ten percent (10%) of all rates for employers in the same industry; or
- The workers' compensation premium classification assigned to the greatest portion of the payroll for the employer has a pure premium rate as reported by the workers' compensation rating association in the top twenty-five percent (25%) of premium rates for all classes.

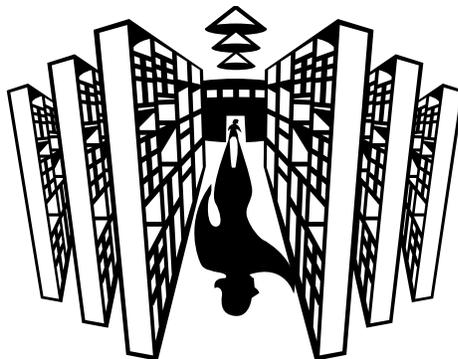
A safety committee must hold regularly scheduled meetings unless otherwise provided in a collective bargaining agreement.

Employee safety committee members must be selected by employees. An employer that fails to establish or administer a safety committee, as required by this section, may be cited by the commissioner. A citation is punishable as a serious violation under section 182.666.

The commissioner may adopt rules necessary to implement this section.

HIST: 1995 c 231 art 2 s 101; 1997 c 7 art 5 s 18

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Chapter 5208 — Department of Labor and Industry: Safety committee rules and AWAIR classification list

Minnesota Rules

5208.0010 — Applicability

Every employer required by Minnesota Statutes, section 182.676, to establish and administer a joint labor-management safety and health committee, shall comply with the requirements of this part. If the size of the employer's work force fluctuates, the employer is required to have a safety and health committee during the periods when more than 25 employees are employed.

STAT AUTH: M.S. §182.655
Minnesota Rule 5208.00020 Minnesota Rules

5208.0020 — Location

If an employer required to establish a safety and health committee operates at more than one location, the employer shall establish a safety and health committee at each of its establishments at which 50 or more employees work. Multiple buildings in a reasonably close proximity engaged in a common enterprise, such as a college campus, may be considered to be a single establishment. If work is performed at other locations, one or more centralized safety and health committee(s) representing the safety and health concerns of these other locations shall be established. At a site where the employees of more than one employer work, a multi-employer committee may be used to satisfy the requirements for this part. If an industry-wide safety committee has been established pursuant to a collective bargaining agreement, it will satisfy the requirements of this part.

STAT AUTH: M.S. §182.655

5208-0030 — Membership

Employee representatives on safety and health committees, shall be selected by the employee's collective bargaining agent if one exists. If more than one union has the right to select employee representatives for a safety and health committee, they shall collectively select the employee to enable each union to be represented on the committee. If there is no collective bargaining agent, the employee representatives shall be selected by their peers. In the absence of volunteers, the employer may select the employee representatives. The number of employee representatives on a safety and health committee shall equal or exceed the number of management representatives on the committee. Unless a collective bargaining agreement provides to the contrary, being a member of a safety and health committee is considered part of an employee's job, and time spent performing the duties of a safety and health committee member shall be considered as time worked.

STAT AUTH: M.S. §182.655
Minnesota Rule 5208.0040 Minnesota Rules

5208.0040 — Safety surveys

The safety and health committee for any employer that has a workers' compensation insurance experience modification factor of 1.4 or greater or has a workers' compensation premium rate of \$30 or more per \$100 of payroll assigned to the greatest portion of the

payroll for the employer, shall conduct workplace safety and health surveys at each of the employer's workplaces at least quarterly. The safety and health committees of all other employers shall conduct workplace safety and health inspections as frequently as the committee considers necessary. On the request of a member of a safety and health committee, the commissioner of the Department of Labor and Industry shall order the employer to have surveys conducted more frequently if the commissioner determines that to do so would result in a substantially safer workplace. The employer shall keep a record of all hazards identified by and recommendations made by the safety and health committee.

STAT AUTH: M.S. §182.655
Minnesota Rule 5208.0050 Minnesota Rules

5208.0050 — Other duties and records

The safety and health committee shall establish a system to obtain safety-related suggestions, reports of hazards and other information from all persons involved in the operations of their workplace. The safety and health committee shall review and make recommendations about the employer's occupational safety and health program and occupational safety and health records. The safety and health committee shall review incidents resulting in work-related deaths, injuries and illnesses and make recommendations to prevent further occurrences. The committee's review of these incidents may be limited to a review of a report made by others who have investigated the incident. The employer shall provide materials and facilities to the safety and health committee to enable it to perform its duties. All safety and health committee recommendations or reports made to the employer shall be kept by the employer for two (2) years and shall be provided to the commissioner of the Department of Labor and Industry on the commissioner's request.

STAT AUTH: M.S. §182.655
Minnesota Rule 5208.0060 Minnesota Rules

5208.0060 — Discrimination

An employee who is discharged or otherwise discriminated against because the employee has reported a safety hazard to the safety and health committee is subject to the protection afforded under Minnesota Statutes, section 182.699.

STAT AUTH: M.S. §182.655
Minnesota Rule 5208.0070 Minnesota Rules

5208.0070 — Alternative forms of committee

An employer may comply with this part by establishing a safety and health committee that is innovative or different in form or function if the committee satisfies the intent of Minnesota Statutes, section 182.676. A safety and health committee, that is established under a collective bargaining agreement, is considered to be in compliance with the requirements of this part and is exempt as a part of a workplace accident and injury reduction program under Minnesota Statutes, section 182.653, that has substantial employee involvement is considered to be in compliance with the requirements of this part and is exempt from the specific requirements of this part.

STAT AUTH: M.S. §182.655

5208.0080 — Insurer's duties

An insurer that writes workers' compensation insurance in Minnesota shall have the capability to provide information on the operation of safety and health committees and

hazard recognition for the employers it insures. This information must be provided within a reasonable time in a reasonable manner when requested by the insured. For purposes of this part, an administrator under Minnesota Statutes, section 79.251, subdivision 4, who provides administrative services for policies or contracts of coverage under the assigned risk plan, is considered an insurance company.

STAT AUTH: M.S. §182.655
Minnesota Rule 5208.0090 Minnesota Rules

5208.0090 — Application to independent contractors

For the purposes of this part, an “employee” includes an independent contractor engaged in construction activities and a person who has contracted with an independent contractor to supply construction services.

STAT AUTH: M.S. §182.655
HIST: 23 SR 2060
Current as of June 2, 1999.

Appendix A

Safety Committees

I. Definition:

A safety and health committee is a group that aids and advises both management and employees about matters of safety and health pertaining to plant or company operation. In addition, it performs essential monitoring, educational, investigative and creative tests.

II. Sets goals before starting:

- A. Define the rules and responsibilities clearly.
- B. Choose members in view of these responsibilities.
- C. Provide any necessary staff support.
- D. Design procedures for prompt action.
- E. Choose co-chairpeople carefully.

III. Define the purpose of the safety committee:

- A. Make systematic inspections and report conditions.
- B. Review past accidents and recommend corrective action.
- C. Report unsafe conditions and practices in each committee members' own department.
- D. Listen to fellow workers' suggestions.
- E. Discuss and review progress of the safety committee.
- F. Pursue safety education through films, demonstrations, videos, training, etc.
- G. Discuss possible new methods of accident prevention.
- H. Develop and revise rules to comply with all safety and health standards and various codes — federal, state and local.
- I. Discuss and review trends in personal protective equipment (PPE).

IV. Getting started:

- A. Where and when do you start?
- B. Who should be on the safety committee?
- C. How to keep control.
- D. Training for safety committee members.

V. How to get best results:

- A. Make safety committee meetings interesting.
- B. Encourage all members to participate.
- C. Suggestions made by the safety committee have to be followed up and members need to be notified of the results.
- D. Rotate members periodically (not all at once).
- E. The facilitator must help guide the flow of the meeting.

Appendix B

Self-evaluation checklist

OSHA has designed this self-evaluation worksheet for you to use to identify areas needing improvement with your safety committee and to ensure you are in compliance with the safety and health code. At the end of the evaluation, you will find an action table where you can list needed improvements. List all "No" answers from the self-evaluation on the action table.

Self-evaluation worksheet

Item	Question	Yes	No
1.	Is the safety committee composed of an equal number of employer and employee representatives? 5208-0030 and 5208-0070		
*	If no, does this effect the committee? 5208.0070		
2.	Are the employee representatives either elected or selected by their peers? 5208.0030		
3.	Are the safety committee chairpeople elected by the committee?		
4.	Are safety committee members compensated for committee training and meetings? 5208.0030		
5.	Terms of service established?		
6.	Are terms of service alternated or staggered so at least one experienced member is serving on the committee for both labor and management?		
7.	Are reasonable efforts made to ensure committee members represent the major work activities of the firm?		
8.	Does the safety committee schedule regular meetings?		
9.	Does the safety committee work from a written agenda?		
10.	Are minutes made available to all employees?		
11.	Are the minutes maintained?		

Item	Question	Yes	No
12.	Are all reports, evaluations and recommendations made part of the safety committee minutes?		
13.	Has a reasonable limit been set within which the employer should respond in writing to safety committee suggestions?		
14.	Has the safety committee set-up a system for collecting safety-related suggestions, reports of hazards or other information directly from those involved in the workplace operations?		
15.	Is such information reviewed during the next safety meeting and recorded in the minutes?		
16.	Does the safety committee assist the employer in evaluating the employer's accident and illness prevention program?		
17.	Does the safety committee make written recommendations to improve the safety and health program? 5208.0050		
18.	Has the safety committee established procedures by which the safety committee inspection team can find and identify safety and health hazards?		
19.	Does the safety committee recommend ways for the employer to eliminate or correct hazards and unsafe work practices in the workplace? 5208.0050		
20.	Does the safety committee inspection team include employer and employee representatives? 5208.0070		
21.	Does the safety committee inspection team document, in writing, the location and identify hazards? 5208.0070		
22.	Are inspections of satellite locations done by the safety committee inspection team or by a person designated at the location?		
23.	Has the safety committee established procedures to review all safety and health inspection reports made by the committee?		
24.	Based on the results of the above review, does the safety committee make recommendations for the improvement of the employer's safety and health program?		
25.	Has the safety committee established procedures for investigating all safety-related incidents, including injury accidents, illnesses and deaths?		

Item	Question	Yes	No
26.	Has safety committee purpose and operation been discussed with all safety committee members?		
27.	Have the safety committee rules and their application been discussed with all committee members?		
28.	Do safety committee members have ready access to applicable Occupational Safety and Health Codes?		
29.	Have safety committee members received safety training based on your company's activity, hazard identification training and effective accident investigation training?		
30.	Does the safety committee come to consensus on problems and make recommendations to upper management?		
31.	Does upper management respond in a timely manner to recommendations from the committee?		

Appendix C: Safety committee policy statement

This statement serves as an operational guide for management, labor and safety committee members. Its length and complexity will vary, depending on a company's organizational structure, activities and needs.

Introduction

(Company name) is committed to preventing workplace injuries and illnesses among all employees. To prevent these losses, a joint management-labor safety committee will be established. Employee involvement in accident prevention and support of safety committee members and activities is necessary to ensure a safe and healthful workplace.

Purpose

The purpose of our safety committee is to involve labor and management in a non-adversarial, cooperative effort to promote safety and health in the workplace. The safety committee will assist management and make recommendations for change.

Organization

There shall be _____ employee and _____ employer representatives. Employee representatives shall be volunteers or elected by their peers. If no employees volunteer or are elected, they may be appointed by management. Employer representatives will be appointed. Safety committee members will serve terms of at least one year. Committee membership terms will be staggered, so at least one experienced member is always serving on the committee.

Extent of authority

The safety committee advises management about safety and health issues in the workplace. All written recommendations from the safety committee will be submitted to management. Management will consider the recommendations and respond in writing to the safety committee within a reasonable time.

Functions

Objectives and duties
Management commitment to workplace safety/health
Committee meetings and employee involvement
Hazard assessment and control
Safety and health planning
Accountability
Accident and incident investigations
Safety and health training
Others as determined by the company

Recommendations

All written recommendations submitted to management shall:

- Be clear and concise;
- Provide reasons for implementation;
- Include implementation costs and recommended completion dates;
- List benefits.

Procedures

The safety committee's procedures for fulfilling its role should include:

- Setting the meeting date, time and location;
- Electing the co-chairpersons;
- Setting the agenda;
- Recordkeeping.

Duties of each safety committee member must include:

- Reporting unsafe conditions and practices;
- Attending all safety and health meetings;
- Reviewing all accidents and near-misses;
- Recommending ideas for improving safety and health;
- Working in a safe and healthful manner;
- Observing how safety and health is enforced in the workplace;
- Completing assignments given to them by the chairperson;
- Acting as a work-area representative in matters pertaining to health and safety.

Summary

Only the planning and effective leadership of management and the safety committee can build a lasting safety and health program. The safety committee shall be a constructive entity, providing guidance and leadership in matters pertaining to the overall health and safety of the company.

Sincerely,

Signature(s) chairperson(s)

Date

Signature owner/CEO

Date

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