
HEALTH AND SAFETY REPRESENTATIVES

Ontario's Occupational Health and Safety Act (the *Act*) is built on the principle that workers and employers must work together to identify and resolve health and safety problems in the workplace. To meet this goal, health and safety representatives are required by law in a large number of Ontario workplaces [section 8(1)]. This document provides answers to commonly asked questions about health and safety representatives.

What is a health and safety representative?

A health and safety representative is a worker who, under section 8 of the *Act*, identifies health and safety problems at work and recommends ways to correct these problems.

When is a health and safety representative required?

As a general rule, a health and safety representative is required in any workplace where 6 to 19 workers are regularly employed, and where there is no joint health and safety committee (section 8). If your company employs 20 or more workers, you're likely required to have a joint health and safety committee.

How must the representative be selected?

The representative must be chosen by the workers, or by the union, if the workplace is unionized [section 8(6)].

What are the powers, functions and duties of a health and safety representative?

The main role of the representative is to help improve health and safety conditions in the workplace. To this end, the representative has certain powers and functions:

Identify workplace hazards

This is usually done by inspecting the workplace. The *Act* states that the representative shall inspect the workplace at least once a month. Talking to workers about their health and safety concerns is another good way to identify hazards (Section 8).

The representative plays an important role in supporting the Internal Responsibility System but they are not responsible to identify every hazard in the workplace.

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Obtain information from the employer

Under the *Act*, the representative has the power to obtain from the employer any information on:

- health and safety tests of workplace equipment, machines, devices, things, materials or biological, chemical or physical agents
- any existing or potential hazards in the workplace
- the health and safety experience, work practices and standards in other workplaces, if the employer has this information [section 8(11)]

Be consulted about workplace testing

If the employer intends to do any health and safety testing in or about the workplace, the representative has the right to be consulted before the testing takes place. If the representative feels that their presence is required to ensure valid testing and/or to obtain information about potential or existing hazards, then they can request to be present during testing (s.8)

Make recommendations to the employer

The representative has the power to make recommendations to the employer on ways to improve the workplace health and safety.

Investigate work refusals

The health and safety representative has the right to be present at the investigation of a work refusal.

Investigate serious accidents

If a worker is killed or critically injured on the job, the representative has the right to inspect the scene of the accident and any machine, equipment, substance, etc., that may be connected with the accident. The representative must report his or her findings in writing to a director of the Ministry of Labour.

Request information from the Workplace Safety and Insurance Board

The representative has the power to obtain information from the WSIB about the company's compensation claims.

Accompany a Ministry of Labour Inspector during an inspection

The representative has the right to accompany an inspector during a physical inspection of the workplace.

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What are the employer's responsibilities?

Co-operate with the representative

Employers must co-operate with representatives and give them the assistance and information they need to carry out their legal duties. The employer must not knowingly hinder or interfere with the representative or provide the health and safety representative with false information.

Provide information

In addition to providing any information that the representative has the power to obtain, the employer must: provide the results of reports and copies of written reports about health and safety, provide copies of all orders or reports issued to him or her by the Ministry of Labour and report any work-related deaths, injuries or illnesses to the representative.

Respond to recommendations

The employer must respond in writing to any written recommendations from the representative within 21 days. The response must include an implementation timetable or reasons for disagreement, if any [section 8(12)].

Pay the representative

The employer must also pay the representative the regular or premium rate (whichever applies) for the time spent inspecting the workplace, investigating accidents, and attending work refusals.

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