

OSHA State Plan Safety Committee Requirements

1. ALABAMA

Alabama's Workers' Compensation Act includes a provision (Ala Admin. Code §25-5-15, *Safety Committee*) that requires employers to establish a safety committee if so requested by any employee. The safety committee must include at least three committee members, at least one of whom must be a nonsupervisory employee. The committee's functions are to advise the employer regarding safety in the workplace, including suggestions from employees regarding safety conditions in the workplace; to receive employee notifications of workplace safety conditions; and to develop procedures by which an employee can notify the committee of workplace safety conditions.

2. California

A safety committee is not specially required. Under Cal. Code Regs. tit. 8, § 3203, however, employers can elect to use a labor/management safety and health committee to comply with the communication requirements of an IIPP (see 6.1, above). To be in compliance, such a committee must:

- Meet regularly, but not less than quarterly.
- Prepare and make available to the affected employees, written records of the safety and health issues discussed at the committee meetings and, maintained for review by the Division upon request. The committee meeting records shall be maintained for at least one year.
- Review results of the periodic, scheduled worksite inspections.
- Review investigations of occupational accidents and causes of incidents resulting in occupational injury, occupational illness, or exposure to hazardous substances and, where appropriate, submit suggestions to management for the prevention of future incidents.
- Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, the committee may conduct its own inspection and investigation to assist in remedial solutions.
- Submit recommendations to assist in the evaluation of employee safety suggestions.
- Upon request from the Division, verify abatement action taken by the employer to abate citations issued by the Division.
- (Cal. Code Regs. tit. 8, § 3203).

3. Connecticut

Connecticut General Statutes §31-40v, *Establishment of Safety and Health Committees by Certain Employers*, requires that every employer with 25 or more employees, or whose rate of work-related injury and illness exceeds the average incidence rate of all industries in the state, must administer a safety and health committee to promote safety and health. The general statutory requirements are:

- “The committee shall be composed of at least as many employee members as employer members. The number of employee members on the committee may be greater than the number of employer members.
- The employer’s non-managerial employees shall select employee safety and health members.
- The committee’s duties and responsibilities shall include, but not be limited to, establishing procedures for sharing ideas with the employer concerning:
 - (a) Safety inspections.
 - (b) Investigating safety incidents, accidents, illnesses and deaths.
 - (c) Evaluating accident and illness prevention programs.
 - (d) Establishing training programs for the identification and reduction of hazards in the workplace which damage the reproductive system of employees.
 - (e) Establishing training programs to assist committee members in understanding and identifying the effects of employee substance abuse on workplace accidents and safety.
- Any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, shall be paid at his/her regular rate of pay for all time spent on such activities.
- All records regarding safety and health committees shall be provided to the chairman or his designee. The retention time for such records is three (3) years, after which said records may be purged.”

4. Hawaii

Not required. Under §12-60-2(b)(3), employers apparently must have either a safety committee or “a person designated and trained by the employer for the facility’s safety and health program.”

5. Minnesota

Minn. Stat. 182.676, *Safety Committees*, requires all employers with more than 25 employees to establish a joint labor-management safety and health committee for their workplace.

Employers with 25 or fewer employees must also establish a joint labor-management safety and health committee if they: (1) have a pure premium rate as reported by the Workers’ Compensation Rating Association (WCRA) in the top 25 percent of premium rates for all classes, or (2) have experienced a “days away, restricted or transferred” (DART) rate within the top 10 percent of all rates for employers in the same industry.

Safety committee members must be selected by employees. Safety committees must hold regularly scheduled meetings, unless otherwise provided in a collective bargaining agreement.

Safety and health committees at employers with a high injury rate (an EMR of 1.4 or greater or a workers’ compensation premium rate of \$30 or more per \$100 of payroll) must also conduct quarterly safety and health hazard surveys (Minn. R. 5208).

6. Montana

MSCA also requires all employers with more than five employees to have a safety committee. Safety committees must:

- Be composed of employee and employer representatives and hold regularly scheduled meetings, at least once every four months.
- Include in its employee membership volunteers or members elected by their peers.
- Include safety committee activities that assist the employer in fact finding, such as hazard assessments, communicating with employees, and inspecting the workplace.
- (Montana State Fund, 2015; Montana Department of Labor and Industry, Undated).

7. Nebraska

Neb. Rev. Stat. §§48-443-445 requires every public and private employer subject to the Nebraska Workers' Compensation Act⁸ to establish a safety committee. Safety committees must meet the following requirements:

- Committees must be composed of an equal number of members representing the employer and employees (unless collective bargaining agreements dictate otherwise).
- Employee members must not be selected by the employer.
- The cost of operating the committee must be minimal.
- Safety committee members must be compensated at the regular wage and benefits while attending meetings or conducting duties.
- Employees must not be terminated or discriminated against if they make a safety complaint to the committee or any government agency.

8. Nevada

Nevada requires employers with more than 25 employees or that manufacture explosives to form safety committees. The employer's written workplace safety program must detail the purpose of the committee, how members are selected, and the frequency of committee meetings (but these are not stipulated in the regulations) (Nev. Admin. Code §618-538—§618-544; Nevada Department of Business and Industry, 2015a).

9. New Hampshire

New Hampshire requires all employers with 15 or more employees to form a joint employer-employee safety committee. The committees must include elected employee representatives (or employees selected by a union, if applicable), and meet regularly to develop and carry out the workplace safety program (N.H. Rev. Stat. §281-A.64, 2013).

10. New Mexico

Not required for private sector employers.

For state employers, New Mexico Risk Management (the insurer for all state agencies) stated that all state agencies will undergo a risk audit during the last quarter of 2015. The audit requires that all state agencies must have a Loss Control Committee and coordinator, which will take specific steps toward preventing injuries and managing risks. Committees should identify hazards, document notification, as well as all the steps in between first notification of a potential hazard and the remedying of each risk identified.

11. New York

Safety committees are not required for private sector entities; however, N.Y. Comp. Codes R. & Regs. tit. 11, § 153.7 provides that employers participating in group dividend insurance plans (or quasi- group plans) must establish a safety committee to monitor progress and problems in implementing their accident prevention and loss reduction plan.

12. North Carolina

§95-252 - *Safety and Health Committees Required* states that each employer with 11 or more employees and an EMR of 1.5 or greater shall provide for the establishment of safety and health committees and the selection of employee safety and health representatives.

In addition to specific requirements relating to committee membership and meeting frequency, §95-252(1)-(5) - *Safety and Health Committee Requirements* provides that committees perform the following activities:

- Review any safety and health program established by the employer under §95-251 - *Safety and Health Programs*.
- Review incidents involving work-related fatalities, injuries and illnesses, and complaints by employees regarding safety or health hazards.
- Review, upon the request of the committee or upon the request of the employer representatives or employee representatives of the committee, the employer's work injury and illness records, other than personally identifiable medical information, and other reports or documents relating to occupational safety and health.
- Conduct inspections of the worksite at least once every three months and in response to complaints by employees or committee members regarding safety or health hazards.
- Conduct interviews with employees in conjunction with inspections of the worksite.
- Conduct meetings, at least once every three months, and maintain written minutes of the meetings.
- Observe the measurement of employee exposure to toxic materials and harmful physical agents.
- Establish procedures for exercising the rights of the committee.
- Make recommendations on behalf of the committee, and in making recommendations, permit any members of the committee to submit separate views to the employer for improvements in the employer's safety and health program and for the correction of hazards to employee safety or health, except that recommendations shall be advisory only and the employer shall retain full authority to manage the worksite.
- Accompany, upon request, the Commissioner or the Commissioner's representative during any physical inspection of the worksite.

In addition, §95-252 (c)(5) - *Time for Committee Activities*, provides that "the employer shall permit members of the committee established under this section to take the time from work reasonably necessary to exercise the rights of the committee without suffering any loss of pay or benefits for time spent on duties of the committee."

13. Oregon

In accordance with Or. Rev. Stat. §654.182, Or. Admin. R. 437-001-0765 (2009), *Safety Committees and Safety Meetings*, requires all public and private workplaces with more than 10 employees to form a safety committee. Workplaces with 10 or fewer employees may hold safety meetings to comply with this rule.

Or. Admin. R. 437-001-0765(4) provides that safety committee members must:

- Have a majority agree on a chairperson.
- Serve a minimum of one year, when possible.
- Be compensated at their regular rate of pay.
- Have training in the principles of accident and incident investigations for use in evaluating those events.
- Have training in hazard identification.
- Be provided with meeting minutes.
- Represent major activities of the employer's business.

Safety committees must perform the following activities:

- Work with management to establish, amend or adopt accident investigation procedures that will identify and correct hazards.
- Have a system that allows employees an opportunity to report hazards and safety and health related suggestions.
- Establish procedures for reviewing inspection reports and for making recommendations to management.
- Evaluate all accident and incident investigations and make recommendations for ways to prevent similar events from occurring.
- Make safety committee meeting minutes available for all employees to review.
- Evaluate management's accountability system for safety and health, and recommend improvements. Examples include use of incentives, discipline, and evaluating success in controlling safety and health hazards.

(Or. Admin. R. 437-001-0765(4)).

14. Puerto Rico

Safety committees are not required, but § 7(a)(8) of the Occupational Safety and Health Act of Puerto Rico of 1975 encourages employers to establish safety and health committees at their job sites.

15. Tennessee

2010 Tennessee Code 50-6-501 requires that every public or private employer that is subject to the Workers' Compensation Law shall establish and administer a safety committee if the Commissioner of Labor finds that the employer has an experience modification factor (or rate) applied to the premium greater than or equal to 1.20.

Tennessee Code 50-6-502, *Rules governing committees Duties of committees Training Operation under collective bargaining agreement*, directs the Commissioner to prescribe rules for these committees that, at a minimum, provide for:

- Equal numbers of hourly employees and employer representatives as well as specifying the frequency of meetings.
- Employers to make adequate written records of each meeting and to maintain the records subject to inspection by Tennessee occupational safety and health administration representatives.
- Employers to compensate employee representatives on safety committees at the regular hourly wage while the employees are engaged in safety committee training or are attending safety committee meetings.

(b) The duties and functions of the safety committee shall include, but are not limited to:

- 1) Assisting in establishing procedures for workplace safety inspections by the committee;
- 2) Assisting in establishing procedures for investigating all safety incidents, accidents, illnesses and deaths; and
- 3) Assisting in evaluating accident and illness prevention programs.

(c) The employer shall provide training for safety committee members in their duties and responsibilities provided in subsection (b).

(Tennessee Code 50-6-502)

16. Vermont

Employers with unusually poor safety records are required by 21 V.S.A. § 624(k) to form workplace safety committees with balanced representation between management and employees.

17. Washington

Wash. Admin. Code 296-800-130 requires employers with 11 or more workers at the same location on the same shift to form a safety committee. Smaller entities may have safety meetings instead.

18. West Virginia

West Virginia Code 23-2B-2 (2015) provides that, “[f]or any employer whose experience modification factor exceeds the criteria established by the board of managers, the executive director may require the employer to establish a safety committee composed of representatives of the employer and the employees of the employer.”