

HEALTH AND SAFETY

REPRESENTATIVE

1. The following extract from the Canada Labour Code, Part II outlines the method of appointment and powers of an appointed health and safety representative. A representative is to be appointed for those workplaces having less than twenty but more than five Public Service employees. The workplace health and safety representative and committee structure is discussed in more detail in Chapter 3.

ARTICLE 136, CLC PART II:

(2) The health and safety representative for a workplace shall be selected as follows:

- (a) employees at the workplace who do not exercise managerial functions shall select from among those employees the person to be appointed; or
- (b) if those employees are represented by a trade union, the trade union shall select the person to be appointed, in consultation with any employees who are not so represented, and subject to any regulations under subsection (11).

The employees or the trade union shall advise the employer in writing of the name of the person so selected.

(5) A safety and health representative, in respect of the workplace for which the representative is appointed,

- (a) shall consider and expeditiously dispose of complaints relating to the health and safety of the employees;
- (b) shall ensure that adequate records are maintained pertaining to work accidents, injuries, health hazards and the disposition of complaints related to the health and safety of employees and regularly monitor data relating to those accidents, injuries, hazards and complaints;
- (c) shall meet with the employer as necessary to address health and safety matters;
- (d) shall participate in the implementation and monitoring of the programs referred to in paragraph 134.1(4)(c);
- (e) where the program referred to in paragraph 134.1(4)(c) does not cover certain hazards unique to that workplace, shall participate in the development, implementation and monitoring of a program for the prevention of those hazards, that also provides for the education of employees in health and safety matters;
- (g) shall participate in all inquiries, investigations, studies and inspections pertaining to the health and safety of employees, including such any consultations that may be necessary with persons who are professionally or technically qualified to advise the representative on those matters;
- (h) shall cooperate with the Minister's delegate;

- (i) shall participate in the implementation of changes that may affect occupational health and safety, including work processes and procedures;
 - (j) shall inspect each month all or part of the workplace, so that every part of the workplace is inspected at least once each year;
 - (k) shall participate in the development of health and safety policies and programs
 - (l) shall assist the employer in investigating and assessing the exposure of employees to hazardous substances; and
 - (m) shall participate in the implementation and monitoring of a program for the provision of personal protective equipment, clothing, devices or materials.
- (6) A health and safety representative, in respect of the workplace for which the representative is appointed, may request from an employer any information that the representative considers necessary to identify existing or potential hazards with respect to materials, processes, or equipment or activities.
- (7) A health and safety representative, in respect of the workplace for which the representative is appointed, shall have full access to all government and employer reports, studies and tests relating to the health and safety of the employees, or to the parts of those reports, studies and tests that relate to the health and safety of employees, but shall not have access to the medical records of any person except with the person's consent.