

# MINNESOTA

## OSHA STATE PLAN OVERVIEW

### Safety Committee Program

Safety committees are an integral part of a safety and health program. Safety committees help ensure the effective implementation of safety and health programs and help with injury prevention. The Minnesota Occupational Safety and Health Administration (MNOSHA) requires public and private employers (including independent contractors) with more than 25 employees to establish and administer joint labor-management safety committees.

Public and private employers with fewer than 25 employees are required to establish and administer safety committees when:

- ☑ They have a lost workday case incidence rate in the top 10% of all rates for employers in the same industry (employers can use the U.S. Bureau of Labor Statistics [injury and illness incidence rate calculator and comparison](#) to determine their incidence rate); or
- ☑ The workers' compensation premium classification assigned to the greatest portion of their payroll has a pure premium rate as reported by the Workers' Compensation Rating Association in the top 25% of premium rates for all classes.

Safety committee requirements are prescribed by [Minnesota Statute 182.676](#) and [Minnesota Administrative Rules 5208.0010](#). Employers with a fluctuating workforce must follow these requirements during periods when they employ more than 25 employees.

Independent contractors are included under the definition of "employee" for the purpose of this standard. This includes independent contractors engaged in construction activities and any individual who has contracted with an independent contractor to supply construction services.

### Resources

- [Employer's Guide to Developing a Labor/Management Safety Committee](#)
- Federal OSHA [Safety and Health Management Systems e-Tool](#).
- [Incidence Rate Calculator and Comparison Tool](#)

### Workplace Safety Consultation

- Upon employer request, MNOSHA Workplace Safety Consultation (WSC) can aid employers develop an effective safety committee and to help maintain the effectiveness of an existing safety committee.
- WSC oversees a number of programs designed to help employers maintain safe and healthful workplaces.

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## Multiple Location Employers

Employers are required to establish a safety and health committee at each establishment where 50 or more employees work. This requirement also applies to employers that operate at more than one location. However, multiple buildings may be considered a single establishment if they are in reasonably close proximity and engaged in a common enterprise (for example, a college campus).

When work is performed at other locations, employers must establish one or more centralized safety and health committees to represent these other locations' safety and health concerns. At a site where employees of more than one employer work, a multi-employer committee may be used to satisfy this requirement. The requirement will be satisfied if an industrywide safety committee has been established pursuant to a collective bargaining agreement.

## Safety Committee Members

Employee representatives on safety and health committees must 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 must collectively select the employee representatives. It is not necessary that the committee contain enough employee representatives to enable each union to be represented on the committee.

If there is no collective bargaining agent, employee representatives must be selected by their peers. In the absence of volunteers, employers may select employee representatives. The number of employee representatives on a safety and health committee must 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 must be regarded as time worked.

Employees chosen to be part of safety and health committees must undergo introductory training. Training topics should include information on how the committees work. Training topics include:

- Committee organization;
- How to operate a safety and health committee;
- The committee's meeting methods; and
- Other topics to improve the committee's efficiency and effectiveness.

Other training safety and health committee members should receive is:

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

Employees trained in identifying workplace hazards and incident investigation tend to add more value to the safety and health committee.

## Safety Committee Formation

Employers must follow state law when forming their safety and health committees. In addition, best practices for creating safety committees include:

- ☒ Becoming familiar with the characteristics of a successful safety committee;
- ☒ Determining what is needed to develop and set up a safety committee;

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- ☑ Planning a safety committee organizing meeting and elect co-chairs;
- ☑ Setting up the safety committee meetings;
- ☑ Developing an agenda and sending it to committee members three to five days before the meeting to allow members to prepare;
- ☑ Inviting representatives to review rules and pertinent information prior to attending the first meetings;
- ☑ Making the agenda available to employee representatives and management or supervisors by sending it directly to them or posting it where employee representatives will see it; and
- ☑ Adding a copy of the agenda in the safety committee file.

Safety and health committees should have a committee policy. This policy should describe the purpose of safety and health committees (for example, eliminating accident losses) and the authority the safety and health committees hold. Creating the right committee policy may take several meetings. It is important that the statement is signed by top management to indicate support. Employers should discuss their safety and health committee with all company employees on all levels.

## Safety Surveys

Safety surveys are used to evaluate the safety of the operations and work practices in the workplace. Employers must keep a record of all hazards identified by and recommendations made by the safety and health committee.

Under MNOSHA regulations, safety and health committees must conduct workplace safety and health surveys at each of the employer establishments at least quarterly if the employer has:

- A workers' compensation experience modification factor of 1.4 or greater; or
- A workers' compensation premium rate of \$30 or more per \$100 of payroll assigned to the greatest portion of its payroll.

When neither of the conditions mentioned above apply, safety and health committees must conduct workplace safety and health inspections as frequently as the committee deems necessary or as required by Minnesota's Department of Labor and Industry (DLI). The DLI may order more frequent surveys if it determines more frequent surveys would result in a substantially safer workplace. The DLI may order more frequent surveys at the request of a safety and health committee member.

## Safety Committee Responsibilities

Safety and health committees must establish systems to obtain:

- Safety-related suggestions;
- Hazard reports; and
- Other information from all persons involved in the operations of their workplace.

Safety and health committees must review and make recommendations about the employer's occupational safety and health program and occupational safety and health records. These committees must review incidents resulting in work-related deaths, injuries and illnesses and make recommendations to prevent further occurrences. The review may be limited to reports made by others who have investigated the incident.

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Employers must provide materials and facilities to their safety and health committees to enable them to perform their duties. Employers must keep all safety and health committee recommendations or reports made to the employer for **two years** and must provide the reports to the DLI commissioner upon request.

State law protects employees from retaliation. This means that employers cannot discharge or otherwise discriminate against employees who report safety hazards to a safety and health committee.

## **Alternative Committees**

Alternative committees are those that are innovative or different in form or function but still satisfy the intent of MN Statute §182.676. Safety and health committees established under a collective bargaining agreement are considered to be in compliance with the requirements of this part and, therefore, are exempt from the specific requirements of this part.

Safety and health committees established as a part of workplace accident and injury reduction programs under MN Statute § [182.653](#) and have substantial employee involvement are considered to be in compliance with the requirements of this part and are exempt from the specific requirements of this part.