

Worker Health and Safety Representatives

Frequently asked questions

When do I need a worker health and safety representative?

If your workplace has more than 9 but fewer than 20 workers, you need to have a worker health and safety representative. This includes any workplace where there are more than 9 workers employed at the workplace for longer than a month.

If your workplace has 20 or more workers, you need a joint health and safety committee.

How do I select a worker health and safety representative?

The worker health and safety representative must be someone who does not perform managerial functions. Managerial functions generally relate to the overall direction at the workplace and may include disciplining workers and representing management in labour relations matters.

Worker representatives must be selected as follows:

1. According to procedures established by the union, if the workers are unionized
2. By secret ballot, if the workers are not unionized
3. If some workers are unionized and some are not, then worker representatives must be selected using the above methods, in equal proportion to the number of unionized and non-unionized workers, and according to the relative risks to health and safety

4. If workers do not make their own selection, the employer must seek out and assign worker representatives

Do worker health and safety representatives need special training?

All new worker health and safety representatives selected on or after April 3, 2017, must receive four hours of training and instruction on the following topics:

- Duties and functions of a worker health and safety representative
- Requirements respecting accident and incident investigations
- Requirements respecting workplace inspections, including how to make regular workplace inspections
- Requirements respecting refusal of unsafe work

Training must be received as soon as practicable (as soon as it is reasonably capable of being done), but no more than six months after becoming a worker health and safety representative.

What exactly does the worker health and safety representative do?

The worker health and safety representative plays an important role in an employer's occupational health and safety program, giving workers a voice in matters relating to workplace health and safety issues.

The worker health and safety representative has the same duties and functions as a joint health and safety committee, to the extent that is reasonably possible. These duties and functions are to:

- (a) Identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations
- (b) Consider and promptly deal with complaints relating to the health and safety of workers
- (c) Consult with workers and the employer on issues related to occupational health and safety, and the occupational environment
- (d) Make recommendations to the employer and the workers for the improvement of the occupational health and safety, and the occupational environment of workers
- (e) Make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with the OHS provisions of the Workers Compensation Act and the regulations, and to monitor their effectiveness
- (f) Advise the employer on programs and policies required under the regulations for the workplace and to monitor their effectiveness
- (g) Advise the employer on proposed changes to the workplace, including significant proposed changes to equipment and machinery, or the work processes that may affect the health or safety of workers
- (h) Ensure that accident investigations and regular inspections are carried out as required

- (i) Participate in inspections, investigations and inquiries as provided in Part 2 of the *Workers Compensation Act* and the regulations, including employer incident investigations and investigations into refusal of unsafe work.

What is the worker health and safety representative's role in regular workplace inspections?

A workplace inspection must, where feasible, include the participation of the worker health and safety representative.

As an employer, you must ensure that regular inspections are made of all workplaces, including buildings, structures, grounds, excavations, tools, equipment, machinery, and work methods and practices. These inspections must take place at intervals that will prevent the development of unsafe working conditions.

What is role of the worker health and safety representative in investigating workplace incidents?

As an employer, you must undertake a preliminary and full investigation of specified workplace incidents (refer to section 69 of the Act). If they are reasonably available, the employer, a representative of the employer, and a worker representative, must participate in preliminary and full incident investigations.

For the purposes of section 70 of the Act, participation in the employer's incident investigation includes:

- Viewing the scene of the incident with the persons carrying out the investigation

- Providing advice respecting the methods used to carry out the investigation, the scope of the investigation, or any other aspect of the investigation
- Assisting the persons carrying out the investigation with:
 - Gathering information relating to the investigation
 - Analyzing the information gathered during the investigation
 - Identifying any corrective actions necessary to prevent recurrence of similar incidents

The role of the worker representative in the employer's incident investigation is to advise, assist and witness the investigation. The person conducting the investigation must be knowledgeable about the type of work involved, and is ultimately responsible

for the investigation. A worker representative may support the investigator by providing a different perspective and insight into the nature of the work and the work environment.

The full employer incident investigation report (EIIR) form must be completed and submitted to WorkSafeBC within 30 days of the incident. You can submit full investigation reports in the following ways:

- Online at the [EIIR upload portal](#)
- By fax to 604.276.3247 in the Lower Mainland or toll-free 1.866.240.1434
- By mail to WorkSafeBC, PO Box 5350 Stn Terminal, Vancouver, BC V6B 5L5

More information is available at [worksafebc.com](https://www.worksafebc.com).