

CHAPTER 5204

DEPARTMENT OF LABOR AND INDUSTRY

SAFETY AND HEALTH COMMITTEES

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5204.0010 APPLICABILITY.

Every employer required by Minnesota Statutes, section 176.232, to establish and administer a joint labor-management safety and health committee shall comply with the requirements of this part. If the size of the employer's work force fluctuates, the employer is required to have a safety and health committee during the periods when more than 25 employees are employed.

Statutory Authority: *MS s 176.232*

History: *17 SR 3361*

5204.0020 LOCATION.

If an employer required to establish a safety and health committee operates at more than one location, the employer shall establish a safety and health committee at each of its establishments at which 50 or more employees work. Multiple buildings in a reasonably close proximity engaged in a common enterprise such as a college campus may be considered to be a single establishment. If work is performed at other locations, one or more centralized safety and health committees representing the safety and health concerns of these other locations shall be established. At a site where the employees of more than one employer work, a multi-employer committee may be used to satisfy the requirements of this part. If an industrywide safety committee has been established pursuant to a collective bargaining agreement, it will satisfy the requirements of this part.

Statutory Authority: *MS s 176.232*

History: *17 SR 3361*

5204.0030 MEMBERSHIP.

Employee representatives on safety and health committees shall 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 shall 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, the employee representatives shall be selected by their peers. In the absence of volunteers, the employer may select the employee representatives. The number of employee representatives on a safety and health committee shall 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 shall be considered as time worked.

Statutory Authority: *MS s 176.232*

History: *17 SR 3361*

5204.0040 SAFETY SURVEYS.

The safety and health committees for any employer that has a workers' compensation insurance experience modification factor of 1.4 or greater or has a workers' compensation premium rate of \$30 or more per \$100 of payroll assigned to the greatest portion of the payroll for the employer shall conduct workplace safety and health surveys at each of the employer's workplaces at least quarterly. The safety and health committees of all other employers shall conduct workplace safety and health inspections as frequently as the committee

considers necessary. On the request of a member of a safety and health committee, the commissioner of the Department of Labor and Industry shall order the employer to have surveys conducted more frequently if the commissioner determines that to do so would result in a substantially safer workplace. The employer shall keep a record of all hazards identified by and recommendations made by the safety and health committee.

Statutory Authority: *MS s 176.232*

History: *17 SR 3361*

5204.0050 OTHER DUTIES AND RECORDS.

The safety and health committee shall establish a system to obtain safety-related suggestions, reports of hazards, and other information from all persons involved in the operations of their workplace. The safety and health committee shall review and make recommendations about the employer's occupational safety and health program and occupational safety and health records. The safety and health committee shall review incidents resulting in work-related deaths, injuries, and illnesses and make recommendations to prevent further occurrences. The committee's review of these incidents may be limited to a review of a report made by others who have investigated the incident. The employer shall provide materials and facilities to the safety and health committee to enable it to perform its duties. All safety and health committee recommendations or reports made to the employer shall be kept by the employer for two years and shall be provided to the commissioner of the Department of Labor and Industry on the commissioner's request.

Statutory Authority: *MS s 176.232*

History: *17 SR 3361*

5204.0060 DISCRIMINATION.

An employee who is discharged or otherwise discriminated against because the employee has reported a safety hazard to the safety and health committee is subject to the protection afforded under Minnesota Statutes, section 182.669.

Statutory Authority: *MS s 176.232*

History: *17 SR 3361*

5204.0070 ALTERNATIVE FORMS OF COMMITTEE.

An employer may comply with this part by establishing a safety and health committee that is innovative or different in form or function if the committee satisfies the intent of Minnesota Statutes, section 176.232. A safety and health committee that is established under a collective bargaining agreement is considered to be in compliance with the requirements of this part and is exempt from the specific requirements of this part. A safety and health committee that is established as a part of a workplace accident and injury reduction program under Minnesota Statutes, section 182.653, that has substantial employee involvement is considered to be in compliance with the requirements of this part and is exempt from the specific requirements of this part.

Statutory Authority: *MS s 176.232*

History: *17 SR 3361*

5204.0080 INSURER'S DUTIES.

An insurer that writes workers' compensation insurance in Minnesota shall have the capability to provide information on the operation of safety and health committees and hazard recognition for the employers it insures. This information must be provided within a reasonable time in a reasonable manner when requested by an insured. For purposes of this part, an administrator under Minnesota Statutes, section 79.251, subdivision 4, who provides administrative services for policies or contracts of coverage under the assigned risk plan is considered an insurance company.

Statutory Authority: *MS s 176.232*

History: *17 SR 3361*

5204.0090 APPLICATION TO INDEPENDENT CONTRACTORS.

For the purposes of this part, an "employee" includes an independent contractor engaged in construction activities and a person who has contracted with an independent contractor to supply construction services.

Statutory Authority: *MS s 176.232*

History: *17 SR 3361*