

# Oregon OSHA Proposes Changes to Division 1, General Administrative Rules Safety Committees

December 2007

Text proposed to be added/adopted is in **bold and underlined**.

Text proposed to be removed/repealed is in [~~brackets with line through~~].

437-001-0765 Rules for Workplace Safety Committees **and Safety Meetings**.

~~[(1) Purpose. The purpose of a safety committee is to bring workers and management together in a nonadversarial, cooperative effort to promote safety and health in each workplace. A safety committee assists the employer and makes recommendations for change.]~~

~~[(2) General.]~~

~~[(a) Every public or private employer of 11 or more employees shall establish and administer a safety committee.]~~

~~[(b) Every public or private employer of 10 or fewer employees shall establish and administer a safety committee if the employer:]~~

~~[(A) Has a Days Away, Restricted, or Transferred (DART) rate in the top 10 percent of all rates for the employers in the same industry; or]~~

~~[(B) The employer is not an agricultural employer and the workers' compensation premium classification assigned to the greatest portion of the payroll for the employer has a premium rate in the top 25 percent of premium rates for all classes as approved by the Director pursuant to ORS 737.320(3).]~~

~~[(c) In making the determination of employment levels under sections (a) and (b) of this rule, the employer shall count all permanent, contract, temporary, and/or seasonal workers under the employer's direction and control, and shall base the number on peak employment.]~~

~~[(d) Temporary services employers and labor contractors shall establish safety committees based upon the total number of workers over which the employer or contractor exercises direction and control.]~~

~~[(e) Employers who hire only seasonal workers shall meet the intent of these rules by holding crew safety meetings prior to the commencement of work at each job site. Such meetings shall promote discussions of safety and health issues. All workers shall be informed of their rights to report workplace hazards, and shall be encouraged to make such reports during the meetings.]~~

~~[(f) Employers in the logging industry may meet the intent of these rules by complying with OAR 437, Division 7, Forest Activities.]~~

~~[(3) Locations.]~~

~~[(a) Safety committees shall be established at each of the employer's primary places of employment. For the purpose of these rules, a primary place of employment shall mean a major economic unit at a single geographic location, comprised of a building, group of buildings, and all surrounding facilities (Examples of primary places of employment would include a pulp or lumber mill, a manufacturing plant, a hospital complex, bank, a farm/ranch, a school district, or a state agency.) As a primary place of employment the location would have both management and workers present, would have control over a portion of a budget, and would have the ability to take action on the majority of the recommendations made by a safety committee.]~~

~~[(b) An employer's auxiliary, mobile, or satellite locations, such as would be found in construction operations, trucking, branch or field offices, sales operations, or highly mobile activities, may be combined into a single, centralized committee. This centralized committee shall represent the safety and health concerns of all the locations.]~~

~~[(c) In addition to locating safety committees at each primary place of employment, an employer with work locations which include fire service activities shall establish a Fire Service Safety Committee as required by OAR 437-002-0182(7) in OAR 437, Division 2/L, Oregon Rules for Fire Fighters.]~~

~~[(4) Innovation. Upon application, the division may approve safety committees which are innovative or differ in form or function, when such committees meet the intent of these rules.]~~

~~[(5) Safety Committee Formation and Membership.]~~

~~[(a) The safety committees required by OAR 437-001-0765(2) shall:]~~

~~[(A) Be composed of an equal number of employer and employee representatives. Employee representatives shall be volunteers or shall be elected by their peers unless there is a provision in their collective bargaining agreement that addresses the selection of employee representatives. When agreed upon by workers and management, the number of employees on the committee may be greater than the number of employer representatives. Seasonal workers shall not be counted for the purpose of determining the number of members who will serve on the committee.]~~

~~[(B) Consist of:]~~

~~[(i) No fewer than 2 members for each employer with 20 or less employees, or]~~

~~[(ii) No fewer than 4 members for each employer with more than 20 employees.]~~

~~[(C) Have a chairperson elected by the committee members.]~~

~~[(b) Employee representatives attending safety committee meetings required by OAR 437-001-0765(2) or participating in safety committee instruction or training required by OAR 437-001-0765(7) shall be compensated by the employer at the regular hourly wage.]~~

~~[(c) Employee representatives shall serve a continuous term of at least 1 year. Length of membership shall be alternated or staggered so that at least one experienced member is always serving on the committee.]~~

~~[(d) Reasonable efforts shall be made to ensure that committee members are representative of the major work activities of the firm.]~~

~~[(6) Safety Committee Duties and Functions.]~~

~~[(a) Management commitment to workplace health and safety.]~~

~~[(A) The committee shall develop a written agenda for conducting safety committee meetings. The agenda shall prescribe the order in which committee business will be addressed during the meeting.]~~

~~[(B) The safety committee shall hold regular meetings at least once a month except months when quarterly workplace safety inspections are made. This does not exclude other months from safety committee meetings if more frequent safety inspections are conducted.]~~

~~[(C) Quarterly safety committee meetings may be substituted for monthly meetings where the committee's sole area of responsibility involves low hazard work environments such as offices.]~~

~~[(D) Small farms of five or fewer full time employees may substitute quarterly meetings for monthly meetings during the farms' off season. The off season shall mean that period of time when only routine farm upkeep is being done.]~~

~~[(b) Written records.]~~

~~[(A) Minutes shall be made of each meeting which the employer shall review and maintain for 3 years for inspection by the Division. Copies of minutes shall be posted or made available for all employees and shall be sent to each committee member.]~~

~~[(B) All reports, evaluations, and recommendations of the safety committee shall be made a part of the minutes of the safety committee meeting.]~~

~~[(C) A reasonable time limit shall be established for the employer to respond in writing to all safety committee recommendations.]~~

~~[(c) Employee involvement.]~~

~~[(A) The committee shall establish a system to allow the members to obtain safety-related suggestions, reports of hazards, or other information directly from all persons involved in the operations of the workplace. The information obtained shall be reviewed at the next safety committee meeting, and shall be recorded in the minutes for review and necessary action by the employer.]~~

~~[(d) Hazard assessment and control.]~~

~~[(A) The safety committee shall assist the employer in evaluating the employer's accident and illness prevention program, and shall make written recommendations to improve the program where applicable. Additionally, the safety committee shall:]~~

~~[(i) Establish procedures for workplace inspections by the safety committee inspection team to locate and identify safety and health hazards;]~~

~~[(ii) Conduct workplace inspections at least quarterly; and]~~

~~[(iii) Recommend to the employer how to eliminate hazards and unsafe work practices in the workplace;]~~

~~[(B) The inspection team shall include employer and employee representatives and shall document in writing the location and identity of the hazards and make recommendations to the employer regarding correction of the hazards.]~~

~~[(C) Quarterly inspections of satellite locations shall be conducted by the committee team or by a person designated at the location.]~~

~~[(D) Mobile work sites or locations and activities which do not lend themselves to a quarterly schedule shall be inspected by a designated person as often as Oregon occupational safety and health rules require and/or the committee determines is necessary.]~~

~~[(E) The person designated to carry out inspection activities at the locations identified in sections (C) and (D) of this rule shall be selected by the employer and shall receive training in hazard identification in the workplace.]~~  
~~[(e) Safety and health planning. The safety committee shall establish procedures for the review of all safety and health inspection reports made by the committee. Based on the results of the review, the committee shall make recommendations for improvement of the employer's accident and illness prevention program.]~~  
~~[(f) Accountability. The safety committee shall evaluate the employer's accountability system and make recommendations to implement supervisor and employee accountability for safety and health.]~~  
~~[(g) Accident investigation. The safety committee shall establish procedures for investigating all safety-related incidents including injury accidents, illnesses and deaths. This rule shall not be construed to require the committee to conduct the investigations.]~~  
~~[(7) Safety and Health Training and Instruction.]~~  
~~[(a) The following items shall be discussed with all safety committee members:]~~  
~~[(A) Safety committee purpose and operation;]~~  
~~[(B) OAR 437-001-0760 through 437-001-0765 and their application; and]~~  
~~[(C) Methods of conducting safety committee meetings.]~~  
~~[(b) Committee members shall have ready access to applicable Oregon Occupational Safety and Health Codes which apply to the particular establishment and verbal instructions regarding their use.]~~  
~~[(c) All safety committee members shall receive training based upon the type of business activity. At a minimum, members shall receive training regarding:]~~  
~~[(A) Hazard identification in the workplace; and]~~  
~~[(B) Principles regarding effective accident and incident investigations.]~~  
~~[(8) Effective Date. The effective date for OAR 437-001-0765 is March 1, 1991.]~~

**Establishes rules for requiring employers to have a method of communicating and evaluating safety and health issues in the workplace. Employers will be able to determine whether they must establish and administer a safety committee or be able to conduct safety meetings with their employees.**

**(1) Purpose: The purpose of safety committees and safety meetings is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. Safety committees and safety meetings are designed to effectively assist the employer by making recommendations for improvement.**

**(2) Scope: This rule applies to every public and private employer operating in the state of Oregon, regardless of their size, who are subject to OR-OSHA jurisdiction.**

**(3) Exception to this rule: Corporate officers are considered to be employees of the corporation. These rules do not apply to single person corporations or employers who do not employ subject workers as defined in ORS 656.027.**

**NOTE: (a) Employers in the Agricultural industry meet the intent of these rules by complying with Division 4, Subdivision C, OAR 437-004-0250.**  
**(b) Employers in the Forest Activities industry meet the intent of these rules by complying with Division 7, Subdivision B, OAR 437-007-0100.**  
**(c ) Employers with work locations that include fire service activities must establish a separate Fire Service Safety Committee or conduct safety meetings.**

**(4) General: Every public or private employer with more than 10 employees at a single location must establish and administer a safety committee unless they meet the following criteria which will allow them to conduct safety meetings:**

**(a) they have 10 or fewer employees, including seasonal and temporary employees, a majority of the year;**

**(b) a majority of their employees report to construction work sites.**

**(c) a majority of their employees move frequently from place to place.**

**(d) staff are mostly engaged in office work.**

**(e) they have satellite or auxiliary offices with 10 or fewer employees at a location**

**(5) Establishing a Safety Committee:**

**(a) Safety committees must consist of an equal number of employer selected representatives and employee elected or volunteer representatives. A supervisor may serve as an employer representative on the committee if selected by management. A supervisor may serve as an employee representative on the committee if elected by the employees.**

**(A) Safety committees representing 20 or fewer employees must have a minimum of two members.**

**(B) Safety committees representing more than 20 employees must have a minimum of four members. Upon agreement of both parties, there may be more employee representatives than employer representatives.**

**(C) Safety committee membership must be representative of the major activities of the business.**

**(b) Safety committee members must:**

**(A) agree upon a chairperson.**

**(B) serve a minimum of one year**

**(C) meet monthly on company time except during those months when quarterly inspections are conducted.**

**(D) meet at least quarterly if their staff is mostly engaged in office work**

**(E) be compensated at their regular hourly wage.**

**(F) be trained in the principles of effective accident and incident investigations**

**(c) Safety committee meetings must have a written record, must be posted or made available to employees, maintained for one year and must contain:**

**(A) the names of attendees**

(B) the date of the meeting

(C) safety and health hazards discussed during the meeting

(i) recommendations for corrective actions

(ii) who will be responsible for following up on recommendations

(iii) proposed date by which management must respond to recommendations

(D) all reports, evaluations, and recommendations made by the safety committee

(d) Safety committees must have a system that allows all persons involved in the operations of the workplace an opportunity to report hazards and safety related suggestions to the committee.

(e) A safety committee must work with the employer to establish, amend or adopt procedures for accident and incident investigations that will identify and correct the causes of unsafe conditions.

(f) A safety committee must evaluate all accident and incident investigations.

(g) Safety committee members and persons designated to conduct workplace inspections must be trained in hazard identification.

(h) A safety committee must establish procedures for conducting safety and health quarterly workplace inspections.

(A) Procedures must include documentation of findings and recommendations made to the employer for corrective actions to eliminate or minimize hazards identified.

(B) Primary fixed locations must be inspected by a team comprised of employer and employee representatives.

(C) Auxiliary and satellite worksites must be inspected by a team or a trained designated person at the location.

(D) Mobile work sites or locations and activities which do not lend themselves to a quarterly inspection must be inspected by a team or a trained designated person as often as the committee determines is necessary.

(i) A safety committee must establish procedures for the review of all safety and health inspection reports made by the committee and make recommendations for improvement to the employer.

(j) A safety committee must monitor any existing employer's accountability system to determine its effectiveness and make recommendations to improve how safety and health issues are being addressed.

NOTE: Elements of the accountability system may include incentive plans, disciplinary plans, or a measurement system that identifies acceptable performance that is effective in controlling exposure to safety and health hazards.

**(6) Employers with auxiliary, mobile, or satellite offices such as would be found in construction operations, trucking, branch or field offices, real estate or insurance sales, retail or wholesale sales operations, or highly mobile activities and that are widely separated from employer headquarters or each other may be combined into a single, centralized committee. This committee must represent the safety and health concerns of all locations.**

**(7) Establishing Safety Meetings. A safety meeting must:**

**(a) include all available employees and at least one employer representative to ensure that safety and health issues are corrected.**

**(b) be held at least monthly.**

**(c) be conducted prior to the start of each job lasting more than one week, and at least monthly thereafter for the duration of the job, by construction employers**

**(d) at a minimum, be held quarterly by employers with employees who are mostly engaged in office work.**

**(e) ensure employees attending are compensated at their regular hourly wage.**

**(f) include discussions of all accident and incident investigations conducted since the last meeting, including the causes and suggested corrective measures.**

**(g) include a written record, to be maintained for one year, of identified hazards related to tools, equipment, and safe work practices for the purpose of tracking corrective actions taken. *For employers with no employees engaged in construction, utility work, or manufacturing, no safety meeting records are needed provided that all affected employees attend the meetings.***

**(h) involve employees in conducting an annual inspection of all facilities in their entirety.**

**(8) Subcontractors with employees on multi-employer worksites may have their employees attend the prime contractor's safety meetings at the jobsite where they are working. Subcontractors choosing this option must conduct their own safety meeting to discuss accidents involving their employees as required by (7)(f).**

**(9) Innovation. Employers may apply to the division and be granted approval for safety committees or safety meetings that are innovative or differ in form or function while meeting the intent of these standards.**