

Safety Committees

Risk Control from Liberty Mutual Insurance



Highlights:

- Purpose of effective safety committees
- Mission, function and procedures
- Membership
- Duties
- Employer domination

A safety committee can be an effective element of a comprehensive workplace safety and health program. Safety committees can enhance not only the well-being of workers but also the overall safety culture in an organization.

As with any team addressing important workplace issues, common goals, effective interactions, passion for the cause and common vision among the membership is more vital to success than structure and procedures.

Of course, senior management support is essential. Employees usually attend safety meetings when they would otherwise be involved in their normal production job. Direct supervisors can undermine the committee's effectiveness by refusing to allow employees adequate time to fulfill their committee functions and may be reluctant to allow them to participate in safety activities. Senior management should intercede in these cases. Supervisory support goes a long way in the overall success of the committee toward overall safety goals.

When a safety committee is being formed, it is important that the structure be in accordance with the requirements specified in the National Labor Relations Act (NLRA).

Mission

A safety committee's mission should be to promote the joint interest of management and employees in creating and maintaining a safe and healthy workplace. This can only be accomplished if the committee provides real communication between employees and management, resulting in significant actions by both.

Establishing a safety committee does not relieve management of their responsibility for safety. Managers and supervisors alike retain responsibility for overseeing and directing the safety and health efforts in their areas. The real strength of a safety committee lies in the employees' first-hand knowledge of how, when and why hazards occur, and the degree of risk related to the hazards.

Functions and Activities

A safety committee's function is generally to:

- Inspect the workplace
- Investigate safety problems
- Communicate safety procedures
- Educate workers about hazards

Safety committees should never be used as grievance committee designed to deal with management over working conditions.

Common activities and responsibilities include:

- Conducting monthly hazard surveillance tours to identify hazardous conditions and unsafe work practices and recommending corrective action.
- Acting as a clearinghouse for all safety ideas, activities and needs.
- Reviewing incident investigation reports and near misses that have occurred in the past month to help determine the root causes and corrective actions that can be taken to prevent recurrence.
- Assisting in the development of baseline safe work performance expectations (rules) and work practices.

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- Coordinating training programs to maintain employee knowledge and skill in safety.
 - Individually promoting safety activities and setting good examples in the areas where they work, as well as responding to employees concerns and complaints in the area of safety and health.
 - Keeping records of committee meetings so that progress can be maintained and management remain informed.
 - Assisting new employees in becoming competent and familiar with company safety practices.
 - Encouraging prompt claims reporting and helping to identify return-to-work opportunities with the insurance carrier and treating physicians or specialists.
 - Coordinating safety education and program alterations based, in part, on needs identified from audits and regular evaluations and investigations.

Procedures

Procedures agreed upon jointly by management and workers that cover the normal functions of the committee might include:

- **Meetings:** Frequency, starting time, length, agenda, attendance requirements, type of minutes or records to be kept, training of committee members, and how safety information will be disseminated to management and workers.
- **Inspections:** How inspectors will be trained and evaluated, checklists or report forms they will use, and how these will be distributed when complete.
- **Incident Investigation:** Investigator training, report distribution, management review and response, and supervisor/employee counseling.
- **Safety Problems:** Analysis, risk assessment, safety systems, machine guarding, air quality, etc.
- **Progress Measurement:** Objectives, metrics and reporting.

Membership

The chairperson of the safety committee can either be a manager/supervisor or employee. Many organizations have passed that function to the workforce, but provided ample support and funding (time and resources) to the committee leadership. Typically, responsibility for chairing the meetings is rotated periodically. A successful committee should include at least as many employees represented as managers/supervisors. Management should not have veto power over any committee activities or membership, and the committee itself should establish its own composition of a voluntary, rotating membership.

Every progressive committee will have some form of by laws or rules governing what they do, when it is done, who is involved with day to day operations and who and how activities are supported. This becomes essential when new members are introduced and even when deliverables are in question.

Safety committees come in all sizes. Some organizations report that the ideal working size for a committee is six members; more than ten becomes unwieldy. Other organizations believe that there cannot be too many members because it is easier to spread the safety work around. With large organizations, there are often working teams that send a team member to the main committee meetings and report to a core membership team or 'steering committee' who then delegate special assignments.

Safety Committees and the National Labor Relations Act (NLRA)

The National Labor Relations Board (NLRB) establishes the framework for collective bargaining and labor management relations in the private sector. An improperly structured or implemented safety committee might be considered an illegal "labor organization" under the NLRA.

The NLRA defines “labor organization” as one:

1. In which employees participate
2. Whose purpose is, at least in part, to “deal with” an employer, and
3. Where the “dealing with” is over working conditions

The Board has ruled that the following types of employee participation are suitable meeting groups and formats because they do not meet the “dealing with” definition for labor organization status.

Brainstorming Groups: These are groups of employees who think up a list of suggestions that are presented without evaluation or development to management. Management does not respond to the group but considers on its own the ideas from the brainstorming session and may adopt some of them. With brainstorming groups, the group makes no real proposals to management and management does not respond to the group.

Information Gathering Committee: Under this arrangement, an employee committee goes about gathering information on matters that concern safety and health. After it has gathered the information, the committee presents the information to management. Management may choose to act on the information or disregard it. As long as the committee makes no proposal to management, it avoids the “dealing with” component of labor organizations status.

Suggestion Box: This method permits individual employees to make specific safety and health recommendations directly to management. Because they are made individually, there is no group “dealing with” management over the suggestions, and there is no NLRA violation.

Safety Conferences: Certain safety conferences have been approved by the Board as well. Small group breakouts where employees raise their own safety-related issues and the facilitator presents those comments and suggestions to a central safety committee for consideration are acceptable as long as no bargainable issues are discussed. The Board considers properly designed safety conferences similar to brainstorming sessions.

Committee of the Whole: A committee, in which all employees participate, on a rotational basis, was approved by the NLRA. As long as the construct and function of these committees involves each employee presenting his or her own ideas, this type of arrangement is acceptable.

Delegated Management Functions: Employee committees that are assigned work and perform the work with a significant degree of independence from management have received approval from the Board. As long as the committee does not discuss or deal with the employer on issues discussed within the committee, it is not in violation of the NLRA.

Employer Domination

Violations of the NLRA often come in various forms—most without any forethought or malice. An employer may commit an unfair labor practice if it dominates or unlawfully assists an employee group concerning safety and health issues.

Domination of a committee exists when *all* of the following criteria are present:

1. The committee is the employer’s idea, not employees’.
2. The employer exercises control over structure and function of the committee.
3. The employer maintains some, but not all, control over membership of the committee.
4. The employer can abolish the committee at will; and
5. The employer can influence or control the proposals the committee makes.

Summary

Effective and functional safety and health committees are an integral component of a successful safety plan. As with any group formed as a joint employee/management safety team, carefully review the structure, mission, procedures and duties of the committee with your legal counsel.

Resources and References

NLRA Update, Employment Roundtable, Stacey Mark, *What Union and Non-Union Employers Need to Know Now*, June 19, 2008.

Liberty Mutual Insurance Model Safety Plan, RC 6215.

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