## HEALTH AND SAFETY REPRESENTATIVE

[Organization Name] is committed to ensuring the health and safety of all its employees. In pursuit of that, [Organization Name] will abide by all provincially outlined legislation for the province of Nova Scotia as established by the *Occupational Health and Safety Act* of Nova Scotia*.* Further, [Organization Name] recognizes that as an employer, it has the greatest level of responsibility to ensure health and safety on its premises.

As part of our commitment and obligation, we shall ensure our workplace meets or exceeds legislation established by the Federal, Provincial and Municipal governments. Under the Act, we shall ensure the establishment and ongoing support of a Health and Safety Representative (“the Rep”).

POLICY

Since [Organization Name] has between 5-19 employees, we will ensure a Health and Safety Representative (“the Rep”) is put in place to perform health and safety duties and . This representative will be elected by the employees and is not permitted to exercise any leadership or managerial responsibilities.

Should the number of employees increase to 20 more, a full Joint Health and Safety Committee (JHSC) will be put into place.

Selecting a Rep

The employees shall select at least one Rep from among them, who are not connected with management. The Rep(s), however, is not authorized to assume any leadership or managerial responsibilities. If the employee’s are unable to establish a Rep among themselves, one may be ordered by the Director under the Act. In this case, [Organization Name] shall ensure that the Rep is selected and functioning within fifteen (15) days of receipt of the order.

[Organization Name] shall post and maintain the current name(s) of the Rep(s), if any, and the means of contacting them.

The Rep is entitled to time off from work as is necessary to carry out the functions of a representative, and such time off is deemed to be work time for which the employee shall be paid at the applicable rate.

Inspections

[Organization Name] will ensure that the representative has adequate time each month to conduct a workplace health and safety inspection. Documentation of these inspections is required and they shall be stored in a secure manner. If the Rep requires information or assistance in carrying out the inspection, it will be provided.

Employees who work from home must email their concerns to the representative and inspect their own workstations.

Reports

[Organization Name] shall notify the Rep of the existence of reports of:

(a) workplace occupational health or safety inspections; and

(b) workplace occupational health or safety monitoring or tests, undertaken at the workplace by, or at the request of, an officer or the employer.

On request, [Organization Name] shall make the reports available to the Rep. Additionally, we shall make available to an employee, upon request:

* reports of workplace occupational health or safety inspections; and
* reports of workplace occupational health or safety monitoring or tests, undertaken at the workplace by, or at the request of, an officer or the employer.
* an annual summary of data relating to the [Organization Name].

Representative Recommendations

The Rep shall make formal, written recommendations to [Organization Name] regarding health and safety concerns brought forth by employees or through inspections. All formal, written recommendations shall receive a written response by the company within 21 days of receipt and shall:

* indicate acceptance of the recommendations; or
* give reasons for the disagreement with any recommendations that the employer does not accept,

If it is not reasonably possible to give an adequate response within 21 days, [Organization Name] shall give a reasonable explanation for the delay within the deadline. In the explanation, we shall identify when a response will be provided and make it available as soon as is reasonably practical.

Where the Rep makes a request and is not satisfied that the explanation provided for a delay in responding is reasonable in the circumstances, he/she/they are expected to report this to an officer.

If [Organization Name] concurs with the recommendation, the response will contain a schedule for implementation. If [Organization Name] disagrees with the recommendation, the reasons for disagreement and/or rejection shall be included in the response.

Representative Powers and Duties

It is the function of the Rep to be involved, on behalf of the employees and together with the employer, in occupational health and safety in the workplace and, without restricting the generality of the foregoing, this includes:

* the co-operative identification of hazards to health and safety and effective systems to respond to the hazards;
* the co-operative auditing of compliance with health and safety requirements in the workplace;
* receipt of and co-operation with the employer in the investigation and prompt disposition of matters and complaints with respect to workplace health and safety;
* participation in testing and monitoring, inspections, inquiries and investigations concerning the occupational health and safety of the employees and, in particular, participation in an inspection referred to in the Act;
* advising on individual protective devices, equipment and clothing which, complying with the Act and the regulations, are best adapted to the needs of the employees;
* advising the employer regarding a policy or program required by the Act or the regulations and making recommendations to the employer, the employees and any person for the improvement of the health and safety of persons at the workplace; and
* receiving results/reports of workplace occupational health or safety inspections, monitoring or tests undertaken at the workplace by, or at the request of, an officer or the employer; and
* where work refusals are not remedied at the supervisory level, participating in next level activities such as investigation, inspection, interviews, recommendations and documentation; and
* performing any other duties assigned to the representative by the Director, or by agreement between the employer and the employees, or as are established by the regulations.

The Rep will be equipped with the required information to detect any known current or potential workplace dangers.

Observers

The Rep shall select the employee who will observe workplace occupational health or safety monitoring and the taking of samples or measurements. If a situation arises where there is currently no representative at [Organization Name], the employee who observes workplace occupational health or safety monitoring and the taking of samples or measurements shall be selected by the employees.

We shall ensure that all requirements set out under the Act are applied and adhered to.

Representative Training

Pursuant to Section 13(1)(c) of the Act, [Organization Name] will ensure to provide information, training and instruction to the representative on topics such as OHS legislation, hazard assessment, H&S audits, and accident investigations so they are able to carry out their duties effectively.

Compensation for Time

Any time spent by the representative on health and safety duties is considered work time, and the representative will be compensated for the time in accordance with normal working hours. Additionally, the representative will be compensated for any preparation time required to fulfill health and safety responsibilities.

Reprisal

[Organization Name] shall not take, or threaten to take, discriminatory action against an employee because the employee has acted in compliance with this Act or the regulations or an order or direction made thereunder or has sought the enforcement of this Act or the regulations or, without limiting the generality of the foregoing, because:

* of the association of the employee with a representative or the employee has sought the selection of a representative or performed functions as a representative;
* the employee has refused to work pursuant to the Act;
* the employee has sought access to information to which the employee is entitled by this Act or the regulations, or has been assigned the role of observer pursuant to the Act;
* the employee has testified or is about to testify in any proceeding or inquiry pursuant to this Act or the regulations; or
* the employee has given information to the representative.

Record-Keeping

The health and safety representative is required to maintain records of all inspections, recommendations, accidents, hazards, and other health and safety issues that come to their attention while performing their duties and provide them to an Officer of the Workers’ Compensation Board of Nova Scotia upon request.