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Establishment and Administration of Safety and Health Committees at Work Sites

Sec. 31-40v-1. Purpose and scope

Section 31-40v of the general statutes "Establishment of safety and health committees by certain employers" requires that every covered employer administer a safety and health committee to promote health and safety in places of employment in this state. The purpose of this regulation is to specify rules for establishing and administering committees which will bring employers and employees together in a non-adversarial, cooperative, and effective effort to promote safety and health at each work site.

(Adopted effective May 22, 1995)

Sec. 31-40v-2. Definitions

For the purpose of sections 31-40v-1 through 31-40v-11, inclusive:

(a) "Average incidence rate" means the average incidence rate of work-related injury and illness for all industries in this state as determined by the Department of Labor.

(b) "Chairman" means the chairman of the Connecticut Workers' Compensation Commission or his designated agent.

(c) "Employee" means a person engaged in service to an employer in a business of his employer.

(d) "Employer" means a person engaged in business who has employees, including the State of Connecticut and any political subdivision thereof.

(e) "Managerial member" means any individual who has the authority to use his judgment in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances or effectively to recommend such actions.

(Adopted effective May 22, 1995)

Sec. 31-40v-3. Establishment of committees

(a) Except as provided in subsection (e) of section 31-40v-4 and section 31-40v-10 of these regulations, each employer who has twenty-five or more employees at any single work site in this state, as well as each employer who has twenty-four or less employees in this state whose rate of work-related injury and illness exceeds the average incidence rate, shall establish and administer a safety and health committee for that work site.

(b) In determining employment levels under sections 31-40v-1 to 31-40v-11, inclusive, of these regulations, the employer shall count all regular employees excluding temporary and seasonal workers under the employer's direction and control.

(Adopted effective May 22, 1995)

Sec. 31-40v-4. Committee membership and composition

(a) The committee shall be composed of at least as many employee members as employer members. The number of employee members on the committee may be greater than the number of employer members.

(b) The employer's non-managerial employees shall select employee safety and health members.

(c) Each committee shall have a chairperson elected by the committee members. Employer and employee members may have rotating responsibilities for chairing committee meetings.

(d) Reasonable efforts shall be made to ensure that committee members are representative of the major work activities at the work site.

(e) An employer need not provide a safety and health committee where the employees do not primarily report to or work at a fixed location and at work sites where less than 25 employees are employed. In such situations, a single centralized committee may represent the safety and health concerns of covered employees.

(Adopted effective May 22, 1995)

Sec. 31-40v-5. Frequency of meetings

The committee shall meet at least once every three months, but may meet more often should they so choose.

(Adopted effective May 22, 1995)

Sec. 31-40v-6. Recordkeeping

(a) The employer shall keep a roster containing the names and departments of all committee members. The names of current committee members shall be posted to ensure that all employees can readily contact committee members.

(b) The employer shall keep a record of attendance and minutes of meetings.

(c) All records regarding safety and health committees shall be provided to the chairman or his designee.

(d) The retention time for such records is three (3) years, after which said records may be purged.

(Adopted effective May 22, 1995)

Sec. 31-40v-7. Compensation

Any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, shall be paid at his/her regular rate of pay for all time spent on such activities.

(Adopted effective May 22, 1995)

Sec. 31-40v-8. Duties and functions

The committee's duties and responsibilities shall include, but not be limited to, establishing procedures for sharing ideas with the employer concerning:

(a) Safety inspections;

(b) Investigating safety incidents, accidents, illnesses and deaths;

(c) Evaluating accident and illness prevention programs;

(d) Establishing training programs for the identification and reduction of hazards in the workplace which damage the reproductive system of employees; and

(e) Establishing training programs to assist committee members in understanding and identifying the effects of employee substance abuse on workplace accidents and safety.

(Adopted effective May 22, 1995)

Sec. 31-40v-9. Training

All members of the committee shall be trained as committee members at no cost to the employees.

(Adopted effective May 22, 1995)

Sec. 31-40v-10. Pre-existing committees

Any employer who can establish that, prior to July 1, 1993, it had an existing safety and health program or other program determined by the chairman to be effective in the promotion of health and safety in the workplace may not be required

to establish a safety and health committee pursuant to section 31-40v-3 of these regulations if such existing safety and health committee or program is in substantial compliance with the provisions of sections 31-40v-1 to 31-40v-11, inclusive, of these regulations.

(Adopted effective May 22, 1995)

Sec. 31-40v-11. Construction

A safety and health committee established under and operating in conformity with the provisions of sections 31-40v-1 to 31-40v-11, inclusive, of these regulations is intended to respect all rights of all employees, including those rights arising under the National Labor Relations Act and the Railway Labor Act, and a committee operating pursuant to the provisions of sections 31-40v-1 to 31-40v-11, inclusive, shall not be construed to constitute a labor organization within the meaning of section 2 (5) of the National Labor Relations Act or a representative within the meaning of section 1, sixth, of the Railway Labor Act.

(Adopted effective May 22, 1995)