




## State-Level OSHA Safety Committee Requirements (As of September 2015)



**By The Lockton Companies**  
For the International Association of  
Refrigerated Warehouses



Copyright © 2015 by the International Association of Refrigerated Warehouses and Lockton Companies  
All rights reserved.

The information promulgated by International Association of Refrigerated Warehouses (IARW) and The Lockton Companies (Lockton) and is not intended to be a comprehensive resource with respect to the refrigerated warehousing industry. While the material has been compiled with care, IARW and Lockton and the authors of the manual have not validated all of the information contained herein and do not assume any responsibility for its use, accuracy, or applicability. All users of the information unconditionally agree: (1) not to hold IARW, Lockton, or the authors responsible in any manner or to any extent for the user's action(s) or the consequences of such action(s) relating to the use of the information provided and (2) to indemnify IARW, Lockton and the authors for all expenses, fees, costs, damages, awards, or other amounts incurred related to or arising from the user's use of the information. As used above, IARW shall mean the organization's directors, officers, employees, volunteers, members, and agents.

No portion of this work may be reproduced or transmitted in any form by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system without written permission from the copyright holder.

State	Specifications	Frequency
<b>Connecticut</b> <a href="http://www.ctdol.state.ct.us/osh/osh.htm">www.ctdol.state.ct.us/osh/osh.htm</a>	Connecticut Administrative Regulations (§31-40v-1 to 31-40v-11) requires safety and health committees for covered employers with 25 or more employees or employers whose rate of work-related injury or illness exceeds the average incident rate.	Being required to have one head chairman, the committee will meet at least once every three months. The committee may meet more often should they so choose.
<b>Michigan</b> <a href="http://www.michigan.gov/lara/0,4601,7-154-11407_15368---,00.html">http://www.michigan.gov/lara/0,4601,7-154-11407_15368---,00.html</a>	The Michigan Workers' Compensation Law requires safety committees for public sector employers, and does not for private sectors. (Public refers to the state or any of its sub-agencies)	None specified.
<b>Minnesota</b> <a href="http://www.dli.mn.gov/WSC/Lmsc.asp">http://www.dli.mn.gov/WSC/Lmsc.asp</a>	Minnesota statutes §182.676 requires both private and public sectors to have safety committees. It also requires employers with 25 or more employees or employers who have lost workday case incident rate in the top ten percent of all rates for employers in the same industry or employers whose workers' comp premium classification assigned to the greatest portion of the payroll has a pure premium rate in the top 25 percent of premium rates for all classes.	Must hold regularly scheduled meetings unless otherwise provided in a collective bargaining agreement; can be monthly or quarterly.
<b>Montana</b> <a href="http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Montana">http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Montana</a>	The Montana Code (39-71-1505) and the Administrative Rules (24.30.2542) require employers with 5 or more than 5 employees to have safety and health committees.	At least once every four months.

State	Specifications	Frequency
<b>Nebraska</b> <a href="http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Nebraska">http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Nebraska</a>	<p>(NE Rev. Stat. 48-44 to 48-445, and 230 Nebraska Administrative Code 06)</p> <p>Every employer private or public is subject to the Workers' Compensation Act, which must have a safety committee per the Nebraska Workers' Compensation Reform Act. An employer that fails to do so could be subject to a fine up to \$1,000, for however long the violation continues.</p>	<p>Quarterly.</p> <p>No update listed.</p>
<b>Nevada</b> <a href="http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Nevada">http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Nevada</a>	<p>The Nevada Rev. Stat. §618.383 and Admin. Code 618.540 &amp; 618.542, requires employers with 25 or more employees and those engaged in the manufacture of explosives to have safety and health committees. If an employer has more than 25 employees, or if an employer's employees are engaged in the manufacture of explosives, the establishment of a safety committee</p>	<p>Meeting frequency and dates should be identified to ensure on-going activities; they should meet at least quarterly.</p>
<b>New Hampshire</b> <a href="http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-New-Hampshire">http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-New-Hampshire</a>	<p>NH Stat. 281-A:64 and NH Regulations-Labor (Lab) 603 requires private and public employers with 15 or more employees must create a safety committee. Employers who refuse to comply with these requirements could receive fines up to \$250 each day of noncompliance.</p>	<p>None specified</p>
<b>North Carolina</b> <a href="http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-North-Carolina">http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-North-Carolina</a>	<p>North Carolina statutes 95-252, and 13 NCAC 07A.0600 require employers with 11 or more full-time employees or with a workers' comp. rating of 1.5 or higher to have a joint safety and health committee.</p>	<p>None specified</p>

State	Specifications	Frequency
<b>Oklahoma</b> <a href="http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Oklahoma">http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Oklahoma</a>  <a href="http://www.ok.gov/odol/Services/Safety_and_Health_(PEOSH)/">http://www.ok.gov/odol/Services/Safety_and_Health_(PEOSH)/</a>	<p>There are no state specific or voluntary incentives for a private sector workplace safety committee. Although (PEOSH) Public Employees Occupational Safety &amp; Health Division, Enforces all OSHA rules for public sector employers.(OAC 380:40-1-5)</p>	None specified
<b>Oregon</b> <a href="http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Oregon">http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Oregon</a>	<p>Oregon Statutes OAR 437-001-0765 requires every public or private employer:</p> <p>with 11 or more employees or employers with 10 or who has fewer workers with a Lost Workday Case Incident Rate in the top 10 percent of all rates for the employers in the same industry or has a workers' comp premium rate in the top 25% of premium rates for all classes to have safety and health committees.</p>	<p>Mostly office work: quarterly;</p> <p>All other situations: monthly. (except months when quarterly worksite inspections are performed)</p>
<b>Tennessee</b> <a href="http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Tennessee">http://www.blr.com/Workplace-Safety/Safety-Administration/Safety-Committees-in-Tennessee</a>	<p>Tennessee Annotated Code §50-6-501 requires that all public and private employers subject to the Workers' Compensation Law with and whose claims experience places them in the top 25% of all covered employers to create a safety committee.</p>	None specified
<b>Washington</b> <a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=296-800&amp;full=true#296-800-13020">http://apps.leg.wa.gov/WAC/default.aspx?cite=296-800&amp;full=true#296-800-13020</a>	<p>Washington Administrative Code §296-800-13020 requires employers with 11 or more employees on the same shift at the same location to have safety and health committees.</p>	Committees can determine the frequency of meetings.
<b>West Virginia</b> <a href="http://www.wvminesafety.org/">www.wvminesafety.org/</a>	<p>West Virginia Legislative Rule §85-23-5.3 requires that employers whose combination of premium size and experience modification factor meets the criteria of the rule.</p>	None specified.

As an FYI, the following states do not require safety committees, but encourage their formation and use, publish guidelines for them, or have reduced Workers' Compensation premiums for employers who establish them:

- Alaska
- California\*
- Colorado
- Hawaii
- Michigan
- New York
- Pennsylvania
- Vermont
- Virginia

State	Specifications	Frequency
<p><b>Colorado</b></p> <p><a href="http://www.blr.com/Workplace-Safety/Safety-Administration/OSHA--in-Colorado">http://www.blr.com/Workplace-Safety/Safety-Administration/OSHA--in-Colorado</a></p>	<p>Premium dividends may be earned by employers qualifying for certification by the Workers' Compensation Cost Containment Board. To qualify, employers must have had a fully functioning, formal program of risk assessment and loss prevention for at least 1 year, including hazard awareness, employee training, safety manuals, claims processing procedures, and other recognized cost-saving measures.</p>	None specified
<p><b>Pennsylvania</b></p> <p><a href="http://www.blr.com/HR-Employment/Health-Safety/OSHA-in-Pennsylvania#">http://www.blr.com/HR-Employment/Health-Safety/OSHA-in-Pennsylvania#</a></p>	<p>An employer with a written and functioning workplace, Accident and Illness Prevention Program, and a safety committee is eligible to receive a 5 percent discount on his/her insurance premium annually.</p>	None specified

**\*Further Clarification regarding CA IIPP: from the website:**

[https://www.dir.ca.gov/dosh/dosh\\_publications/IIPP.html#6](https://www.dir.ca.gov/dosh/dosh_publications/IIPP.html#6)

### **“Safety Communications**

Your program must include a system for communicating with employees - in a form readily understandable by all affected employees - on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal.

While **this section does not require employers to establish labor-management safety and health committees, it is an option you should consider.** If you choose to do so, remember that employers who elect to use a labor-management safety and health committee to comply with the communication requirements are presumed to be in substantial compliance if the committee:


1. **Meets regularly but not less than quarterly.**
2. Prepares and makes available to affected employees written records of the safety and health issues discussed at the committee meetings, and maintained for review by the Division upon request.
3. Review results of the periodic scheduled worksite inspections.
4. Reviews investigations of occupational accidents and causes of incidents resulting in occupational injury, occupational illness or exposure to hazardous substances, and where appropriate, submits suggestions to management for the prevention of future incidents.
5. Reviews investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submits recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of the Division, verifies abatement action taken by the employer to abate citations issued by the Division.

If your employees are not represented by an agreement with an organized labor union, and part of your employee population is unionized, the establishment of labor-management committees is considerably more complicated. You should request clarification from the Cal/OSHA Consultation Service.

If you elect not to use labor-management safety and health committees, be prepared to formalize and document your required system for communicating with employees.

Here are some helpful tips on complying with this difficult section:

1. Your communication system must be in a form “readily understandable by all affected employees.” This means you should be prepared to communicate with employees in a language they can understand, and if an employee cannot read



in any language, you must communicate with him/her orally in a language “readily understandable.” Your communication system must be “designed to encourage employees to inform the employer of hazards at the workplace without fear of reprisal” it must be a two-way system of communication.

2. Schedule general employee meetings at which safety is freely and openly discussed by those present. Such, meetings should be regular, scheduled, and announced to all employees so that maximum employee attendance can be achieved. Remember to do this for all shifts. Many employers find it cost effective to hold such meetings at shift change time, with a brief overlap of schedules to accomplish the meetings. If properly planned, effective safety meetings can be held in a 15 to 20 minute time frame. Concentrate on:
  - Occupational accident and injury history at your own worksite, with possible comparisons to other locations in your company.
  - Feedback from the employee group.
  - Guest speakers from your worker’s compensation insurance carrier or other agencies concerned with safety.
  - Brief audio-visual materials that relate to your industry.
  - Control of the meetings.”
  - Stress that the purpose of the meeting is safety. Members of management should attend this meeting.
3. Training programs are excellent vehicles for communicating with employees.
4. Posters and bulletins can be very effective ways of communicating with employees. Useful materials can be obtained from Cal/OSHA, your workers’ compensation insurance carrier, the National Safety Council or other commercial and public service agencies.
5. Newsletters or similar publications devoted to safety are also very effective communication devices. If you cannot devote resources to an entire publication, make safety a featured item in every issue of your company newsletter.
6. A safety suggestion box can be used by employees, anonymously if desired, to communicate their concerns to management.
7. Publish a brief company safety policy or statement informing all employees that safety is a priority issue with management, and urge employees to actively participate in the program for the common good of all concerned. (Model policy, statements are found in Appendix A.)
8. Communicate your concerns about safety to all levels of management.
9. Document all communication efforts, as you will be required to demonstrate that a system of effective communication is in place.