

# Health and Safety Programs

## Health and Safety Representative

### On this page

[What is a health and safety representative?](#)

[Who is responsible for selecting a health and safety representative?](#)

[What does a health and safety representative do?](#)

[Is a health and safety representative required by law?](#)

[What are the sources of legislation regarding health and safety representatives?](#)

[When is a health and safety representative required?](#)

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## What is a health and safety representative?

In Canadian legislation, health and safety representatives are mentioned under slightly varying names. The representative may also be known as the worker health and safety representative (British Columbia, Newfoundland and Labrador, Northwest Territories, Nunavut, Yukon), workplace safety and health representative (Manitoba), safety representative (Quebec), or occupational health and safety representative (Prince Edward Island, Saskatchewan).

A health and safety representative brings the [internal responsibility system](#) into practice at smaller workplaces. They are a worker (labour) representative who meets with the employer and co-workers as needed to discuss health and safety issues. The advantage of a representative is that a worker with in-depth practical knowledge of specific tasks (labour) can act as a liaison with the employer, who has a larger overview of company policies and procedures (management). Another significant benefit is the enhancement of cooperation between all parts of the workforce toward solving health and safety problems. In larger companies with more than a specified number of workers, a full health and safety committee consisting of both worker and employer representatives is generally required. Consult the health and safety legislation applicable to your workplace for details.

If your workplace has more than 20 workers, please refer to the OSH Answers documents about [Health and Safety Committees](#) for more information.

# Who is responsible for selecting a health and safety representative?

Employers are responsible for ensuring that a health and safety representative is selected. On a construction project, the prime contractor may be responsible.

Most Canadian health and safety legislation sets guidelines for appointing or electing the representative, and determining their roles and responsibilities. The representative must be selected from workers who do not hold a managerial role (including supervisors), are “not associated with management”, or who “do not exercise any managerial functions”.

Depending on the jurisdiction, whether the workplace is unionized, and other factors, representatives may be selected as follows:

- According to the union procedures or the collective agreement
- By secret ballot
- By open election
- Selected by workers
- Assigned by the employer
- Appointed by the regulatory Director, Commission, or Minister

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## What does a health and safety representative do?

While exact roles may vary by jurisdiction, in general, the representative has identical or similar duties to those of the health and safety committee, where that is reasonably practicable.

The representative may have the following tasks and duties:

- Recognize workplace hazards.
- Evaluate the hazards and risks that may cause incidents, injuries, and illness.
- Participate in the development and implementation of programs to protect the workers' safety and health.
- Respond to worker complaints and suggestions concerning safety and health.
- Ensure the maintenance and monitoring of injury and work hazard records.
- Monitor and follow up on hazard reports and recommend action.
- Set up and promote programs to improve worker training and education.
- Participate in health and safety inquiries and investigations, as appropriate.
- Consult with professional and technical experts.

- Participate in resolving workplace refusals and work stoppages.
- Make recommendations to management for incident prevention and safety program activities.
- Monitor the effectiveness of safety programs and procedures.

While joint committees are required to hold monthly meetings, in general, representatives are not. Representatives may choose to schedule regular meetings, consult as needed with the employer and workers about health and safety issues, and collaborate on projects.

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## Is a health and safety representative required by law?

The appointment of a health and safety representative is either mandatory or subject to ministerial decisions in all Canadian jurisdictions. Certain types of workplaces may be exempt from this requirement, depending on the size of the workforce, industry, incident record, or some combination of these factors. Consult the most up-to-date applicable legislation to find out what requirements are for your workplace. See below for legislative summaries.

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## What are the sources of legislation regarding health and safety representatives?

The following are references to the provincial and federal legislation, where you will find the requirements for health and safety representatives from the different jurisdictions in Canada. Since legislation is amended from time to time, the jurisdictions should be contacted for the most current information. The most recent versions of the legislation can be accessed directly from the website of the [government agency responsible for occupational health and safety](#).

### **Canada (Federal)**

*Canada Labour Code*, Part II (R.S.C. 1985, C. L-2), Section 136

*Policy Committees, Work Place Committees and Representative Regulations* (SOR/2015-164), Parts 2 and 3

(Called: Health and Safety Representative)

### **Alberta**

*Occupational Health and Safety Act* (S.A. 2020, O-2.2 as amended), Part 2, Health and Safety Committees, Representatives and Programs, Section 14

*Occupational Health and Safety Code* (Reg. 191/2021) Part 13, Joint Health and Safety Committee and Health and Safety Representatives, Sections 196, 199.1 to 202

(Called: Health and Safety Representatives)

## **British Columbia**

*Workers Compensation Act* (R.S.B.C. 1996 as amended), Part 2, Division 5, Sections 45 and 46

(Called: Worker Health and Safety Representative)

## **Manitoba**

*Workplace Safety and Health Act* (R.S.M. 1987, c. W210), Section 41(1) to 41(8)

*Workplace Safety and Health Regulation* (Man. Reg. 217/2006), Part 3, Section 3.9

(Called: Workplace Safety and Health Representatives)

## **New Brunswick**

*Occupational Health and Safety Act* (A.N.B. 1983, c. O-0.2), Sections 17 and 18

(Called: Health and Safety Representatives)

## **Newfoundland and Labrador**

*Occupational Health and Safety Act* (R.S.N. 1990, c. O-3), Sections 41 to 44

*Occupational Health and Safety Regulations*, 2012, N.L.R 5/12, Part IV Section 25

(Called: Worker Health and Safety Representative)

## **Northwest Territories**

*Safety Act* (R.S.N.W.T. 1988, c. S-1), Section 7.1

Also: *Occupational Health and Safety Regulations* (R-039-2015), Part 4 Sections 39, 40, and 46 to 53

(Called: Occupational Health and Safety Representative)

## **Nova Scotia**

*Occupational Health and Safety Act* (S.N.S. 1996, c. 7), Section 33

(Called: Health and Safety Representatives)

## **Nunavut**

*Safety Act* (R.S.N.W.T. 1988, c. S-1), Section 7.1

Also: *Occupational Health and Safety Regulations* (R-039-2015), Part 4 Sections 39, 40, and 46 to 53

(Called: Occupational Health and Safety Representative)

## **Ontario**

*Occupational Health and Safety Act* (R.S.O. 1990, c. O.1), Sections 8, 11 and 12

(Called: Health and Safety Representative)

## **Prince Edward Island**

*Occupational Health and Safety Act* (R.S.P.E.I. 2004, c. 42), Section 26

(Called: Occupational Health and Safety Representative)

## **Quebec (English language legislation)**

*Act respecting Occupational Health and Safety* (R.S.Q., c. S-2.1), Chapter V, Sections 87 to 97.

And the *Regulation respecting safety representatives in establishments* (c. S-2.1, r. 12)

(Called: Safety Representatives)

## **Saskatchewan**

*Saskatchewan Employment Act* (S.S., 2013, c. S-15.1), Sections 3-24 and 3-28  
Occupational Health and Safety Regulations, 2020, Part 4, Sections 4-8 to 4-10  
(Called: Occupational Health and Safety Representatives)

## **Yukon Territory**

*Workers' Safety and Compensation Act* (S.Y. 2021), Part 3, Division 3, Sections 39 to 43  
(Called: Worker Health and Safety Representatives)

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## When is a health and safety representative required?

Table 1 provides brief information about when a representative is necessary. This summary is intended to provide basic facts. Please consult the legislation applicable to your workplace for exact requirements, including those for construction and project work.

Table 1: Legislation Requirements for Health and Safety Representatives

<b>Jurisdiction</b>	<b>When do I need a Health and Safety Representative</b>
Canada (Federal)	Mandatory when there are fewer than 20 employees, or when an employer is not otherwise required to establish a full committee
Alberta	Mandatory when there are 5 to 19 regularly employed workers, or when required by a Director
British Columbia	Mandatory when there are more than 9 but fewer than 20 workers or when "required by order"
Manitoba	Mandatory when there are 5 or more workers, at a construction project, or when ordered by the Director
New Brunswick	May be required when there are 5 to 19 workers. The employer may include a provision for a representative in the safety policy. Mandatory if the Commission determines the work is high risk, or the workplace has a higher-than-normal accident record
Newfoundland and Labrador	Mandatory when there are fewer than 20 workers
Northwest Territories	Mandatory when there are fewer than 20 workers, and there is no committee
Nova Scotia	Mandatory in a workplace or project where no committee is required, and there are 5 or more employees. When there are less than 5 employees, a Director may order that a representative be selected
Nunavut	Mandatory when fewer than 20 workers, and there is no committee
Ontario	Mandatory where the number of workers regularly exceeds 5, and no committee is required, or when ordered by the Minister
Prince Edward Island	Mandatory when there are 5 or more workers at a workplace or project. When there are fewer than 5 workers, a Director may order the selection of a representative
Quebec	Where a committee exists in an establishment, or where written notice is given by a certified association, the workers or the employer, and where required by Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)
Saskatchewan	Mandatory when there are more than 4 but fewer than 10 workers
Yukon	Mandatory when there are five or more but fewer than 20 workers, or when required by the Board

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