



MNOSHA Instruction **STD 5-0.2E**

June 3, 2024

SUBJECT: Joint Labor-Management Safety Committees

Purpose:

To provide guidelines for determining which employers must comply with Minnesota Statutes §182.676, "Safety Committees" and Minnesota Rule Chapter 5208.

Scope:

This instruction applies MNOSHA-wide.

Cancellation:

This directive supersedes STD 5-0.2 dated January 19, 2021.

Background:

During the 1995 legislative session, the requirement for safety committees was transferred from the Workers' Compensation statute (Minn. Stat. Chapter 176) to the OSHA statute (Minn. Stat. Chapter 182). The statute (Minn. Stat. §182.676) required all employers with more than 25 employees to establish and administer a joint labor-management safety committee. Employers with 25 or fewer employees were to establish a joint labor-management safety committee if the employer had a lost workday cases incidence rate in the top ten percent of all rates for employers in the same industry or they had a pure premium rate as reported by the Workers' Compensation Rating Association in the top 25 percent of premium rates for all classes. In 1999 Minn. Rule 5208 Accident and Injury Reduction Program was promulgated to clarify Minn. Stat. §182.676.

However, during the most recent 2023 legislative session (May 24, 2023; see [Minnesota legislative changes](#), lines 106.14 to 106.24), the safety committee statute (Minn. Stat. §182.676) was changed so that every public or private employer of 25 or fewer employees shall establish and administer a safety committee if it is subject to the requirement of A Workplace Accident and Injury Reduction (AWAIR) program under section 182.653, subd. 8 with a North American industry Classification System (NAICS) code listed in the most recently updated Standard

Industrial Classification List for AWAIR under MN Rule 5208.1500

(<https://www.dli.mn.gov/sites/default/files/pdf/AwairNaics2020.pdf>). The employers that were not previously covered by this statute (e.g., employers with 25 or fewer employees) will have six months to comply beginning July 1, 2023. This is consistent with MN Statute 182.653 subd. 9 which allows six months to comply when an employer is covered by the updated NAICS code list in the AWAIR program.

References:

MNOSHA Instruction CPL 2-0.135, "Recordkeeping Policies and Procedures."

MNOSHA Instruction STD 5-0.1, "Citation Guidelines for the Enforcement of MN Stat. § 182.653 subd. 8 (AWAIR)"

Formal Communication Internal Memo (June 13, 2023), "RE: Joint Labor-Management Safety Committees with 25 or fewer employee Guidance."

ACTION:

The requirement for a joint labor-management safety committee will be enforced as outlined below:

A. **Safety Committee Criteria.** A joint labor-management safety committee must:

1. Hold regularly scheduled meetings unless otherwise provided for in a collective bargaining agreement; and
2. Have its employee members selected by employees.

The statute requires covered employers to "establish and administer" a joint labor-management safety committee that meets the above criteria.

B. **Citation Policy.**

1. A joint labor-management safety committee is required in a workplace that has more than 25 employees or has 25 or fewer employees and is subject to the requirements of section 182.653, subdivision 8. During the inspection, the CSHO should ask an employee(s) or employee representative(s) how the safety committee is working. If there are no concerns about the safety committee, the CSHO need not inquire further. If there are concerns, the CSHO should determine whether the safety committee was established under a collective bargaining agreement or AWAIR plan. If so, the employer is exempt from the rule (Minn. Rule 5208.0070). If the employer is not exempt from Minn. Rule 5208 as defined in 5208.0010 Applicability, the CSHO would determine if any of the rule provisions apply to the concerns raised by the employee(s) and cite the identified

deficiency under Minn. Stat. §182.676 using the descriptions provided in Minn. Rule 5208 accordingly.

- a. If the company does not have a joint labor-management safety committee or the existing committee is deficient, cite Minn. Stat. §182.676.
- b. Reference Minn. Rule 5208.0020 in the 182.676 citation and use as guidance if an employer operates at more than one location.
- c. Reference Minn. Rule 5208.0030 in the 182.676 citation and use as guidance on membership.
- d. Reference Minn. Rule 5208.0070 in the 182.676 citation and use as guidance on acceptance of alternative forms of the committee.

C. Violation Classification and Penalties.

In accordance with Minn. Stat. §182.676, subd. (d), violations will be classified as Serious and rated as a “C”. A citation issued for lack of a safety committee will have an unadjusted penalty of \$1,000. The proposed penalty will be adjusted for good faith, size, and history and any appropriate penalty multiplier will be applied. The minimum adjusted penalty will be \$100.

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Distribution: OSHA Compliance and WSC Director

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