

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 5-0.2A dated April 17, 2009.

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) requires all employers with more than 25 employees to establish and administer a joint labor-management safety committee. Employers with 25 or fewer employees must establish a joint labor-management safety committee if the employer has a lost workday cases incidence rate in the top ten percent of all rates for employers in the same industry or they have 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.

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. During the inspection, the OSHI should ask an employee or employee representative how the safety committee is working. If there are no concerns about the safety committee, the OSHI need not inquire further. If there are concerns, the OSHI 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 the rules, the OSHI would determine if any of the rule provisions apply to the concerns raised by the employee and cite the employer accordingly.
 - a. If the company does not have a joint labor-management safety committee, cite Minn. Stat. §182.676.
 - b. Refer to Minn. Rule 5208.0020 for guidance if an employer operates at more than one location.
 - c. Refer to Minn. Rule 5208.0030 for guidance on membership.
 - d. Refer to Minn. Rule 5208.0070 for guidance on acceptance of alternative forms of the committee.

2. A joint labor-management safety committee is required in a workplace that has 25 or fewer employees if the employer has a lost workday cases incidence rate in the top ten percent of all rates for employers in the same industry or the employer has a pure premium rate as reported by the Workers' Compensation Rating Association in the top 25 percent of premium rates for all classes. The Appendix should be updated every September. If the company is in the top 25 percent and has less than 25 employees but does not have a joint labor-management safety committee, cite Minn. Stat. §182.676.

C. Violation Classification and Penalties.

1. In accordance with Minn. Stat. §182.676, subd. (d), violations will be classified as Serious and should be classified for severity and probability using the criteria for AWAIR (see FCM Chapter 6 and STD 5-0.1).
2. There will be no penalties for first instance violations of Minn. Stat. §182.676. Penalties will be assessed for all subsequent instances, including Repeat and Failure-to-Abate violations.

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For the MNOSHA Management Team

Distribution: OSHA Compliance and WSC Director

Appendix A: Employer List [Employers with a pure premium rate as reported by the Workers' Compensation Rating Association in the top 25 percent of premium rates for all classes.]

NOTICE: Minnesota OSHA Directives are used exclusively by MNOSHA personnel to assist in the administration of the OSHA program and in the proper interpretation and application of occupational safety and health statutes, regulations, and standards. They are not legally binding declarations and they are subject to revision or deletion at any time without notice.

This file contains the Minnesota 1-1-2015 advisory pure premium base rates and corresponding rating values. Refer to the 2015 Minnesota Ratemaking Report for further information on the derivation of these pure premium base rates and rating values.

This pure premium base rate schedule expires December 31, 2016.

Industry Group Indicators			
1	Manufacturing		
2	Contracting		
3	Office and Clerical		
4	Goods and Services		
5	Miscellaneous		
6	"F" Classes		
7	"S" Classes		
8	Maritime and Federal Classes		

The highest 25% of the industry groups, ordered by pure premium base rate

Class Code	Industry Group	DSR Pure Premium Base Rate	Description
0913	4	263.50	private residence: inservants
0908	4	87.44	private residence: occasional inservants
5059	2	55.80	iron or steel erection - frame structures not over two stories
5040	2	34.45	iron or steel erection - erecting bridges, towers, exteriors, frames over two stories
6874	6	25.50	painting - ship hulls- U.S. Act
7327	6	25.39	stevedoring - containerized freight - F class
5551	2	25.02	roofing - all kinds
9186	5	19.98	carnival, circus or amusement device operator - travelling and drivers
5037	2	15.95	painting - metal structures
7708	5	15.88	firemen - volunteer
6260	2	15.17	tunneling - pneumatic
6843	6	14.72	shipbuilding - iron or steel- noc- coverage under U.S. Act
7313	6	13.45	ore dock operation and stevedoring
6703	8	12.65	railroad construction--all operations: coverage under FELA: Program II--USL&HW Act benefits
4206	1	12.49	Pulp Mfg. - Ground Wood Process
5508	2	11.89	street or road construction - rock excavation
5703	2	10.47	building raising or moving
9088	5	10.28	fireworks exhibition

		DSR Pure	
Class	Industry	Premium	
Code	Group	Base Rate	Description
5222	2	10.25	concrete construction in connection with bridges, culverts
6884	5	9.91	ship scaling - state act
6236	2	9.83	oil or gas wells - installation or recovery of casings
7327	7	9.54	Cargo loading vessels—US Act--Containerized
6845	6	9.21	shipbuilding - naval
5403	2	9.19	carpentry - noc
5705	2	9.01	salvage operation - removing, sorting, reconditioning
6204	2	8.90	drilling noc
8726	6	8.70	steamship line or agency - port employees
1463	1	8.69	asphalt works
6704	8	8.60	railroad construction--all operations: coverage under FELA: Program II--state act benefits
0050	2	8.42	farm machinery operations
6248	2	8.42	core drilling - exploratory
5462	2	8.39	glaziers - away from shop
5437	2	7.94	carpentry - installation of cabinet work or interior trim
5645	2	7.94	carpentry - in the construction of detached private homes
5651	2	7.94	carpentry - in the construction of dwellings not over three stories
1322	2	7.92	oil or gas well servicing
2710	1	7.85	saw mills lumber years
6702	8	7.77	railroad construction--all operations: coverage under FELA: Program I
5472	2	7.75	Asbestos contractor – pipe & boiler work exclusive
8293	4	7.69	storage warehouse - furniture
6017	2	7.51	concrete construction in connection with dams or locks
9539	2	7.38	awning, tent or canvas goods erection
2702	5	7.36	Logging or lumbering
9554	2	7.34	sign installation maintenance repair removal or replacement
5478	2	7.30	carpet, linoleum, asphalt, and rubber floor tile installation
7337	8	7.26	dredging - all types: coverage under Admiralty Law: Program II - USL&HW Act benefits
7601	2	7.23	telephone, telegraph or fire alarm line construction
7317	6	7.14	stevedoring - by hand or hand trucks exclusively
7529	2	7.13	electric light or power line construction - Rural Electric Project and drivers
8265	4	7.08	iron or steel scrap dealers
7309	6	6.91	stevedoring noc - F class
6251	2	6.86	tunneling - not pneumatic

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Class	Industry	Premium	
Code	Group	Base Rate	Description
8285	1	6.78	Stock-yards – no butchering
9179	5	6.75	athletic team or park - contact sports
7335	8	6.66	dredging - all types: coverage under Admiralty Law: Program II - state act benefits
7201	4	6.61	livery or boarding stables
7207	4	6.61	riding academies or clubs
8279	4	6.61	stables or breeding farms - training or race horse
7398	8	6.55	salvage operations - marine- coverage under Admiralty Law: Program II - USL&HW Act benefits
0106	5	6.41	tree pruning, spraying
5022	2	6.40	masonry noc
7855	2	6.37	railroad construction: maintenance of way by contractor
0401	5	6.33	cotton gin operation
5473	2	6.21	Asbestos contractor noc
7047	8	6.21	ferries, tugboats - coverage under Admiralty Law: Program II- USL&HW Act benefits
6235	2	6.20	oil or gas wells - drilling or re-drilling
7395	8	6.01	salvage operations - marine- coverage under Admiralty Law: Program II - state act benefits
8203	4	6.00	Ice dealers
7333	8	6.00	dredging - all types: coverage under Admiralty Law: Program I
5474	2	5.97	painting or paper hanging
5538	2	5.83	sheet metal work erection noc
7099	8	5.81	Repairing of nets & boat-vessels-not self-propelled
8263	4	5.79	Junk dealers
7024	8	5.70	ferries, tugboats - coverage under Admiralty Law: Program II- state act benefits
3030	1	5.50	iron or steel works shop
7229	5	5.44	trucking - long distance hauling and drivers
3081	1	5.43	Foundry – ferrous – noc
3255	1	5.42	wire cloth mfg
7394	8	5.41	salvage operations - marine- coverage under Admiralty Law: Program I
6872	6	5.33	ship repair or conversion - all operations - U.S. Act
7098	8	5.33	Repairing of nets & boat-vessels-not self-propelled
8280	4	5.25	live stock sales companies
5348	2	5.23	Tile, stone, mosaic, or terrazzo work –interior c
9180	5	5.19	Amusement device operation noc – not traveling: o
7016	8	5.13	ferries, tugboats - coverage under Admiralty Law: Program I
5480	2	5.12	plastering noc
6252	2	5.12	shaft sinking - all work to completion
6216	2	5.10	oil or gas lease work

		DSR Pure	
Class	Industry	Premium	
Code	Group	Base Rate	Description
6400	2	5.07	fence construction - metal
7152	8	4.98	railroad operation-all employees: coverage under FELA: Program II--USL&HW Act benefits
7538	2	4.96	electric light or power line construction
2623	1	4.93	tanning
7230	5	4.90	parcel or package delivery
7231	5	4.90	mail delivery service
6003	2	4.89	pile driving - building foundations only
5221	2	4.88	concrete or cement work - floors; driveways, yards
3042	1	4.84	Elevator or escalator mfg
0042	2	4.83	Landscape gardening & drivers
6824	6	4.82	boatbuilding or repair - U.S. Act
8235	4	4.81	Sash, door or finished millwork dealers
7046	8	4.80	Repairing of nets & boat-vessels-not self-propelled
6306	2	4.79	sewer construction
3365	2	4.78	Welding or cutting
4665	1	4.78	Rendering works
3373	1	4.75	Galvanizing or tinning
5479	2	4.74	insulation work
5102	2	4.70	Door, door frame or sash erection
8709	6	4.69	stevedoring - talliers and checking clerks - US Act
1430	1	4.68	smelting, sintering or refining - lead
4000	5	4.61	sand or gravel digging
2211	1	4.60	Cotton batting, wadding or waste mfg
8286	4	4.55	Livestock commission merchants – no feeding or c
8264	4	4.53	Bottle dealers – second-hand
4034	1	4.52	concrete products mfg
4670	1	4.49	Cottonseed oil mfg – by mechanical extraction pr
6826	6	4.49	marine and drivers (F class) - U.S. Act
2021	1	4.48	Sugar refining
0400	4	4.47	cotton compressing
5146	2	4.45	Furniture or fixtures installation in offices or s
7390	4	4.42	Beer or ale dealers – wholesale & drivers
3821	4	4.37	automobile dismantling
6325	2	4.37	conduit construction - for cables or wires
7232	5	4.32	Trucking – mail, parcel, or pkg delivery
2157	1	4.31	bottling noc
7228	5	4.28	trucking - local hauling only and drivers
5649	2	4.24	Excavation – for cellars or foundations
6217	2	4.24	Excavation noc
3724	2	4.23	millwright work noc
5020	2	4.22	acoustical ceiling tile installation
5445	2	4.22	wall board installation - within buildings

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Class	Industry	Premium	
Code	Group	Base Rate	Description
0005	4	4.21	Nurserymen
5506	2	4.20	street or road construction, paving or repaving
5507	2	4.20	street or road construction - clearing of right of way
3300	1	4.11	bed spring or wire mattress mfg
7222	5	4.11	truckmen - oil field equipment
9534	2	4.11	bell installation
6845	7	4.05	Boat building-submarine testing