

FIRST REGULAR SESSION

HOUSE BILL NO. 938

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND MANLOVE.

2076H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to joint labor-management health and safety committees, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be
2 known as section 197.914, to read as follows:

197.914. 1. For purposes of this section, the following terms mean:

2 (1) "Department", the department of health and senior services;

3 (2) "Health care facility", a hospital licensed under this chapter or a nursing
4 facility licensed under chapter 198.

5 2. Every health care facility shall establish and administer a joint labor-
6 management health and safety committee composed of equal numbers of employer and
7 employee representatives.

8 3. Employee representatives shall be selected by employees through a
9 transparent, inclusive, and democratic process, free from employer influence. If
10 employees are represented by a union, the union shall select the employee
11 representatives.

12 4. Each joint labor-management health and safety committee shall be co-chaired
13 by one representative selected by the employer and one representative selected by the
14 employee members of the committee.

15 5. The employer shall compensate employee representatives on the joint labor-
16 management health and safety committee at their regular hourly wage while the
17 employees attend committee meetings or otherwise engage in committee activities.

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **6. Each joint labor-management health and safety committee shall:**

19 **(1) Review and revise all health and safety programs established by the**
20 **employer including, but not limited to, safety plans to address the COVID-19 pandemic**
21 **and any future infectious disease outbreaks;**

22 **(2) Review incidents involving work-related fatalities, injuries, and illnesses and**
23 **complaints by employees regarding safety or health hazards;**

24 **(3) Review, upon the request of the committee or upon the request of the**
25 **employer representatives or employee representatives of the committee, the employer's**
26 **work injury and illness records and other reports or documents related to occupational**
27 **safety and health, with special attention to the COVID-19 pandemic and any future**
28 **infectious disease outbreaks;**

29 **(4) Conduct inspections of the worksite at least once every three months and in**
30 **response to complaints by employees or committee members regarding safety or health**
31 **hazards;**

32 **(5) Conduct interviews with employees in conjunction with inspections of the**
33 **worksite;**

34 **(6) Conduct meetings at least once every three months and maintain written**
35 **minutes of such meetings;**

36 **(7) Establish procedures for exercising the rights of the committee;**

37 **(8) Establish and conduct employee health and safety training programs;**

38 **(9) Make recommendations on behalf of the committee and, in making**
39 **recommendations, permit any members of the committee to submit separate views to**
40 **the employer for improvements in the employer's safety and health program and the**
41 **correction of hazards to employee safety or health; and**

42 **(10) Accompany, upon request, the department's representative during any**
43 **physical inspection of the worksite.**

44 **7. The department shall assess an administrative penalty of up to five thousand**
45 **dollars per day on any health care facility not in compliance with the requirements**
46 **established under this section for the joint labor-management health and safety**
47 **committee. Each violation shall be subject to a separate administrative penalty.**

48 **8. A health care facility shall not:**

49 **(1) Interfere with, restrain, or deny the exercise of, or the attempt to exercise,**
50 **any right provided for or protected under this section;**

51 **(2) Coerce or intimidate any person regarding the exercise of, or the attempt to**
52 **exercise, any right provided for or protected under this section; or**

53 **(3) Discriminate or retaliate against any person for opposing any employer**
54 **policy, practice, or action that is alleged to violate, breach, or fail to comply with this**
55 **section.**

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