

FIRST REGULAR SESSION

HOUSE BILL NO. 1103

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND MANLOVE.

2108H.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 known as section 197.914, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 8. A health care facility shall not:

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

50 (2) Coerce or intimidate any person regarding the exercise of, or the attempt to
51 exercise, such a right; or

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

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