

SAFETY REPRESENTATIVES & SAFETY COMMITTEES

(See also: [Communication/Consultation on Health and Safety\(16\)](#); [Management of Health and Safety\(51\)](#)).

SAFETY REPRESENTATIVES & SAFETY COMMITTEES

INTRODUCTION

The Safety Representatives and Safety Committees Regulations 1977 were made under section 15 of the Health and Safety at Work etc. Act 1974. They have been subsequently amended by:-

- (i) The Management of Health and Safety at Work Regulations 1999, and
- (ii) The Health and Safety (Consultation with Employees) Regulations 1996.

The Regulations and associated Codes of Practice provide a legal framework for employers and trade unions to reach agreement on arrangements for safety representatives and safety committees to operate in their workplace.

REQUIREMENTS OF THE REGULATIONS

Appointment of safety representatives

- recognised trade unions may appoint safety reps to represent employees.
- guidance criteria for the numbers of safety reps would include:-
 - (a) total number of employees
 - (b) variety of occupations
 - (c) size and variety of workplace locations
 - (d) any shift systems
 - (e) type of work activity/dangers involved
- appointed safety reps to normally have either worked for their present employer for the preceding 2 years or have had at least 2 years experience in similar employment.

Functions of safety representatives

- investigate potential hazards, dangerous occurrences and accidents.

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- investigate employees' complaints.
- make representations to the employer on health and safety matters.
- carry out workplace inspections.
- receive information from inspectors and represent employees in consultations at the workplace with inspectors.
- attend meetings of safety committees.

NB Safety reps are entitled to time off with pay for performing the above functions, or undergoing relevant/reasonable training in connection with them.

Employers' duty to consult and provide facilities and assistance

- Consultation in good time is required regarding
 - the introduction of any measure affecting the health and safety of employees;
 - the arrangements for nominating/appointing competent persons (under the Management of Health and Safety at Work Regs. 1992);
 - health and safety information for employees;
 - planning and organisation of any health and safety training;
 - the introduction of new technologies into the workplace.
- More detailed information on the functions and training of safety reps is contained in booklet L87 'Safety Representatives and Safety Committees'.

Inspection of the workplace

- Safety reps may inspect the workplace if they have given the employer reasonable notice in writing.
- Inspections not to be more frequent than quarterly, unless by agreement with the employer. Where there has been a substantial change in work conditions or new information/guidance has been published by the HSC/HSE an inspection can be made within the three month period.

- The following forms of inspection (or a combination of any or all of them over a period of time) may be appropriate:-

Safety tours (general inspections)

Safety sampling (sampling of particular areas, activities etc.)

Safety surveys (inspection of particular areas, activities etc.)

- Employers must provide facilities and assistance and may be present during the inspection.

Inspections following accidents etc.

- Where there has been a notifiable accident, dangerous occurrence or disease, safety reps may carry out an inspection of the workplace concerned.
- The objective for such inspections is to prevent a recurrence and therefore a joint approach to them is encouraged.

Inspection of documents and provision of information

- Safety reps are entitled to inspect and take copies of any document relevant to the workplace (but must give the employer reasonable notice).
- Employers must make available to safety reps necessary safety information except where this may be against the interests of national security, where it would contravene a prohibition, where it relates to an individual (unless his/her permission has been given), where it would cause substantial injury to the employer's undertaking (or the undertaking of the supplier of the information) or information obtained by the employer for legal proceedings.

Safety Committees

- Where at least two safety reps request, in writing, the employer to establish a safety committee he must do so (after consultation and notifying the workforce and not later than three months after the request).
- The objectives should be the promotion of co-operation between employers and employees in instigating, developing and carrying out measures to ensure the health and safety at work of the employees.

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- Functions might include:-
 - (a) the study of accident statistics and trends.
 - (b) the examination of safety audit reports.
 - (c) the consideration of reports etc. from Inspectors.
 - (d) the consideration of reports from Safety Reps.
 - (e) assistance in the development of safe working procedures/systems.
 - (f) assessing the effectiveness/adequacy of training and communication on safety matters.
 - (g) the provision of a link with the enforcing authority.
- Membership and structure should be settled by consultation. The number of management representatives should not exceed the number of employees' representatives. Management representation should be such as to ensure authority, knowledge and expertise.
- Conduct. Safety Committees should meet as often as necessary, depending on the volume of safety business. Sufficient time should be allowed for full discussion of all business. The dates of meetings should be arranged well in advance, even to the extent of planning a programme six months or a year ahead. It may be useful for sub-groups to form to study particular health and safety problems. All meetings should be minuted and copies of these distributed to each member of the committee as soon as possible after each meeting. Copies should be sent to each safety representative and to the most senior executive responsible for health and safety.

WHERE EMPLOYERS DO NOT RECOGNISE INDEPENDENT TRADE UNIONS

The Health and Safety Commission (HSC) has issued guidance for employers who do not recognise independent trade unions. The HSC consider that except in the smaller establishments a suitable approach might be the setting up of a safety committee consisting of members drawn from both management and employees which could then consider its objectives. This should help employers comply with their legal duties (particularly under section 2 of the Health and Safety at Work etc. Act 1974 and the Health and Safety (Consultation with Employees) Regulations 1996.

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Under the latter, any employees not in groups covered by trade union safety representatives must be consulted by their employers. The employer can choose to consult them directly or through elected representatives.

If the employer consults employees directly, he or she can choose whichever method suits everyone best. If the employer decides to consult his or employees through an elected representative, then employees have to elect one or more people to represent them.

If the employer's arrangements already satisfy the law then there is no need for change.

The Health and Safety (Consultation with Employees) Regulations (HSCER) 1996 give elected representatives of employee safety the following roles:

- to take up with employers concerns about possible risks and dangerous events in the workplace that may affect the employees they represent;
- to take up with employers general matters affecting the health and safety of the employees they represent; and
- to represent the employees who elected them in consultations with health and safety inspectors.

Employers may choose to give elected representatives extra roles as well.

CHECKLIST - SAFETY REPRESENTATIVES & SAFETY COMMITTEES

SAFETY REPRESENTATIVES & SAFETY COMMITTEES

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| 1. Where you have recognised trade unions have any safety representatives been appointed? | YES | NO |
| 2. Have any safety reps been given time off with pay to perform their duties and to receive reasonable training? | YES | NO |
| 3. Do you consult safety representatives with regard to matters of health and safety in the workplace? | YES | NO |
| 4. Do you provide facilities and assistance for safety representatives? | YES | NO |
| 5. Do safety representatives inspect the workplace and do you ensure management presence on such inspections? | YES | NO |
| 6. Has a Safety Committee been established and do you use this forum to improve standards of health and safety management and performance in your workplace? | YES | NO |

REFERENCES / FURTHER DETAILS

- *1. Booklet L87 : Safety representatives and Safety Committees (Regulations, Codes of Practice and Guidance Notes) (HSE) ISBN 0-7176-1220-1
- **2. Leaflet IND (G) 232L - Consulting employees on health and safety: a guide to the law (HSE) (ISBN- 0717616150) Free pdf copy can be downloaded from www.hsebooks.co.uk

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- * Available to view by prior arrangement at Nuneaton and Bedworth Borough Council, Environmental Health Services, Council House, Coton Road, Nuneaton. CV11 5AA
 - ** Free copy available from Nuneaton and Bedworth Borough Council at the above address.

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