

Information for newly appointed Safety Reps

2016/01206

Your functions:

1. **representing** staff on health and safety
2. **inspecting** the workplace for health and safety risks
3. **investigating** work-related accidents and concerns
4. **communicating** health and safety **consultations**
5. **promoting** health and safety, for instance with campaigns
6. **supporting your employer:** for instance, by joint analysis of accident and ill health data to inform health and safety priorities and strategy
7. **meeting health and safety inspectors** if they visit the workplace.

1. Representing

Proactive: Be **visible**. Give advice. Refer to management a health or safety staff. Demonstrate Prospect makes a difference!

Responsive: ensure your employer **consults** you, for instance on new

technologies, new risk control measures, organisational change or restructuring. Make sure you know enough to assess the impacts and work out risk controls. Engage with staff to ensure you are representative.

HSE advice: www.hse.gov.uk/involvement/represent.htm



2. Inspecting

Joint inspections with management are ideal. This adds value, builds consensus and ensures action plans are agreed. But if employment relations are strained, go ahead independently once you have

informed your management in good time. Talk to staff, explain your role, and listen to concerns. How often you inspect depends how hazardous your workplace is.



Write your report on Form F2534 downloadable from Prospect's library:

<https://library.prospect.org.uk/download/2015/01693>



HSE advice: www.hse.gov.uk/involvement/inspections.htm

3. Investigating

Your employer must tell you about workplace accidents, incidents and ill health that are defined by the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR), even if they are not reportable. Such incidents can be vital signs that precautions to control risks are not working. Proper investigation can reveal weaknesses which can then be corrected to **prevent a recurrence**.



Agree arrangements with your employer to facilitate prompt involvement of you and/or other safety reps. Subject to safe access to the incident site and whether the scene is being preserved for legal reasons, you should be able to join your employer's investigating team. Its role is to determine **root cause**. Your role is to help with this so your employer should share relevant documents. If **Data Protection** law limits this, your employer should provide anonymous information and consult you about how important information for staff is shared. Prospect advises that we seek to co-operate with the employer's competent person and share any information we obtain about specific health and safety matters.

You may be asked by a constituent to investigate a health and safety complaint. Try to resolve a problem that could hurt someone, regardless of whether they are a member; but non-members seeking *personal* representation must first **join Prospect**. If you need to report a concern to your employer, use Form F2533 downloadable: <https://library.prospect.org.uk//download/2015/01693>

HSE advice: www.hse.gov.uk/involvement/accidents.htm

4. Consultation and committee work

Your employer must **consult you** on:

- information they must give staff on risks at work and the precautions that are provided
- risk assessments and emergency plans
- any change that may substantially affect employee health and safety, such as:
 - new procedures
 - premises
 - plant and equipment
 - ways of working (eg new shift patterns)
- health and safety consequences of new technologies
- the arrangements for getting competent people to help them comply with health and safety laws (a competent person is someone who has the necessary knowledge, skills and experience to help an employer meet the requirements of health and safety law)
- occupational health, including the service arrangements, how effective they are and OH trends
- accident and investigation reports (anonymised if required under Data Protection law).

It is best when employers consult representatives through a proper forum, such as a **health and safety committee** with a clear purpose, membership and arrangements for reporting the outcome of meetings to employees. Remember, your employer must create a culture for health and safety cooperation. You can help by giving your employer Prospect's **checklist** for worker involvement contained in our factcard:



<https://library.prospect.org.uk//download/2012/00796>

To avoid confusion and duplicating effort, agree with your employer to **act as a rep for all staff**, regardless of union membership, under the Safety Representatives and Safety Committees Regulations 1977. This avoids the temptation to your employer to appoint non-union 'Champions' (who can get all your glory!). Some Branches have a Charter affirming their agreement.

HSE advice: www.hse.gov.uk/involvement/hscommittees.htm

5. Contact with regulatory inspectors

Health and safety inspectors are employed by the Health and Safety Executive (HSE), Office of Nuclear Regulation (ONR), Office of Rail and Road (ORR), Environment Agency (EA) and local authorities and operate within their specific jurisdictions, as do fire safety officers employed by local or Crown fire authorities.

Health and safety inspectors have the right to enter any workplace without warning. However sometimes advance notice is given and in these cases the inspector should ask whether the business has any safety reps and obtain their contact details. This is so they can also arrange to meet a rep during their visit and share their findings. Any **correspondence** with the employer after a visit should be copied and addressed independently to the agreed Union point of contact and never sent via the employer. You are entitled to:



- ✓ represent employees when inspectors visit or investigate
- ✓ receive health and safety information inspectors are obliged to share such as their findings, recommendations and any enforcement action.

Prospect protocol on escalating a complaint to the regulator

If you have a concern so serious that **you wish to complain** to a regulatory authority, you must **notify your Branch Chair** and/or Secretary, who should notify your Prospect full time officer. They will contact Prospect's Health and Safety Officer for assistance where necessary. Enforcing authorities are under-resourced and uninclined to respond to Trade Unions that contact them without first having exhausted in-house efforts to resolve.

A formal complaint made in haste may jeopardise the trust we later wish to rely on!

6. Key resources:

- ❖ **Brown Book** Prospect (2015) version of Safety Representatives and Safety Committees Regulations 1977 (as amended) with Code of Practice and guidance published by the TUC
- ❖ **L146** Consulting workers on health and safety, HSE version of Safety Representatives & Safety Committees Regulations 1977 and Health & Safety (Consultation with Employees) Regulations 1996 (*not applicable when unions are recognised*) published by HSE Books
- ❖ **HSG263** Involving your workforce in health and safety - Guidance for all workplaces from HSE
- ❖ **INDG232** Consulting employees on health and safety - A brief guide to the law from HSE
- ❖ HSE worker involvement webpages: www.hse.gov.uk/involvement/index.htm
- ❖ Prospect H&S Rep e-toolkit: www.prospect.org.uk/safetyreps
- ❖ ACAS: <http://www.acas.org.uk/media/pdf/i/g/Employee-communications-and-consultation.pdf>
- ❖ Safety rep training: www.prospect.org.uk/at-work/health-and-safety/toolkit/toolkit4



HEALTH & SAFETY NOTICE

HEALTH & SAFETY INSPECTION

Prospect will be conducting a formal health and safety inspection of this location on

Any member wishing to raise an issue about health and safety is asked to contact their Prospect health and safety representative, in confidence, before that date so that their concerns can be raised.

Your health and safety representative is

TEL _____



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