

# The Effective Health and Safety Representative

Starter/refresher course

Online

## Welcome to the Effective Health and Safety Representative course

Welcome to this introductory course to the role of the health and safety rep for Prospect and Bectu representatives.

The role of health and safety rep, and therefore this course, attracts a diverse cross section of members from all parts of the union. Some of you may already be active reps with experience of liaising with your employer and representing members. For others, this may be your first representative role within the union.

Whatever your experience, this course will help you to be an effective and confident health and safety rep, able to support members, tackle collective problems, build good relationships at work and build a stronger union at local level.

If this is your first course as a union rep, other local union reps and full-time officers will support your ongoing development as a trade union representative.

The training is very informal and there is no pressure on anyone to do anything they are not comfortable with.

There is plenty of discussion and problem solving, as these are the most effective methods in adult learning.

Learning outcomes:

* develop a basic understanding of the health and safety legal framework
* know how and where you can find health and safety information and guidance
* know the role and rights of a health and safety rep
* how to be effective in addressing collective issues
* understand how health and safety can help grow the union in your workplace

Workbook contents

[The Effective Health and Safety Representative 1](#_Toc72924333)

[Welcome to the Effective Health and Safety Representative course 2](#_Toc72924334)

[Equality and diversity statement 4](#_Toc72924335)

[Course programme 5](#_Toc72924336)

[Session one: Getting started 6](#_Toc72924337)

[Activity one: paired introductions 6](#_Toc72924338)

[Activity two: discussion of pre-course activity 6](#_Toc72924339)

[The Health and safety legal framework 7](#_Toc72924340)

[Activity three: homework – evaluating a risk assessment 11](#_Toc72924341)

[Session two: The health and safety rep role 13](#_Toc72924342)

[Safety Representatives and Safety Committees Regulations 1977 13](#_Toc72924343)

[Activity four: the qualities and skills of health and safety representatives 14](#_Toc72924344)

[Activity five: Brown Book Q&A 15](#_Toc72924345)

[Activity six: homework – investigating accidents and incidents 20](#_Toc72924346)

[Session three: Getting organised and getting involved 23](#_Toc72924347)

[Getting started in your role 23](#_Toc72924348)

[Health and safety strategy 24](#_Toc72924349)

[Activity seven: Organising for health and safety 26](#_Toc72924350)

[Activity eight: gathering evidence to build a case 26](#_Toc72924351)

[Activity nine: homework – my plan 27](#_Toc72924352)

[Session four: Getting results 28](#_Toc72924353)

[Activity 10: identifying barriers and resolving conflict 30](#_Toc72924354)

[Activity 11: Problem-solving scenario 31](#_Toc72924355)

[Activity 12: negotiating for health and safety 32](#_Toc72924356)

[Appendix one: information resources 35](#_Toc72924357)

## Equality and diversity statement

Prospect is dedicated to providing training for all its representatives and activists that aspires to the highest standards of respect for difference and diversity.

This statement is inspired by our trade union values of justice, fairness, democracy, solidarity and equality. As a trade union, we oppose any view, action or organisation that undermines the ability of working people to act collectively to pursue their democratically determined policies and objectives.

We are opposed to discrimination against people on the basis of their gender, nationality, ethnicity, religion, disability, sexual orientation, marital status, social class, age, politics or education.

We defend the right to freedom of expression and to political opinions and beliefs except where these conflict with, or tend to undermine, the freedom of other people from discrimination on the grounds listed above.

In particular, we are opposed to sexist, racist and fascist ideologies and will not permit such views to be promoted at Prospect education events.

We will seek to ensure that all Prospect training is accessible to all who wish to attend. Recruitment to courses will be open, fair and in line with our commitments above.

All courses will allow opinions to be put forward and defended (consistent with the statement above). All members who attend Prospect courses are entitled to respect.

Members who want to raise issues relating to our commitment to equality and diversity, or if they wish to lodge a complaint about any incident or failure concerning this policy, should use the following procedure:

* any issue occurring during a course to be raised with the tutor
* if this is not practicable, or if the complaint is not dealt with to the satisfaction of the member, it should be raised with Prospect’s education officer or the education and skills manager
* if a member is not satisfied, the matter should be referred to the General Secretary.

## Course programme

*Pre-course activity*

#### Session one: getting started

Aims, objectives and introduction of course

* *Activity: paired introductions*
* *Activity: discussion of pre-course activity*

The health and safety legal framework  
Where have we come from and where are we now?

*Homework activity: evaluating a risk assessment*

#### Session two: the health and safety rep role

The structure of the union

Rep qualities, functions and facilities

* *Activity: the qualities and skills of health and safety representatives*

Introducing the “Brown Book”

* *Activity: Brown Book Q&A*

*Homework activity: investigating accidents and incidents*

#### Session three: Getting organised and getting involved

Capacity building and influence  
Why health and safety is important for organising

* *Activity: organising for health and safety*

Inspections and evidence

* *Activity: sources of data*

#### *Homework activity: my plan*

#### Session four: Getting results

Overcoming barriers

* *Activity: identifying barriers and resolving conflict*
* *Activity: problem solving scenario*

Negotiating for health and safety

* *Activity: preparing for negotiation*

## Session one: Getting started

### Activity one: paired introductions

#### Aims

To help you to:

* get to know more about each other
* work out your aims for the course
* practise interviewing, listening and note-taking.

#### Task

Work with another person to find out some basic information about their workplace and union experience so you can introduce them to the group when asked. Use the following headings for your interview:

* name
* job and employer
* why they want to be a health and safety rep
* how long they’ve been one
* any health and safety rep achievements so far?
* what they want to get out of the course.

Report back concisely – you’ll only have about two minutes each!

#### Notes

### Activity two: discussion of pre-course activity

#### Aims

To help you to:

* develop understanding of the positive elements of health and safety policies
* understand your employer’s approach to health and safety
* develop familiarity with written health and safety documentation

#### Task

Tutor to lead class discussion about health and safety policies and delegates’ responses to those of their employer.

#### Notes

### The Health and safety legal framework

#### Health and Safety at Work etc Act 1974

The Health and Safety at Work etc Act 1974 (HSWA) is an **enabling** act. This means that it provides for the Secretary of State to make regulations – also known as statutory instruments – under the act. The act itself lays down general principles and duties. Regulations and codes of practice have been made under the main act, building upon and providing more detail about these general duties.

The HSWA is a criminal act. In England and Wales, the HSE and local authorities (typically environmental health officers) investigate incidents and can bring prosecutions on behalf of the Crown. In Scotland, prosecutions are brought by Crown Office and Procurator Fiscal Service, with the support of and following investigations by the HSE or local authorities. There is a separate health and safety regulator in Northern Ireland, the HSE NI.

HSWA is designed to cover all:

* hazards
* workplaces
* people at risk.

The HSWA is written in very general terms. It places broad duties on different groups, including employers, the self-employed, controllers of premises, designers, manufacturers, suppliers and importers and employees.

**Section 2** places a general duty on employers to ensure the safety, health and welfare at work of all their employees. The general duties placed on employers are the central part of the act, since it is employers who are primarily responsible for the safety of their employees. In many ways this is the most important section of the act.

**Section 2** also requires employers to:

* maintain plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;
* introduce arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
* provide such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;
* maintain any place of work under the employer’s control in a condition that is safe and without risks to health, in so far as is reasonably practicable;
* provide and maintain a means of access to and egress from the workplace that is safe and without risks;
* provide and maintain a working environment for employees that is, so far as is reasonably practicable, safe, without risks to health, with adequate facilities and arrangements for welfare at work;
* prepare and revise a written health and safety policy statement;
* consult with health and safety representatives.

Other parts of the act worth noting are:

* **Section 3** – places a general duty on employers to ensure they do not endanger anyone affected by their work activities, such as contractors, passersby and local residents.
* **Section 4** – places a duty on employers to ensure that the place of work, the land and buildings do not endanger anyone using them.
* **Section 6** – places a duty on designers, manufacturers, importers and suppliers to ensure that the articles and substances they provide do not pose a risk to health. This section requires them to carry out testing and examination and to provide adequate health and safety information, such as data hazard sheets, and information about how to use the equipment safely.

Under **Section 7,** employeeshave a duty to:

* Take reasonable care of themselves and others; and
* Co-operate with the employer, so far as is necessary to enable the employer to carry out their legal duty.

Other regulations place specific duties on employees, on for example, wearing personal protective equipment.

Failure to comply with this is a criminal offence.For example, if an employer introduces a particular procedure to protect staff from exposure to a hazardous substance agreed with the trade unions, and an employee deliberately decides not to follow that procedure, endangering themselves and their colleagues, management would be right to discipline them.

##### HSWA Section 2 general duty

*“It shall be the duty of every employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of all his employees”.*

Many duties in the HSWA (except those relating to employees) are qualified by this statement. It also appears in other regulations. There are three types of legal duty:

**1. Absolute duties** – these are duties that must be met, for example maximum exposure rates for radiation workers, or minimum working temperatures.

**2. Practical duties** – these provide the possibility to argue that it is not technically possible to meet a particular standard.

**3. Reasonably practicable duties** –these mean that the reduction in risk that a particular safety measure would produce must be judged against the sacrifice involved in introducing it, so employers can argue that the cost of introducing a safety measure cannot be justified by the benefit. In effect, it is a balance between the risk and the cost, time and trouble involved in reducing the risk. However, lack of money to introduce an improvement is not an acceptable argument under the act. If it can be shown that an improvement is necessary and the benefits it will produce outweigh its costs, failure to introduce it cannot be justified on lack of cash grounds.

#### Regulations

Regulations are additional laws made under the HSWA, which impose duties in respect of specific hazards, processes or groups of workers. They build on the general duties contained in the HSWA. These may replace or modify older legislation or create new duties.

#### Approved Codes of Practice (ACOPs)

ACOPs supplement regulations and have a particular legal status. They specify an “approved” way managing risk. Not all regulations have ACOPs attached. Failure to comply with an ACOP may be admissible as evidence in a court case or tribunal hearing. If the employer did not follow the ACOP, they would have to prove that they had followed the spirit of the ACOP in some other way.

#### Guidance

Guidance produced by the HSE may supplement the regulations, giving guidance to employers and trade unions. They are largely advisory. Again, not all regulations have guidance, but they can be used to guide an employer or help trade unions in negotiations.

#### European directives

For many years, the European Union has been the main force in the development of health and safety legislation in the UK. A large body of UK health and safety regulation is European in origin. Directives are the most important type of European legislation and are binding on the governments of the member states. They set out the general principles of laws which must be implemented but leave the means of implementation to the discretion of the national authorities.

All UK health and safety laws that stem from European directives have been transposed into domestic law so that they continue to operate in the same way following Brexit.

There is then a very wide body of health and safety law that applies to work in Britain and a number of problems should be noted:

* Much of the law is written in very general terms.
* It is not always simple to identify which part of the law covers a particular problem.
* The law does not always provide absolute standards, which gives employers an opportunity to argue that they cannot introduce a particular benefit because it is too expensive, or technically not possible.
* Finally, there are too few inspectors to enforce the law.

That said, the law can help you in your role as safety rep because it lays down minimum standards.

#### Risk assessment

The Management of Health and Safety at Work Regulations 1999 (MHSWR) require employers to carry out a “suitable and sufficient assessment of

1. the risks to the health and safety of his employees to which they are exposed whilst they are at work; and
2. the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.”

To do this, the employer must:

* identify what could cause injury or illness in the business (hazards)
* decide how likely it is that someone could be harmed and how seriously (the risk)
* take action to eliminate the hazard, or if this isn’t possible, control the risk.

The law states that a risk assessment must be “suitable and sufficient”. The HSE says that this means that the risk assessment should show that:

* a proper check was made, taking into account all things that could cause harm
* the obvious significant risks are deal with, taking into account the number of people who could be involved
* the precautions are reasonable, and the remaining risk is low as is reasonably practicable
* workers or their representatives were involved in the process

The level of detail in a risk assessment should be proportionate to the risk and appropriate to the nature of the work. Insignificant risks can usually be ignored, as can risks arising from routine activities associated with life in general, unless the work activity compounds or significantly alters those risks.

The risk assessment should only include risks that the employer could reasonably be expected to know – the employer does not have to anticipate and guard against unforeseeable risks.

The objective of health and safety reps is to control risks to members by negotiation with management because:

* risk is a spectrum and not absolute
* “reasonable practicability” – the union may have a different idea of what is reasonably practicable to the employer
* the law only sets *minimum* standards – we should strive to raise the bar.

### Activity three: homework – evaluating a risk assessment

#### Aims

To help you to:

* get to know more about the process of risk assessment
* develop critical thinking regarding risk and its management
* develop familiarity with health and safety documentation

#### Task

* Read through the following case study
* Write down at least eight pros and cons (e.g. three pros and five cons, or one pro and seven cons) regarding the risk assessment and/or the process by which it was carried out based solely on the information supplied.
* Prepare to share your thoughts at the following session.

**Risk assessment case study**

Some members working in a small regional office have told you they are concerned about slips and trips in their workplace. You decide to investigate.

Speaking to members, you find out that the office is located in a building containing several small offices which are leased to tenants – including your employer – by a landlord. The landlord is responsible for and carries out a risk assessment for the communal areas, facilities and services. Rented units are the responsibly of tenants.

The office consists of a small reception area, a small kitchen, a server room, a meeting room and an open plan office area. There is no staircase. While the office is small – around 12 people work there – it is busy. In a typical week it will be visited by several clients and contractors.

You have asked your employer to provide you with the risk assessment addressing slips and trips in the office. They have supplied the office risk assessment, which contains this section on slips and trips:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Company name: ABC Engineering  Assessment carried out by: NK Simpson, IT Manager  Date assessment carried out: 12/02/2020 | | | | | | |
| What are the hazards? | Who might be harmed and how? | What are you already doing? | Do you need to do anything else to manage this risk? | Action by whom? | Action by when? | Done? |
| Slips and trips | Staff may be injured if they trip over objects or slip on spillages. | General good housekeeping is carried out.  Changes in flooring level, such as steps, slopes and ramps are in good condition. | Ensure office is tidy and free from trip hazards. | Supervisor | 01/06/2020 |  |
| Tell staff to ensure they do not walk rain water into the office. | Manager | 01/05/2020 | 01/03/2020 |

Members working in the office tell you they have never been consulted on the risk assessment, and never been told about what it contains.

#### Task

Write down at least eight pros and cons (e.g. three pros and five cons, or one pro and seven cons) regarding this risk assessment and/or the process by which it was carried out, based solely on the information supplied here. For example, this might be further control measures needed, insufficient clarity, etc. Prepare to share your thoughts at the following session.

To help in doing so, consider:

1. What are the key features of the hazard? What is the level or the degree of risk associated with the hazard? In what ways could people be harmed?
2. What are the most effective ways of controlling risk?
3. The Management of Health and Safety at Work Regulations state that a risk assessment must be “suitable and sufficient”, i.e. it should show that:

* A proper check was made (all potential causes of harm are identified)
* All the obvious significant risks were dealt with, taking into account the number of people who could be involved
* The precautions are reasonable, and the remaining risk is low
* Workers or their representatives were involved in the process

#### Notes

## Session two: The health and safety rep role

### Safety Representatives and Safety Committees Regulations 1977

Health and safety is an area where trade unions have extensive legal rights. It is fair to say that safety representatives' legal powers are greater than that of any other trade union rep. Don't forget that safety representative's rights **only apply to** **workplaces where the union has recognition.**

The Safety Representative and Safety Committee regulations 1977 (SRSCR) were introduced under the HSWA and have the same legal force as the act itself. This means they have legal backing and failure to meet the provisions could result in prosecutions through the criminal courts.

SRSCR sets out the arrangements for the appointment of health and safety representatives and provides details of their rights and functions. In a nutshell, they are the source of your statutory rights as representatives, but it is important to note these rights will only be put into operation through negotiation and agreement.

The regulations are accompanied by an ACOP and guidance. The ACOP provides an authoritative statement of the action that is required for compliance with the regulations. It is not in itself law, but is admissible as evidence of a breach of the law. Guidance gives further authoritative advice as to how the regulations should work in practice. They are advisory only and have no legal backing. The regulations, ACOP and guidance are contained in what is commonly known as the **“Brown Book”**. The [Brown Book is available online](https://www.tuc.org.uk/sites/default/files/BrownBook2015.pdf) as a PDF.

Note: Some employers erroneously think the Brown Book is a trade union publication. The content is Crown copyright and the HSE equivalent (L146) can be [accessed on the regulator’s website](http://www.hse.gov.uk/pubns/priced/l146.pdf).

#### Being appointed as a health and safety rep

The appointment of union safety representatives is covered in Regulation 3 of the Brown Book. The key points are:

* recognised trade unions can appoint health and safety representatives
* the employer must be notified in writing by the local branch or section that you have been appointed as a health and safety representative
* the notification should include the group(s) of employees you represent.

The regulation does not cover HOW your appointment takes place. This is dealt with by the internal procedures in the branch. For example, safety representatives may have:

* been elected by the members at a meeting
* been elected in a branch or workplace ballot
* been nominated and voted in at a branch, section or workplace ballot or meeting
* been asked to be the rep by a branch officer
* volunteered.

However they are appointed, the safety representative should make sure their branch has confirmed their appointment, has notified the employer of the appointment in writing and set out the area of the workplace to be covered.

### Activity four: the qualities and skills of health and safety representatives

#### Aims

To help you to:

* appreciate the qualities and skills that contribute to being an effective health and safety repetitive

#### Task

Tutor to lead discussion on the skills and qualities of an effective health and safety representative

#### Notes

### Activity five: Brown Book Q&A

#### Aims

To help you to:

* understand your health and safety rep role
* find out what support the law gives you
* recognise the provisions of the SRSCR, Approved Code of Practice and guidance.

#### Task

In your group, use the Brown Book to answer the following questions. Not all answers can be found in the documents - some will require you to draw on your experience.

#### Questions

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Question** | **Answer** | **Reference** |
| **1** | What are the key functions of a health and safety rep? |  |  |
| **2** | In order to fulfil these functions, what does the ACOP say a health and safety rep should:   * keep themselves informed of? * encourage? * bring to the employer’s notice? |  |  |
| **3** | Paragraph 11 states what Section 2(6) of the HSWA requires of employers. What are the requirements? What do you think this means in practical terms? |  |  |
| **4** | When appointing health and safety reps, what must a union inform the employer of? |  |  |
| **5** | Which group(s) of workers do you think Prospect health and safety reps should represent? |  |  |
| **6** | Who appoints health and safety reps? |  |  |
| **7** | How many health and safety reps should be appointed? |  |  |
| **8** | What must employers consult health and safety reps on? |  |  |
| **9** | When must your employer consult you? |  |  |
| **10** | What is the health and safety rep’s role in risk assessment? |  |  |
| 11 | Paragraphs 45 – 48 on *representing* highlights the importance of communications. Who with and why? |  |  |
| **12** | How often may a health and safety rep inspect the workplace? |  |  |
| **13** | What types of inspection can be made? |  |  |
| **14** | What might the benefits be of planning a programme of joint inspections? |  |  |
| **15** | During inspections, what must your employer provide you with? |  |  |
| **16** | If you and your employer differ over proposed remedial action, what should your employer provide you with? |  |  |
| **17** | You are entitled to investigate certain types of incident – which types? |  |  |
| **18** | What is the main purpose of the investigation? |  |  |
| **19** | What rights do you have to carry out an investigation? |  |  |
| **20** | What sort of information should your employer make available to you? |  |  |
| **21** | How much of your time do you think your health and safety Rep role may require? What do the regulations state? |  |  |
| **22** | What are the functions/objectives of a health and safety committee? |  |  |
| **23** | What should the committee membership comprise and how should it be established? |  |  |
| **24** | What is the committee’s effectiveness dependent upon? |  |  |
| **25** | How is health and safety committee conduct facilitated? |  |  |
| **27** | What legal responsibility does a health and safety Rep have? |  |  |
| **28** | Health and safety reps are entitled to paid time off for what purposes?  What does this mean in practice that an employer needs to take account of? |  |  |

### Activity six: homework – investigating accidents and incidents

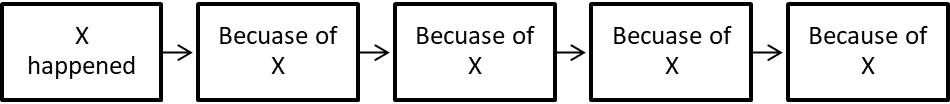
#### Aims

To help you develop:

* an understanding of good practice in accident investigation
* research skills in finding and identifying legislation, guidance and information
* an understanding of how legislation applies to a real world events
* an understanding of the factors that can contribute to accidents

#### Task

* Find and read pages 1-25 of the HSE’s guidance document *HSG245, Investigating accidents and incidents*
* Read the following case study and witness statements
* Decide whether the incident is RIDDOR reportable (you will need to research this. The answer is not contained in *HSG245*)
* Try to identify the root cause or root causes of the accident using the “why” technique. You should be able to find the immediate cause of the accident and keep asking “why” until the answer is no longer meaningful.
* Make notes about your thought process and record your opinion of the root cause, ready to share with the class at the next session.
* Your notes may look something like this:



Why?

Root cause

Why?

Why?

Why?

**Accident investigation scenario**

Alex, a delivery driver for Central Supermarkets, was making a delivery to the company’s store in Somercotes, Derbyshire.

Alex was an experienced HGV driver but had little prior experience of working in a supermarket delivery environment. He had only worked for Central Supermarkets for two weeks prior to the visit and had never visited the Somercotes site before. This was his fifth and final delivery of the day. It was 4pm and he had started work at 8am.

Alex’s job involved loading stock into the HGV at the firm’s main depot in Warwickshire and delivering and unloading it at stores around the country. The stock in the articulated lorry was contained in both wheeled roll cages and pallets.

On the day of the accident, Alex reversed into the supermarket’s loading bay and started to unload the stock (see pic, right). He unloaded the roll cages first, which were simply pushed across the trailer’s ramp and moved into position in the stockroom. Once this was finished, he started to unload the pallets, which had to be moved using a powered pallet truck (for an example of these, see above).

He was moving one of the pallets, walking backwards across the stockroom and pulling the pallet truck, when he tried to apply the break to stop the pallet truck moving. It failed to stop in time and it ran over his foot. Despite wearing protective footwear, he sustained fractures to all the toes on his left foot. He was signed off work for a month.

**Powered pallet truck operating instructions**

Pallet jacks, or powered pallet trucks, are equipment used for low-level lifting and moving of pallets. They are used to move palletised products from one area to another with relative ease.

A pallet jack’s front wheels are mounted inside the end of the forks. A hydraulic jack raises the forks from the ground, forcing the load upward until it clears the floor. The pallet is lifted just enough to clear the floor for subsequent travel.

Operators press a button on the handle which raises the forks. The handle is then pulled downwards by the operators, allowing them to move the pallet truck forward or in reverse. The steering is done by swinging the handle in the intended direction of travel.

To apply the brake, the operator must allow the handle to spring back into the upright position or hold it down to the lowest position.

**Alex, delivery driver, witness statement**“It was one of the last pallets I had to move – I was pulling it along and about to manoeuvre it into place. I tried to apply the breaks by moving the handle into the upright position, but it didn’t stop, at least not as quickly as I thought it would.

“I’ve never used this type of pallet truck before – the ones I used while I was training stopped dead when you moved the handle upright.

“I had about a week’s training at the main depot in Warwickshire, I would basically follow Sarah around – another driver who’s been doing it for a few years – and she’d tell me about the various parts of the job and the main equipment we use.”

**Sarah, delivery driver, witness statement**“I tried to train Alex as best as I could but it’s difficult when you’re set a target and a time limit for making deliveries each day. He basically followed me around for a week – I would show everything I did while loading and unloading the lorry in as much detail was I could. Alex knows how to drive HGV so I didn’t need to demonstrate that, but I did show him how to operate the powered pallet truck.

“In the few years I’ve been working here, I’ve trained maybe three or four new drivers. I’ve never been told how to train them, never in given the formal outline of a training programme, I’ve always just been told to show them the ropes. That’s the way I was trained too.”

**Robin, operations manager, witness statement**“We’ve had a few other similar incidents in the last few years at different sites. Not exactly the same circumstances, but many involved powered pallet trucks. We had to submit two RIDDOR reports.

“Over the last few years we’ve been replacing all our powered pallet trucks across our stores and in the main depot, because a lot of them are quite old and frequently break. About 70% of sites now have the newer model, which stops dead when you raise the handle into the upright position, but the remaining 30% of sites, including Somercotes, have various models.

“There’s a risk assessment covering the powered pallet trucks, and they do address the issue of them running over people’s feet – that’s partly why we have people wearing foot protection – but we revised the risk assessment when the new models were introduced and it only considers the newer pallet trucks we’ve introduced recently.

“We’re working on implementing a structured training programme for new delivery drivers – it’s been in the pipeline for years but there always seems to be other urgent issues that need addressing. Senior management has asked me to hold off until training on the new time card system is complete.”

#### Notes

## Session three: Getting organised and getting involved

### Getting started in your role

Please ensure that you have set up appropriate communication channels with members. It is vital that members know you are their health and safety rep. Please also ensure you know:

* your Prospect branch, including when and where it meets.
* other local union structures, including branch officials, reps with special responsibilities and health and safety reps from fellow unions;
* management structures, including communication channels, who the director/manager responsible for health and safety is, any health and safety professionals or officers you have, occupational health staff, and so on;
* people with special responsibilities, including first aiders and fire wardens;
* health and safety committee membership, including when and where it meets; and
* how to access to information – what will the employer provide, where can it be found, i.e. the library, the safety department, will there be access to the web etc?

If you have difficulty with this, your local Prospect rep, your branch council or your full-time officer may be able to help.

#### Intranet

Most workplaces have intranets. Make sure the contact details of health and safety reps and their availability are listed within the health and safety pages. Ensure they include minutes of health and safety meetings and copies of risk assessments, inspections and relevant policies.

#### Events

A number of employers sponsor annual health and safety days, events and occasional seminars, which are often run jointly with the trade unions. Such events are an ideal opportunity to raise the profile of health and safety. If these are not routinely held in your workplace, you could speak to your employer about starting them.

#### Health and safety committees

Health and safety committees with full union involvement make the workplace much safer. However, joint consultative committees are also notorious talking shops. Give yours a health check to make sure it is doing its job. See the Brown Book for further guidance.

#### AGMs

Why not include a safety exercise/event as part of your branch AGM? A body or risk mapping exercise may provide the branch with useful information. By drawing simple maps of their body or their workplace, workers can record, in a visual form, their health problems, work hazards and overall work environment (see ‘Inspections’ below).

#### Mentoring

New health and safety reps sometimes need a little bit of help from more experienced colleagues to get started. Consider developing mentoring or buddying arrangements. Supporting a new rep during their first inspection would be particularly helpful.

#### Inspections

Regular health and safety inspections give health and safety reps the chance to meet members and discuss their concerns. It also shows that the union is serious about health and safety. However, try not to become overly focused on tick-box inspections. Safety sampling and safety surveys can produce excellent information. So too can questionnaires. Hazards magazine has [produced some brilliant safety tools](http://www.hazards.org/diyresearch/index.htm), which reps may wish to adapt for their workplaces. Reps may find body and risk mapping of particular interest.

##### Inspection: ten tips

1. Get background information before you start. This might include safety data sheets and other information from suppliers, HSE guidance, industry related guidance and information from Prospect and the TUC.
2. Spend time reviewing paperwork, such as the policy and risk assessments, before carrying out the inspection. Do they reflect current workplace practice? Don’t forget your legal rights to this information.
3. Devise a structured form for taking notes.
4. Don’t try to take everything on at once: limit yourself.
5. Don’t re-invent the wheel – assess critically what management has already done.
6. Don’t rely on what you think happens – go see for yourself.
7. Risk assessments can be generic, so consider the specifics of any tasks you look at – for example on manual handling look at handling risks as a whole.
8. Talk to members – they will tell you things you didn’t know.
9. Try to prioritise inspections.
10. Let people know when and why you are carrying out an inspection.

##### After inspection/investigation

* Make a written report.
* Forward to a member of management team with decision-making powers with a view to discussing at the health and safety committee meeting to jointly identify:
  + root causes
  + priorities
  + a timescale for remedy
  + allocation of resources
* Seek to identify common themes or trends (from near misses, accidents etc.)
* Check on progress
* Report back to local section and members
* Take further action if unsatisfactory progress made.

#### Campaigns

Local health and safety campaigns can help to obtain improvements. With the support of an informed and involved membership, identify an issue and run with it as a campaign. The best campaigning issues tend to be the ones which you can connect to a body of evidence drawn from a safety survey or elsewhere. They also tend to be widely and deeply felt by the membership and are winnable.

### Health and safety strategy

#### Get trained

Even if new health and safety reps have NEBOSH or other professional health and safety qualifications, they will need union rep training. Some of the skills needed are interviewing members, investigating accidents, researching information, taking notes, negotiating changes locally and meeting senior management, giving verbal reports, prioritising work and tackling problems systematically.

Health and safety rep training is available from Prospect or the TUC, which has education centres nationally so there should be one near you. Your employer may also provide training, but this is in addition to, not instead of, union health and safety rep training.

#### Investigate

Health and safety reps represent their members on health, safety and welfare issues. Talk to members about the problems they have with work they do, possibly using surveys, body mapping or risk mapping.

#### Network

New reps need to be in touch with other union reps in their organisation. This is to ensure they know what is going on within the union and what issues are being raised with the employer in the across the workplace.

#### Communicate

Employers have a statutory duty to display a poster telling all workers who their health and safety representative is and who has health and safety responsibility on management side.

More creative forms of communication can pay dividends too. Some branches have their own websites which may include information about each local representative and their responsibilities.

#### Representing

Reps must treat all their members fairly and be sensitive to issues which may arise affecting any one group of workers – for example women, religious or ethnic groups, workers with impairments, young workers or those who work outside normal hours such as maintenance, cleaners and security staff. Representing everyone fairly makes for a stronger union. Health and safety is one of the main reasons people join unions, so the higher the profile, the better.

Prospect health and safety reps must make sure they know who they represent. Many Prospect branches have undertaken to represent non-union workers for the purpose of consultation. They should know how and when to raise issues with both the employer and their local unions, when to expect action and when to resort to grievance or other related procedures.

### Activity seven: Organising for health and safety

#### Aims

To help you to understand:

* what “organising” is
* how an “organised union” is more effective
* how health and safety can help strengthen a union
* the importance of recruitment and retention

#### Task

List the features of an organising union

List the stakeholder groups a health and safety rep needs to know within the union, the employing organisation and nationally.

List the methods for communicating health and safety, be that to members, other reps or management.

#### Notes

### Activity eight: gathering evidence to build a case

#### Aims

To help you to understand:

* What sources of data and information might be useful when building a case
* Where or by whom that information might be held

#### Task

Tutor to lead discussion and list sources of data and information

#### Notes

### Activity nine: Homework – my plan

#### Aims

To help you prioritise make a plan for what issues you will tackle at work.

#### Task

Think of a specific health and safety issue your members are facing at work. Answer each of the questions in relation to that issue and your workplace. Answering the questions will provide you with the information necessary to address the problem.

#### Problem-Information-Plan checklist

**Problem**

* What is the real problem?
* What are the most important facts?
* Have you interviewed the people concerned? Should you?
* Is there an individual problem or does it affect other members?
* Is there an underlying reason for the problem that needs to be dealt with?
* Can it be settled locally?

**Information**

* What other information do you need to help you deal with the case (from management, the member or other union reps)?
* Have you interviewed the member and any other people involved?
* Is there anything in your agreements that might help?
* Is there custom and practice that might help?
* Is there any precedent?
* What are the member’s legal rights?
* Are there any union policies that might help?
* What other advice can you get and from whom?

**Plan**

* How do you plan to deal with the issue?
* What sort of problem is it?
* Is it an individual case or do you need to involve other workers? If you do need to involve other members how could you go about doing it?
* Can you deal with the problem locally or is the problem related to national agreements?
* Is it urgent and does it need to be raised with management straight away? Who should do this?
* Which level of management do you need to go to?
* Can you deal with the problem informally?
* Who else do you need to involve? Other reps, branch officers or the full-time official?
* What are your aims/objectives? (These should be agreed with member if it relates to an individual)
* What are the strengths and weaknesses of the case?
* What will management’s arguments be?

## Session four: Getting results

#### Negotiating checklist

Negotiating over an issue may be a protracted matter, taking place not just in meetings, but informally, or via letter, telephone or email. Some of the following points may be useful to consider during the negotiations.

**Be prepared**

* Decide on the issue(s) and objective(s)
* Research the facts, policy (including Prospect’s) procedures and legal aspects
* Network with your own management, with your own members and other employees/organisations
* Establish a negotiating strategy and timetable
* Agree before the meeting how to handle the issue and who will handle it
* Identify your opposing people and positions
* Prepare members, consult with them and inform them

**During a meeting**

* Establish the nature of the meeting and the agenda beforehand, whether it is formal or informal, who will be there, the seating arrangements, etc.
* Set the climate, e.g. welcomes, opening remarks, order of business.
* Explore the situation, actively looking and listening.
* Set out objectives and respond to management objectives in a positive manner – try not to be negative.
* Seek clarification and offer it on request. You don't need to justify your position.
* Be clear about your position; ensure you are clear about theirs.
* Emphasise points of agreement. Establish points of difference.
* Look for creative possibilities ("What ifs").
* If necessary, recess to consider your position, options, etc. Consider side meetings of team members.
* Sum up key points and minute them.
* Come to a specific conclusion and follow up in writing.

**After a meeting**

* Consult/inform members (as appropriate)
* Check any draft agreements carefully
* Be prepared to take the issue further, if necessary
* Keep relevant records

**Campaign**

* Among members
* Line management
* Nationally, through Prospect/with parliament/press, etc.

**Throughout**

* Keep members fully informed and consult with them
* Judge when you've reached the end and say so

**Skills needed**

* Good preparation
* Patience and persistence; listening and awareness
* Team work
* Presentation skills (not all team members necessarily)

#### Negotiating do’s and don’ts

|  |  |
| --- | --- |
| **Do** | **Don’t** |
| * consult, inform and report back to members * prioritise * prepare * know existing agreements/regulations * be clear of facts * identify weaknesses and strengths of arguments * identify wider implications * know union policy * identify objectives * establish fall-backs * identify “sacrifices” * know the opposition * anticipate arguments * keep own side together * agree tactics * be positive * be realistic * take notes * listen * ask questions for clarification and understanding * summarise | * make assumptions * pitch too low * get personal * score points * make “goodwill” concessions * walk out * negotiate if you don’t have to * over-commit * be intimidated * interrupt * blame * talk too much * be sarcastic * make threats you cannot back up |

When dealing with management:

* approach constructively – consider yourself a “critical friend”
* seek the highest standards (low risk end of spectrum)
* remember to cover not only “hardware” aspects such as guarding, ventilation etc., but also “software” such as maintenance, supervision, information, training
* include health, such as stress, back pain and occupational cancer
* prioritise risks.

### Activity 10: identifying barriers and resolving conflict

#### Aims

To help you:

* Identify and overcome barriers to effective health and safety representation
* understand Prospect health and safety escalation approach.

#### Task

Class brainstorm on barriers reps are likely to face.

Set out the steps to escalate a health and safety problem.

#### Notes

### Activity 11: Problem-solving scenario

#### Aims

To help you:

* understand and identify issues for you as a health and safety rep
* understand how to approach issues in practice

#### Task

Review the workplace scenario below. In your groups, details the:

* risk(s);
* adequacy of the consultation;
* issues for you as a health and safety rep;
* options for remedial action.

**Workplace scenario**

An organisation employs field and administrative staff, but with rising costs of estates it is keen to protect resources while promoting business delivery. It has agreed to free up floor space for sub-lets, reducing the space it occupies. This requires extending open-plan areas to include field staff, who have long enjoyed their own offices, but who are often out of the office leaving space unoccupied.

Management claims to be promoting flexibility in the workplace and advises that hot-desking and home-working are being considered. The unions have long been pushing for more flexible working option and field staff have been asking for upgrades to their IT internet access when out of the office.

Management has set up focus groups of selected staff for consultation about what it calls a “refurbishment”. The health and safety reps are concerned there may be health and safety impacts of the proposals and that these are out of scope of focus group discussions. Their assessment is that their employer has not grasped how unsettled staff feel about the changes being proposed. Management has been unresponsive to their concerns, including their requests for consultation, saying that they are consulting staff via the focus groups.

### Activity 12: negotiating for health and safety

#### Aims

To help you:

* appreciate the challenge of making representations and negotiating
* recognise the need to plan

#### Task:

With the preceding scenario regarding workplace change, and the addition of the following information, prepare for negotiation at the health and safety committee meeting by completing the two tables over the page.

**Additional information**

Staff anticipate difficulties accessing workstations, distracting noise in open-plan, a lack of privacy and being forced to work from home (where their experience is painfully slow internet access). You believe stress levels will soar and that musculoskeletal problems, such as back pain and RSI, will increase. Requests for formal consultation have failed to elicit a management response and you are not clear about the flexible working options.

You have tabled this as an agenda item at the next health and safety committee meeting. You want the following objectives but must prioritise:

* formal health and safety consultation
* full involvement in the “change” process
* plans of new workstation layout
* a commitment *not* to hot-desk
* a commitment *not* to impose homeworking
* a commitment to a higher speed internet access.

Management is focused on cost-effective business delivery in difficult economic times.

#### The Workplace (Health, Safety and Welfare) Regulations 1992

**Room dimensions and space**

10. (1) Every room where persons work shall have sufficient floor area, height and unoccupied space for purposes of health, safety and welfare.

**Workstations and seating**  
11. (1) Every workstation shall be so arranged that it is suitable both for any person at work in the workplace who is likely to work at that workstation and for any work of the undertaking which is likely to be done there.  
(2) Without prejudice to the generality of paragraph (1), every workstation outdoors shall be so arranged that:

1. so far as is reasonably practicable, it provides protection from adverse weather;
2. it enables any person at the workstation to leave it swiftly or, as appropriate, to be assisted in the event of an emergency; and
3. it ensures that any person at the workstation is not likely to slip or fall.

(3) A suitable seat shall be provided for each person at work in the workplace whose work includes operations of a kind that the work (or a substantial part of it) can or must be done sitting.  
(4) A seat shall not be suitable for the purpose of paragraph (3) unless:

1. it is suitable for the person for whom it is provided as well as for the operations to be performed; and
2. a suitable footrest is also provided where necessary.

#### Negotiations

In your preparation for the negotiation, complete the following tables:

**Bargaining power**

On the basis of what you know, try to assess your own and your opponents' strengths and weaknesses. Identify which are most important.

|  |  |  |
| --- | --- | --- |
| **Our side** | **Strengths** | **Weaknesses** |
|  |  |  |
| **The other side** | **Strengths** | **Weaknesses** |
|  |  |  |

**Objectives**

Having assessed your relative positions, consider your objectives and theirs.

|  |  |  |
| --- | --- | --- |
| Key objectives | Ours | Theirs |
| (Where and on what you would like to settle) |  |  |
| Potential settlement point(s) |  |  |
| Lowest settlement point |  |  |

## Appendix one: information resources

#### Prospect

See Prospect’s [health and safety webpages](https://prospect.org.uk/topic/health-and-safety/).

**Prospect guidance and factcards**

All Prospect/Bectu guidance documents can be accessed here, but those directly relating to health and safety are linked below. You will need your website log in details to access these documents.

* [Asbestos: the hidden killer](https://library.prospect.org.uk/id/2009/December/2/Asbestos-hidden-killer?display=preferred)
* [Body and workplace mapping](https://library.prospect.org.uk/id/2011/March/15/Body-workplace-mapping-factcard?display=preferred)
* [Display screen equipment](https://library.prospect.org.uk/id/2007/July/1/Display-screen-equipment-factcard?display=preferred)
* [Health and safety rights](https://library.prospect.org.uk/id/2012/May/16/Health-safety-rights-factcard?display=preferred)
* [Health and safety in annual reports](https://library.prospect.org.uk/id/2012/May/16/Health-safety-annual-reports?display=preferred)
* [Zoonotic infections](https://library.prospect.org.uk/id/2017/June/22/Zoonotic-infections?display=preferred)
* [Preventing work-related stress](https://library.prospect.org.uk/id/2020/March/16/Members-guide-preventing-work-related-stress?display=preferred)
* [Promoting mental health at work](https://library.prospect.org.uk/id/2020/March/12/Members-guide-promoting-mental-health-at-work?display=preferred)
* [The menopause: a workplace issue](https://library.prospect.org.uk/id/2018/November/29/The-menopause-workplace-issue?display=preferred)
* [Safer driving and work-related road risk](https://library.prospect.org.uk/id/2012/May/15/Safer-driving-work-related-road-risk?display=preferred)
* [Lone working](https://library.prospect.org.uk/id/2011/January/15/Lone-working?display=preferred)

#### TUC

The TUC website has a [useful health and safety section](http://www.tuc.org.uk/workplace-guidance/health-safety-and-wellbeing).

The [WorkSmart](file:///\\wat-fps3\ResearchSpecialistservices\Chris%20W\Presentations%20workshops%20training\Online%20hs%20rep%20course%202020\worksmart.org.uk) site focuses on contemporary issues and worker rights, including your health rights.

[UnionReps](http://www.unionreps.org.uk) is a web portal for trade union reps. Site members can share problems and tips with reps from other workplaces, unions and regions. UnionReps is accessible to registered visitors only – to register you need your Prospect membership number.

#### The Health and Safety Executive

The [HSE website](http://www.hse.gov.uk) contains documents and statistics, publications, catalogues, press releases and more. Particularly useful are the downloadable free guidance covering a huge range of issues and industries. It also has a number of special sections covering issues such as noise, vibration, asthma, agriculture and transport, and is growing all the time.

The HSE has also produced a number of useful checklists.

* [Slips and trips](http://www.hse.gov.uk/pubns/ck4.pdf)
* [Computer workstations](https://www.hse.gov.uk/pubns/ck1.htm)
* [Asbestos](http://www.hse.gov.uk/asbestos/managing/placeschecklist.htm)
* [Health and safety leadership](http://www.hse.gov.uk/leadership/checklist.htm) – useful in the context of corporate responsibility
* [Manual handling assessment chart (MAC) tool](https://www.hse.gov.uk/msd/mac/)
* [Scaffold checklist](https://www.hse.gov.uk/construction/safetytopics/scaffoldinginfo.htm)

The HSE also publishes the guidance documents it has produced for its inspectors, which are useful to health and safety reps.

* [Falls from height](https://www.hse.gov.uk/foi/internalops/fod/inspect/falls.pdf)
* [Noise – established noise control methods](https://www.hse.gov.uk/foi/internalops/fod/inspect/noise.pdf)
* [Slips and trips](https://www.hse.gov.uk/foi/internalops/fod/inspect/topic-pack-slips-trips.pdf)
* [Workplace transport](https://www.hse.gov.uk/foi/internalops/fod/inspect/transport.pdf)
* [Work-related contact dermatitis](https://www.hse.gov.uk/foi/internalops/fod/inspect/dermatitis.pdf)

#### Hazards Magazine

This health and safety rep’s magazine brings together international research and probing investigative journalism. It provides helpful [DIY kits for health and safety reps](http://www.hazards.org/tools/) [] including a new workplace [cancer prevention kit](http://www.hazards.org/cancer/preventionkit/index.htm).