

SAFETY REPRESENTATIVES

GPMU policy seeks to minimise risks and ensure that protective and preventive measures are implemented by employers to provide for the health, safety and welfare of GPMU members at work. As part of this approach the job of the safety rep has a high priority.

It must be remembered that final responsibility for health and safety rests with the employer, and the job of the safety rep is to make sure that employers carry out their responsibilities to manage health and safety.

An Industrial Job

Being a health and safety rep is not easy. Faced with opposition from management and even, in some cases, not much support from members, it can seem a daunting task. No-one expects safety reps to go it alone. As the old trade union adage goes "unity is strength". While the law gives specific rights to safety reps, in practice those rights are only put into operation through negotiation and agreement with employers, and through the support of Chapels.

The Health and Safety Commission's (HSC) guidance on safety reps and safety committees states that employers and unions should make full and proper use of the existing agreed industrial relations machinery to reach agreement on implementation of the regulations. Health and safety is an industrial issue, and as such the safety rep is a vital part of the negotiating team. MOC/FOCs, chapel committees, safety reps and members must recognise this fact and work together giving each other support.

The legal rights of trade union appointed safety reps are set out in the Safety Representatives and Safety Committees Regulations 1977, (SRSC Regs). All safety reps should have a copy of these Regs. In addition, the schedule in the Management of Health and Safety at Work Regulations 1993 (MHSW Regs) extends the employer's duty to consult and provide facilities and assistance.

Where groups of workers are not trade union organised, or are not recognised by the employer, the Health and Safety (Consultation with Employees) Regulations 1996 apply.

Appointment

At a workplace with more than two employees and a recognised trade union, the SRSC Regulations give trade unions the legal right to appoint safety reps. The safety rep is not a company safety officer. A safety officer is usually a member of management and has different priorities on health and safety.

Appointment of safety reps is entirely a union matter, management or joint safety committees have no rights or role in this. In the GPMU rule book it states that a Chapel must appoint a safety rep. Ultimately, it is for the Chapel to decide whether it is the FOC/MOC or another member of the Chapel. Whatever the case the safety rep should be a member of the Chapel committee.

Reg 3 of the SRSC Regs states that safety reps must where "reasonably practicable" have been employed by that employer for two years and have had at least two years' experience in similar employment.

Once a decision has been made, the Union must inform the employer **in writing** of the name of their safety rep(s). The employer then has a legal duty to recognise them and grant them their rights.

How Many?

The number of safety reps is decided by the trade union at the workplace. There is no limit on the numbers but, in practice, it will have to be negotiated with management. When deciding on the number of reps, consideration should be given to the existing agreed industrial relations machinery (ACOP 3). Account should also be taken of the following:-

- the number of workers in the workplace
- where they are situated - at one site or spread over a number of different places
- the different shift systems - early, late and night shifts
- the type of jobs covered - machine minders, typesetters, packers, office workers etc.
- the type of hazards - high risk or highly specialised, such as operating guillotines or using solvents.

It is important that the right number of safety reps are appointed. It is no good having a safety rep who is only on day shifts, for example, when there are those on permanent nights. Ideally there should be a safety rep on every shift. Everyone should know who their safety rep is and s/he should be accessible to the members they represent.

Stopping the Job

The SRSC Regulations do not give safety reps the legal right to stop a job.

However, the employer has to establish procedures which should be followed in the event of any worker being exposed to a serious and imminent danger under the MHSW Regs. This includes the right to stop work and move immediately to a place of safety where a worker is exposed to imminent and unavoidable danger.

The safety rep should take part in deciding what the procedures are and when the circumstances in which a job can be stopped should apply, through negotiations with management.

Investigations

Safety reps have a legal right to investigate potential hazards and dangerous occurrences at the workplace, whether or not they have been drawn to their attention by the members. Investigations can be carried out on a day-to-day basis and do not require management to be in attendance. They can provide an important opportunity to identify potential hazards and to put extra pressure on management to deal with problems already raised with them.

In practice, it is a good idea to tell the employer whatever type of inspection is being done. It helps to avoid misunderstandings and establish safety reps' rights in practice.

Under the MHSW Regs, workers are required to inform the employer of any situation which presents a serious and immediate danger to health and safety, and of any shortcomings in the employer's protective measures. It is a good idea to make sure that all such information is also passed on to the safety rep, since safety reps have the legal powers to follow up complaints and ensure they are acted upon.

Furthermore, day-to-day investigations give an opportunity to talk to individual members about any other health and safety problems which may not have been reported.

The outcome of day-to-day investigations may also reveal issues which can become part of a planned inspection list. Key points to remember in making the best use of investigation rights are:-

- let the employer know when an investigation is being carried out
- send the employer a written record even if it is only to confirm that an investigation has taken place.
- use day-to-day investigations to identify members health and safety problems and any hazards they may have reported
- highlight problems already raised with management but which have not been dealt with.

Inspections

Safety reps have a legal right to inspect the workplace at least once every three months, or more frequently where there are high risks or rapidly changing circumstances, or where there is an agreement to do so with the employer.

The prospect of carrying out an inspection may be daunting, but an inspection is simply a way of keeping a systematic check on your employers' health and safety arrangements.

Most inspections are based on check lists which can be drawn up prior to the inspection, based in part, on existing experience of the working environment. They can also draw on practical advice about safe working practices and procedures from the HSE; guidance issued by the Printing Industry Advisory Committee (PIAC), Paper and Board Advisory Committee (PABIAC); GPMU advice and other sources (see the section on Further Information).

There is no definitive checklist and often it will expand as problems and solutions arise. Remember, few safety reps can spot everything at once. An inspection could start by with one particular aspect such as fire regulations, machine guarding or the use of display screens. As more problems are addressed, and the safety rep's experience develops, so the inspections can develop.

Points to Remember:-

- Agree with the employer dates in advance. This will enable adequate preparation for each inspection and will establish formal procedures. This does not preclude the use of the right to inspect potential hazards as and when they occur.
- Ask members about any health and safety problems and let them know that there is going to be an inspection. Draw management's attention to these problems whilst carrying out the inspection.
- Carry out joint inspections with management or management representatives, so that any potential hazards are brought to their immediate attention.

Specialist advisers or safety officers should also be available should there be a need to raise matters of a specific or technical nature.

- Be properly informed of the correct procedures and standards that should apply in the workplace.
- Use the SRSC regs to obtain information from the employer about, for example, relevant legislation; guidance issued by the HSE, PIAC, PABIAC, manufacturers or suppliers advice. Use any company documents such as annual reports or accident statistics which may highlight problems with particular types of machines or conditions of working. Keep copies of this information and build on it as new regulations or guidance is published.
- Follow up in writing any problems identified and agree further inspections. Use the GPMU Safety Reps Report Form in this handbook.
- Inform members of the outcome of inspections at Chapel committee meetings. Always keep health and safety on the agenda of these meetings to ensure that members are aware of union activity on health and safety.

Inspections after an Accident

When using the right to inspect after an accident or dangerous occurrence, or development of an industrial disease, safety reps should:-

- notify the employer as soon as possible of their intention to inspect the scene of an accident. If, initially, this has to be done verbally, confirm it in writing as soon as possible
- do the inspection before the scene has been cleared up and important evidence removed
- inspect the scene of the problem as soon as possible after the accident. If the employer is not available, safety reps have the right to inspect the scene on their own
- make notes of the essential facts of the accident. Record the time of the investigation, who is present, who has been spoken to. Speak to the members involved as soon as is practicable. Talk to anyone who may have seen the accident
- keep accident notes systematically filed for future reference. They may be needed in the event of compensation claims
- it's far too easy to blame the victim when accidents occur. GPMU safety reps should be looking at what the employer has done to prevent accidents. What about training? Was the right equipment available? Had safe working methods been defined? What sort of supervision was there?

See accident investigation.

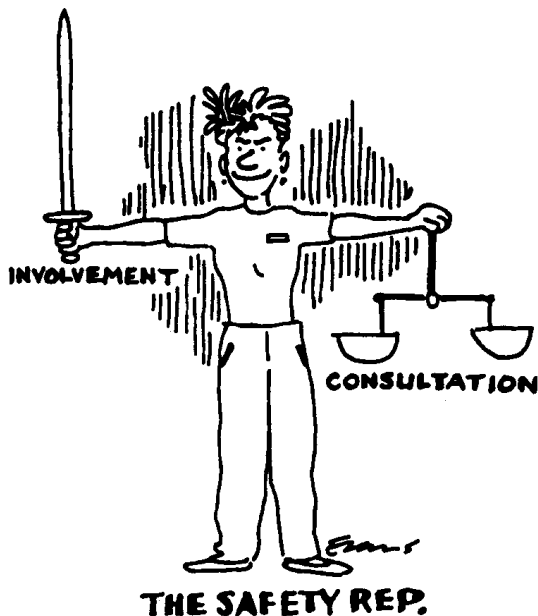
Remember: By using safety reps rights in this way, proper recording procedures are being established and management are being pressed to recognise a formal health and safety system.

Talking to Members

It is important that safety reps use their rights to consult with members on matters of health and safety. This can form part of day-to-day investigations and Chapel meetings. Ensure that everyone is aware of the safety rep and how they can be contacted. This could be posted on the union notice board, for example.

In addition, consult other safety reps, including those from other unions, on hazards they have encountered. This can provide a useful guide to how similar hazards have been dealt with. This should help the unions to maintain a united front on matters of health and safety. Safety reps should also consult with the FOC/MOC and gain their support, particularly on matters that could lead to a confrontation with management.

It is important that lines of communication are established. Safety reps should use their entitlement to take time off to report to members, interview them and talk to new workers.



Consultation

Under section 2(6) of the Health and Safety at Work Act (HSW), employers must consult with safety reps on all aspects of health and safety. The aim is to make and maintain arrangements which will enable employer and employees to co-operate effectively in promoting and developing health and safety measures, and in checking their effectiveness. The MHSW Regs strengthen these rights requiring employers to consult with safety reps in good time on the following:-

- the introduction of measures which affect the health and safety of employees
- the arrangements for appointing 'competent' persons responsible for implementing the protective and preventive measures, and emergency procedures
- health and safety information the employer is required to give to employees
- the planning and organisation of any health and safety training for the workers
- the consequences for the health and safety of workers as a result of the planning and introduction of new technologies into the workplace.

“In good time”

It is worth stressing that Reg 4A states that consultation is meant to take place "in good time" - that means before things have been decided and put into action!

The guidance notes provide a fuller explanation. “In good time” means that wherever a decision involving work equipment, processes or organisation could have health and safety consequences for employees, before making that decision employers should allow time:

- to provide the safety representatives with information about what they, the employer, propose to do
- to give the safety reps an opportunity to express their views about the matter in the light of that information, and then,
- to take account of any response.

Safety reps have a legal right to make representations to the employer on matters arising out of investigations and inspections, and on general matters affecting health, safety and welfare.

The guidance to the SRSC Regs stresses the importance of safety reps being able to take matters up with management without delay. They must therefore have ready access to an appropriate member of management.

Getting Information from the Employer

Employers have a duty to provide safety reps with information about their plans and performance where it affects the health and safety of the workers. This includes where new machinery, new substances or new methods of working are introduced. New training will be needed on the safe handling or operation of new equipment, and safety reps should use their rights to be involved in the planning and organisation of health and safety training for employees.

The employer should also provide information from consultants, designers, manufacturers, importers or suppliers of any article or substance which is either currently being used or proposed to be used. This information normally takes the form of a suppliers data sheet, on either a machine or a product.

Information the employer keeps relating to the occurrence of any accident, dangerous occurrence or notifiable disease should also be supplied, including statistical records. Safety reps also have a right to inspect and take copies of relevant documents which the employer is required to keep in accordance with other statutory provisions, such as improvement notices.

Any measurements, such as tests for noise levels, or for chemicals in the air, taken by, or on behalf of, the employer should also be made available to safety reps.

Guidance Documents

A position of ignorance is a common defence of employers, particularly in small firms. Under the MHSW Regs employers are expected to have read industry guidance on the hazards and risks to health and safety. Safety reps should request copies of regulations, and guidance produced by the HSE, PIAC, PABIAC and other industry and health and safety related groups. This helps to remind employers of their duty to be properly informed on health and safety.

It is a good idea to develop a library of information comprising copies of regulations, guidance on particular issues, general guidance leaflets and reference books. This should also include copies of GPMU policies on health and safety matters (see section on policies) and Head Office circulars

Employee Information

The information for safety reps is in addition to the information employers have to provide to all employees on:-

- risks to their health and safety
- preventative and protective measures
- emergency procedures
- the identity of those responsible for implementing emergency procedures
- risks notified by other employers in the same workplace.

Training for Employees

Safety reps should discuss with employers the best ways of getting this information across through proper training programmes, which should be on-going to incorporate any changes introduced into the workplace.

Reg 4A of the SRSC Regs includes a requirement for employers to consult safety reps with regard to the planning and organisation of any health and safety training for employees (see also Training).

Office Facilities

The employer has a duty to provide facilities and assistance as "reasonably" required by the safety reps, including facilities for independent investigation and private discussion with employees, for the purpose of carrying out an inspection. Although the exact type of facilities are not spelled out in the regulations, the GPMU recommends all safety reps should have:

- a room and desk at the workplace
- facilities for storing correspondence
- inspection reports and other papers
- ready access to internal and external telephones
- access to typing, copying or computer facilities

- provision of notice boards
- use of suitable room for reporting back to, and consulting with members.

The right to private discussions with members can be used for negotiating a separate office with office facilities such as a typewriter and telephone. Having these facilities will help safety reps carry out their job effectively.

Time off

Safety reps have the legal right to time off with average pay to carry out their functions, that is to:-

- investigate potential hazards and members' complaints
- do all types of inspections
- consult with members and HSE inspectors, and the employer
- go on training courses

However, the amount of time off is not specified and is only referred to "as is necessary". What is necessary will depend on the type of hazard, the size of area covered, the numbers of members, the extent of shift working and so on. Specific amounts of time off to carry out health and safety work are difficult to negotiate, particularly when exercising rights to investigate following an accident or dangerous occurrence. Safety reps should therefore attempt to use the "as is necessary" clause to agree time off on an 'ad hoc' basis.

Provisions should also be agreed for shift workers to have time off to attend meetings and receive training.

Safety Rep Training

The GPMU stresses that:-

- courses should be TUC or trade union approved
- employers should not be allowed to delay safety reps being trained
- time off should be given with pay to attend the course in accordance with SRSC Reg 4
- if employers run courses for safety reps they can only be in addition to the TUC or trade union courses and short courses
- no-one should be financially worse off as a result of attending training
- special arrangements need to be made for shiftworkers (e.g. a night shift worker needs two nights off to attend the course)
- safety reps need cover during their training so that their ordinary workload does not become excessive

There is no substitute for good training to provide the knowledge and confidence needed to fulfil the role of the safety rep. Requests to the employer for training should be made as soon as possible after appointment. It is good practice to put the request in writing, enclosing any details of the course.

Although the length of the course is not specified, only TUC approved or TUC affiliated trade unions and organisations approved by the TUC should run courses for trade union safety reps. Employer based training courses have a very different emphasis and are no substitute for trade union approved courses.

Safety reps courses should cover:-

- an understanding of the role of the safety rep, safety committees and trade union policies
- the laws on health and safety
- how to identify and minimise hazards
- the employers' health and safety arrangements including the risk assessment, health and safety policy and emergency procedures
- the organisation and arrangements for implementing the safety policy
- the skills to carry out inspections and use sources of information on health and safety.



Further Training

The SRSC Regulations acknowledge the need for further training, and safety reps should apply for further training when:-

- they have special responsibilities or have been given new or additional responsibilities
- there are changes in working practices or systems of work
- there are changes in legislation
- new legislation or guidance is to be introduced.

Union Courses

The TUC organises basic and follow-on health and safety training, as well as courses aimed at industry sectors, or specific topics. These courses can vary in length from one day a week for 10 weeks, to block courses of 5 days to 1 day duration.

The GPMU also holds national and Branch health and safety courses on particular subjects relevant to the graphical, paper and media industry.

Safety reps should contact their Branch for details of all relevant health and safety courses in their area.

Any safety reps experiencing difficulty in obtaining paid time off should raise the matter with their Branch Office immediately.

Joint Courses

In addition to trade union training, there are some joint trade union and employer health and safety training courses with which the GPMU is involved. However, employer training is not a substitute for trade union training, and while the employer should be responsible for providing training in the hazards and preventive and protective measures used in the workplace, any other health and safety training should be regarded as in addition to the trade union training.

Safety reps should use their right to be consulted on the planning and organisation of health and safety training to reach an agreement with the employer on the arrangements for safety reps to attend training courses.

Safety Committees

If at least two safety reps put in a written request to establish a safety committee, the employer cannot, under the regulations, refuse, and must establish a safety committee not more than three months after a request has been made.

A safety committee can be an important part of the health and safety arrangements in a company, **if it works effectively**. It will be for the company to decide whether a safety committee would be effective for their workplace. In large companies, with a number of departments, the benefits of a safety committee can be considerable. In small companies, however, there may be little value in a committee. This is particularly true where the lines of communication are simple enough, or short enough, for problems to be dealt with directly.

Safety committees can provide a forum for:-

- studying accident and notifiable disease statistics and deciding corrective action
- reviewing the risk assessment, and the preventative and protective measures taken
- considering HSE Inspectors' reports, letters and information provided by the enforcing authority
- considering safety reps reports
- considering reports and information provided by the company, including results of environmental monitoring, anonymous group results of health surveillance
- revising the company safety policy
- examining safety audit reports
- planning and organising safety training for workers
- agreeing the emergency procedures and the competent people to implement those procedures
- developing communications and education on health and safety in the workplace
- providing links with the appropriate enforcing authorities
- discussing strategies for implementing new health and safety legislation

It is important to establish the following principles to ensure that the committee carries out the above functions effectively:-

- agree dates for meetings well in advance to minimise poor attendance and ensure that meetings are not cancelled. The frequency of these meetings should be jointly agreed but, as a guide, should not be less than once every three months
- items on the agenda should be agreed jointly and be notified to committee members in advance. In addition, the agenda should be posted in a prominent place for all employees to see
- agree a balanced membership of the safety committee - the number of management reps should not exceed the number of employee reps
- make sure that a senior manager who is accountable for implementing the decision reached sits on the committee at all meetings
- don't have a long list of recurring items on the agenda, or let the committee be swamped by daily hazards that should be picked up in the normal course of events. Ensure follow-up action is taken and that items are not 'lost'
- negotiate trade union pre-meetings so that the agenda can be discussed and a position agreed on each item. These are important to ensure a united front is put forward to management
- be organised, have all the facts before you and be clear about decisions reached, making sure someone is appointed to carry them out
- don't be cornered into making rash decisions, ask for an adjournment or call another meeting to give you time to consult your members
- ensure minutes are taken and agreed. Ensure that they are given wide circulation to all members and safety reps
- use experts to provide detailed information and to update the committee on specific issues; for example an ergonomist where problems with manual handling have been identified

Remember

Attendance at safety committees will be regarded as part of an individual's normal work, and therefore members should not suffer any loss of earnings as a result of attending

meetings. Where shift workers lose free time when attending meetings they should receive time off in lieu.

Whatever the structure and functions of the Health and Safety Committee, it must never be seen as a replacement for health and safety activities pursued by safety reps using their legal rights.

Involving Members

Often the key to being a successful safety rep is to be organised and involve members, because, after all, as a Chapel official the safety rep should ensure that the members are aware of what is being done on their behalf. Keep members informed to gain their support.

The following list provides ideas about involving members and building their confidence in the safety rep. At the same time it can help to enhance the position of the safety rep when dealing with management.

- get the backing and support of the MOC/FOC and make sure health and safety is an integrated item on the agenda at all Chapel meetings
- conduct simple surveys to find out what members know on particular issues, such as the fire regulations or COSHH
- hold "awareness weeks" on particular aspects of work, such as manual handling, machine safety, work related upper limb disorders
- issue leaflets or posters, they don't have to be fancy, just ensure that the safety message is put across simply
- circulate a bulletin or newsletter which tells employees what has been dealt with on health and safety, and publicise any significant achievements.
- invite guest speakers to health and safety meetings. These might be Branch health and safety advisors or specialist advisors from hazard centres and support groups
- build links with other union reps on courses
- maintain contact with other pressure groups, such as hazard centres, environmental groups and trade union centres
- keep copies of information, letters to inspectors or other enforcing authorities
- develop the Chapel health and safety library
- monitor particular hazardous situations to ensure improvements are made
- keep a diary, marking in dates when follow-up action should be taken.

The MHSW Regs focus on the need for employee involvement. In order that this does not undermine a structured approach to health and safety which centres around the GPMU safety rep, regular Chapel meetings should be held or safety meetings with members, to enable the safety rep to ensure that matters which have been raised with the employer on health and safety are resolved.

Generally, by getting better organised themselves safety reps should become more aware of the situation in the workplace and be better able to identify the shortfalls of management in dealing with health and safety in the workplace.

Dealing with Inspectors

Safety reps have a right to represent their members in consultation with HSE Inspectors or other enforcing

authorities, such as Environmental Health Officers. Where an inspector visits the workplace, arrangements should be made for a safety rep to be present. Inspectors must disclose to employed persons, or their representatives (i.e. safety reps), factual information about matters relating to their health, safety and welfare, and about any steps they will be taking to ensure the employer reduces the hazard.

Inspectors make many visits unannounced, and may go directly on to the shop floor. On other occasions they make appointments with employers to discuss specific issues or inspect particular machines or processes. In all cases, Inspectors should identify themselves to a safety rep when they visit a company. If safety reps discover that an inspector has been on site with no reference to a safety rep, they should seek an explanation from the particular inspector involved, and establish a procedure by which they are properly involved in the future.

It is a good idea to make contact with local Inspectors (see Further Information section). Doing so will help to ensure that the GPMU safety rep is identified in the HSE's files for future contact with the company. The HSE can also be a useful source of information and advice. It should be stressed, however, that the HSE are under-resourced and unlikely to make a visit to the company on request, unless the problems involved are severe, or the request happens to coincide with a planned visit.

When problems do arise, general advice to Chapels is to try and deal with them by discussion with the employer and the use of the SRSC Regs. If matters cannot be resolved, the Chapel should pursue an industrial solution by contacting their local GPMU Branch for assistance. If Chapels are familiar with local inspectors, and the way they approach problems at their company, they will be better able to assess the value of involving them.

HSE advice to inspectors

HSE Operational Circular OC 111/1, 11 April, 1997 gave HSE inspectors advice on how they should deal with employees and their representatives. Extracts from the Circular are reproduced below.

CONTACT WITH REPRESENTATIVES AND EMPLOYEES

“Contact with employees and their representatives enables inspectors to convey details of the major issues identified during the visit and gives an opportunity for employees and their representatives to raise concerns. It also helps inspectors to develop effective working relationships with representatives.”

“Inspectors should ensure that:

- representatives, or a nominated representative where there are a large number of representatives, are seen at visits unless it is clearly inappropriate; and
- employees are being consulted in accordance with the legislation.

“Representatives should always be given an opportunity to speak privately to an inspector if they so wish.”

“Where there is no employee representative(s), or the representative(s) are not present at the time of the visit, inspectors should talk to one or more employees to alert the workforce to the visit and allow employees to have an opportunity to raise any matters. Inspectors should, wherever practicable, arrange for representative(s) not present at the time of the visit to be informed that the visit has taken place. This may, for example, involve leaving a business card with the inspector's name and telephone number, or requesting that the employees spoken to tell the representative(s) that the visit has taken place. **An inspector carrying out a visit by appointment should, where appropriate, inform representatives in advance that this will be taking place.**”

“There will be cases where employees' representatives suggest that one or more of them should accompany an inspector during the visit. This may be helpful but there is no right to accompany inspectors. It is therefore a matter of negotiation and agreement between management, representatives and the inspector (whose decision it ultimately remains) as to whether this should occur.”

“Inspectors should use their discretion and discuss their findings at an appropriate time. Sometimes it will be useful to make contact with representatives at the beginning, as well as the end, of a visit, and inspectors may wish to suggest management should arrange for representatives to be informed at the start of a visit that an inspector is on Site. In all cases inspectors should ensure that the information required by HSW Act s.28(8) is provided. Where practicable, equivalent considerations should apply to those employees contacted by inspectors in cases where there are no representatives.”

DISCLOSURE OF INFORMATION

“Information on major issues disclosed to representatives during a visit should usually be confirmed in writing. Some letters to employers will not be suitable for employees without modification, because of the constraints in HSW Act s.28. Written information intended for employees'

representatives should not normally be sent via the employer.”

“Inspectors should ensure that employers are given the same factual information as employees (or their representatives) during visits. In all cases inspectors should be guided by the principles of HSC policy on openness.”

“HSW Act s.28(8) places a duty on inspectors to provide certain information “in circumstances in which it is necessary to do so for the purpose of assisting in keeping persons (or the representatives of persons) employed at any premises adequately informed about matters affecting their health, safety and welfare”. This information relates to the premises or activity taking place there, and action which the inspector has taken or proposes to take.”

“The inspector must decide whether the circumstances are such that the information is necessary to keep employees adequately informed. If it is, the inspector is bound to give it under s.28(8); if not he/she will be restricted from doing so by s.28(7) if the information is obtained by the exercise of the inspector's power and the person who furnished it has not given consent. Similarly, restrictions apply to the disclosure of information obtained by virtue of powers in s.27.”

“The requirement on inspectors to disclose information extends to all persons employed at any premises, including sub-contractors, agency staff and others who work in the premises but are not employed by the main employer.”

“Examples of information which should be disclosed are as follows:

- matters which an inspector considers to be of serious concern.
- the intention to institute legal proceedings (but not before the defendant is informed). The time, date and place of hearing should also be given. In Scotland, this should be the date a report was made to the procurator fiscal and the address to which it was sent.
- details of any action required of the employer, and the issue of enforcement notices, copies of which should be included. Details of the inspector's views on follow-up action taken by the employer, which would usually be discussed at the visit;
- the relevant details of results eg monitoring, sampling, carried out by or on behalf of inspectors. Inspectors should, if appropriate, give opinions on the interpretation of the results.”

“If the matters raised at the visit are of less serious concern, oral information may be agreed. The method of disclosure should be noted in the contact record, or equivalent.”

TRANSPARENCY OF APPROACH TO DUTY HOLDERS

“Employers should be made aware of an inspector's duty to disclose information to employees (or their representatives) and HSE's commitment to meet employees (or their representatives) at visits. This is particularly important when dealing with small firms.”

ENFORCEMENT OF SRSCR AND HSCER

“Inspectors should help employers understand what is required by these Regulations and inform them of HSE's policy in relation to enforcement of the regulations.”

Inspectors should be guided by HSC's Enforcement Policy. However, both sets of Regulations deal with some matters which are best resolved through the normal industrial relations machinery. Inspectors should not be drawn into industrial relations disputes. Disagreements between employers and trade unions or employees should be settled through the normal machinery for resolving industrial relations problems, with recourse to the Advisory, Consolidation and Arbitration Service (ACAS) as appropriate. Enforcement action should not be considered until all voluntary means of resolving disputes have been exhausted."

NATIONAL AND LOCAL CONTACT WITH TRADE UNIONS

"HSE Directorates/divisions should ensure that suitable arrangements are in place to make local or regional and national contact with trade unions. This will help to develop relationships which can help in dealing with generic issues which apply to several workplaces."

11th April 1997

SAFETY REP FUNCTIONS AND THE LAW

Investigations at the Workplace:

- ◆ potential hazards SRSC Reg 4(1)(a)
- ◆ dangerous occurrences
- ◆ causes of accidents
- ◆ complaints by employees SRSC Reg 4(1)(b)

Inspections

- ◆ Formally inspect every three months (or more frequently if agreed with management) SRSC Reg 5(1)
Guidance Note 19
- ◆ Inspect after a Notifiable accident or Dangerous Occurrence SRSC Reg 6(1)
Guidance 26-28
- ◆ Inspect after a change in working conditions SRSC Reg 5(2)
- ◆ Inspect after new information has become available from the HSC or HSE SRSC Reg 5(2)
SRSC Reg 7
Code of Practice 6
- ◆ Inspect and take copies of relevant documents Guidance Note 29
- ◆ Re-inspect after remedial action by the employer to ensure it is appropriate Guidance Note 24

Involving Members

- Safety rep investigations at the workplace SRSC Reg 4(1)(a)
- Trade union channels should be used by safety reps to keep members informed Guidance Note 15
- Safety reps entitled to have facilities for private discussion with members during inspections and after accidents SRSC Reg 5(3)
Reg 6(2)
- Results of inspections to be publicised throughout the workplace Guidance Note 25
- Safety Committee minutes to be made available to members Guidance Note 59
- Union reps to have time off to report to members, interview them and talk to new workers EP(C)A s27 ACAS
Code of Practice 3
Para 13

Dealing with Employers

- ◆ make representations SRSC Reg 4(1)(c)
Reg 4(1)(d)
Code of Practice 5
- ◆ give notice of hazards, normally in writing Code of Practice 5(c)
- ◆ access to employer without delay Code of Practice 5(c)
- ◆ safety committees SRSC Reg 4(1)(h)
Regs 9
Guidance 34-59
Guidance Note 24
- ◆ written explanations from the employer if remedial action is not taken following a safety reps written report

Consultation

Employers must consult safety reps on:

- ◆ introduction of any measure affecting health and safety of employees SRSC Reg 4A
- ◆ appointment of competent person under the MHSW Regs
- ◆ provision of health and safety information to employees
- ◆ planning and organisation of health and safety training
- ◆ health and safety consequences of new technologies

Consultation must be "in good time" This means that where decisions could have health and safety consequences, employers should allow time: Guidance Note 13

- ◆ to provide safety reps with information about what the employer proposes to do
- ◆ to give safety reps an opportunity to express their views in light of that information, and then
- ◆ to take account of any response

Facilities and Assistance

Every employer shall provide such facilities and assistance as safety reps may reasonably require for the purpose of carrying out their functions Reg 4A

Time off

Safety reps entitled to time off with pay during working hours to: SRSC Reg 4(2)
+ Schedule
+ Approved Code

- ◆ perform their legal functions
- ◆ undergo trade union approved training

Getting Information from the Employer

Safety reps entitled to inspect and take copies of documents relating to health and safety which employers have to keep SRSC Reg 7(1)

Code of Practice sets out details of information which should be disclosed, including: Code of Practice 6(a)

- ◆ plans and performance
- ◆ proposed changes affecting safety
- ◆ technical information about hazards, precautions. Information from consultants, designers or manufacturers about items in use or proposed for use Code of Practice 6(b)
- ◆ Accidents, Dangerous Occurrences and Notifiable Industrial Diseases, including reports and statistics Code of Practice 6(c)
- ◆ test results and measurements Code of Practice 6(d)
- ◆ Exceptions to duty to disclose information SRSC Reg 7(1), 7(2)

Dealing with Health & Safety Inspectors

- ◆ represent employees in consultations with enforcing authorities SRSC Reg 4(1)(f)
- ◆ receive information from Inspectors SRSC Reg 4(1)(g)
Guidance Note 18
HASAWA s28(8)

Legal Protection

Safety rep protection from legal action SRSC Reg 4(1)
Guidance Note 14

SRSC Reg 4(1) says that "no function given to a safety rep by this paragraph shall be constructed as imposing any duty on him". [Sic] This means you cannot be sued for action as a safety rep. As an employee, however, the duties on employees in the HASWA Act still apply