

Relevant Legislation

Safety Representatives and Safety Committees Regulations 1977
Health and Safety (Consultation with Employees) Regulations 1996

General

The functions of safety representatives are prescribed in the above regulations 1977. Only a recognised Trade Union may appoint safety representatives who should normally be employees, ideally employed continuously for the previous two years. The Trade Union should notify the employer in writing of the names of the persons appointed as safety representatives and the group of employees they represent.

Safety Representatives have the function of representing their fellow Trade Union members in consultation with their employer regarding health and safety matters. To this end they are entitled to

- carry out safety inspections of the work place at quarterly intervals
- to receive information from visiting inspectors of the Health and Safety Executive
- to examine the causes of reportable accidents.

In order to avoid having a disproportionately high number of safety representatives in an establishment, it has been agreed that a safety representative may represent members of more than one Trade Union.

The employer is obliged to allow reasonable time off with pay to enable safety representatives to fulfil their functions and to receive appropriate training. In order to ensure that reasonable numbers of safety representatives are appointed, Teachers' Associations have given their approval for the appointment of safety representatives to be arranged by mutual agreement between staff concerned. This has been particularly useful in small establishments in maintaining a reasonable degree of representation. The Children's Services Directorate will co-operate so as to enable safety representatives to carry out those functions defined by the relevant statutory provisions.

The Health and Safety (Consultation with Employees) Regulations only apply to employees who are not being represented by safety representatives appointed under Safety Representatives and Safety Committees Regulations 1977

The Role of the Safety Representatives:

The functions of safety representatives are detailed below:

- in general, to represent employees in consultations with employers which help to promote and develop the health and safety at work of the employees

- to investigate hazards and dangerous occurrences at the workplace and to examine the cause of accidents
- to investigate complaints by any employee he represents relating to that employee's health, safety or welfare at work
- to make representations to the employer on matters arising from their investigations
- to make representations to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace
- to carry out inspections
- to represent employees in consultations at the workplace with inspectors of the Health and Safety Executive
 - to receive information from inspectors
 - to attend meetings of safety committees

Inspections

- Safety Representatives are legally entitled to inspect the workplace once every three months. However, in schools, once per term is usually more appropriate.
- Arrangements suitable for each workplace need to be devised. A formal programme of regular inspections may be appropriate. An inspection should be arranged to take place at a time mutually convenient to the Manager and Safety Representative.
- Written reports should be made in respect of unsafe or unhealthy conditions, poor working practices or unsatisfactory arrangements for welfare at work. However, minor matters may be reported orally.
- Normally it should be possible for the employer to take appropriate remedial action. When remedial action is not considered appropriate or cannot be taken within a reasonable period of time then the reasons should be explained in writing to the Safety Representative.

Other Matters

Information to be Made Available

Employers should make available the information within the employees' knowledge necessary to enable safety representatives to fulfil their functions, and to enable them to play an informed part of promoting health and safety at work.

Reporting Procedure for Safety Representatives

Safety representatives should use the existing channels of communication. Matters of concern should be reported to the manager of the Division or establishment who may be able to take appropriate remedial action. If, after the first investigation, the manager requires further advice or the matter concerns the provision of resources which is outside the control of the Division or establishment, the matter should be referred to up through the appropriate Group. If remedial action is not considered appropriate or cannot be taken within a reasonable period of time, the reasons for this should be explained to the safety representative.

If a safety representative is not satisfied with the response of the Authority, he may refer the matter to the representative of his professional association or trade union representative

Safety representatives are entitled to request the advice of the Health and Safety Executive, though it is agreed that this should normally only be done after the Authority's normal channels of communication have been used.

Safety Committees

If two or more safety representatives request the employer to set up a safety committee, the employer must do so within three months of the request.

Safety committees should:

- develop safe systems of work and safety procedures
- analyse accidents and causes of notifiable occupational diseases
- review risk assessments
- examine safety audit reports
- consider reports submitted by safety representatives
- monitor the effectiveness of health and safety training
- consider reports and factual information provided by HSE inspectors and Environmental Health Officers
- monitor and review the adequacy of health and safety communication and publicity within the workplace
- continuously monitor all arrangements for health and safety and revise them whenever necessary.

Managers and representatives should agree who chairs the meetings, how often meetings should be held, and what they hope to achieve.

It is important that safety committees actually review health and safety systems. They should not become reporting centres for matters that should be dealt with by managers.