

Consultation with employees on Health & Safety

Introduction

The 1977 regulations covering employee representatives and safety committees were related to recognised Trade Union Safety Representatives. Newer legislation from the EU requires that all employees, including those not in Unions be consulted. Non-Union representatives are known as 'representatives of employee safety'.

Shropshire Council accepts its responsibility to ensure meaningful and timely consultation with all employees regarding any workplace or work activity hazards which could affect their health and safety.

Service Areas are required to make arrangements for such consultations and monitor that all employees are being consulted and/or informed either by way of their recognised trade union safety representative, non-union representatives, or on an individual basis where appropriate.

Duty of employer to consult

Where there are employees who are not represented by safety representatives under the 1977 Regulations, Service Areas will consult those employees in good time on matters relating to their health and safety at work, and, in particular, with regard to:

- the introduction of any measure at the workplace which may substantially affect the health and safety of employees;
- nominating persons to give competent advice and consultation on health and safety and emergency procedures;
- the planning and organisation of any health and safety training which Service Areas are required to provide to employees under the relevant statutory provisions;
- the health and safety consequences for employees from the introduction of new technologies into the workplace.

Persons to be consulted

Reference to consultation by the employer means:

- individual employees directly; or
- in respect of any group of employees, one or more persons in that group who they elect to represent them. The regulations refer to such persons as "representatives of employee safety".

Where an employing Service Area consults representatives of employee safety the employees represented must be informed of:

- the names of representatives; and
- the group of employees represented.

A Service Area must not consult a person as a representative of employees safety if:

- that person has notified the employer that they do not wish or intend to represent the group of employees for the purposes of such consultation;
- that person has ceased to be employed in the group of employees which he represents;
- the period for which that person was elected has expired without that person being re-elected; or
- that person has become incapacitated from carrying out this function.

Where the Service Area discontinues consultation with an elected representative, employees must be informed.

Duty of employer to provide information

Where a Service Area consults employees directly then such information that is necessary to enable them to participate fully and effectively in those consultations must be made available. Where a Service Area consults representatives, the information necessary to enable them to participate fully and effectively in those consultations will be provided.

Functions of representative of employee safety

Where a Service Area consults representatives, the representatives will have the following functions:

- to make representation to the employing Service Area regarding potential hazards and dangerous occurrences at the workplace which affect, or could affect, the group of employees represented;
- to make representations to the Service Area on general matters affecting the health and safety at work of the group of employees represented;
- to represent the employees in consultations at the workplace with enforcement inspectors appointed under the Health and Safety at Work Act.

Training, time off and facilities for representatives of employee safety

Where a Service Area consults representatives the Service Area will:

- ensure that representatives are provided with training in respect of their functions under these Regulations, the

- Service Areas will meet any reasonable costs associated with such training including travel and subsistence costs;
- permit representatives to take such time off with pay during working hours as necessary for the purpose of representatives performing their functions.

A Service Area must provide such other facilities and assistance as a representative of employee safety may reasonably require for the purpose of carrying out their functions.

Summary of statutory duties

Health and Safety at Work etc. Act 1974 Section 2(2)(c) requires that employees are provided with the necessary information, instruction, training and supervision to enable them to work safely.

Section 2 (4, 5, 6, 7) requires every employer to consult with and involve employees and their representatives in health and safety matters.

The 1977 Safety Representatives and Safety Committees Regulations supports and enhances the above sections as does Section 3, 4 and 8 of the Management of Health and Safety at Work Regulations 1999

The Health and Safety Information for Employees Regulations 1989 requires that employers ensure that their employees are aware of health and safety matters i.e. the relevant enforcing authority (HSE), the Employment Medical Advisory Service (EMAS), their nearest offices and telephone numbers.

This must be achieved by prominently posters and/or the issue of information leaflets to each employee.

The Health and Safety (Consultation with Employees) Regulations 1996 state that an employer must consult with employees or representatives of employees in good time on matters relating to health and safety at work.

References and Further Information

- The Health and Safety at Work etc. Act 1974
- Safety Representatives and Safety Committees Regulations 1977
- The Health and Safety Information for Employees Regulations 1989
- The Health and Safety (Consultation with Employees) Regulations 1996
- Consulting employees on health and safety leaflet INDG232(rev2). HSE Books
- Consulting workers on health and safety L146. HSE Books
- Involving your workforce in health and safety (HSG263). HSE Books

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