

FIRE SERVICES EXAMINATIONS BOARD

STUDY NOTE

EXAMINATION	STATION OFFICERS' EXAMINATION
PAPER	HUMAN RESOURCE MANAGEMENT
SUBJECT	HEALTH, SAFETY AND WELFARE
ITEM	HEALTH AND SAFETY REPRESENTATIVES AND COMMITTEES
STUDY NOTE No.	3311

INTRODUCTION TO THE STUDY NOTE

This study note has been prepared as the basis of study in connection with the qualifying examinations for promotion.

Candidates will be expected to demonstrate knowledge of the information contained in the study note and understand how it should be applied:

The 'References' made at the end of the Study Note are included for information only and candidates will not be expected to study these as part of the bibliography.

HEALTH & SAFETY REPRESENTATIVES & COMMITTEES

1. Introduction

It is desirable that there is a co-operative approach to health and safety in the workplace whereby workforce representatives can play an active role in the development and monitoring of health and safety.

There are two sets of regulations that make provision for this co-operative approach:

- (a) The Safety Representatives and Safety Committees Regulations 1977; and
- (b) The Health and Safety (Consultation with Employees) Regulations 1996.

(The Management of Health and Safety at Work Regulations 1999 has further amended (a)).

It is important for Station Managers to have an awareness of these regulations in undertaking their role in the management structure.

2. Safety Representatives and Safety Committee Regulations 1977

The Safety Representatives and Safety Committee Regulations 1977, made under section 2 (4) of the Health and Safety at Work etc Act 1974, (HASWA) prescribe the cases in which recognised trade unions may appoint safety representatives. The regulations also specify the functions of such safety representatives and set out the obligations of employers towards them.

3. Appointment of Safety Representatives

For the purposes of section 2 (4) of the HASWA , a recognised trade union may appoint safety representatives from amongst the employees.

4. Functions of Safety Representatives

Safety representatives have the following functions:

- (a) To investigate potential hazards and dangerous occurrences at the workplace (whether or not they are drawn to their attention by the employees represented) and to examine the causes of accidents at the workplace;
- (b) To investigate complaints by an employee represented relating to that employee's health, safety or welfare at work;
- (c) To make representations to the employer on relevant matters;
- (d) To make representations to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace;

- (e) To carry out inspections in accordance with regulations 5, 6 and 7; (see 5 below)
- (f) To represent the employees they were appointed to represent in consultations in the workplace with inspectors of the Health and Safety Executive (HSE) and of any other enforcing authority;
- (g) To receive information from inspectors in accordance with section 28 (8) of the HASWA; and
- (h) To attend meetings of safety committees where they attend in their capacity as a safety representative in connection with any of the above functions.

It should be noted that the regulations do not place any additional duties on safety representatives other than those imposed on every employee by section 7 and 8 of the HASWA.

An employer must allow safety representatives to take time off with pay (during the employees working hours) as is necessary for the purposes of performing their functions.

5. Inspections under Regulations 5, 6 and 7

Safety representatives are entitled to carry out inspections: (subject to certain conditions)

- (a) On a regular routine basis.
- (b) Where there has been a substantial change in the conditions of work.
- (c) Where new information has been issued by HSE.
- (d) Of certain documents which would relate to the health and safety of employees.

6. Employers Duty to Consult

Employers shall consult safety representatives in good time with regard to:

- (a) The introduction of any measure at the workplace which may substantially affect the health and safety of the employees the safety representatives represent.
- (b) Arrangements for appointing or, as the case may be, nominating persons in accordance with regulations 7 (1) and 8 (1) (b) of the Management of Health and Safety at Work Regulations 1999 (having health and safety assistance and procedures for services and imminent danger).
- (c) Any health and safety information required to be provided to the employees the safety representatives concerned represent.
- (d) The planning and organisation of any health and safety training required to be provided to the employees the safety representatives concerned represent.
- (e) The health and safety consequences for the employees the safety representatives concerned represent of the introduction (including the planning thereof) of new technologies into the workplace.

7. Provision of Facilities and Assistance

Employers are required:

- (a) To provide such facilities and help as safety representatives may reasonably require for the purpose of carrying out their functions; and
- (b) To allow safety representatives such time off with pay during their working hours as is necessary for them to:
 - (i) Perform their statutory functions; and
 - (ii) Undertake a reasonable amount of training.

8. Rights of Safety Representatives

To enable them to perform their functions freely the regulations specify the following:

- (a) An employer must not discriminate against a safety representative for any activity which is carried out while performing the role of a safety representative.
- (b) The right to present a case to an industrial tribunal where an employer has failed to allow time off to undertake the functions, or has failed to pay for time spent on performing them.

9. Health and Safety Committees

The regulations require an employer:

- (a) To establish a safety committee if requested to do so, in writing, by at least two safety representatives appointed by recognised trade unions.
- (b) To establish the committee within three months following consultation with the safety representatives in the workplace concerned.

10. Objectives and Functions of Safety Committees

The HASWA states the function of a health and safety committee as keeping under review the measures taken to ensure the health and safety at work of employees.

Within fire brigades, the following subjects are considered appropriate business for safety committees:

- (a) Monitoring compliance with the brigade health and safety policy statement.
- (b) Considering management proposals for implementing the health and safety legislation, especially in relation to the preparation of risk assessments.
- (c) Considering reports of injuries (accidents and assaults) and dangerous occurrences with a view to recommending appropriate preventative action.
- (d) Considering inspection reports submitted by safety representatives and Inspectors of the HSE.

11. Membership

The membership and structure of a health and safety committee should be settled locally in consultation between management and trade union representatives through the normal consultative process.

In general terms the aim should be for the committee to perform its functions as far as possible through consensus.

12. Health and Safety (Consultation with Employees) Regulations 1996

These regulations can be summarised as:

(a) Employers are required to consult any employees that are not in groups covered by trade union safety representatives. The employer can choose to consult them directly or through elected representatives.

(b) The onus is on the employer to ensure that all groups are covered by these arrangements.

References

A Guide for Managers, Fire Service Health and Safety Guide Volume 2
The Safety Representatives and Safety Committees Regulations 1977
The Health and Safety (Consultation with Employees) Regulations 1996
The Management of Health and Safety at Work Regulations 1999