

## The Role and Functions of Safety Representatives

Safety representatives carry out a vital role in their trade union because they are able to:

- draw upon the views of the workforce about hazards at work and how they can best be controlled
- mobilise the concerns workers feel about hazards
- engage in a shared dialogue with employers and safety professionals about risk management approaches.

Safety representatives have been given a number of statutory functions under the Safety Representatives & Safety Committees (SRSC) Regulations 1977 (1979 in Northern Ireland), but your day-to-day activities will depend upon:

- your workplace
- the hazards in your workplace
- what your members think about health and safety
- the attitude of your management to health and safety.

Some of the tasks include:

- finding out about health and safety problems
- checking that your employer is complying with health and safety requirements
- investigating and tackling hazards
- working closely with your members and other union representatives
- following up problems and making sure that something gets done about them.

The people that you deal with will include:

- members
- other workers (potential members)
- other union representatives
- supervisors
- managers
- health and safety advisers
- union officials
- health and safety inspectors

Safety representatives' functions and activities underpinned by the Regulations are predicated on employers behaving positively and reasonably towards the representatives, observing the statutory duties that the SRSC Regulations impose on them, and responding positively to requests for facilities and assistance. Safety representatives should aim to establish a good working relationship with the employer based on cooperation; employers should similarly respond.

To be able to improve health and safety for your members, you will need to build a working relationship with your employer. It is easier to achieve improvements if you can relate to management in a constructive way and build mutual respect.

## **Statutory support for trade unions to organise for health and safety**

The 1974 Health and Safety at Work Act (Health and Safety at Work Order (Northern Ireland) 1978) provided for the appointment of safety representatives by recognised trade unions, and require employers to consult with such representatives where they were appointed. Detailed arrangements were brought forward in the Safety Representatives and Safety Committees Regulation 1977 (1979 in Northern Ireland).

These regulations set out a legal framework for the appointment of safety representatives by recognised trade unions, provide a range of statutory functions for those appointed, and require employers to support those functions in a variety of ways.

The Safety Reps Regulations provide a legal foundation on which to build trade union organisation in the workplace.

## **Appointment of trade union safety representatives**

Independent trade unions recognised by employers have the right to appoint safety representatives. Each union has to decide upon its own arrangements for appointment. It is not a matter for employers.

Safety representatives to be appointed by recognised trade unions (**SRSC Reg. 3(1); Guidance Paragraph 21**).

Normally, representatives will be appointed to represent employees for which the union has negotiating rights. But other employees can be represented (**Guidance Paragraph 23**).

Representatives are appointed to represent employees where they are likely to work or frequent, i.e. the workplace plus access areas, canteens etc. (**SRSC Reg. 2(1)**).

Representatives can raise general matters affecting the health and safety of employees as a whole (**Guidance Paragraph 23**).

Management must be notified in writing of the appointment and the groups of employees represented (**SRSC Reg. 3(2)**).

Appointment ceases when the:

- trade union notifies the employer in writing
- representative no longer works in any of the areas where s/he represents groups of employees
- representative resigns (**SRSC Reg.3(3)**)

It is for the recognised union to appoint safety representatives but may be subject to agreement with the employer. Decisions may need to take account of:

- numbers employed
- variety of jobs and activities
- size and number of locations
- shift systems
- type of work and hazards
- speed of change in the workplace (**SRSC Reg. 3(1); Code of Practice Paragraph 13; Guidance paragraphs 26-28**).

## The Functions of a safety representative

Safety representatives are not restricted to inspections and involvement in the risk assessment process. Under the SRSC Regulations, safety representatives can investigate:

- potential hazards
- dangerous occurrences
- causes of accidents and occupational ill-health
- complaints from their members.

Once safety representatives have investigated unsafe conditions or hazards to health in their workplace, the SRSC Regulations give them the right to make representations to:

- the employer about potential hazards or about members' complaints
- the employer on behalf of all employees as regards general health, safety or welfare matters at work
- bring to the notice of the employer their findings and complaints after inspections
- represent members in workplace consultations with HSE inspectors.

Investigations: Investigate potential hazards and dangerous occurrence **(SRSC Reg. 4(1)(a))**

Examine causes of accidents **(SRSC Reg. 4(1)(a))**

Investigate complaints by employees **(SRSC Reg. 4(1)(b))**

Employers must permit time off with pay during working hours to carry out functions **(SRSC Reg. 4(2)(a); Schedule to Reg. 4(2))**

Dealing with employers: Make representations on specific and general matters **(SRSC Reg. 4(1)(c and d))**

Attend safety committee meetings **(SRSC Reg. 9(1))**

Employers to consult representatives over the establishment of a committee **(SRSC Reg. 9(2); Guidance Paragraphs 70-96)**

## Inspections

Formal inspections are no substitute for daily observation, but they provide a useful opportunity to carry out a full-scale examination of all part of the workplace. This includes the inspection of documents required by health and safety legislation such as certificates concerning the testing of equipment. During these inspections, safety representatives can network with other representatives and discuss remedial action with their employers. During inspections safety representatives are entitled to private discussion with the employer.

Following an inspection, safety representatives should complete an inspection report, recording the date, time and details of an inspection. One copy of the completed form should be sent to the employer and one copy should be retained by the safety representative for her/his own records and for reference during safety committee discussion.

Formally inspect the workplace every three months (or more frequently if agreed with management) **(SRSC Reg. 5(1); Guidance Paragraph 50)**

Inspect after a Notifiable Accident, Dangerous Occurrence, or Notifiable Disease **(SRSC Reg. 6(1); Guidance Paragraph 59-65)**

Inspect after a substantial change in working conditions **(SRSC Reg. 5(2))**

Inspect after new information has become available from the HSE (**SRSC Reg. 5(2)**)  
Inspect relevant documents (**SRSC Reg. 7; Code of Practice 66; Guidance Paragraphs 67-69**)

### **Time off for Training**

Employers to provide time off with pay during working hours for training that is “reasonable in all the circumstances” (**SRSC Reg. 4(2)**).

Training should be approved by the TUC or the individual union (**Code of Practice 33 (under Reg. 4(2)(b))**).

### **Risk Assessments**

Safety representatives should not confuse workplace inspections with risk assessment. Inspections seek to identify hazards and problems. Risk assessment are part of the risk management process to identify hazards, evaluate the risk, record the findings, recommend precautions and review progress.

It is the responsibility of the employer to carry out risk assessment, not the safety representatives.

### **Legal Protection for Trade Union Safety Representatives**

Under the SRSC Regulations, safety representatives are given a number of legal functions which their employers must allow them to carry out. But safety representatives cannot be legally penalised if they do not carry them out, or only partly carry them out.

For example, a safety representative, by accepting, or agreeing with, or not objecting to a course of action does not take any legal responsibility for that course of action or its consequences.

This protection does not absolve safety representatives from their general responsibility as an employee. But it does ensure that their responsibility has not increased because of their appointment. Like all other workers, they must carry out their responsibilities under Section 7 of HASAWA. These duties are to take reasonable care of their own health and safety and that of others, and to co-operate with employers to enable them to carry out their statutory duties (**SRSC Regulations 4(1); Guidance Paragraph 44**).