

ROLES AND RESPONSIBILITIES OF A UNION FULL TIME SAFETY REPRESENTATIVE

Good health and safety practice is more than just a set of regulations it's about having an organised, informed, and confident Union presence in the workplace who are on – the ground knowledge that can lead to quick and easy solutions to workplace health and safety to effectively secure improvements and be part of the process of organising their workplace, by encouraging members to participate much more can be achieved.

The following are a brief introduction to the roles and responsibilities:

To act on behalf of members and represent them and to improve Health Safety and welfare for members and in doing so build relationships with employers to achieve improvements in a constructive way and build mutual respect, to enable Employers to respond positively to requests of facilities and assistance and establish good working relationships.

To also challenge employers that does not protect the Health Safety and Welfare of workers.

To check that employers are complying with Health and Safety requirements through inspections and investigations working closely with Members, Management and Safety Professionals.

To follow up issues/problems to make sure that something gets done whilst working within Union Policies and Workplace Policies and Procedures, and the formulation of future Policies.

Also, to seek the views of the workforce about hazards at work and how they can best be controlled, and to make representations to employers about potential hazards or members complaints on behalf of all Employees regarding general Health Safety or Welfare matters at work, and to bring to the notice of the Employers any findings and complaints after inspections, Including representing members in the workplace with consultations with the HSE inspectors. Participate in accident and incident investigations to seek clarification and feedback from basic cause investigations and events.

To ensure members views are included in inspection reports and meetings, to encourage discussion and feedback by talking to members regularly to listen to and act upon their views, whilst keeping members informed of the progress on problems and to stick to procedures to raise problems.

Encourage/Recruit more workers to become Safety Reps and to mentor and organise training and to encourage reps to participate in Safety Committees and advise which Forums to attend, and to raise general awareness about Health and safety.

To develop safety reps as part of the process of organising Union Health and Safety in the workplaces, this will help ensure that new Safety Reps are not isolated or potentially overburdened but operate in an environment where they are supported by Unions, the Employers, safety Professionals, and Union full time Safety Rep in supporting each other and offer advice where appropriate.

To attend departmental safety committees, talk to people and provide information to others that require it, be a point of contact and liaise with subject matter experts for advice and information and to pass on the information and guidance that can help safety reps in their role. Provide help and support to all contractor reps, those that work in active areas and utilising knowledge of Safety Advisers/Managers and to work with the Regulators.

To carry out building and project inspections with local safety teams also involving Safety Reps of these areas enabling them to get valuable experience of inspections, liaising with the contractor companies and SL to improve Health and Safety across the site, take part in Safety Initiatives and drive forward the importance of Mental Health training and awareness, Bullying and a zero tolerance from every Employer on site. Workers know what the problems are in their areas and usually have ideas of how to solve them, our role is to help them do that whenever possible and to keep it simple.

We need to spend time on projects/facilities and to engage with the workforce to encourage safe behaviours share best practices and processes.

We will keep ourselves up to date and informed regarding new and updated legislation with further training as necessary due to special responsibilities.

Section 2 of the Health and Safety at Work etc Act 1974 talks about Consultation and arrangements for Joint action on Health and safety matters

Employers need to prepare written statements of their Health and Safety Policy arrangements in respect of Safety Representatives.

We need conversations with Managers on things like facility time and duties, including clarity from managers on these arrangements in writing.

Each day we provide individual and collective support to our colleagues and members covering a wide range of issues, from advice on employment rights, terms and conditions, disciplinary and grievance cases, and more recently issues around mental health. We make workplaces safer by providing opportunities for learning and skills through union training, which is a massive contribution acting in a voluntary capacity, at times under increasing pressure to carry out our roles effectively. I believe some confusion comes into play on the employer's part in understanding that Union Reps (Shop Stewards) and (Union Safety Representatives) have different legal entitlements, being Health and Safety Representatives appointed by the Unions these are the Safety Representative & Safety Committees Regulations 1977.

Unlike the situation for most other representatives, Safety Representatives have Functions rather than Duties.

Duties come into play for Shop Stewards which deal with terms and conditions, suspension, redundancy, dismissal, allocation of work and employee duties, disciplinary matters, negotiation, and consultation. In short reps have a right to paid time off for duties but not for trade union activities, which the ACAS code provides comprehensive guidance.

Safety Representatives in relation to Regulation 4 (2) (a) Employers are required to allow Union Health and Safety representatives paid time, as is necessary during working hours to perform their functions which include investigating potential hazards, incidents, or complaints, undertaking inspections of the workplace, making representation to the employers on any health and safety matter representing employees, receiving information, and attending safety committees.

There is no limit to the amount of time that can be taken, which can vary depending on the size of the work place and the things to consider regarding how much time you will need, some of the most obvious are the number of employees, (bearing in mind Union Health & Safety Representatives are also different from other reps in that they can represent all employees in the workplace not just union members) the organisation of the workplace, physical environment, the range of duties and activities that need to be covered on a nuclear licensed site and industrial/construction site and additional radiological issues added to the range of current and potential issues that make heavy demand on the time of Safety Reps.

In practice is the time taken by Health & Safety Reps to perform their functions separate from facility time and are all Health & safety Reps able to take as much time off as they require when they require it. I don't believe that is the case. Employers cannot restrict the time that Health & Safety Representatives need to undertake their Functions.

We have spent a considerable amount of time over the years building up a picture and mapping the site in terms of members access to good welfare facilities, and channels for raising concerns and educating and recruiting new reps in areas of concern to encourage discussion and feedback and to use agreed procedures for resolving health and safety issues, seek dialogue directly with management if they see or think that a hazard has not been tackled or resolved. We have continually pushed the pro-active approach because we believe all safety issues and concerns can be rectified through constructive dialogue. We are also seeing an increase in new Safety Reps in areas of concern, they have the day-to-day knowledge of their jobs, areas, problems, and hazards which can be raised locally in the first instance or progressed through the various relevant committee.

We believe our input as Senior Safety Representatives on site has improved our members understanding and knowledge in terms of procedures and protocols to follow, increasing safety rep numbers and training of reps, assisting in organising committees in integrating Health and Safety into the overall organisation strategy, helping in relaying worker concerns about health and safety and ultimately improving workers involvement in site safety now and into the future.

Phill Dryden

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NAECI

Unite NW110 Branch Safety Rep & Shop Steward

ROLE OF THE UNITE SAFETY REPRESENTATIVE

The rights of Unite Health and Safety Reps are laid down in the 1977 Safety Representatives and Safety Committees Regulations, which is part of the Health and Safety at Work Act.

This role is laid down in law, any member of a Trade Union can be appointed to be a safety representative if they are from a recognised trade union.

Health and Safety Representatives have a key role to play in workplace health and safety. They work with employers on health and safety by representing their colleagues' health and safety interests. Safety reps are accountable to their branch, and their work, such as around stress, workload and bullying often interlinked with industrial relations issues, so it is important that they work as part of a team with other branch reps/stewards.

Unite the Union appoint H&S reps in recognised workplaces.

Unite Health and Safety Representative has the right to:

- Attend meetings of safety committees.
- investigating the causes of accidents
- investigate potential and actual hazards and dangerous occurrences.
- being consulted by the employer about issues relating to health and safety in the workplace
- investigate members and colleagues' complaints
- present members and colleagues' concerns to management
- carry out workplace inspections.
- **time off with pay as is necessary** to carry out those functions and reasonable facilities and assistance.
- paid time off for training if the training is 'necessary' and 'reasonable'.
- receive information relevant to any matter that might impact upon health, safety, and welfare of the people the safety rep represents
- inspecting documents relevant to safety in the workplace
- making representations to the employer
- receiving information from HSE (Health and Safety Executive) inspectors/regulators, and representing members interest in meetings with HSE inspectors/regulators
- receiving information from the employer
- to be consulted on the planning and organising of any health and safety training

In some respects, Trade Union appointed H&S reps have more rights and powers than Trade Union reps in the workplace.

The regulations state that no legal duties are placed on safety reps because of their functions and rights.

This means that a safety rep has no greater liability in law for health and safety breaches than any other employee.

The reality is that you need to attend a Unite run or TUC equivalent Safety Reps Stage 1 course before you will have any basic understanding of your rights as a Safety Rep

(Knowledge is all), recognition and proof of accreditation as a Unite Safety Representative lie with your Unite FTO

Safety Representative and Safety Committee Regulations 1977

If you are elected health and safety representative as described in the above Regulations Regulation 7(2) requires your employer to make available to you information within his knowledge, necessary to enable you to fulfil your functions.

Inspection of documents and provision of information

(1) Safety representatives shall for the performance of their functions under Section 2(4) of the 1974 Act and under these Regulations, if they have given the Employer reasonable notice, be entitled to inspect and take copies of any document Relevant to the workplace or to the employees the safety representatives represent Which the employer is required to keep by virtue of any relevant statutory Provision within the meaning of section 53(1) of the 1974 Act except a document Consisting of or relating to any health record of an identifiable individual.

Employers cannot restrict the time that Health and Safety Representatives need to undertake their Functions.

The key functions of a safety rep are:

- representing workers in consultations with employers
- investigating potential hazards and dangerous occurrences
- examining the causes of accidents, dangerous occurrences, and diseases
- investigating complaints by members
- making representations to the employer
- carrying out workplace inspections
- representing employees in consultations with inspectors
- receiving information from inspectors
- attending joint health and safety committee meetings.

Employers must establish a joint safety committee if requested to do so by two or more trade union health and safety reps. In general, employers must make available to safety reps all the information necessary to enable them to fulfil their functions.

Employers must provide any help and facilities reasonably required by safety reps to carry out their functions. Union safety reps must be provided the time off with pay to carry out their safety reps' duties and to undergo TUC- or union-approved training.

These are minimum rights. Many union safety reps negotiate rights to facilities, information, and time off that go well beyond the legal minimum.

Trade union safety reps are protected from victimisation for any acts or omissions in their execution of their duties – the law gives safety reps rights, not duties.

The Employment Rights Act 1996 says safety reps have protection if they are unfairly treated or placed at a disadvantage in circumstances including:

- raising health and safety concerns
- carrying out designated health and safety functions
- proposing to leave their workplace or any dangerous part of it, or refuse to return, in the event of what they reasonably believe to be serious and imminent danger, or
- proposing to take action to protect against a perceived serious or imminent danger.

The Public Interest Disclosure Act 1998 gives workers 'whistleblower' protection in a range of circumstances, including raising issues relating to health and safety being endangered.

Functions of a health and safety committee in organising the safety and health committee should be involved in several main activities:

1. Identifying current and potential health and safety hazards and problems
2. Identifying appropriate measures to eliminate or control hazards and problems
3. Identifying effective union strategies for raising health and safety issues as part of the overall organizing campaign
4. Assisting the voluntary organizing committee in integrating health and safety issues into the overall organizing strategy
5. Serving as the focal point for worker concerns about safety and health and building member involvement in the union's health and safety efforts.

With the above in mind, some of the specific activities that worker committees can undertake to accomplish these functions include:

- surveying workers regarding their health and safety concerns as well as work-related symptoms, injuries, illnesses, and stresses
- conducting body mapping, hazards mapping and other activities for identifying and tracking hazards and their impacts on the workers
- conducting investigations of incidents, illnesses, and near misses
- accessing and regularly reviewing information on hazards, monitoring data, incident reports etc.
- accessing and reviewing information on contemplated workplace changes for the presence of hazards. This would include reviewing plans for new equipment, new work processes, new technologies, work restructuring/changes in how work is organized, etc., to see if adjustments need to be made to assure that the change is safe and healthy for the workforce
- engaging in regular communication with workers on health and safety issues
- educating workers about health or safety issues and concerns
- Helping select priority health and safety issues to raise during the organizing campaign
- assisting with the development of strategies for getting priority health and safety issues addressed
- monitoring HSE complaints.

1. Management has different goals, even enlightened management. They may care about safety but are probably more concerned about workers' compensation and costs. And building the union is never one of the management's goals.

2. What you do with the company on health and safety is a form of collective bargaining. Even if you don't see it that way, they do.

3. Health and safety isn't a technical issue. Technical knowledge helps. But there are plenty of places to get technical information. Strategy and organisation are much more important.

Union organisers are not expected to be health and safety experts. Your union will have health and safety advisers at regional or national level or will have access to health and safety specialists.

You do not need to understand everything about health and safety, but you do need to understand its relevance to organising. So, you may need to talk to your union about health and safety training to ensure you are suitably up to speed on this area of union activity. Organisers will also need to recruit activists with an understanding of health and safety to the organising team from either within or external to the target company. The safety activists would act as the main source of reference and keep a check on what is happening in the target workplace.

Hazards are often divided into six categories:

- Safety (immediate causes of injuries)
- Physical (energy sources such as radiation, temperature, and noise)
- Chemical (dusts, liquids, gases)
- Biological or communicable (infection, needle sticks, mould)
- Ergonomic (force, repetition, posture, design of control panels)
- Work organisation/Psychosocial risks, (things that cause stress such as long or odd work schedules, no say about the job, workload).

Pause for Thought: Common Sense and Accident Prevention

We are not born with common sense; we acquire it throughout life. Common sense is common experience – we learn about life from others experiences as well as our own. Awareness of your environment, self-preservation, and concern for you fellow workers are all factors in good common sense. Contrary to popular opinion, all workers can prevent themselves from getting hurt. The easy way to avoid pain is to observe how others have taken risks and been injured, rather than learning the hard way-from your own injury. That's common sense!

The experts say at least 80% of industrial accidents are caused by unsafe acts on the part of employees—and not by unsafe conditions. Although employers are required by law to provide a safe and healthful workplace, it is up to *you* to be aware of your work environment and follow safe work practices. By avoiding unsafe acts and practicing common sense, your work will go smoother, with less chance for accidents.

Statistically, most accidents are caused by unsafe acts, including:

Being in A Hurry – Sometimes there is more concern for completing a job quickly instead of safely. Take time to do a good job *and* a safe job.

Taking Chances – Daring behaviour or blatant disregard for safe work practices can put the whole work team at risk. Follow all company safety rules and watch out for your fellow employees. Horseplay is never appropriate on the job and can lead to disciplinary action.

Being Preoccupied – Daydreaming, drifting off at work, thinking about the weekend and not paying attention to your work can get you seriously hurt or even killed. Focus on the work you are paid to do. If your mind is troubled or distracted, you're at risk for an accident.

Having A Negative Attitude – Being angry or in a bad mood can lead to severe accidents because anger nearly always rules over caution. Flying off the handle at work is potentially dangerous. Keep your bad moods in check, or more than one person may be hurt. Remember to stay cool and in charge of your emotions.

Failing to Look for Hidden Hazards – At many job sites, work conditions are constantly changing. Sometimes new, unexpected hazards develop. Always be alert for changes in the environment. Hidden hazards include spilled liquids that could cause slips and falls; out-of-place objects that can be tripped over; unmarked floor openings one could step into; low overhead pipes that could mean a head injury; and other workers who don't see you enter their hazardous work area.

Remember to stay alert for hazards, so you won't become one more accident statistic: You *can* do a quality job without rushing. Maintain a positive attitude and keep your mind on your work. This is just **common sense** – something smart workers use!

So, you have been asked to interact with Safety Reps and you are an Employers Representative:

Introduction - If you hold a post that requires you to interact with Safety Representatives (SRs), or this duty has been delegated to you, you are an Employer's Representative (ER). This brief guide should help you to fulfil your company's legal obligations in respect to interaction with Union Appointed Safety Representatives.

General - First off, by law your company must consult its staff in a recognised way. At Sellafield the Unions are recognised. The activities of the Union organisation at Sellafield provide the framework for legal compliance with minimal company effort, so we're helping already.

Legal Regs - There is a specific set of legal regulations (Safety Reps & Safety Committees regs 1977) that define the rights of the SRs and what you as the ER are required to do. These are mirrored in the Sellafield Ltd Safety Reps Charter and the **Supply Chain Safety Reps Charter** where the company and the SRs agree to work to the regs in partnership.

The SRs are made familiar with the SR&SC 77 regs in their essential basic training so if they quote requirements from it you will need to look into it – they will explain if you ask, and copies are available. The main objective of the SRs is to ensure the company stays within the legal requirements of Health and safety law (The HASWA umbrella enabling act and the specific regulations that flow from it)

Main Points - The main requirements you need to cover are as follows: -

To consult your SRs “in good time” about any Significant Changes to Safety arrangements or changes to work methods (e.g., mechanisation) or new areas of work including occupying new premises or significant issues. This requires more than just having a regular safety committee meeting, it also needs planning, so agenda items are placed, and consultation happens “in good time”

To provide a “timely” response to SRs communications. There are specifications in the regs on “timely” but in general serious issues require a quick response. The best approach is to acknowledge the communication and agree a timely response with the SR.

To inform SRs of incidents, provide information and involve them in investigations.

To invite SRs on facility and workplace Inspections.

To provide time for SR training and time and resources to perform their functions.

Handy Hints – Like you, the SRs are committed to maintaining workplace safety standards and when necessary, will expect access to you at reasonably short notice to address arising issues outside of the regular meetings (e.g., e-mail, phone, face to face).

If an issue is raised and SRs suggest a solution, it’s just a suggestion. It is your workplace to manage, and the SR will tell you if your counter proposal is adequate to address the issue. There are many ways to skin a cat – SRs just want to see the issue resolved.

The SRs could address every issue in a confrontational style with a formal request quoting regulation chapter and verse, but this is unpleasant for all involved and co-operative working with the ER is much preferred and the approach recommended by the TUC.

SRs are independent of the company with respect to their appraisal of its Health and Safety management performance. It is therefore worth remembering that the SRs regularly meet regulators such as EA, HSE or ONR inspectors (formerly NII) and other stakeholders. They can say they have received good service from their local management, that their concerns are taken seriously and that the work areas are well managed if it is true.

HAPPY INTERACTING!

SAFETY REP & SAFETY COMMITTEE REGULATIONS 1977 [1977 regulations \(hse.gov.uk\)](https://www.hse.gov.uk/l21/l21reg.htm)

Regulation 1 Citation and commencement

Consulting employees if you recognise a trade union

Regulation 2 Interpretation

Regulation 3 Appointment of safety representatives

Who appoints health and safety representatives?

Deciding who to appoint as a health and safety representative

Who do health and safety representatives represent?

How many health and safety representatives should be appointed?

Regulation 4 Functions of safety representatives

Regulation 4A Employer's duty to consult and provide facilities and assistance

Schedule 2 Pay for time off allowed to safety representatives

Code of Practice approved under regulation 4(2) (b) of the Regulations on Safety Representatives and Safety Committees (SI 1977/500)

What must you consult health and safety representatives about?

Requirements to consult health and safety representatives on risk assessments

Guidance from L21 Management of Health and Safety at Work Regulations 1999

When must you consult health and safety representatives?

Your duty to permit paid time for health and safety representatives' Training

Functions of health and safety representatives

Regulation 5 Inspections of the workplace

Frequency and organisation of inspections

Following an inspection

Regulation 6 Inspections following notifiable accidents, occurrences, and diseases

Purpose of inspections following a notifiable incident

The functions of health and safety representatives in formal inspections following a notifiable incident

Regulation 7 Inspection of documents and provision of information

Your duty to provide information

Regulation 8 Cases where safety representatives need not be employees

Regulation 9 Safety committees

Setting up a health and safety committee

Objectives and functions of health and safety committees

Membership of health and safety committees

The conduct of health and safety committees

Regulation 10 Power of Health and Safety Commission to grant exemptions

Regulation 11 Provisions as to [employment tribunals]

This may seem like a lot of information and an overwhelming amount of legislation. Sometimes this is a game that employers like to play – flood the union with irrelevant or over the top amounts of information. But health and safety is a matter of common sense and a safe and healthy working environment is a basic right that every worker can understand and sign up to. Workers know what the health and safety problems are in their workplace and usually have a shrewd idea of how to solve them. The union organiser's job is to help them to do that. Whenever possible, keep it simple.

SUPPLY CHAIN SAFETY REP CHARTER

The role of Contractor Safety Representatives at Sellafield Ltd

Safety Representatives are appointed by the Unions to represent the workforce regarding Health, Safety and Welfare issues. Only union appointed Safety Representatives are recognised by the employer companies where they are to carry out their functions.

This charter and guidance are derived from the Safety Representatives legal rights within the Health and Safety at Work etc Act 1974 which is a core piece of law that Reps need to be familiar with to be able to carry out their functions effectively and the Safety Representatives and Safety Committees Regulations 1977. It is one enabler for reps to act on behalf of members and represent them and to improve Health Safety and Welfare for members and in doing so build relationships with the supply chain employers to achieve improvements in a constructive way and build mutual respect, to enable Employers to respond positively to requests of facilities and assistance and establish good working relationships.

The rights of Contractor/Supply Chain Safety Representatives include:

- Involvement in all Environment, Health, Safety and Welfare related meetings/committees/discussions/initiatives
- Leadership/Involvement with Environment, Health, Safety and Welfare which affect their workplace/workforce
- Consultation on all issues relating to Environment, Health, Safety and Welfare which affect their workplace/workforce
- Quality time to carry out their role/function effectively
- Provision of adequate facilities and assistance
- Relevant training to fit their individual requirements
- Access to documents and provision of information relating to Environment, Health, Safety and Welfare
- Communication and consultation with all regulatory authorities

Sellafield Contractor/supply chain is committed to support its Safety Representatives to enable them to lead and contribute to continuous improvement in Safety, Health and Welfare at Sellafield. **Do What's Right; Actively care for others safety; value people; continuous learning; enable and encourage everyone to achieve their full potential. Reinforce the principle of "what's right" not "who's right"**

Safety Representative

Line Manager

Employee Relations

Unite FTO

GMB FTO