

Safety reps or safety committees

Following recent enquiries about safety committees and problems associated with the way they operate, it is worth just restating the relative emphasis we should give to different organisational factors based on the statutory underpinning provided by the Safety Representatives & Safety Committees Regulations (SRSCR).

There are no regulatory standards for the functions or operation of joint safety committees beyond the duty on an employer to set one up if requested, and no statutory means of ensuring safety committees conduct their business appropriately. Many employers ignore the guidance that the HSE gives on safety committee operation. Questions raised with UCU include meetings routinely cancelled and not re-arranged; reps not being notified of meetings; inequality of representation – committees overwhelmed with managers; refusal to put trade union issues on the agenda; failure to make information about sickness absences available for discussion; rubber-stamping endless reports rather than collectively discussing issues, principles and strategies in order to make recommendations to the employer for workplace improvements. All in all, a golden opportunity under the employers control for them to take any positive developments out of the process. When we asked UCU safety reps about this some years ago, 90% of those who replied were dissatisfied with the way their safety committee operated. But on the other hand...

Our priority has to be the appointment and functioning of UCU safety representatives in sufficient numbers to be an effective representative body; and that qualification 'sufficient numbers' is crucial to our success.

The Safety Reps & Safety Committees Regulations are without doubt, the most powerful piece of industrial relations legislation we have ever had in the UK. They give trade union safety representatives a comprehensive range of statutory functions to be exercised in the workplace, from which we derive both our ability to influence how the employer deals with health, safety and welfare matters; and to build an effective and comprehensive organisation in the workplace. These are statutory functions enshrined in law, thus cannot be restricted, twisted or taken away from us by the employer. The final paragraph of the Preface to the SRSCR clearly says that, when all else fails, 'Recognised trade unions can at any time invoke the rights given by the Regulations and the obligations on the employer would then apply'. (<https://www.tuc.org.uk/sites/default/files/BrownBook2015.pdf>)

The onus is on us, collectively, to ensure we use these provisions to our best advantage.

Trade union safety reps can:

- investigate complaints by employees

- investigate any matter related to the health, safety or welfare of the employees they represent, including accidents, incidents, injuries and ill-health;
- make representations on any health, safety or welfare issue with the employer;
- conduct regular quarterly inspections in the workplace;
- inspect the scene of incidents & injury that cause absence of more than 3 days;
- meet and talk to inspectors of enforcing agencies when they visit the workplace;
- receive information from such enforcing inspectors, and
- request their employer set-up a joint safety committee.

The SRSCR also impose obligations on employers to support and facilitate the functions and activities of trade union safety representatives. A lot of the guidance to the Regulations addresses employers directly, under headings such as 'What must you consult safety representatives about?' and 'Your duty to provide information'.

Employers are obliged to:

- consult in good time with safety reps on a wide range of matters; Reg 4A(1)
- automatically provide reps with any information within their knowledge related to the health, safety or welfare of employees they represent; Reg 7(2)
- give reps access to, and copies of any document related to health, safety or welfare the law requires them to keep, when requested; Reg 7(1)
- permit reps to take such time off with pay during normal working hours as shall be necessary for them to undertake their functions and to attend training approved by their union or TUC; (The remedy for an employer failure to permit such time off is to make a claim to an Employment Tribunal under Regulation 11 of the SRSCR) Reg 4(2)
- provide such facilities and assistance as reps reasonably require in order to undertake their functions. Reg 4A(2)

The appointment of safety representatives is a trade union matter; the union decides who they are and which employees they represent. Factors to consider when deciding how to organise are in Guidance paragraphs 26-28 to the Regulations. The TUC estimates that on average in the UK there is one safety rep for about every 50 employees. UCU branches need to appoint enough reps to build a strong organisation that can deal with problems effectively where they occur in the workplace – in the past we'd have said 'on the shop floor'. The safety representatives regulations that relate to offshore workplaces actually set numbers: each safety representative shall have a constituency with a maximum of 40 employees, and that there must be at least two safety representatives on any off-shore installation regardless of the number of workers.

No matter how many times we have emphasised that, despite there being a comprehensive legal framework regulating many workplace conditions, if enforcement is weak or non-existent, then employers are emboldened to take the risk they won't be discovered. And that is really our role – keeping the employer up to scratch. And the truth is, you cannot do that on your own; the old adage 'There's strength in numbers' is

perfectly true here. We have to take full advantage of this statutory underpinning and framework that allows us to develop an effective workplace organisation to take-up problems, improve conditions and ensure life at work is more equitable and less traumatic, and that is what work should be, not a death sentence.

If the choice is between active representatives involving members in their functions, or a relatively moribund safety committee, our priority is active reps every time.

These UCU documents can help you recruiting more reps. See

https://www.ucu.org.uk/media/2767/Why-not-become-a-UCU-safety-rep/doc/hsmemb_berep.doc and https://www.ucu.org.uk/media/7257/Why-you-should-be-a-UCU-safety-representative/pdf/ucu_whybeasafetyrep.pdf