

# SHREC SHEET



## NO 01 COMMUNICATION AND CONSULTATION GUIDANCE

### INTRODUCTION

Consulting and communicating with employees on matters of health and safety is not only a legal requirement but also is essential in order to promote and maintain a safe and healthy working environment. An effective line of communication and consultation keeps employees informed of health and safety matters, can help to motivate them, and encourages active participation in the risk management process. Organisations can become more efficient and reduce the number of accidents and work-related illnesses when a partnership approach is adopted.

### THE EMPLOYER'S DUTY TO CONSULT

Employers have a general duty to consult their employees on health and safety matters. In particular this relates to:

- Introducing any new measures in the workplace that may affect the employee's health and safety e.g. new equipment, new work procedures.
- Informing employees of the company's competent persons and nominating individuals for implementing evacuation procedures.
- Providing health and safety information as required by other legislation e.g. display screen equipment, hazardous substances, asbestos, protective equipment etc.
- The planning and organisation of health and safety training.
- Any health and safety consequences of the introduction of new technologies into the workplace.

### CONSULTING WITH REPRESENTATIVES OF EMPLOYEE SAFETY (NON TRADE UNION)

Consultation can be either with each employee individually, with groups of employees, or through elected representatives, whose names and the groups they represent should be made known to all employees.

Where the employer arranges for employees to elect representatives for health and safety, the company must ensure that they receive training to allow them to carry out the functions of an employee representative. The main functions of an employee representative are to:

- Make representations to the employer on potential hazards and dangerous occurrences or general matters affecting health and safety in the workplace
- Represent employees in consultations with inspectors from the Enforcing Authority.

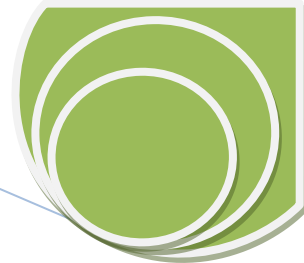
Any time off and reasonable costs for training (including travel and subsistence) must be met by the company, including reasonable time during the representative's working hours to allow the individual to perform his/her safety functions.

### CONSULTING WITH TRADE UNION ELECTED SAFETY REPRESENTATIVES

Where the trade union elect safety representatives the company must allow safety representatives the time to receive training to carry out the functions of a safety representative. The trade union concerned or the TUC will usually offer trade union safety representative training.

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The safety representative has the right to:

- Investigate potential hazards or dangerous occurrences in the workplace, to examine the cause of accidents at work, and make representation to the employer on such matters
- Investigate complaints by employees relating to health, safety and welfare, and make representation to the employer on such matters
- Make representation to the employer on general matters of health and safety
- Carry out inspections of the workplace following serious accidents and in any case once every three months provided they have given reasonable notice to the employer
- Carry out additional inspections, following consultation with the employer, where there has been a substantial change in the workplace or where new information has been published by the Health and Safety Executive or the Health and Safety Commission
- Consult with inspectors from the Enforcing Authority
- Attend safety committee meetings
- Receive information relating to risk assessments affecting the employees they represent.

Any time off and reasonable costs for training (including travel and subsistence) must be met by the company, including reasonable time during the safety representative's working hours to allow the individual to perform his/her safety functions.

## RESTRICTED INFORMATION

Employees or their representatives must be given enough information to enable them to participate fully in the consultation process. However employers do not have to give information if the following applies:

- It would be against the interests of national security or against the law
- It is about an individual who has not given permission for the information to be divulged
- It would harm the business for reasons other than matters of health and safety
- The information relates to legal proceedings.

## PRACTICAL WAYS TO COMMUNICATE AND CONSULT

There are various ways in which communication and consultation can take place depending on the size and nature of the organisation. Below are some typical methods and one or all of these methods may be appropriate to you.

### Health and Safety Committees

It is a legal requirement for employers to establish a safety committee if they receive a request in writing from two or more safety representatives appointed by a recognised trade union. In setting up a safety committee, the employer must enter into consultation with the safety representatives and post a notice in the workplace which states the composition of the safety committee and the workplaces covered by it.

### Non-union committees

There is no legal requirement to set up safety committees other than when requested to do so by safety representatives appointed by a trade union. However, employers are required to have effective arrangements in place for consulting and communicating with employees and, in many workplaces, forming a health and safety committee may be the best means of achieving this.

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## Functions of a health and safety committee

The basic aim of a safety committee should be to facilitate communication and co-operation between managers and employees, in order to provide a safe and healthy workplace. When the safety committee is first set up, the functions should be defined and preferably put in writing. These functions are likely to include:

- Examining accident reports in order to identify problems and ways of improving health and safety
- Discussing safety audits carried out, in order to review the results and decide what action needs to be taken
- Reporting by the safety/employee representatives of concerns and requests in relation to health, safety and welfare
- Co-operating on planning, implementing and monitoring safe systems of work and safety procedures, for example the introduction of new procedures
- Examining health and safety training provided, checking whether it is proving effective
- Discussing what health and safety information needs to be communicated to the workforce and how it should be done, e.g. poster campaigns, departmental meetings etc.
- Providing a point of contact with health and safety enforcement inspectors and examining reports from them and guidance issued by the Health and Safety Executive that might be relevant to the workplace
- Comparing the commitments in the health and safety policy to the actual situation in the workplace
- Occasionally carrying out inspections of the workplace to check on health and safety measures and increase familiarity of committee members with the workplace and activities.

## Membership

Membership of any safety committee should be determined by consultation between managers and safety/employee representatives. If the safety committee is being set up as the result of an official request by a trade union, it is likely that those safety representatives making the request would want to be safety committee members.

Each safety committee should have a chairperson and a secretary who will take the minutes and provide administrative support.

The number of members should not be so few that it does not adequately represent the views of all relevant parties or so many that it becomes difficult to administer. Management representatives should cover a wide range of levels and interests. There should be managers on the safety committee who have sufficient authority to agree to taking actions that require reasonable expenditure.

## Meetings

A programme of meetings should be planned at the first meeting and displayed on notice boards so that employees can raise issues with their representatives before the next meeting.

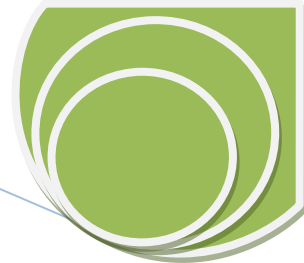
The frequency of meetings can vary and it may be necessary to hold ad hoc meetings at short notice, e.g. following a serious incident.

Members should be encouraged to attend all meetings since repeated absences reduce the credibility of the safety committee.

The secretary should take the minutes of each meeting, which should then be typed up, and a copy given to each committee member and a member of senior management. Copies of the minutes should also be pinned to the notice boards or distributed throughout the workplace for employees' information.

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## **One to one consultation**

In smaller organisations it may be possible to speak to employees individually on health and safety issues. Again records of health and safety issues discussed should be kept.

## **E-mail/Internal memos**

Many companies now have the means to e-mail employees. This is only effective when all employees have access to e-mail and where employees are encouraged to return their comments to the sender.

## **Staff notice boards**

Notice boards may be used to display health and safety information for staff. However, as with e-mail systems and internal memo's, effective communication and consultation is a two way process and not just a case of giving information out without having a means for debate or proper consultation.

## **FAILURE TO COMMUNICATE AND CONSULT**

The Enforcing Authority may investigate and act upon complaints from employees who feel that their employer has failed to communicate and consult with them or who have been penalised for taking part in a consultation process.

If there is a disagreement between employers and employees or their representatives about communication and consultation arrangements and both parties fail to reach an agreement, the matter may be referred to the Advisory, Conciliation and Arbitration Service (ACAS).

Employees and representatives may also apply to an Industrial Tribunal if they feel that their employer has failed in his or her duty to communicate and consult.

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