

# SECTION **N**

Guidelines for Safety Representatives and Safety Committees

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# N1. Appointment of Safety Representatives

- N1.1 Unite the Union, as the Industry recognised Trade Union, may appoint Safety Representatives from amongst the Operatives where an employer employs one or more Operatives. Safety Representatives can also carry a dual role and also function as a Shop Steward. In circumstances whereby an existing Shop Steward also wishes to extend his role to cover Health and Safety matters, the appropriate Unite Safety Representative Credential Form should be completed and the employer notified of the additional function accordingly.
- N1.2 Equally, where an existing Operative who is not a Shop Steward wishes to take on the role of Safety Representative, he should contact the local Unite Office in order to request a Health and Safety Representative Credential Form.
- N1.3 Where Operatives are working on a number of sites at different locations, the employer may agree with the Union to the appointment of Safety Representatives as required in the circumstances.
- N1.4 Alternatively, suitable arrangements may be made for the communication of information on safety matters between Operatives and their Safety Representative(s) and, when necessary, for site visits by the Safety Representative(s).
- N1.5 The appointment of Safety Representatives is the prerogative of the Union and there is no legal entitlement for Operatives in a firm or on a particular site to elect Safety Representatives.
- N1.6 The Union shall notify the appointment of Safety Representatives to the employer concerned in writing. Until such time that written notification has been received by the employer from a Full-Time Officer of the Union, no such appointment shall be valid. Safety Representatives should be appointed wherever possible on a company basis rather than on a site basis, and should ordinarily be appointed for periods of not less than one year.
- N1.7 The objective should be to obtain a measure of stability in the appointments so that representatives gain experience over a number of years as this should be to the benefit of the Operatives they represent and the industry in general.
- N1.8 This means that if a Safety Representative moves from one site to another (with the same employer) he can still continue his functions as a safety representative even if the new site is one which he has not previously represented.
- N1.9 A person shall cease to be a Safety Representative when:
- (a) the Union notifies the employer in writing that the appointment has been terminated; or
  - (b) he ceases to be employed at the workplace (but if representing employees at more than one workplace, he may continue as safety representative so long as he is employed at any one of those places); or
  - (c) he resigns.

N1.10 Where an employer has been notified in writing by or on behalf of a the Union of the names of the persons appointed as Safety Representatives and the group(s) of employees they represent, each Safety Representative shall have the functions set out in N2.1.

**Note:** There is no legal entitlement for employees in a particular organisation or a particular site to remove a Safety Representative from office, which is the prerogative of the Union. Recognising the problems that can be caused by the movement of labour in the contracting industry, it is agreed that for the purposes of these guidelines the workplace may be interpreted as the organisation in full or in part.

## N2. Safety Representatives' Functions

N2.1 In addition to representing Operatives in consultation with the employer, Safety Representatives shall have the following functions:

- (a) to investigate potential hazards and dangerous occurrences at the workplace and to examine the causes of accidents at the workplace;
- (b) to investigate complaints by any employee they represent relating to that employee's health, safety or welfare at work;
- (c) to make representations to the employer on matters arising from (a) and (b) above;
- (d) to make representations to the employer on general matters affecting the health, safety or welfare at work of their employees at the workplace;
- (e) to carry out inspections (see N5);
- (f) to represent the employees they are appointed to represent in consultations at the workplace with inspectors of the Health and Safety Executive and of any other enforcing authority;
- (g) to receive information from inspectors in accordance with the Health and Safety at Work Act;
- (h) to attend meetings of Safety Committees where they attend in their capacity as safety representatives in connection with any of the above functions.

N2.2 Without prejudice to sections 7 and 8 of the Health and Safety at Work Act, none of those functions given to a safety representative shall be construed as imposing any duty on him.

N2.3 If safety matters involve other organisations, the expected procedure will be for the Safety Representative to take the matter up with his employer's Safety Officer or manager with responsibility for safety matters, or the senior company representative on the site who would then take the matter up with the organisation concerned and report back to the Safety Representative.

N2.4 With reference N2.1 (f) and (g), employers should make every reasonable effort to advise Safety Representatives of visits by Factory Inspectors, even if such visits are unannounced.

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## N3. Qualifications

- N3.1 A person appointed as a Safety Representative shall either have been employed by his employer throughout the preceding two years or have had at least two years' experience in similar employment.
- N3.2 At least two years Journeyman experience in the Electrical Contracting Industry is an essential minimum requirement. Safety Representatives shall normally be appointed after successfully completing the industry's training course. Where this is not practicable, it shall be a condition of their appointment that they be prepared to undertake the necessary training.

## N4. Time off to Perform Functions

- N4.1 An employer shall permit a Safety Representative to take such time off with pay during the Operative's working hours as shall be necessary for the purposes of performing his functions and undergoing reasonable training to enable him to carry out his function as a Safety Representative.
- N4.2 The Union and employer representatives will agree a training programme suited to the industry's own requirements, which will be reviewed in the light of experience. For anyone to be confirmed in their appointment as a Safety Representative, it will be essential to have undertaken the agreed training programme. Until training has been satisfactorily completed, appointments shall only be on a provisional basis.

## N5. Inspections of the Workplace

- N5.1 Safety Representatives shall be entitled to inspect the workplace if the employer is given reasonable notice in writing and if there has not been an inspection within the previous three months. More frequent inspections may be carried out by agreement with the employer.
- N5.2 Where there has been a substantial change in the conditions of work, or the Health and Safety Executive/Commission have published relevant new information since the last inspection, Safety Representatives, after consultation with the employer, shall be entitled to carry out a further inspection (even if within three months of the previous one).
- N5.3 Where there has been a notifiable accident, disease or dangerous occurrence and it is safe for an inspection to be carried out, Safety Representatives may inspect the workplace for the purpose of determining the cause. They shall, where reasonably practicable, notify the employer of their intention to do so.
- N5.4 In the event of an accident at work which causes an individual to be absent for more than three working days, the employer shall ensure at an early opportunity that the Safety Representative concerned is aware of the circumstances of the accident.

- N5.5 The employer shall provide such facilities and assistance as the Safety Representatives may reasonably require (including facilities for independent investigation by them and private discussion with the Operatives) for the purpose of carrying out an inspection, but the employer shall not be precluded from being present during the inspection.
- N5.6 If they give the employer reasonable notice, Safety Representatives shall be entitled to inspect and take copies of documents relating to safety required to be kept by statutory provisions (except a document relating to the health record of an identifiable individual).
- N5.7 An employer shall make available to Safety Representatives information (relating to health, safety and welfare) necessary to enable them to fulfil their functions.

## N6. Safety Committees

- N6.1 An employer is required to establish a Safety Committee if requested in writing so to do by at least two Safety Representatives.
- N6.2 The employer is required to consult the Safety Representatives and Union representatives with regard to the Committee, which is to be established within three months of the request. A notice is to be prominently posted stating the composition of the Committee.
- N6.3 On large sites, if requests are received for the establishment of a Safety Committee, it may be appropriate for such a Committee to be representative, so far as is practicable, of all those employed on the site. If, on a large site, a number of electrical contracting employers have Safety Representatives appointed, there could be from amongst them one electrical representative appointed to any such Committee. It is unlikely that the establishment of a Safety Committee will be required on a small site where there should be regular communication between the employer and any Safety Representative on matters relating to health and safety. Safety Committees might well be required on a company basis as well as on major sites.

## N7. Failure by Employer to Grant Time to Perform Duties

- N7.1 Safety Representatives may apply to an Employment Tribunal if they are not permitted time off or are not paid for such time off to perform their functions or for reasonable training.
- N7.2 Any grievance in relation to the appointment of Safety Representatives, or the performance of their functions, should be taken up through the SJIB Procedure for Handling and Resolving Individual and Collective Grievances; Section G, Appendix G8.

