

HEALTH AND SAFETY AND THE ROLE OF THE SHOP STEWARD AS A SAFETY REPRESENTATIVE

INTRODUCTION

The Health and Safety at Work etc Act 1974 places a duty upon both the employer and employees to ensure that the workplace is a safe and healthy working environment for employees and visitors to the workplace and to others that may be affected by its undertakings.

The Health and Safety at Work Act as an enabling Act for associated Regulations, such as the Workplace Regulations, the Management Regulations, the Display Screen Equipment Regulations etc., place responsibilities on the employer to provide things such as adequate heating, lighting, ventilation and work station assessments.

THE HEALTH AND SAFETY POLICY

To facilitate this the Council, as the employer, have a written policy and procedures which is a requirement of the Act and provides its staff with all the information and procedures it requires to ensure that the relevant legislation is complied with. The policy is structured in a manner which provides corporate guidance on the fundamental requirements of risk assessment, accident reporting, COSHH, Workplace etc., and also provides a section which is specifically there for those departmental arrangements which are required.

RISK ASSESSMENT

This requires employers to carry out a "suitable and sufficient" assessment of those risks that arise from (foreseeable) hazards identified within the workplace. To record the significant findings (where they are not easily verbally repeatable) and to take appropriate action, **as far as reasonably practicable**, to eliminate the risk or reduce it to an acceptable level.

The HASAW Act provides legal standards of duty upon the employer. There are three main standards or duties, namely:

a) Absolute Duties

This is a statutory duty that the employer must take safety precautions when it is deemed that the risk of injury is inevitable if they do not. For example, "to prevent access to any dangerous part of machinery or to any rotating stock-bar" is imposed as an absolute duty on the employer by Regulation 11 of PUWER 1998.

b) Practicable Duties

This means that safety precautions must be taken if it is possible to do so despite the fact that implementation might be difficult, inconvenient or expensive. For example, the provision of jigs, holders, push-sticks or similar protection appliances used in conjunction with the machinery where and to the extent that it is practicable to do so, but where or to the extent that it is not, then the provision of information, instruction, training and supervision. Regulation 11, PUWER 1998

c) Reasonably Practicable Duties

This means that the employer has to weigh up the risks involved in a particular situation against the costs of removing or reducing the risk.

THE ROLE OF THE SAFETY ADVISOR

The corporate safety section is based on the 9th floor of the Civic Centre and is staffed by four experienced safety professionals. The safety advisor is able to provide a range of services and advice to all staff. For reference, these are outlined at Appendix A.

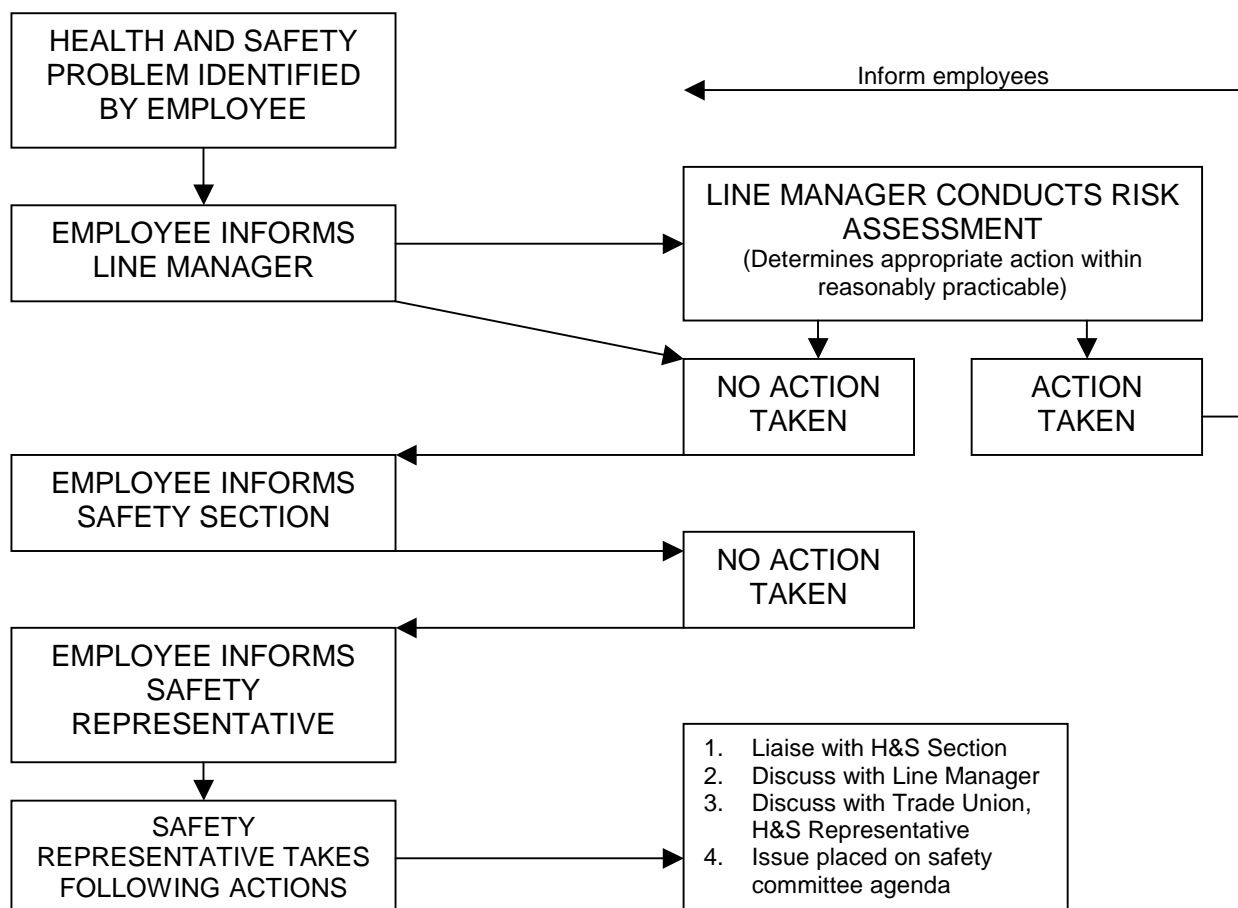
THE ROLE OF THE SAFETY REPRESENTATIVE

Good health and safety cannot be achieved without the co-operation of employees. The safety representative provides a valuable method for communicating with employees and also to help managers to identify and tackle problems. Where appointed by a recognised trade union, safety representatives have statutory rights, for example to be consulted on matters affecting health and safety and carry out inspections and investigations but they are not under any obligation to exercise those rights. It is important to recognise that the activities of safety representatives are additional to, and not a substitute for, the Council's management of health and safety. Safety representatives have no legal responsibilities under health and safety legislation arising from their role.

THE ROLE OF THE EMPLOYEE

The Health and Safety at Work Etc Act places a duty upon every employee to both take reasonable care for the health and safety of themselves and others that may be affected by their acts or omissions at work and to co-operate with their employer so as to enable the Council to comply with the requirements of the various duties or requirements imposed upon it.

The reporting procedure:



ROLE AND FUNCTIONS OF HEALTH AND SAFETY ADVISERS

Organisations that successfully manage health and safety give health and safety advisers the status and ensure they have the competence to advise management and workers with authority and independence.

Subjects on which they advise include:

- Health and safety policy formulation and development;
- Structuring and operating all parts of the organisation (including the supporting system) in order to promote a positive health and safety culture and to secure the effective implementation of policy;
- Planning for health and safety, including the setting of realistic short and long-term objectives, deciding priorities and establishing adequate performance standards;
- Day-to-day implementation and monitoring of policy and plans; including accident and incident investigation, reporting and analysis;
- Reviewing performance and auditing the whole safety management system.

To fulfil these functions they have to:

- Maintain adequate information systems on relevant law (civil and criminal) and on guidance and developments in general and safety management practice;
- Be able to interpret the law and understand how it applied to the organisation;
- Establish and keep up-to-date organisational and risk control standards relating to both 'hardware' (such as the place of work and the plant, substances and equipment in use) and 'software' (such as procedures, systems and people) – this task is likely to involve contributions from specialists, for example, architects, engineers, doctors and occupational hygienists;
- Establish and maintain procedures for the reporting, investigating and recording and analysis of accidents and incidents;
- Establish and maintain adequate and appropriate monitoring and auditing systems;
- Present themselves and their advice in an independent and effective manner, safeguarding the confidentiality of personal information such as medical records.

Relationships within the Organisation

- The position of health and safety advisers in the organisation is such that they support the provision of authoritative and independent advice;
- The post holder has a direct reporting line to directors on matters of policy and authority to stop work which is being carried out in contravention of agreed standards and which puts people at risk of injury.
- Health and safety advisers have responsibility for professional standards and systems and on a large site or in a group of companies may also have line management responsibility for junior health and safety professionals.

Regulation 4 Functions of Safety Representatives

4(1) In addition to his function under section 2(4) of the 1974 Act to represent the employees in consultation with the employer under section 2(6) of the 1974 Act (which requires every employer to consult safety representatives with a view to the making and maintenance of arrangements which will enable him and his employees to co-operate effectively in promoting and developing measures to ensure the health and safety at work of the employees and in checking the effectiveness of such measures), each safety representative shall have the following functions.

- a) To investigate potential hazards and dangerous occurrences at the workplace (whether or not they are drawn to his attention by the employees he represents) and to examine the causes of accidents at the workplace;
- b) To investigate complaints by an employee he represents relating to that employee's health, safety or welfare at work;
- c) To make representations to the employer on matters arising out of sub-paragraphs (a) and (b) above;
- d) To make representations to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace;
- e) To carry out inspections in accordance with Regulations 5, 6 and 7 below;
- f) To represent the employees he was 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 section 28(8) of the 1974 Act;

and

- h) To attend meetings of safety committees where he attends in his capacity as a safety representative in connection with any of the above functions;

but, without prejudice to sections 7 and 8 of the 1974 Act, no function given to a safety representative by this paragraph shall be construed as imposing any duty on him.

Note: Safety Representatives do not have the powers under the Act to issue any form of enforcement action. Only Inspectors so delegated under Section 20 have power to issue improvement or prohibition notice.