

# Organising for Health and Safety

A TUC RESOURCE

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FOR USE IN THE

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WORKPLACE

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# Introduction

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For a union to be effective it needs more than just a strong membership within the workplace. It also needs a high membership involvement.

By encouraging members to participate, much more can be achieved than if members expect the union to 'sort things out'.

This means:

- involving members in identifying issues, finding solutions and dealing with problems;
- increasing the number of confident, trained safety representatives who are representative of the workplace they come from;
- working together rather than 'leaving it to the union';
- improving negotiating strength;
- dealing with problems early, when they are manageable, rather than leaving them to get worse.

This resource is designed to help you achieve more active membership, with more safety representatives. It will make you more effective on the ground – where real gains can be made, and help create a greater culture of safety in your workplace.

We know that safety representatives do make a difference. These workplaces with union representatives and joint safety committees have half the injury rate of those without. At the same time health and safety is one of the main reasons that people join a trade union.

There is a lot to be done. Over a million workers get injured every year, and around thirty million working days are lost every year as a result of work-related injuries and ill health.

# How to use this resource

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In this resource you will find a number of exercises that will help you develop the level of organisation within your workplace, and hopefully lead to an improvement in how you deal with health and safety issues.

These exercises are not intended to be a training session. They are a tool to help develop practical proposals for improving health and safety organisation in the workplace.

Although you can go through these exercises on your own, they are designed to be worked through by a group of safety representatives or other union activists. Some unions combine the position of safety representatives and stewards; however these are different roles. Nevertheless the approach in this resource should work equally well regardless of whether they are safety representatives or combined safety representatives and stewards.

You will get the most out of these exercises if your branch brings a number of people together from the same workplace, or similar workplaces. Although most of the exercises are suitable for all types of workplaces, some will not be able to be used in small workplaces without modification. Where a branch has recognition in a number of different small workplaces then the safety representatives, or potential safety representatives can be brought together.

The resource is intended for workplaces where a trade union has recognition with the employer.

The exercise on roving safety representatives (5a) may not be suitable for safety representatives from the Musicians Union and Equity, where different legal rights apply.

If you do these exercises as a group then you will need a facilitator, such as the branch education officer or your union full-time officer. In each section there is a facilitator's brief.

To go through all the exercises will take a full day. This would be a day very well spent as it would result in an action plan of what needs to be done to increase the number of safety representatives, using health and safety to recruit, and will change how you work with your employer.

# Before you start

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To do these exercises properly, you need to get some information in advance. Your branch or union office should have some of it; in other cases your employer will be able to provide it. This is:

- the number of employees in your workplace, or group of workplaces – also details of any employees working for contractors;
- the number of union members and potential members;
- details of how many injuries and accidents have occurred in the past year in each workplace;
- details of what other unions have members and safety representatives.

# How organised are you?

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## Facilitator's notes

Aim of the session – to identify how well you are organised in a particular workplace or employer.

This session should last around 45 minutes.

*What you will need for this session:*

*You will require sufficient photocopies of exercise 1, flipchart paper, marker pens and Blotack.*

Give out **handouts 1a** and **1b**. Ask everyone to complete the questionnaire in 1b – then, if there are more than three people divide them into small groups and ask them to discuss how they can turn every 'no' into a 'yes'.

Get each of the groups to report back to the full group and then draw up a plan that can be put to your branch or union safety committee to get this done. This should include practical proposals to address any points on the checklist that are not currently being covered.

## *How organised are you?*

### **Step 1**

Complete the checklist in handout 2. From your own experience answer each of the nine questions as they apply to your workplace.

Work in a small group and discuss your answers. In some cases people may have a different view. Look at those questions where there are mainly “no’s” and consider how these can be turned into “yes’s”.

Report back to the larger group.

### **Step 2**

In the larger group write all the suggestions on a flipchart.

You will need this for Session 3.

## Organisation of safety representatives

Checklist – Workplace representatives and branch coordination on health and safety

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| 1. Have all safety representatives had training opportunities made available to them?                             | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 2. Are employers properly notified of all safety representative appointments?                                     | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 3. Does every safety representative have a clear constituency?  | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 4. As safety representatives do you feel you have been provided with the support you need to carry out your role? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 5. Does your union branch have a health and safety officer?   | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 6. Are you allowed sufficient time off to carry out your duties?  | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 7. Does your branch regularly talk to safety representatives to find out if there are problems?                   | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 8. Does your union branch get regular reports on health and safety issues?  | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 9. Are health and safety issues considered when bargaining issues such as reorganisations are discussed?          | <input type="checkbox"/> yes | <input type="checkbox"/> no |

# Mapping your workplace

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## Facilitator's notes

### Aim

To build a picture of where the union members and safety representatives are.

The session will last around 1 hour 30 minutes.

*What you will need for this session:*

*You will need sufficient copies of the handout for Exercise 2, flipchart paper, coloured flipchart pens (at least four colours in each set), Bluetack.*

This session will attempt to get the participants to map the workplace in terms of the membership density, safety representatives and other unions. It will also try to identify the issues. The exercise will attempt to identify any gaps in knowledge.

There are several ways of mapping a workplace or group of workplaces if your branch covers more than one. It will depend on the type of workplace, its size, and its complexity. If the branch covers only one workplace the simplest option is to draw an actual map of the area. However in other cases it may be easier to list all the workplaces and departments.

Examples of both these approaches are in **handouts 2b** and **2c**.

Please make sure that, when filling in the maps the participants do not only *record* the number of safety representatives, but also issues such as training, information and support.

Where the branch covers a geographical area, rather than just a workplace or group of workplaces, then another option is to have a geographical map of the area that is covered. You can then use stickers to indicate each workplace where members and potential members are based.

### Mapping

Start off by getting everyone in one group and explain what process you are going to be using. Please emphasise that this is not intended to be a scientific survey but just a way of getting an overview of the level of organisation within the branch. As one of the reasons for doing this exercise is to identify those parts of the branch that are most likely to need attention, it may be that the areas that are most in need of work are those where we have the least information.

Give out **handout 2a** and either **2b** or **2c**. Handout 2a explains what the group are expected to do. If you have more than four participants you might want to divide the group into smaller groups to start with.

After they have completed both step 1 and 2 ask them to report back. Have a brief discussion about some of the issues around representation, such as whether there is a lack of woman safety representatives, or whether each shift, and group (such as cleaners) are properly covered by a safety representative.

## Branch mapping

This exercise will involve making a map or diagram of the workplaces your branch covers. Mapping is a way of showing where your members, potential members and safety representatives are. It will help show you where you need new safety representatives, but also will show those areas where you should be targeting your energies.

### Step 1

In a group, sketch out on flipchart paper an outline of the different sites and workplaces your branch covers. Handouts B and C give examples of the kind of method you might want to use. Please keep it simple, but also remember to include any areas where you do not currently have members. Also remember that some groups of workers may not have a workplace – but may work from home.

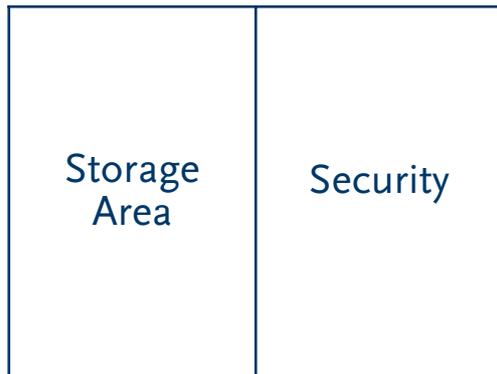
### Step 2

Using a different colour or symbol for each of the categories below mark on your map the following information for each workplace, department or employer:

- the approximate number of members in a union;
- the approximate number of potential members;
- the number of safety representatives.

Mark those places where a safety or health issue has arisen in the last year (you can break this down by issue such as stress, chemicals, manual handling etc). If you do not know the answer to any of these for a particular workplace just mark it with a question mark.

Branch mapping [Example 1]



## Branch mapping [Example 2]

### HEAD OFFICE

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63 union

14 non-members

3 safety reps

HIGH INVOLVEMENT

### AREA X OFFICE

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40 union

19 non-members

1 safety rep

AVERAGE INVOLVEMENT

### AREA Y OFFICE

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31 union

23 non-members

0 safety reps

LOW INVOLVEMENT

### AREA Z OFFICE

---

19 union

3 non-members

2 safety reps

HIGH INVOLVEMENT

# Identifying and developing safety representatives

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## Facilitator's notes

This session looks at ways of identifying and developing safety representatives using case studies as well as participants' experiences.

This session will:

- identify commonly perceived obstacles to recruiting safety representatives, and possible ways of overcoming these;
- use scenarios to develop skills which encourage active members to become safety representatives;
- identify ways of supporting safety representatives;
- use the results of the previous session, including the branch map, to identify targets for improving safety representatives' organisation.

This session should last around 1 hour 30 minutes.

*What you will need for this session:*

*For this session you will need to make sufficient photocopies of **handouts 3a** and **3b**, flipcharts, the branch map and the results of the checklist from Session 1. You will also need flipchart paper and marker pens.*

### **Step 1**

Introduce the session by explaining the objectives above. Give out **handout 3a**. Encourage participants to think about issues such as time and resources, as well as their reasons why members might be reluctant to become safety representatives. Consider issues such as how women, young and black members could be encouraged if these groups are under-represented. Make a note of the points made on the flipchart and put participants into small groups. Allocate each group one of the cases in **handout 3b** to consider. Ask each group to come up with some solutions.

### **Step 2**

Get each group to report back on their case study. This should be followed by a discussion on how the branch supports safety representatives and how the branch can more effectively draw on its members to support the work with stewards. Among the issues you may want to consider is the question of time off, training, mentoring, and regular meetings. These should all be recorded on a flipchart for the next step.

### **Step 3**

Ask participants to work in twos or threes and look back at the branch plan from Session 1 and the maps from Session 2. Where there are a number of maps, ask each small group to focus on one section (preferably not the section they worked on in the previous session). Using the results of step 2, each group should agree on the potential areas for developing and recruiting new safety reps.

**Step 4**

In the whole group, ask them to reduce this to a list of about five priority areas. And work out a programme of action of what practical measures they will take in the branch to address these areas and recruit new safety representatives. If there is more than one employer there may be more than one programme.

## Identifying and developing safety representatives

### Step 1

As a whole group identify the main obstacles to identifying and recruiting new safety representatives. List them on a flipchart.

Once these have been listed, think about ways of overcoming these obstacles.

Consider:

- how the branch can support safety representatives;
- the role of safety representatives and how they relate to stewards;
- the expectations placed on safety representatives.

### Step 2

Your facilitator will allocate you a case study to think about. In twos or threes, consider the case study you have been given (**handout 3b**). Your task is to work out an approach to identify and develop one or more safety representatives in the situation described.

Report back to the whole group. Consider the reports of the different groups and discuss those things which your branch currently achieves in relation to both branch support and relationship with members. How could that be improved? Consider the kind of support you think safety representatives should realistically be able to expect from the branch, and the relationship that the safety representative should have with the members, and with stewards. Think about training, time off, access to information and other kinds of support. As a whole group, identify what practical steps the branch can take to support safety representatives more effectively. Write them down on a flipchart.

### Step 3

In small groups you will now draw up areas for development. Look back at the branch map, and the flipchart from step 2.

Bearing in mind the discussions you have just had, identify the main potential areas for development by the branch, based on:

- your workplace map;
- the practical steps identified on the flipchart;
- where you know you can anticipate particular issues for groups of members.

Make sure everyone in the group agrees with the ones you have chosen.

### Step 4

Back in your large group, agree which five of these are most important. Write on a flipchart what practical measures the branch could take to address these areas and recruit new safety representatives within your workplace. Make sure these are practical and achievable. Keep these safe for the next session.

## Case studies

### CASE STUDY ONE

You are a union branch covering one employer with members on a number of sites, including some members who work in the community and do not have a base. You have very few safety representatives outside the main headquarters building. The safety representatives you do have find it hard to keep in touch with the branch office, and the branch health and safety officer ends up having to do a lot of the work for members who do not have safety representatives, which is proving very time consuming.

There are a lot of potential members and you need more safety representatives.

- How can you identify and develop more safety representatives?
- What concerns do you think potential safety representatives might raise about taking on this role?
- How will you respond to these issues?

### CASE STUDY TWO

MagicCarpet Limited is a cleaning company who have won the cleaning contract for your building. The company has around 250 employees, of whom 40 are directly employed to clean within your workplace. Of these, 12 are union members who used to be directly employed by your employer before the service was privatised.

MagicCarpet Limited agreed to recognise the union, but in practice they have ignored most approaches from the branch.

There are no safety representatives for this group of staff, although the steward from the Resources department has agreed to keep a 'watching brief' over this group of members. There have been a number of complaints from union members employed by MagicCarpet over health and safety issues, and these have gone straight to the branch office.

There are a lot of potential members and you need more safety representatives.

- How can you identify and develop more safety representatives?
- What concerns do you think potential safety representatives might raise about becoming a safety representative?
- How will you respond to these concerns?

### CASE STUDY THREE

These is a department with 40 staff, where there is no safety representative, and no steward in this department, even though half the employees in this section are union members. Within the workplace as a whole there are around 600 members and eight safety representatives. In addition there is a branch health and safety officer. It is known that a considerable number of staff have been off

*continued from page 14*

work sick as a result of stress. In addition there is a high turnover of staff. There was a safety representative within this department until last year, but she stood down giving the reason that she was fed up with her colleagues complaining that the union wasn't doing anything for them.

There are a lot of potential members and you need more safety representatives.

- How can you identify and develop more safety representatives?
- What concerns do you think potential safety representatives might raise about taking on this role?
- How would you respond to these concerns?

# What about the employer?

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## Facilitator's notes

### **Aim**

This session aims at building on the work done in the first three sessions and working with the employer.

The session will result in an action plan for either developing or strengthening a safety committee structure, and improving management's effectiveness on health and safety.

This session should last around 1 hour 15 minutes.

*What you will need for this session:*

*For this session you will need to make sufficient photocopies of **handouts 4a** and **4b**. Flipchart paper, marker pens and Blutack.*

### **Step 1**

As a large group have a discussion on the questions in **handout 4a**. Where there is more than one employer there may be different answers. Put the answers on a flipchart.

The aim is to get the issues on the table rather than discuss them at this stage.

### **Step 2**

Give out **handout 4b** and then break into groups of three or four people. Where there is more than one employer involved, cluster the safety representatives by employer.

Keep those with a safety committee separate from those without a committee. Ask the groups to do Step 2. Those groups without a safety committee will do those marked for them and those with a safety committee will do the last two.

### **Step 3**

Bring the employer groups back into two groups of those without and those with safety committees. Get a report back from each group of what practical measures could be taken.

### **Step 4**

Get the proposals from Session 3, step 4 and the measures from the last exercise and ask them to develop a single action plan. If there are more than one employer there may be more than one action plan. The action plan should include: What they are going to do; when they are going to do it; who is going to do it.

## What about the employer?

### [For groups with a Safety Committee]

**Step 1a** Discuss as a large group the following questions:

1. Is the Safety Committee properly constituted with full union involvement?
2. Are health and safety problems dealt with effectively on a day-to-day basis in the workplace?
3. Do you discuss health and safety policies and strategies with your employer at Negotiating Committee level?
4. Are the trade unions jointly committed with your employer to reducing accidents, incidents and ill health at work?
5. Have specific targets been set to achieve reductions in accidents, incidents and ill health?
6. If so, were these agreed with the unions?
7. Do you work with the other unions on health and safety issues?

For many of these questions it will not be possible to give a simple “yes” or “no” answer. The idea is just to get an indication of how you feel, rather than an accurate assessment of the level of health and safety management within your employer’s organisation.

**Step 1b** In small groups discuss:

- How effective is your Health and Safety Committee?
- Do you receive and jointly analyse safety data from your employer at the committee?
- Do you know how many deaths/serious injuries/three day+ accidents/minor injuries/near misses have occurred in the last year in your employer’s area?
- Are line managers involved in improving health and safety standards in the workplace?

**Now go to Step 2 on page 18**

### [For groups with no Safety Committee]

**Step 1** In small groups discuss:

- How does your employer consult with you on health and safety issues?
- How could that be improved?
- Could a joint Safety Committee be set up with your employer?
- If not what other arrangements could be made?
- If yes, what kind of Committee would you like and how would you go about setting one up?

**Now go to Step 2 on page 18**

**Step 2**

Come back into a larger group. Using the answers from **Step 1** consider what practical measures could be taken to get more effective consultation with your employer and improve management's effectiveness on health and safety

**Step 3**

Using the Action Plan from Session 3 and the measures from the last exercise put them together into to develop a single action plan. This should include:

- What are you going to do?
- When are you going to do it?
- Who is going to do it?

This will be your action plan for developing health and safety within the workplace or branch.

## Safety committees

You will probably already have a safety committee covering your employer. If not you should have one.

If the employer recognises a trade union, the law says that every employer who receives a written request, from at least two safety representatives, must establish a safety committee within three months of the request.

The employer must consult with the safety representatives making the request and with representatives of any other recognised trade unions. They must also post a notice prominently, stating the composition of the committee and the work areas that it covers.

The Health and Safety Executive's guidance states that working out the size, shape and terms of reference of a safety committee must depend on discussion and agreement with unions.

The role and objectives of a safety committee will depend on the nature of the workplace but will usually include:

- analysing injury and illness trends;
- reviewing accident and inspection reports;
- developing safety rules;
- reviewing safety training;
- advising on safety communications and publications.

On the membership of the committees the Health and Safety Executive's guidance recommends that:

- they should be compact;
- there should be 50/50 management and union representation;
- safety advisors, doctors and other safety professionals should also sit on the committee, although only in an advisory capacity.

A senior person with managerial health and safety responsibility should also be present, and be named in the employer's health and safety policy as the person responsible. This person must have sufficient seniority and status to be able to represent the employer fully.

In some branches all safety representatives will sit on the safety committee, in others only some will. Other unions may also be represented. If several unions are represented, they should meet together before safety committee meetings to discuss the agenda.

The effectiveness of safety committees depends on how well they function and whether trade unions can actually negotiate improvements. A good safety committee will deal only with strategic and major issues, with day-to-day matters dealt with between safety representatives and their line managers. Safety representatives should ensure their committees have the power to improve health and safety and are not used by employers just as a way of avoiding taking any action.

*continued from page 19*

Safety representatives should not see the safety committee as the only way to raise issues with management. Although these committees are important, urgent issues must be dealt with immediately and not wait for a meeting of the safety committee.

The branch may also decide to raise some health and safety issues with the employers through the negotiating machinery such as a joint consultative committee.

# Safety representatives' rights

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## Facilitator's notes

### **Aims**

This session is intended to get the groups thinking about ways of extending and improving safety representatives' rights.

This session is optional, but should be used if the branch or workplace is likely to benefit from either negotiated roving safety representatives or Union Inspection Notices (UINs). You can use either one exercise or both.

Negotiating roving safety representatives are of use where a branch has a lot of diverse employers, small workplaces, low union density, or a significant number of contractors on site.

UINs are most useful where there is an active, trained, and effective safety representative structure, but where management often ignores complaints.

*What you will need for this session:*

*For this session you will need to make sufficient photocopies of **handouts 5a and 5b**, or **5c, 5d and 5e**. Flipchart paper, marker pens and Bluetack.*

Place the participants into small groups – if there are safety representatives from more than one employer, group them by employer.

Give out either the two handouts for roving safety representatives (**handout 5a and 5b**), or UINs (**handout 5c, 5d and 5e**).

### **Step 1**

In their small groups get them to undertake this task. Remind them that they will need to report back to the larger group and ask them to write their findings on a flipchart.

### **Step 2**

Bring them together and try to get an action plan for them which will allow them to achieve the objective agreed. If there is more than one employer involved, then there may be more than one action plan.

## *Extending safety representatives' rights*

### ROVING SAFETY REPRESENTATIVES

#### **Step 1**

In small groups of three or four read the handout on roving safety representatives (**handout 5b**).

In your groups consider:

- Are any of the examples likely to be useful in your situation?
- What problems could arise from roving safety representatives?
- How could you get management to accept the idea of roving safety representatives?

Be prepared to report back.

#### **Step 2**

Come together with the other groups. Each group should report back on the main points coming out of the discussion on Step 1.

If most groups agree that negotiating greater rights for safety representatives is a good idea, prepare an action plan for achieving this. This should include:

- What system or systems of roving safety representatives would you like to introduce in your workplace?
- How are you going to raise this issue with your employer?
- Who is going to do what?
- What is the timetable for achieving this?

If there is a consensus that you do not need to negotiate greater rights for safety representatives, then there is no need for any further activity.

## Extending safety representatives' rights

### ROVING SAFETY REPRESENTATIVES

#### From the *Safety Representatives and Safety Committee Regulations 1977*

##### *Regulation 3 (1)*

“For the purposes of section 2(4) of the 1974 Act, a recognised trade union may appoint safety representatives from among the employees in all cases where one or more employees are employed by an employer by whom it was recognised.”

#### From the *Guidance Notes to the Regulations*

##### *Guidance Note 7*

“Normally, recognised trade unions will appoint representatives to represent a group or groups of workers of a class for which the union has negotiating rights. The limitation of representation to a particular group or groups should not, however, be regarded as a hindrance to the raising by that representative of general matters affecting the health and safety of employees as a whole.”

##### *Guidance Note 8*

“Equally, these general people principles do not preclude the possibility of a safety representative representing, by mutual agreement between the appropriate unions, more than one group or groups of employees (e.g. In a small workplace or within the organisation of a small employer when the number of recognised trade unions is high relative to the total numbers employed).”

Normally a safety representative can only act as a safety representative for their employer, and for those employees that union represents.

Some unions have succeeded in extending that right through negotiations. Examples include:

- Some employers have agreed that safety representatives can inspect areas of work where contractors are working, raise issues with the contractors, and discuss safety matters with the contractor's staff.
- In the voluntary sector and schools, where there are a number of small employers, unions have in some cases, been able to negotiate that a safety representative covers a number of employers.
- In one ambulance service, management have supported a scheme where 12 roving safety representatives cover all the ambulance stations in the area. Previously the policy had been to have one safety representative per station, but in practice, this had not been achievable.
- One branch got their employer to agree that safety representatives would be given time off to visit all locations, even those where there were no union members. Safety representatives can visit these sites and raise concerns. While these safety representatives will not of course represent the employees on these sites, they have been able to recruit a significant number of them, and as a result some of these workplaces now have union safety representatives.

## *Extending safety representatives' rights*

### UNION INSPECTION NOTICES (UINs)

#### **Step 1**

In small groups of three or four, read the handouts on UINs (**handouts 5d and 5e**).

In your groups consider:

- What training would safety representatives need to implement UINs?
- How could you get managers to take UINs seriously?
- What problems would you see arising from introducing a system of UINs?
- Would UINs be a useful means of getting your employers to address major health and safety concerns?

Be prepared to report back.

#### **Step 2**

Once all the small groups have been brought together, each group should report back. If most groups agree that UINs may be useful, prepare an action plan for getting them. This should include:

- drafting a claim;
- how you will raise the issue (through the joint negotiating machinery, safety committee, or directly with management);
- a statement of who does what;
- a timetable for achieving UINs.

If the groups do not believe UINs would be useful then there is no need for any further activities.

## Extending safety representatives' rights

### UNION INSPECTION NOTICES (UINS)

What is a Union Inspection Notice (UIN)? A UIN is a formal notice issued to a manager by an accredited trade union safety representative. It registers that the employer is not complying with health and safety legislation in respect of an identified workplace hazard, describes the action which must be taken to comply with the law and specifies a date by which action must be taken. A UIN is not an enforcement notice. Only statutory Health and Safety Inspectors (e.g. Health and Safety Executive Inspectors and Local Authority Environmental Health Officers) can take enforcement action against an employer in breach of health and safety law.

There is no right to issue a UIN nor, in law, is an employer explicitly required to respond, although that is certainly implied in the safety representatives' Regulations. However, branches can negotiate a voluntary system of UINs with their employer. This note gives a checklist of what should be covered in any agreement.

Please note that a UIN is not an appropriate way of dealing with very serious hazards that need immediate attention.

#### ***Who can issue a UIN?***

A UIN can be issued by a trained and accredited safety representative.

#### ***In what circumstances may a UIN be issued?***

A UIN may be issued where a breach of health and safety law can be identified. It is expected that the use will be rare. It is not a substitute for normal inspections and negotiations.

A UIN may be issued to deal with a hazard that does not pose an imminent and serious risk to the health and safety of employees individually or collectively, and where other action has failed to get the problem resolved within a reasonable time.

A UIN may also be issued to deal with lower level hazards that have been the subject of frequent complaints to the line manager, but where the manager has failed to take appropriate action.

Where the hazard is serious, advice should be taken from the regional office.

#### ***What steps must be taken before a UIN is issued?***

Before issuing a UIN in relation to a hazard, the safety representative must be convinced of four things:

- that there is a breach of health and safety law;
- that the breach has been brought to the attention of the employer in a proper manner through agreed channels;
- that the manager has failed to respond appropriately within a reasonable time;
- that the matter is not already the subject of enforcement action by HSE or local authority inspectors.

The issuing of a UIN is a serious matter. It is a sign that the normal machinery for resolving health and safety problems at work has failed.

***How should a UIN be issued?***

Branches should ensure that they have agreed the wording of the UIN with their employer. A draft UIN is shown in **handout 5e**.

All sections of the notice must be completed carefully. It should clearly identify the legislation that has been contravened and issued to the appropriate manager.

The steps the manager should take to remedy the situation must be explained briefly but clearly.

The amount of time that the manager should have to respond to the UIN should be specified in the agreement with the employer. However, what is reasonable is likely to depend on the nature of the hazard, but should not be less than seven days after the serving of the notice and, given that it may involve developing a policy or replacing equipment, may be up to 28 days.

The agreement should also specify who the completed UIN should be delivered to.

A copy of the UIN should be posted in a prominent position within the workplace and drawn to the attention of affected employees. The safety representative should keep a copy of the UIN. In addition a copy should be sent immediately to the branch health and safety officer.

The issuing of the UIN must be reported to the next meeting of the safety committee.

***What happens if the manager disputes the UIN or does not act?***

If the manager disputes the UIN and/or fails to take appropriate action within the designated time, there must be clear agreement about what steps the employer will take.

The agreement must specify what happens. There are various options: One solution would be to agree that any manager who does not respond to a UIN within the agreed period shall be subject to disciplinary action.

In addition, where a manager does not respond, or does not take effective action to remedy the breach, then a more senior manager and the employer's health and safety advisor should be asked to intervene within an agreed timetable.

If, after senior management has intervened, remedial action is still not taken, nor a timetable for remedial action agreed, the safety representative may either raise the breach at the Safety Committee, notify the enforcing authority, or both.

Remember, that health and safety should be managed through a partnership approach with safety representatives and employers working together using the local negotiating machinery to achieve change. If this fails, and legislation has been contravened, the Union Inspection Notices may be appropriate.

## Extending safety representatives' rights

### DRAFT UNION INSPECTION NOTICE

To: \_\_\_\_\_  
 [give name of manager as appropriate]

I \_\_\_\_\_  
 [give name of the safety representative issuing the notice]

appointed as the safety representative by (name of union) under the Safety Representative & Safety Committee Regulations 1977 (SRSC), believe that you, as an employer, are contravening the following statutory provision(s):

\_\_\_\_\_  
 \_\_\_\_\_  
 [identify Regulation(s) contravened]

The contravention is occurring at:

\_\_\_\_\_  
 [give address or area of the workplace]

The reason(s) for my opinion is/are as follows:

\_\_\_\_\_  
 \_\_\_\_\_

The said contravention(s) or, as the case may be, the matters occasioning them, should be remedied by:

\_\_\_\_\_  
 [give date]

The following action should be taken:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 [Signature of safety representative] [Date]

Copied to branch health and safety officer, full-time union officer and employer's safety officer.

# Further action

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The main thing that should have come out of the day is the action plan from Session 4. If you did Session 5 you may also have ideas about negotiating Union Inspection Notices and roving safety representatives.

However this is just the beginning. You are going to need to put these proposals into action. You will achieve nothing if they just remain words on a flipchart.

To prevent this happening you should:

- agree a small working party that will oversee the implementation of the action plan;
- make sure that regular reports are given to the branch or safety committee;
- agree that everyone should come together again for an hour in six months time to review how far you have got.

Hopefully the activities you have taken part in will have produced enough good ideas to allow you to make a real difference to the health and safety of your members.



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