

# Being a Health and Safety Representative

Where a union is recognised by an employer, that union has the right to appoint health and safety representatives. It is up to the union, not the employer, to decide who should be a health and safety representative.

Union health and safety representatives make a huge difference. Research has shown that workplaces with union recognition and health and safety representatives experience around half the number of serious injuries of those without.

This is because union health and safety representatives know the workplace, are supported by their union and are better trained. Union health and safety representatives help promote a good safety culture and allow employees to raise issues that concern them.

Being a health and safety representative can be a very rewarding experience, and they will be offered high quality training and support by their union. Perhaps the most important role that a representative plays (other than legal functions – see below) is simply being there and talking to members regularly about their concerns.

Most employers value the work that union health and safety representatives do, which is why good ones encourage employees to take on the role and recognise the work they do by taking it into account during performance appraisal and when considering promotions.

## Representatives' legal functions

If you are a trade union health and safety representative then by law you can perform certain functions. (These are not legal duties). These are:

- investigating potential hazards and dangerous occurrences at the workplace and examine the causes of accidents at the workplace
- investigating complaints by any employee relating to health, safety or welfare at work
- taking up health, safety or welfare issues with the employer
- carrying out inspections at least four times a year or following any substantial change
- representing workers in talks with the employer or the Health and Safety Executive (HSE) or other safety enforcement agencies and get information from them
- attending meetings of safety committees where the rep attends in their capacity as a safety representative in connection with any of the above functions.

If at least two health and safety representatives request in writing that they want a safety committee to be set up, the employer must do so within three months of the request.

## The employer's legal duties to representatives

The employer also has certain legal duties. They must:

- consult health and safety representatives in good time on any health and safety matters, including any changes to the workplace or work organisation.
- give representatives the information necessary to enable them to fulfil their

functions or to respond to any consultation – this should include the risks arising from their work, the measures in place or proposals to control these risks, and what they should do if they are exposed to a risk, including emergency procedures

- give health and safety representatives the paid time they need to carry out their functions and to undergo training in those functions; and pay any reasonable costs to do with that training, including travel and subsistence costs
- provide any facilities and assistance that health and safety representatives will need to carry out their role – this may include access to a telephone and quiet area, a lockable cabinet or desk, intranet facilities, a photocopier and a notice board.

## Representatives' liability

It is important to know that the law says that it is the employer who is responsible for health and safety, not the health and safety representative who has no legal duties placed on them. This means that a health and safety representative has no greater liability in law

for health and safety breaches than any other employee.

The role of the union health and safety representative and the duties of the employer are laid down in law and in guidance produced by the HSE. These can be found at <http://www.tuc.org.uk/extras/brownbook.pdf>

If your employer does not comply with their health and safety duties, or their duties to reps, they will be committing an offence. Health and safety inspectors from the HSE or the local authority may enforce the regulations. If the employer fails in their duties to you as a rep, you should approach your union for support and advice, as most of these issues are best resolved through discussion between the employer and the union. However an employment tribunal can provide legal redress if discussions between the rep and the employer break down.

For more information on being a union health and safety representative go to <http://www.tuc.org.uk/safetyreps>

There is also information on the HSE website at <http://www.hse.gov.uk/involvement/hsrepresentatives.htm>