

INCREASING WORKER INVOLVEMENT IN HEALTH AND SAFETY

Issue

1. Employers are required by law to consult their workforce on health and safety issues, whether or not they recognise trade unions.¹ The HSC has asked HSE to consult on possible amendments to the law in this area to increase and improve worker involvement in health and safety.
2. We would like to hear views and understand what affect these changes might have on small business to help shape our advice to the HSC on the desirability of this approach.
3. In particular, we want your views on:
 - what types of consultation and worker involvement are most likely to be effective in small businesses;
 - whether better guidance on what “consultation” means would encourage more worker involvement;
 - what impact any proposed amendments to the law would have;
 - what other steps you think HSE could take to encourage employers to consult more.

Worker involvement and consultation

4. Consultation with employees on health and safety is a legal requirement for all businesses whatever their size. The law requires employers to consult with TU Safety Representatives where unions are recognised, or with all employees directly, or with elected Representatives of Employee Safety, where unions are not recognised. The purpose of the reps is to represent employees in consultations, and to raise matters of concern on health, safety and welfare matters with the employer.
5. There is evidence to suggest that worker involvement in the process of managing health and safety can lead to improvements in standards and lower rates of accidents and ill-health. One report has suggested that there are 50% fewer injuries in workplaces with TU safety reps and joint health and safety committees. Some case studies have indicated related cost savings and improvements in productivity.
6. While many employers involve their workers in decisions about health and safety, HSE estimates that about six out of ten workers in Great Britain are not consulted, whether directly or indirectly through safety reps, on health and safety matters that affect them.

¹ The legal requirements for consultation are covered by the Safety Representatives and Safety Committees (SRSC) Regulations 1977, in work places where there is Trade Union recognition, and The Health & Safety (Consultation with Employees) (HSCE) Regulations 1996 in work places where unions are not recognised.

7. In general, small businesses are less likely to be unionised, and may rely more on informal communication and consultation than formal safety reps and safety committees. This may impact on the type and level of worker involvement.

Support for voluntary worker involvement

8. HSE is already carrying out a range of activities to encourage voluntary worker involvement initiatives and partnerships, such as the Worker Safety Adviser (WSA) Challenge, where funds have been made available for partnership initiatives which provide advice to workers in small businesses. We are also developing guidance and good/ best practice examples of consultation arrangements and worker involvement initiatives.
9. Models of consultation and involvement vary widely, particularly between large and small businesses. We are therefore undertaking more research to identify 'what works' in different situations.

Changing the law

10. HSC has asked us to consider whether making the law more specific, or improving the guidance in certain areas, would stimulate worker involvement in workplaces. We are looking at three possible amendments:

- A new duty to consult safety reps on risk assessments;
- A new duty to respond to representations made by a safety rep; and
- Making clear the circumstances in which safety reps need not be employed at the workplace of the employees they represent.

The first two of these amendments might also be extended to consulting with all employees in workplaces where there are no safety reps.

A duty to consult safety reps on risk assessments

11. Risk assessment is required by law². It is the process of identifying hazards in the workplace, and the steps needed to reduce or remove risks. Consulting staff who deal with the issues, or their representatives, can improve the quality of assessments and systems for managing risks. Being involved in the process can increase the level of responsibility workers feel towards managing risks. If there were a new duty to consult reps, the degree of consultation required would depend on how complex the assessment was.

A duty to respond to representations made by a safety rep

12. Safety Reps can raise concerns about health and safety with their employer, but currently there is no duty on the employer to respond to these concerns. The new duty would be for the employer to address the substance of the concern in good time. Employees are already required to cooperate with their employer on health and safety matters. This change would put a corresponding requirement on

² The Management of Health and Safety at Work Regulations 1999

employers to address employees' concerns. A more equal relationship might encourage more worker involvement.

Making clear that safety reps don't need to be employed at the workplace of the employees they represent

13. It has been suggested that there should be a specific right for a safety rep to be able to represent fellow employees, wherever they work. If an employer has several sites, a safety rep could cover some or all of the sites. Safety reps would not have the automatic right to enter the premises of third parties to represent employees who work there.