

Topic Pack
Worker Consultation and Involvement
July 2007

Version: 2.0

Contents:

Introducing the Subject	3
The Purpose of this Intervention	3
Key Messages	4
Headline Messages for all audiences:	4
Involving workers improves health and safety performance	4
Key Messages for Business:	4
Involving workers is an essential part of sensible health and safety management	4
Key Message for Workers:	4
Get Involved!	4
Benefits of Worker Consultation and Involvement	4
What does "Worker Involvement" mean?	5
Fig 1. Effective involvement model - (1 way) Information, instruction, training -> (Joint) Consultation -> (Joint) Participation, Involvement = Safer, healthier workplaces.	5
Legal Requirements and Application of the Law	6
What are the Legal Requirements?	6
Provision of information	6
Consulting the workforce	6
Legal requirements for consultation	7
Fig 2. The circumstances in which either the SRSCR 1977 or HSCER 1996 apply	7
Safety Representatives and Safety Committees Regulations 1977	7
Table 1: Comparison of functions of Safety Representatives and Representatives of Employee Safety	8
Health and Safety (Consultation with Employees) Regulations 1996	8
Employers' duties under this regulatory framework	8
Representatives' rights	9
Recognising the value of representatives	10
Other applicable legislation	10
Assessing consultation arrangements	10
Circumstances when detailed discussion of consultation may not be appropriate	11
Applying the law	12
Table 2: Enforceable requirements under legislation on consultation.	12
Application of Enforcement Management Model	12
Beyond the Law: Involving workers	13
Towards Full Involvement of the Workforce	13
Promoting the benefits of worker consultation and involvement	14
Making practical suggestions on involving workers	15
Wider Employment Relations	15
Handling Employment Relations Issues	15
The role of Trade Unions and Trade Associations	15
The role of Acas	15
Appendix 1. Sources of further information	17
General worker involvement and safety representation:	17
Offshore:	17
Quarries:	17
Chemical Industries / Large Employers:	17
Information and Consultation of Employees Regulations:	17
Websites:	17
Research Reports:	18
Appendix 2. Responses to issues and objections raised during visits	19
Appendix 3. opening discussion of worker consultation and involvement: An Example	21

Introducing the Subject

The Purpose of this Intervention

1 There is strong evidence to suggest that **involving the workforce** in health and safety matters has a **positive effect** on health and safety performance. This makes intuitive sense – those who perform tasks should know most about the hazards posed by their work, and the actions required to work in a safe and healthy way.

2 In order to realise these potential benefits, the Health and Safety Commission has prioritised worker involvement as a **key plank** of its [Strategy to 2010](#). At the heart of our activity on worker involvement is raising awareness of these potential benefits, by changing attitudes to health and safety, and to worker involvement in it.

3 Achieving this aim requires **the commitment of the whole health and safety system** – employers, workers, inspectors and enforcement officers, health and safety professionals and health and safety policymakers. Health and safety visiting staff in particular have a vital role to play in promoting the value of worker involvement, and giving practical advice on how workers can be involved.

4 This topic pack is designed to help staff in HSE and Local Authorities to:

- understand what is meant by “worker involvement”;
- understand the legal requirements to inform and consult workers, along with the policy position on enforcing those requirements;
- determine when discussion of worker involvement is appropriate; and
- promote the benefits of involving workers.

5 By implementing this guidance during workplace visits, inspectors will help both the employer and workers (or their representatives) to:

- understand the legal requirement for information and consultation,
- understand what worker involvement is;
- find the subject less difficult to understand; and
- be motivated to begin to better participate in the management of health and safety.

6 This pack is different from other topic inspection packs. There is **no requirement to measure worker involvement**, or to record findings on Inspection Report Forms. This does not mean that worker involvement is not a priority area – it underpins improvements in health and safety performance, and is key in tackling common health issues such as stress and back pain – but it should form **part of the everyday visit process**, rather than being a separate subject for inspection.

7 Using the guidance contained within this pack, Inspectors can play a key role in ensuring Britain’s workforce is more and better involved in health and safety in the future. We welcome feedback on the contents of this topic pack – please direct comments to HSE’s Worker Involvement and Inclusion Team: workerinvolvement@hse.gov.uk

Key Messages

Headline Messages for all audiences:

Involving workers improves health and safety performance

- There is a large body of evidence that points to this fact.
- Actively engaging the workforce ensures that all those involved with a work activity are participating in managing the risks.

Key Messages for Business:

Involving workers is an essential part of sensible health and safety management

- Health and safety management is not something done **to** staff, but **with** them.
- You may be pleasantly surprised how many workers are keen to be more involved in health and safety matters.
- Involving workers in health and safety management improves health and safety performance – which increases productivity and reduces costs.

Key Message for Workers:

Get Involved!

- Get involved to help raise health and safety standards for you and your workmates.
- You know the risks in your workplace - help manage them.

Benefits of Worker Consultation and Involvement

By introducing or developing worker consultation and involvement, **the employer** will be making a significant improvement to their business outcomes by:

- Developing a positive health and safety culture;
- Reducing accidents and ill health (and the associated costs) in their business;
- Contributing to overall quality management; and
- Complying with legal requirements.

For **line managers**, involving staff in health and safety management is likely to have a number of advantages, including:

- Increased team commitment to health and safety.
- Proactive risk assessment and development of action plans.
- Improved communication with staff.
- Better staff satisfaction and retention.

Workers themselves benefit substantially from being involved in health and safety decision-making. They gain the ability to:

- Influence the direction of health and safety management;
- Ensure that issues of concern are discussed and addressed;
- Develop competencies and skills, in health and safety, communication, negotiation – which can be applied in other areas;

- Be valued by the employer, and have a genuine stake in improving performance

There are also benefits for **health and safety enforcers** in realising the potential of worker involvement:

- It allows employers and managers to work together in considering and resolving issues raised by representatives, without needing to involve HSE or Local Authorities.
- For inspectors, it can save a lot of time and effort if routine health and safety issues are routed through the representative, rather than individual workers making complaints to their local enforcing authority.
- The involvement of employees underpins improvements in practice when tackling common health and safety issues, such as back pain, work-related stress and manual handling.

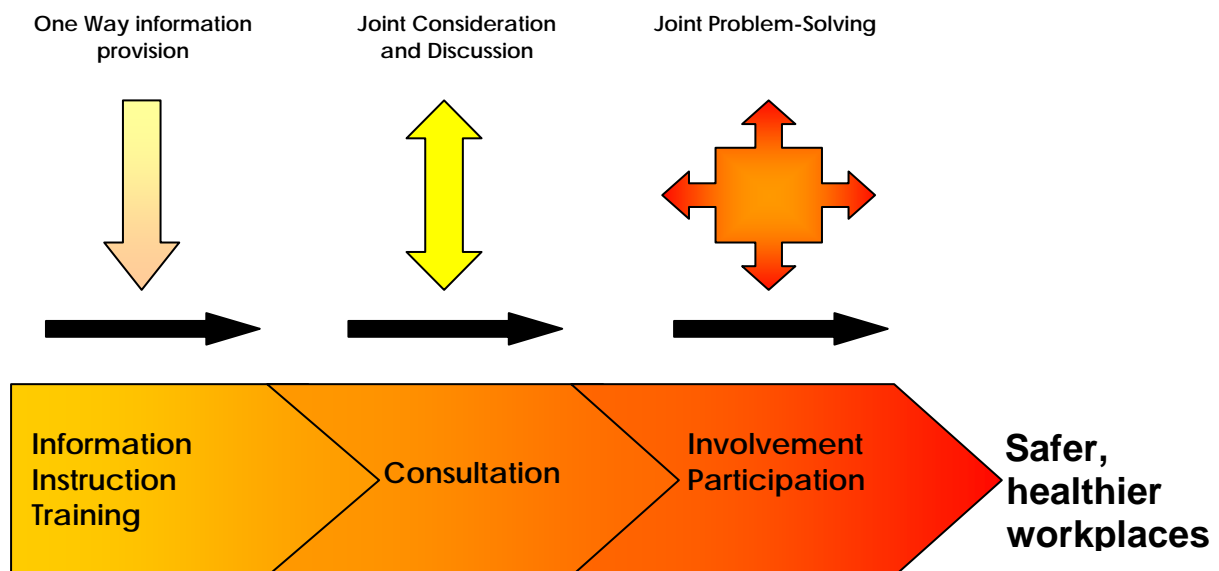
Increasing the quantity and quality of worker involvement would have a significant impact on the national targets for health and safety improvements set out in the HSC Strategy to 2010.

What does “Worker Involvement” mean?

8 “Worker involvement” is an umbrella term to describe the ways in which workers are encouraged to take part in making decisions about managing health and safety at work. When it is most developed and effective, it goes beyond simply giving information or consulting on management proposals. Instead it creates a genuine partnership between managers and workers (either directly or through their representatives) for managing health and safety risks.

9 Involvement means relationships between workers and employers based on collaboration and trust and nurtured as part of the management of health and safety. There are three stages to the development of such relationships. These are:

Fig 1. Effective involvement model - (1 way) Information, instruction, training -> (Joint) Consultation -> (Joint) Participation, Involvement = Safer, healthier workplaces.



10 Effective worker involvement therefore evolves from – but is more than – effective communication and consultation. These first two stages, provision of information, and consultation with employees, are legally required of employers, under the Health and Safety at Work Act and associated regulations. Fully

effective consultation often leads to joint problem solving, which offers employers and workers an even greater level of involvement, and has the greatest potential for improvements to health and safety.

11 In most instances, the implementation of an effective consultation system will generate the worker involvement that improves health and safety performance and raises standards. Inspectors should concentrate on ensuring that consultation arrangements are in place, and are being used. In organisations with sophisticated health and safety management arrangements (typically but not exclusively large organisations), it is appropriate to discuss the third stage – involvement and participation of the workforce in joint problem-solving.

Legal Requirements and Application of the Law

What are the Legal Requirements

12 Health and safety legislation sets a framework of fundamental standards for worker involvement. It requires employers to give information, instruction and training, and to engage in consultation with employees. These are the most basic forms of worker involvement, but it is essential to get them right. They form the foundation for the organic development of worker involvement that, though not specifically required by law, produces the sorts of changes in behaviour in managers and workers that will lead to safer and healthier workplaces.

Provision of information

13 The first stage of the worker involvement process is **sharing information** with employees. This means firstly, the provision and exchange of information and instructions that enable the organisation to function efficiently and employees to be properly informed about developments, and secondly the training to allow employees to understand the information and instruction. This is a legal requirement under section 2 of the Health and Safety at Work Act 1974, and is repeated in many other health and safety regulations¹. The most notable regulations concerning provision of information are the Management of Health and Safety at Work Regulations 1999. These specify requirements on risk assessment, and the information that employers are required to provide to workers from the findings of any assessment.

14 Employers should be providing such information as a matter of course, and Inspectors should be ensuring that this is the case as a part of general inspection activity. Failure to provide information and/or training should result in Inspectors taking action as outlined in operational guidance and with reference to the Enforcement Management Model. Given the large number of regulations that require the employer to provide information to employees, there is no intention to summarise the plethora of relevant guidance in this document.

Consulting the workforce

15 The second stage for worker involvement is **workforce consultation**. Consultation is the method by which management and workers or their representatives jointly consider and discuss issues of mutual concern. It involves seeking acceptable solutions to problems through a genuine exchange of views and information. Consultation is **not** negotiation and it is **not** just giving information or telling employees what the employer has already decided to do. Consultation does not remove the right of managers to manage – they must still make the final decision – and does not require managers and workers to agree. It does, however, oblige managers to seek and listen to the views of workers before decisions are taken.

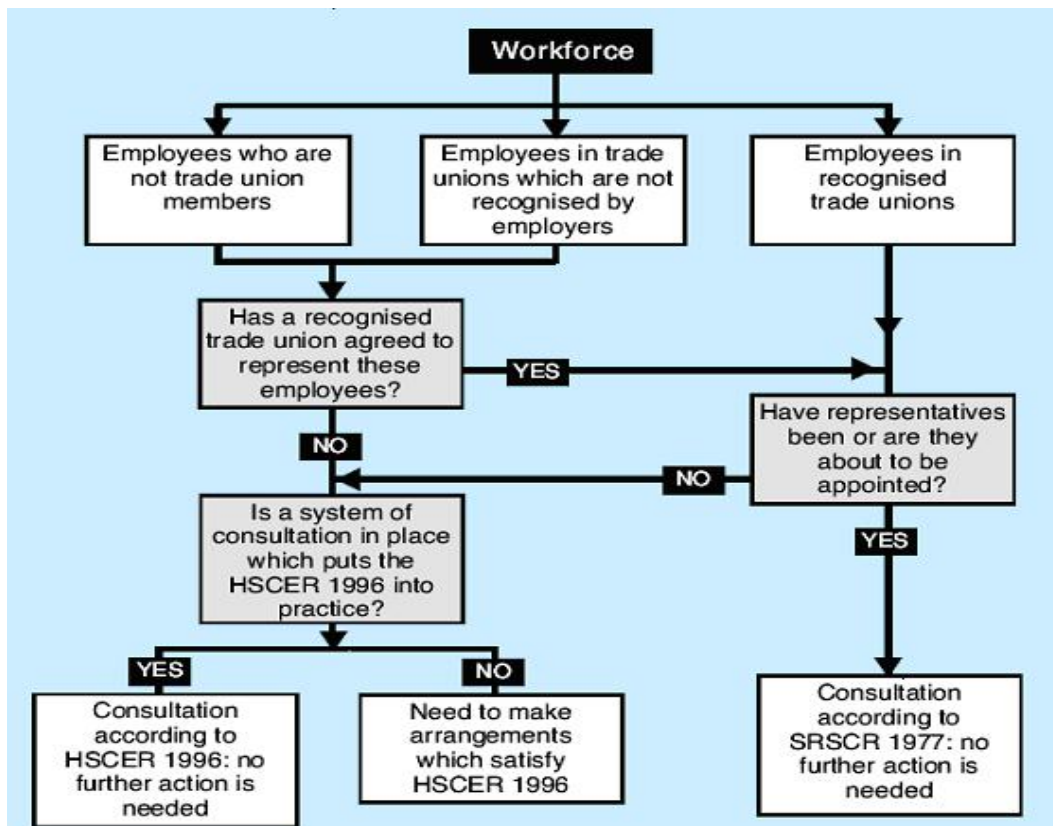
¹ A full list is available in Appendix A of L95: A guide to the Health and Safety (Consultation with Employees) Regulations. Appendix B of L95 lists requirements for instruction and training in existing legislation.

Legal requirements for consultation

16 There are two principal sets of regulations that require workers to be consulted on health and safety matters. One set is for undertakings where trade unions are recognised for collective bargaining purposes (the Safety Representatives and Safety Committees Regulations 1977), and one is for circumstances where this is not the case (the Health and Safety (Consultation with Employees) Regulations 1996). Other regulations that require consultation of employees, most of which are sector specific, are listed at para. 32 and will not be considered in detail here.

17 The 'flow-chart' below details the circumstances under which either the SRSCR or the HSCER apply. This does not apply to offshore installations, which are covered by separate arrangements.

Fig 2. The circumstances in which either the SRSCR 1977 or HSCER 1996 apply



Safety Representatives and Safety Committees Regulations 1977

18 Where the employer recognises trade unions for collective bargaining purposes, Section 2(6) of the Health and Safety at Work Act places a duty on employers to consult with trade union-appointed "safety representatives". The Safety Representatives and Safety Committees Regulations 1977 specify the appointment and functions of a safety representative, which are detailed in Table 1 below:

Table 1: Comparison of functions of Safety Representatives and Representatives of Employee Safety

Safety Representatives and Safety Committees Regulations 1977	Health and Safety (Consultation with Employees) Regulations 1996
“Safety Representatives”	“Representatives of Employee Safety”
Appointment:	
Appointed in writing by a recognised trade union recognised for collective bargaining purposes	Elected by the workforce
Functions:	
Representation of employees in consultation with the employer on specified matters	
Investigation of workplace incidents, complaints and potential hazards	To take up with employers concerns about possible risks and dangerous events in the workplace that may affect the employees they represent
Presentation of the findings of such investigations to the employer	
Inspection of the workplace;	To take up with employers general matters affecting the health and safety of the employees they represent
Representation of employees in dealings with health and safety inspectors	
Attendance at health and safety committee meetings	

19 Trade union-appointed safety representatives may also request that a safety committee is formed within the workplace, provided at least two representatives make the request in writing. The employer must then create such a committee within 90 days of receipt of the request.

Health and Safety (Consultation with Employees) Regulations 1996

20 The 1996 regulations were introduced to ensure that workers were consulted in organisations where no trade union was recognised, or where a trade union had not appointed safety representatives.

21 In such cases, the employer must either:

- directly consult each employee, or
- arrange for the election of Representatives of Employee Safety (RoES) from within the workforce, and consult these representatives.

22 RoES have similar functions and rights to safety representatives, but are elected, rather than appointed, and have a slightly different remit, as shown in Table 1 above.

23 Candidates standing for election to the position of Representative of Employee Safety may also receive time off with pay for the purposes of campaigning.

Employers’ duties under this regulatory framework

24 Under both sets of regulations, employers are required to disclose information to representatives that is necessary for them to carry out their functions. This should include:

- (a) any measure at the workplace that may substantially affect their health and safety. For example, changes in procedures, equipment or ways of working;
- (b) the employer's arrangements for getting competent people to help him or her comply with health and safety requirements and evacuation procedures;
- (c) the information employers must give to employees about risks to health and safety and preventative measures;
- (d) the planning and organising of health and safety training; and
- (e) the health and safety consequences of introducing new technology.

25 The above requirements would include information from accident books, and contained in any record required to be kept under RIDDOR. Personal information would need to be deleted to ensure anonymity, unless consent is received from the individual to whom the report refers. There is no right to access medical records under either set of regulations, nor to inspect any document which is not related to health, safety or welfare.

Representatives' rights

26 Both sets of regulations detail certain rights that representatives have. These are to receive time off with pay during working hours to:

- receive training; and
- discharge their functions

In addition, the employer must provide representatives with the *facilities and assistance* necessary to carry out their functions.

27 A fundamental principle enshrined in both sets of regulations is that representatives should not suffer detriment for fulfilling their functions. Representatives are thus entitled to be paid for performing their functions, and to receive "time off" from their normal working duties to do so. HSE and Local Authorities can enforce these rights in principle.² Inspectors should apply the Commission's Enforcement Policy in deciding what action to take. As the regulations also make provision for safety representatives to complain to an Employment Tribunal on pay and 'time-off' issues, HSE regards a tribunal as the most appropriate forum for the resolution of such disputes. This is the standard method of enforcement in other cases where workplace representatives have such rights. For advice on individual cases, please follow the usual procedure.

28 Training of safety representatives is usually paid for and organised by either individual trades unions or the TUC / Scottish TUC. Where representatives of employee safety have been elected, the employer must pay for health and safety training of RoES, including any reasonable travel and subsistence costs incurred. All representatives are legally entitled to paid "time off" from their normal working duties to attend training.

29 Employment tribunals hear claims about employment matters including unfair dismissal, redundancy payments and discrimination. They also deal with a range of claims relating to wages and other payments such as those for carrying out safety representative duties. A full [jurisdiction list](#) is available from any local tribunal office or the Employment Tribunals public enquiry line on 0845 795 9775. Further information about the employment tribunal system can be found at the [Employment Tribunals](#) website.

² Legal advice clarified that as the Safety Representatives and Safety Committee Regulations 1977, and Health and Safety (Consultation with Employees) Regulations 1996 were made under S.15 of the HSWA, breach of their provisions is a criminal offence under S.33 HSWA and inspectors may indeed use their enforcement powers.

Recognising the value of representatives

30 Inspectors can play a key part in raising the profile of, and changing attitudes towards safety representatives amongst both managers and workers. You should make a specific effort to talk to representatives and show that you recognise the contribution that they make to the workplace health and safety culture. The representative's role is a voluntary position, which will not be attractive to workers unless they are respected and valued for their efforts by colleagues and managers alike. Only by showing respect to representatives during site visits can we encourage employers to do the same.

Other applicable legislation

31 As noted earlier, there are several other Acts and regulations that include specific requirements regarding consultation with employees:

- The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 – Regs 4 - 27.
- The Construction (Design and Management) Regulations 2007, Reg. 5 and Reg. 13
- The Control of Major Accident Hazards Regulations 1999, Reg. 9,
- The Mines and Quarries Act 1954 s.123
- The Quarries Regulations 1999, Reg.40,

32 The principles detailed in this topic pack should be applied to the application of these regulations, even where they place additional requirements on dutyholders.

33 Legally, employers must consult their workers on a number of matters outside of health and safety. Where adequate structures for consultation are in place, Inspectors should not insist on separate arrangements for health and safety consultation. Operational guidance on the Information and Consultation of Employees (ICE) Regulations 2004³ gives practical advice on how to approach such circumstances.

Assessing consultation arrangements

34 Health and safety legislation places requirements on employers to consult with the employees – it does not specify any degree of quality of consultation. Inspectors can therefore advise both employers and workers not only about the requirement to consult, but also on good consultation practice. Consultation must happen under law – but it is worth doing it well.

35 Inspectors will need to speak to managers and particularly workers about:

- What consultation currently takes place;
- Whether workers are involved in health and safety decision-making; and
- How these processes occur.

An example of how to bring such discussions can be found at appendix 3.

36 It is possible to identify a number of indicators of worker consultation activity. Inspectors can then compare arrangements in the workplace against these indicators, and make practical suggestions for improvement, linked where possible to wider initiatives and campaigns, primarily the Fit3 priority topics.

37 Indicators of worker consultation:

³ See OM 2005/3 and LAC 21/1: The Information and Consultation of Employees Regulations 2004

Compliance with legal requirements – Primary Indicators:

- When talking to workers, they confirm that they are consulted on health and safety matters;
- The existence of trade union appointed safety representatives in premises where unions are recognised for collective bargaining purposes;
- The election of representatives of employee safety in premises without union recognition for collective bargaining purposes, or where safety representatives have not been appointed; and
- The existence of a dedicated health and safety committee, or a standing health and safety agenda item on a works committee that is attended by employee representatives;

Indicators of good practice – Secondary Indicators:

- Workers confirm their involvement in the health and safety decision-making process;
- Evidence of equal participation on committee meetings – that all parties are listened to, and that actions arising are shared responsibilities.
- Discussion of risk assessments, health and safety policies and other materials by workers;
- The involvement of workers in assessing workplace risks in partnership with the employer (note: this does not permit management to delegate their responsibility to assess risks wholesale to employees)
- The existence of feedback mechanisms on health and safety – whether they are “suggestions boxes” or more formal open meetings with management;
- Toolbox talks are held, and may be led by workers;
- Regular health and safety audits are undertaken;
- The involvement of workers in the development and review of workplace health and safety policies; and
- That representatives are voluntarily involved in the return to work process after sickness absence caused by common workplace health problem - by keeping in touch with sick workers, and helping the employer to plan adjustments on return to work.



38 Whilst it is unlikely that many organisations will do all of these activities, the presence of both primary and secondary indicators would provide good evidence of involvement. Inspectors should consider the secondary indicators as a menu from which to select the most suitable elements for discussion.

39 If established organisations are not undertaking any of the above activity, the issue of consultation should be specifically raised, citing the benefits outlined on page 5 of this document.

40 Where there is no system for consultation, the employer is uncooperative and/or unwilling to address the issue, and there are identifiable adverse effects for health and safety, enforcement action may be appropriate.

Circumstances when detailed discussion of consultation may not be appropriate

41 Employers must have a basic understanding of concepts such as a risk assessment before workers can be usefully consulted or involved. Where organisations are developing health and safety systems for the first time, worker involvement should be encouraged to ensure staff buy-in from the outset. In such cases, workers and managers may not fully understand the consultation process, and signposting to sources of guidance may be more appropriate than detailed discussion.

42 Discussion of consultation arrangements is unlikely to be productive where there is no real gap between those taking decisions and those affected by them, for example in organisations with less than 50 employees. In such circumstances, it is recommended that visiting staff direct the dutyholder to the HSE Worker Involvement WebPages, and ensure that a copy of [IND\(G\)232 “Consulting Employees on Health and Safety”](#)  is left with managers. Inspectors may also wish to refer to the Acas advisory booklet ‘[Employee Consultation and Communication](#)’ .

Applying the law


43 It is the duty of employers to ensure that they have consultation arrangements in place to meet the requirements of the SRSCR and/or the HSCER. To implement the HSCER they must decide whether to consult employees directly or via appointed safety representatives. Enforcement officers should take the appropriate action to enforce this. While employers have a free choice about the method of consultation, genuine consultation of every employee individually is likely to be impractical, except in small organisations (i.e. those with less than 50 employees).

44 The development of effective worker consultation and involvement relies on trust building between workers and the employer. This trust cannot usually be stimulated by compulsion from a third party through enforcement action. The initial expectation is for all parties within the workplace to negotiate a solution, seeking advice from the Arbitration and Conciliation Advisory Service (Acas) or other expert advice as necessary. Formal enforcement action should be taken only as a last resort.

45 There are always exceptions to this general principle. Where employers have failed to comply with legal duties on procedural matters (such as failing to create a safety committee, in spite of clear evidence that a request has made in the correct fashion; or appointing Representatives of Employee Safety, rather than permitting employee elections), immediate enforcement action may be appropriate. Table 2 details the requirements on employers that Inspectors can enforce:


Table 2: Enforceable requirements under legislation on consultation.

Legislation	HSWA	SRSCR	HSCER
Legal Requirement			
To consult employees	Section 2(6)	Regulation 4A(1)	Regulation 3
To provide facilities and assistance to representatives		Regulations 4A(2); 5(3); 6(2)	Regulation 7
To provide information to representatives		Regulation 7(2)	Regulation 5
To constitute a safety committee	Section 2(7)	Requirement is under HSWA – Regulation 9 details process for establishing committee.	No requirement under these regulations

46 The enforcement of both Regulations should be informed by the principles of proportionality, consistency, targeting, and transparency, as laid out in the Health and Safety Commission's [Enforcement Policy Statement](#). Reference should be made to the Enforcement Management Model.

47 Full and effective consultation processes take time to develop, and where an organisation has only recently begun operating, it will not usually be appropriate to take enforcement action in the first instance. Inspectors should allow such organisations time to implement worker consultation and involvement activity wherever possible.

Application of Enforcement Management Model

48 When considering breaches of the legislation on worker consultation and representation under the Enforcement Management Model (EMM), Inspectors are directed to the “Compliance and Administrative Arrangements” element. Both the SRSC and HSCER Regulations are principally administrative, as they do not directly involve risk. Detailed guidance on the application of the EMM can be found in the appendix to [OC 111/3](#).

49 Where Inspectors identify particular risks during inspection, the regulations most specific to the risk identified should be used, even though a failure to consult might be a contributory or exacerbating factor. For example, where representatives have not been consulted on manual handling practices and a significant risk was identified, enforcement action would be appropriate under the Manual Handling Operations Regulations 1992.

50 Failure to consult employees could be an aggravating factor in considering enforcement action under other regulations. When considering a possible breach of other health and safety legislation, it may become apparent that poor or non-existent consultation was a contributory factor (e.g. if a representative had brought a matter to the attention of the employer who then ignored it). If so, this should be taken into account.

51 Such a failure to consult would be relevant when considering the 'relevant incident history' or 'standard of general conditions' elements of local factors, when applying the EMM process to the health and safety breach. It is therefore possible that deficiencies in consultation could result in a higher level of enforcement action, although this will depend on its significance in the light of all the other local factors.

52 It is vital to ensure that a legitimate link is established between the failure to consult, and the escalation in risk, in order to ensure that action is fair and proportionate.

Beyond the Law: Involving workers

Towards Full Involvement of the Workforce

53 The third stage in the worker involvement process is the **full participation of the workforce** in management of health and safety. This flows from a full and effective consultation process, and whilst not an enforceable legal requirement, is the vital extra element that produces significant improvements in health and safety performance.

54 In most organisations, effective consultation arrangements will be sufficient to produce improvements in health and safety performance. In organisations with established, sophisticated consultation arrangements, where management may be at arm's length from work processes, fuller discussion of worker involvement is appropriate to deliver further improvements.

55 HSE and LA staff therefore have a vital role to play in encouraging organisations to go beyond mere compliance with the law, and use trust and confidence developed through consultation to jointly solve health and safety problems.

56 The key development from the consultation process is the full participation of the worker (or their representative) to actively participate in joint problem-solving of health and safety issues. In this manner, health and safety becomes a shared issue handled through a process of common agreement and trust, evolving from the consultation process. This does not mean that health and safety management responsibilities can simply be delegated to the workforce – managers must still manage health and safety.

57 There are two stages to effectively promoting worker involvement. These are:

- **Persuading** both employers and workers of the **benefits of worker involvement**; and
- Making **practical suggestions** on how workers can be **better involved** in the management of health and safety.

Promoting the benefits of worker consultation and involvement

58 There is no one, definitively best system for worker involvement. Every workplace is different – and it is important that managers and workers develop a best fit for their own organisations. This may require Inspectors to persuade both employers and workers of the benefit of involvement beyond existing consultation practice. Inspectors will need to address reluctance from both managers and workers towards worker involvement.

59 For employers, key issues are likely to be:


- The cost of involving workers in resource and productivity terms;
- An ignorance of the value of worker involvement, and a belief that workers will not wish to be involved; and
- Ignorance of sources of advice and guidance.

60 Whilst for workers, key obstacles have been identified as:

- A belief that they will be ‘punished’ for criticising management practice;
- A lack of communication skills and a lack of confidence in dealing with management;
- An ignorance of the value of worker involvement – a belief that management will not involve workers, and that health and safety is a “common sense” matter for individuals.

61 The challenge for Inspectors is to persuade and reassure all parties that involvement is achievable and is beneficial to all. Whilst addressing these concerns will not be straightforward, Inspectors can provide evidence to support discussion of worker involvement. The summary of the benefits of worker involvement presented on page 5 of this document can be used for this purpose, and some suggested responses to some common issues and objections are at Appendix 2.

62 Inspectors can refer to research conducted by MORI⁴ in 2006. This identified that a clear majority of both employers and employees believe that workers should be involved in taking decisions about health and safety at work. The necessary first step is for the issue to be raised and discussed, which is why Inspectors should stimulate this discussion during visits.

63 Inspectors can signpost both managers and workers to sources of guidance and support, primarily the [HSE Involving Workers WebPages](#). These are targeted at employers, but can also be used by employees. A printable summary version is also available to [download](#) . The guidance adopts the Policy → Organising → Planning → Implementing → Measuring Performance process for managing health and safety used in HSG65 “Successful Health and Safety Management”. In this way, the process outlined should be familiar to health and safety professionals.

64 Workers may be fearful of criticising management, or being scapegoated for volunteering to participate. Inspectors will need to persuade employers to ensure that there is a safe environment for workers to raise issues, and that they and their views are treated with respect. Similarly, workers may not feel adequately equipped to contribute to discussion, as they have not been asked to contribute in the past, and may lack communication or negotiation skills. In such circumstances trained representatives, whether trade union appointed or elected by the workforce, have a vital role to play in facilitating involvement.

⁴ Attitudes towards health and safety 2006: a quantitative survey of stakeholder opinion; MORI, 2006

Making practical suggestions on involving workers

65 The third and final stage of the process is to make the theory come alive, by identifying how workers can actually be involved in health and safety matters. Whilst employers have a free choice in how to pursue involvement, Inspectors can usefully direct them to the guidance available on the HSE Website, and relate the benefits of involving workers directly to workplace activities.

66 Every Inspector will have their own way of introducing worker involvement into conversations with employers and workers. When introducing the subject, you may find it worthwhile to link worker involvement to the management of common health and safety issues in the workplace and beyond, such as in the example provided at Appendix 3.

Wider Employment Relations

Handling Employment Relations Issues

67 Worker involvement is intrinsically linked to wider employment relations in the workplace. This often creates an expectation that Inspectors will arbitrate between parties when disputes occur, as health and safety issues are sometimes used as a proxy for workplace relations issues.

68 Inspectors should make it clear to all parties when making workplace visits that there are specific mechanisms for the resolution of workplace disputes, and the remit of HSE and LA staff extends only to health and safety matters.

69 Wherever possible, workers and employers should use their agreed dispute resolution procedures to resolve differences. Where this does not occur, there are more effective routes to solutions to provide guidance, support and resolution:

- The involvement of regional or national trade union officials, where unions are recognised; and
- The Arbitration and Conciliation Advisory Service (Acas)

The role of Trade Unions and Trade Associations

70 When workers in organisations where unions are recognised raise employment relations issues, Inspectors should advise that the trade union regional office be contacted in the first instance. Trade union officials at regional and, where appropriate, national level are experienced communicators and negotiators, who can provide advice to workers, and personally involve themselves where required.

71 For information about working with trade unions or more information about safety representatives, employers can contact the Trades Union Congress (TUC), which has offices in England and Wales. You can find the contact details for these by going to <http://www.tuc.org.uk> or ringing 020 7636 4030. The Scottish Trades Union Congress (STUC) provides a parallel function in Scotland – call 0141 337 8100 or visit <http://www.stuc.org.uk/>

72 Trade associations can also provide useful guidance on resolving disputes with workers. Organisations should be encouraged to contact any trade associations to which they belong for advice before seeking guidance from Acas.

The role of Acas

73 The Arbitration, Conciliation and Advice Service (Acas) is a publicly funded body, which aims to improve organisations and working life through better employment relations. They provide up-to-date

information; independent, impartial and confidential advice; high quality training and work with employers and employees to solve problems and improve performance.

74 Acas have trained advisors who can give guidance, support and appropriate training on how to consult effectively with employees. Acas will also mediate between parties when workplace disputes occur, and as such are the first point of external contact should either party wish to make a complaint that extends beyond the health and safety remit of the Inspector.

75 Officers may find it useful to make contact with the Acas office for their area and develop a relationship with Acas staff. Such a proactive approach may prove beneficial when you need assistance with an employee relations issue in the future. They have [offices around the country](#), and further information on local contacts and initiatives can be found at <http://www.acas.org.uk/>. The national Acas national office can be contacted on 020 7210 3613.

76 In the rare instance that the involvement of trade unions and Acas does not resolve matters, disputes can be referred to an employment tribunal for final arbitration, as permitted under the terms of the Employment Act 2002.

Appendix 1. Sources of further information

General worker involvement and safety representation:

L21 The Management of Health and Safety at Work Regulations 1994, Approved Code of Practice and guidance.

L87 Safety representatives and safety committees revised edition 1996.

L95 A guide to the Health and Safety (Consultation with Employees) Regulations 1996.

[IND\(G\) 232 Consulting Employees on Health and Safety.](#) 

Operational Guidance on contact with employee representatives by HSE field staff

[OC 111/3 Enforcement of Regulations requiring Consultation with Employees.](#) 

[LA/C 73/1 Health and Safety \(Consultation with Employees\) Regulations 1996](#)

[LA/C 73/2 Contact with Representatives and Employees at visits and Disclosure of Information](#)

[Acas – Employee Communication and Consultation](#) 

Offshore:

L110 A guide to the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.

[IND\(G\) 119 safety representatives and safety committees on offshore installations.](#) 

Quarries:

L118 Health and Safety in Quarries. Quarries Regulations 1999.

[IND\(G\) 303 Do you work in a quarry?](#) 

Chemical Industries / Large Employers:

HSG 217 Involving Employees in Health and Safety: Forming Partnerships in the Chemical Industry

Information and Consultation of Employees Regulations:

[OM 2005/3 The Information and Consultation of Employees Regulations 2004](#) 

Websites:

<http://www.hse.gov.uk/involvement/index.htm>

<http://www.hse.gov.uk/involvement/casestudies.htm>

<http://www.hse.gov.uk/workers/index.htm>


<http://www.hse.gov.uk/workers/safetyreps/index.htm>


<http://www.acas.org.uk/index.aspx?articleid=338>


<http://intranet/workerinvolvement/index.htm>

<https://extranet.hse.gov.uk/C11/Worker%20Involvement/default.aspx>

Research Reports:

[HSL/2005/41 - Workforce Participation in Occupational Health & Safety Management in Non - Unionised Workplaces.](#) 


[HSL/2005/52 - Workforce Participation in Occupational Health & Safety Management at FMC Technologies Ltd, Dunfermline.](#) 

[RR363 The role and effectiveness of safety representatives in influencing workplace health and safety.](#) 

[HSL/2005/09 Workforce participation in the management of occupational health and safety.](#) 

[RR296 Obstacles preventing employee involvement in health and safety.](#) 

[WPS/00/03 Employee involvement in health and safety: Some examples of good practice.](#) 

[CRR01/321 The impact of trade union education and training in health and safety on the workplace activity of health and safety representatives](#) 

Appendix 2 Responses to issues and objections raised during visits

1 How can I involve workers on health and safety matters?

- Whilst there is no “one size fits all” method for involvement, [a model process](#) is detailed on the HSE Website.

2 My workers won't want to be involved!

- If you ask your workers, you may be pleasantly surprised by the result. Recent HSE research found that 45% of workers wish to be personally involved in health and safety management, and 9 out of 10 workers believe worker involvement to be a good idea.

3 Involving workers in health and safety will reduce productivity etc.

- As a manager or employer, you have to manage health and safety, and employees should be involved in the management process to ensure it works effectively.
- Involving workers is an investment, and it's true that it takes time for trust and communication to develop, but it has been shown to reduce injuries and accidents to your workers.
- (Inspectors may wish to cite the [HSE Website case studies](#).)

4 If I involve workers in health and safety matters, they will expect to be included in other areas of the business.

- This is a good thing! Involving workers gives them a genuine stake in the management of health and safety, and this can happen independent of wider employee relations.
- In most medium-to-large organisations, the Information and Consultation of Employees Regulations 2004 will apply in any case, so you already have a legal duty to involve your workers on certain other matters.

5 Involving workers will reduce my ability to manage effectively.

- Involvement doesn't mean that you have to agree about every issue – it's about discussing the areas of disagreement, and respecting the views of others.
- The final decision-making responsibility will always remain with you as the manager.

6 How do I involve workers who do not speak English?

- All workers have the right to be consulted, whatever their language.
- Consultation and involvement may take many forms, from interpretation by colleagues, to translation of materials (and a quantity of guidance has been translated on the HSE Website), to the election of specific representatives where there are large non-English speaking constituencies within the workforce.

7 We have had to appoint representatives of employee safety from the workforce, as only a few workers have English as their main language. Is this acceptable?

- The regulations specify that representatives of employee safety **must** be elected. As the employer, you are welcome to suggest to staff that they may wish to stand for election as a representative, but you cannot simply appoint people. You may still consult employees individually, however, as long as you are able to communicate with them effectively.


8 Should agency / temporary workers be consulted / involved?

- It's good practice to consult and involve them - they need to feel "part of the team", and may have valuable contributions to make, particularly if they are in long-term postings.

9 Our relations with management are strained – how can we work with them on health and safety?

- Your employer may be more willing to involve you than you think. Recent MORI research has shown that 90% of employers believe that involving workers on health and safety matters is a good idea. The difficulty is often raising the subject in the first place, and the guidance on the HSE Website gives some pointers on how to do this.
- Working in partnership on health and safety matters is in everyone's interest – it ensures that management are aware of any issues, and that concerns raised by workers are dealt with.
- This partnership takes time to develop – it requires trust, respect and open communication between all parties, and this will not happen overnight – it's an investment.
- Involvement isn't about agreeing on every issues – it's about discussing the disagreements, and respecting everyone's views.

10 How can we as workers become involved in the management of health and safety?

- You can use the [printable summary](#)  of the guidance on the HSE Website to convince managers to pursue better worker involvement.

Appendix 3 opening discussion of worker consultation and involvement: An Example

Involving workers is key to sensible health and safety management. It is especially important in managing musculoskeletal disorders, a common health problem that may be caused or made worse by factors outside of work. It is important therefore that during inspections, employers are encouraged to involve workers in controlling risks. Workers are exposed to risks and may best suggest practical ways of controlling them.

Employers have a legal duty to consult with employees, and the mechanisms for doing so should be examined during inspections. During visits Inspectors should actively engage with safety representatives, or in their absence, with employees. Particularly appropriate lines of enquiry may include the following:

- How are workers or their representatives **consulted** on health and safety matters?
- How **effective** are those mechanisms?
- How are the needs of any **vulnerable workers** (temporary or agency staff, or those whose first language is not English) met?
- How can employees **report** any health problems they suffer at work?
- Are workers involved in **assessing and managing** risks?
- Do **workers confirm** management's answers?

This approach can be applied to the management of slips and trips; approaches to tackling stress through the Management Standards and in dealing with many other common health and safety issues.