

Health and Safety Executive Board			Paper No: HSE/08/18
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Guidance on worker consultation and promoting worker involvement			

Purpose of the Paper

1. This paper updates the Board on taking forward worker consultation and involvement in onshore workplaces in Great Britain. The Board is invited to:
 - agree the publication of the new good practice guidance and a revised legal series document; and
 - note the plans for the launch and promotion of the new publications.

Background

2. Last year, the then HSC considered how best to strengthen and improve worker involvement in the management of health and safety (HSC07/47 and HSC/07/12). Although there was extensive discussion of regulatory change, no consensus between the social partners was achieved and no changes were recommended to Ministers. Commissioners recognised the important role played by health and safety representatives in the GB health and safety system. They agreed that officials should continue to work where there was consensus between the social partners, and in particular to publish modern practical guidance to improve fruitful cooperation between employers and employees.
3. The new guidance draws together, in one publication, good practice for both the Safety Representatives and Safety Committee Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996. The former covers employers' duties to consult with health and safety representatives in workplaces where they are appointed by recognised trade unions. The latter regulations cover employers' duties to consult where there are employees who are not represented by health and safety representatives appointed by recognised trade unions. In this case, employers must consult with employees directly where practical, or consult representatives elected by those employees. There remains demand for a legal series publication that contains separate guidance for these two sets of regulations.
4. The new good practice guidance, with its employer focus, will supplement recent efforts to promote worker involvement in the full range of onshore HSE activities. The Inspector's topic pack (launched in 2007) helps HSE and LA inspectors, as part of their everyday activities, promote worker involvement as an essential part of an organisation's management of health and safety. There has also been a strong focus in Fit3 activities where areas of good practice include: noise and vibration, work-related stress and musculoskeletal disorders, and also in construction where there is an ongoing worker involvement initiative.
5. In the offshore industry work is in hand to improve the industry's engagement with, and involvement of, its workers. In support of this, the Workforce Involvement Group, a sub group of the Offshore Industry Advisory Committee and made up of all sides of the

industry, recently published revised guidance, *'Play Your Part! How offshore workers can help improve health and safety'*. The group also recently ran a well received event at Murrayfield attended by 150 delegates from the offshore workforce that focused on how to maximise the contribution that every employee can make to supporting the effective control and management of major hazards offshore and the creation of a safer working environment. Danny Carrigan and senior HID staff supported the event and gave Keynote speeches. Frank Doran MP also attended. The Workforce Involvement Group will be taking the outputs and intelligence from this event forward.

Argument

6. Officials have worked with stakeholders to develop the good practice guidance *'Involving your workforce in Health and Safety – good practice for all workplaces'* so that it reflects the range of workforce structures and arrangements which exist in onshore workplaces today (see appendix 1). Consultation with stakeholders has enabled the contents to be tested by employers and health and safety representatives. The publication:
 - focuses on how to consult and involve employees (see pages 27-36 in particular)
 - describes essential legal duties in plain English differentiating clearly the duties under the 1977 and 1996 regulations (pages 4-9)
 - includes case studies to illustrate specific good practices (throughout the guidance)
7. To accompany this, the Safety Representatives and Safety Committee Regulations 1977 and associated ACoPs; and the Health and Safety (Consultation with Employees) Regulations 1996, along with revised guidance will be published together in a single legal series publication (see appendix 2). Both good practice and legal series publications will be priced. However, a PDF version of the Safety Representatives and Safety Committee Regulations, ACoPs and guidance will be provided at no cost to the TUC for use in training health and safety representatives.
8. A leaflet will be produced before the autumn aimed at SMEs, to be tested using the Small Business Trade Association Forum and available as a free download from our website. HSE's worker involvement web pages will also be redesigned to reflect the new good practice guidance and provide detail on areas covered only in outline, and the appropriate pages on the Business Link website up-dated.

Consultation

9. Consultation on *'Involving your workforce in Health and Safety –Good Practice for all Workplaces'* has been across HSE and with the TUC, CBI, EEF, FSB, IoD, LACORS, ORR, IOSH, RoSPA and Acas. Consultation on the legal series has been with the TUC and EEF.

Presentation

10. We propose to launch the new guidance and legal series at a conference in central London in October 2008 for stakeholders from the social partners and professional organisations. The conference will be used to encourage stakeholders to organise their own activity around worker involvement over the coming year. In parallel, the new guidance will be promoted internally in HSE and also to LA inspectors enabling them to offer clear practical guidance to individual employers and to promote through wider

engagement with business groups etc. We will provide a presentation pack to support this.

11. We plan to invite stakeholders and those who offered case studies to offer support at the launch. It is estimated based on previous sales of the 'Brown Book' L87 that HSE might sell each year some 6,000 copies of the new good practice guidance and 6,000 copies of the revised legal series.
12. The Board may want to undertake further promotion of worker involvement in late 2009/10 following up with industry its use of the new guidance - but this might be best undertaken in the context of broader strategic decisions.

Costs and Benefits

13. A full impact assessment (available on request) has been prepared. The assessment assumes that businesses and health and safety representatives will not spend more or less time on their cooperative approach to health and safety management but will utilise the time they do spend better. Costs to businesses and HSE associated with the publishing of new guidance are identified as £10.7m to £12.4m over ten years and benefits to society range from £5m to £54m over ten years. In addition, clarifying in the guidance the requirement for businesses to provide information to health and safety representatives is estimated to save £315m over ten years which we will be able to score as an administrative burden reduction (based on the annual figure calculated by the Administrative Burden Measurement Exercise).

Financial/Resource Implications for HSE

14. The cost (largely pay and associated costs) of publishing, legal advice, launching and promoting the new guidance, drafting the SME guidance and redrafting the web pages are estimated at £38k for 2007/08 and £138k for 2008/09 (from PG, LAO and CDS budget allocations). Launch event and support for on-going promotion of guidance in 2008/09 estimated at £21K (from Communications budget). Income from sales of good practice guidance and new legal series estimated at around £144k per year (lost sales from the old publications would be around £41k). Costs for 2008/09 have been taken into account in this year's budget.

Action

15. If the Board agrees, officials will:
 - move to publishing the good practice guidance and revised legal series; and
 - proceed with organising a launch event and subsequent promotion of these publications.

Paper Clearance

16. This paper was drafted by Keith Wiley and was cleared by the SMT on 4th June 2008.