

**Health and Safety Executive Senior Management Team Paper SMT/08/18**

<b>Meeting Date:</b>	4 June 2008	<b>FOI Status:</b>	Partially open
<b>Type of Paper:</b>	For discussion	<b>Trim Ref:</b>	2008/198076
<b>Exemptions:</b>	The public version of this paper will have exempt material removed from annex 1 and 2 of the Board paper HSE/08/18. Information about to be published (Exemption 10)		

**HEALTH AND SAFETY EXECUTIVE****Senior Management Team****Guidance on worker consultation and promoting worker involvement**

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**Issue**

1. Last year the then HSC asked HSE officials to develop better guidance for worker involvement in the management of health and safety. The Senior Management Team (SMT) is invited to consider the attached paper for the HSE Board providing new good practice guidance and a legal series publication for the Safety Representatives and Safety Committee Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996 – which together deal with all onshore workplaces.

**Timing**

2. For clearance on 4 June 2008 to enable an approved paper to go to the HSE Board on 18 June 2008.

**Recommendation**

3. The SMT is invited to:
  - a) consider and agree the attached draft paper
  - b) note the plans for promoting the guidance and worker involvement in general including its appropriate use by visiting HSE and LA officers (see paragraphs 5 and 10 of draft Board paper).
  - c) note that the current draft good practice guidance will be amended to take account of the Chair's recent comments that it should make it clear what is good practice in a workplace with a mix of both union and non-union health and safety representatives, for example through a case study of joint membership on health and safety committees.

**Background**

4. See the attached draft paper.

## **Financial/Resource Implications for HSE**

5. The cost (largely pay and associated costs) of publishing, launching and promoting the new guidance, drafting the SME guidance and redrafting the web pages are estimated at £31k for 2007/2008 and £138k for 2008/09 (from PG 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).

Health and Safety Executive Board		Paper No: HSE/08/18	
Meeting Date:	18 <sup>th</sup> June 2004	FOI Status:	Partially open
Type of paper:	Above the line	Exemptions:	The public version of this paper will have exempt material removed from annex 1 and 2. Information about to be published (Exemption 10)
Trim reference:	2008/181212		
<b>Guidance on worker consultation and promoting worker involvement</b>			

## Purpose of the Paper

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

## Background

3. 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 agreed that officials should continue to work where there was consensus between the social partners, and in particular to develop better guidance.
4. 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.
5. The new good practice guidance, with its employer focus, will supplement recent efforts to promote worker involvement in the full range of 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.

## 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 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 25-29 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 £12.3m 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, launching and promoting the new guidance, drafting the SME guidance and redrafting the web pages are estimated at £31k for 2007/08 and £138k for 2008/09 (from PG 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).

### **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.

**APPENDIX 1.**



Information about to be published [Exemption 10]

## APPENDIX 2



Information about to be published [Exemption 10]