

Offshore workforce involvement and consultation

Offshore Installations (Safety Representatives and Safety
Committees) Regulations 1989

Compliance Inspection Project

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Executive summary

The Workforce Involvement and Consultation Inspection project was undertaken following HSE's review of Key Programme 3 (KP3) and was influenced by the views of the Offshore Industry Advisory Committee's (OIAC's) Workforce Involvement Group (WIG). The project was launched in April 2010 and conducted over a six-month period, with the aim of assessing compliance with SI971, Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989, and collecting examples of best practice.

The inspection project looked specifically at compliance and identified five key topic areas based on the Regulations:

- Safety representatives (SRs), constituencies and election process etc
- Functions and powers of safety representatives
- Safety committees
- Duties of installation operators, owners and employers
- Time off and training

Forty-one inspections were completed on offshore production, drilling, storage, manned and unmanned installations operated by 25 different dutyholders (DHs). Satisfactory evidence of compliance was observed on 23 of the installations with only verbal advice being given on 16 of these. Eighteen letters were sent where partial compliance was evident and actions were required to implement improvements; adequate responses have now been received. On one of these installations a change was made to the intervention plan specifically to follow this up.

Common areas where findings were evident in the different topic areas included:

- failure to carry out the formal requirements of the election and constituency system, including to formally notify SRs / constituents of their respective SR or constituent members;
- limited use of powers by SRs;
- safety committee meetings with limited scope;
- limited consultation of SRs by dutyholders; and
- differences in the treatment of contractor and dutyholder SRs.

Numerous examples of good practice became evident, grouped together under the headings of training provision, constituencies, committee meetings, other meetings, increasing awareness and focus, and inspections, investigations and other direct consultation.

The project concluded that the exercise had a positive effect within the UK offshore industry, heightening the focus on elected SRs and identifying areas where DHs need to consider their own compliance and areas where they may wish to give further support to SRs to gain maximum benefit from the SR system.

Introduction

There is widespread agreement that workforce engagement has a positive effect on health and safety. The HSE strategy – *Be part of the solution*, launched in June 2009 – cites workforce involvement as one of its main priorities and this is reflected in work plans across HSE divisions.

The review of KP3 in July 2009 discussed the role of workforce involvement and, in particular, its contribution in controlling major accident hazards. It found that, while there was evidence of engagement of the workforce within the system of safety representatives and safety committees, the programme was not designed to address the involvement and function of safety representatives and safety committees. The KP3 Review Report concluded that further work needed to be done to realise both the spirit and the requirements set out in the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989, SI971.

The Offshore Industry Advisory Committee's (OIAC's)* Workforce Involvement Group (WIG)[†] has also identified safety representatives and safety committees offshore as central to the success of workforce involvement and suggested the need for an inspection project to look at the application and effectiveness of these requirements.

HSE responded by instigating this inspection project to look specifically at compliance with SI971 and the effectiveness of the Regulations.

Methodology and scope

The project of offshore inspections was launched in April 2010 to assess compliance with the SI971 Regulations and collect examples of best practice to bring to the attention of the rest of the industry.

Inspections took place over a six-month period (May–November) and aimed to cover the majority of dutyholders operating on the UK continental shelf.

An inspection template (Appendix 2) was developed to aid consistency of inspection and was based around the Regulations.

The topics inspected were grouped into five areas:

- Safety representatives, constituencies and election process etc
- Functions and powers of safety representatives
- Safety committees
- Duties of installation operators, owners and employers
- Time off and training

Inspectors spoke with a cross-section of personnel on the installations, including safety representatives, other members of the safety committee, management and members of the workforce.

* OIAC is a tripartite committee including members representing employers, employees, unions, trade associations and other government departments and provides an important forum for the discussion of health and safety matters in the offshore industry.

[†] WIG looks specifically at ways to increase offshore worker involvement in health and safety.

Findings were reported and coded in line with the 'traffic light system' used for other offshore divisional activities.

Traffic light system

Table 1 Traffic light system

Action taken resulting from intervention activity	Compliance level	Outcome status	'Traffic light'
No findings	General compliance	1	GREEN
or Verbal advice		2	
SPC/ENF/166 letter issued identifying breaches and requiring action to be taken. No significant change made to intervention plan to follow up issues (eg follow-up via future planned intervention activity)	Partial compliance	3	YELLOW
SPC/ENF/166 letter issued identifying breaches and requiring action to be taken. Changes made to intervention plan to follow up issues (eg additional unplanned intervention activity) and/or Enforcement Notices considered but not served (eg EMM dutyholder factors modified initial enforcement expectation)	General non-compliance	4	ORANGE
Enforcement Notice served	Significant non-compliance	5	RED
Court proceedings recommended	Serious non-compliance	6	

It should be noted that, when the results from this inspection project were analysed, the 'green' traffic light assigned to outcomes 1 and 2 was subdivided to aid differentiation.

Information collected included:

- deficiencies found and actions taken; and
- examples of best industry practice.

Examples of good practice were collated and fed back to the Chair of OIAC WIG so they could be shared and, potentially, included in guidance aimed at assisting the industry.

Overview of results

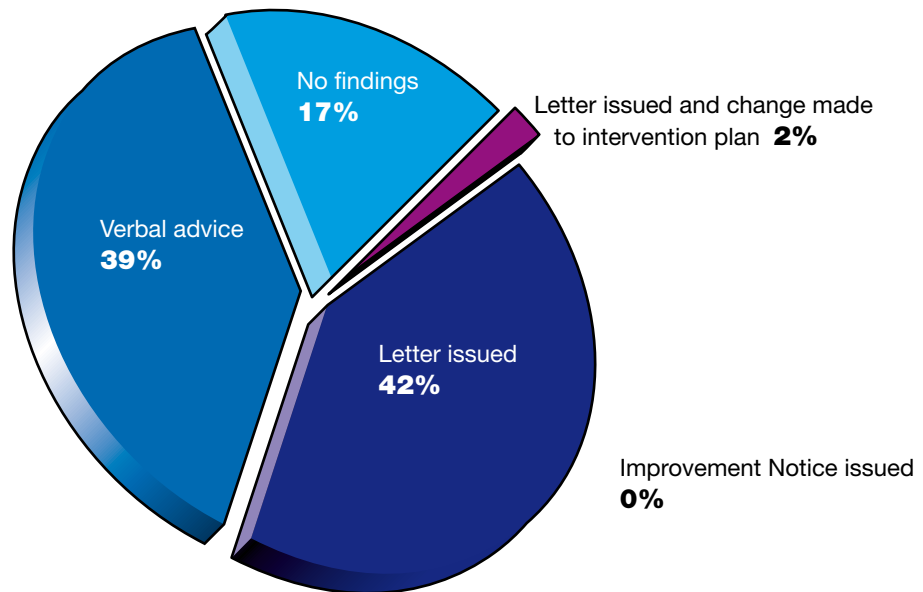


Figure 1 Inspection outcomes

- 41 inspections were completed, reviewing individual installations' arrangements for compliance with the Regulations.
- 25 different dutyholders were covered by the inspections.
- Inspections included production, drilling, storage, manned and unmanned installations.
- 18 inspections resulted in formal letters being sent addressing partial compliance with the Regulations.
- A change was made to the intervention plan on one installation.
- 16 inspections resulted in verbal advice being given to the dutyholders where, generally, compliance was noted and minor improvements would ensure full compliance with the Regulations.
- No findings were reported on seven installations.
- The topics inspected were grouped into five areas:
 - Safety representatives, constituencies and election process etc
 - Functions and powers of safety representatives
 - Safety committees
 - Duties of installation operators, owners and employers
 - Time off and training
- Results are summarised in Table 2.

Table 2 Anonymised results

Platform ID	Topic assessment conclusion					Inspection outcome
	SRs, constituencies and election process	SR functions and powers	Safety committees	Duties of operators, owners and employers	Time off and training	
1	2	3	2	3	1	3
2	2	1	1	1	1	1
3	2	1	2	1	1	2
4	3	1	3	1	1	3
5	1	3	3	2	1	3
6	2	3	4	4	4	4
7	2	2	1	1	1	2
8	2	2	2	2	1	2
9	1	1	1	1	1	1
10	1	1	1	1	1	1
11	1	1	1	1	1	1
12	1	3	3	1	2	3
13	1	1	1	2	2	2
14	2	3	3	2	3	3
15	1	2	1	2	1	2
16	1	1	1	1	1	1
17	3	2	2	3	2	3
18	3	3	1	2	3	3
19	1	3	3	1	3	3
20	1	1	1	1	1	1
21	3	1	1	3	3	3
22	3	1	1	1	3	3
23	1	3	1	2	1	3
24	2	2	2	1	2	2
25	1	2	2	2	2	2
26	1	2	2	1	2	2
27	1	1	1	2	2	2
28	2	2	1	2	1	2
29	3	3	3	2	2	3
30	1	1	1	1	2	2
31	2	2	2	2	1	2
32	1	1	2	2	2	2
33	3	2	1	1	3	3
34	3	1	1	1	3	3
35	1	2	2	3	3	3
36	3	2	3	1	2	3
37	2	2	2	2	2	2
38	2	1	1	1	2	2
39	3	1	3	3	1	3
40	2	1	1	2	1	2
41	1	1	1	1	1	1

1	2	3	4
No findings	Verbal advice	Letter issued	Letter issued and change made to intervention plan to follow up issues

Analysis of results

Safety representatives, constituencies and election process

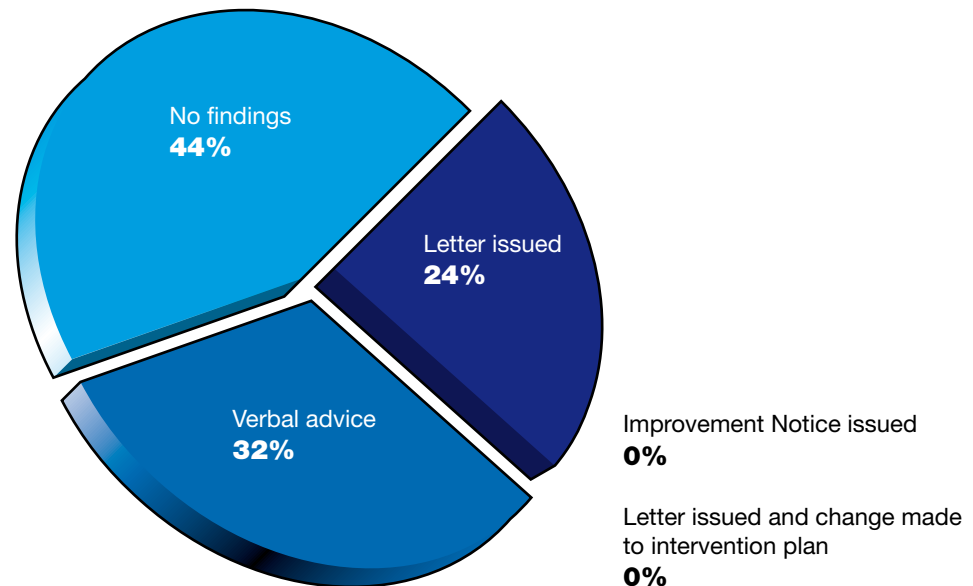


Figure 2 Safety representatives, constituencies and election process

Section 1 of the inspection project dealt with safety representatives, constituencies and the election process and, specifically, compliance with regulations 4–15. These particular regulations are prescriptive in their requirements and approximately half of the inspections resulted in no findings in this area.

There were no installations identified which did not have elected safety representatives in place, although one particular small installation did indicate there was a short time when no SR was on board due to shift changes. A small number of other installations also reported that some constituencies were not represented for short periods now that the 2/3 rotation had come into effect.

Constituencies were defined in various ways to suit the individual operations and constituencies with more than 40 members were only identified on three platforms. Constituency lists were generally present and only one platform did not have a list available. One installation mentioned the difficulty in having a representative constituency and SR for third-party contractors as these service providers are often not on the installation for sufficient periods to allow elections to occur.

Non-compliance was most commonly noted in relation to regulation 6 and informing SRs and constituents, in writing, of their designated SR / constituent members. There were eight examples where constituents were not informed in writing of their SR. In these cases, it was generally done through the boarding card alone – and this verbal information is not strictly compliant. On 22 occasions SRs were not informed in writing of new constituents arriving on the installation. Many dutyholders felt updating and displaying a list of constituent members on a SR's noticeboard was adequate, although this is not strictly compliant. Three examples were found where constituency lists were not updated. Email was often the method of written communication.

The report noted that elections systems had not been put to the test on nine occasions. This was generally where a single individual had been put forward for the post and this is indicative of the problems many platforms experience in

recruitment of SRs. On some installations, where more than one candidate was proposed for a post, all were accepted.

On three occasions it was noted that no re-elections had occurred after a SR had been in post for two years. While good SRs often remain in post for some time, this can potentially result in a lack of new ideas coming through the system. On two occasions it was found that nominations were sought by word of mouth rather than written notices, which could be construed as selective. On one occasion it was noted that SRs themselves organised the elections rather than the DH.

Regulation 12 requires that the results of elections are communicated in writing to both constituents and candidates. It was noted, on five occasions, that this was only carried out verbally. Formal written notification provides the clarity and denotes the importance the DH places on the SR system.

Many of the findings under this heading can be regarded as administrative, but reasons exist for the formal processes that have been set up and undermining the processes could be seen to devalue the SR system.

Functions and powers

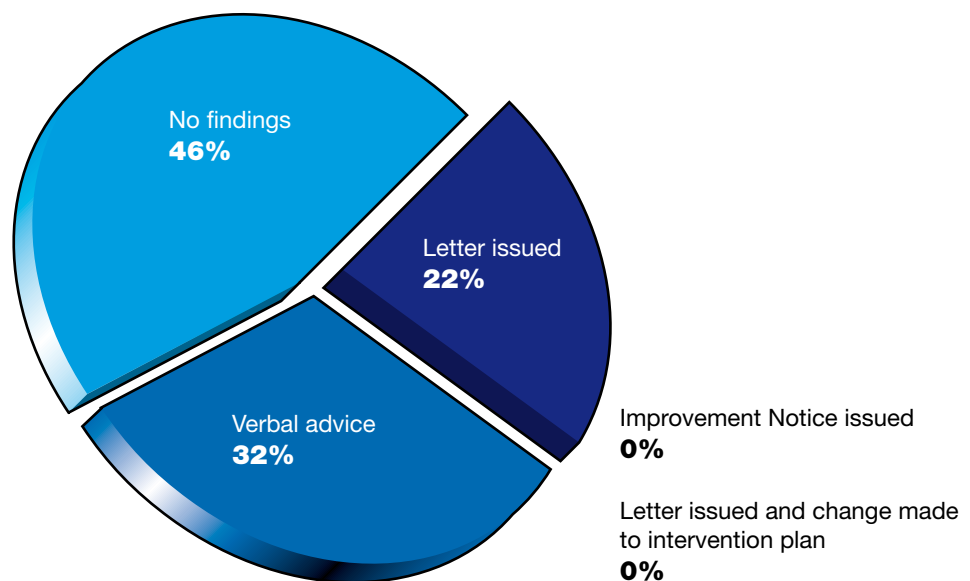


Figure 3 Functions and powers of safety representatives

Section 2 of the inspection project dealt with functions and powers of SRs and, specifically, compliance with regulations 16–18. These particular regulations provide a formal guide to the activities SRs may legitimately get involved in and how they can go about this should they choose.

The involvement SRs had, and extent to which they fulfilled their functions, varied considerably. There were many examples where SRs were enthusiastic and got involved in all manner of activities. There were, however, a number of installations where SR activities were more limited.

On eight installations SRs did not get involved in incident investigations or were only involved in a limited capacity. On some platforms SRs indicated they felt ill equipped to provide a worthwhile input; for example, if they were not trained in the investigation techniques used or were not familiar with the systems involved in the investigation, eg permit to work. No examples were highlighted where an SR carried out their own independent investigation.

SR inspections varied across installations. While a few did carry out independent inspections, most were involved in the DH inspection regime. On five occasions SRs were not involved in any inspection activity.

There was evidence of a strong partnership between some DHs and SRs in the area of inspection – this has benefits for the organisation as the workforce and management work together. Equally there are opportunities for SRs to take advantage of their independence and provide an alternative path for problems to be raised and improvements to be channelled.

Access to documentation was found to be variable. It was reported on 23 installations that SRs had not been provided with a summary of the safety case, a requirement under regulation 18A. Some SRs and DHs felt this was unnecessary as SRs had a copy of the full case; however, there were three examples where SRs did not have their own copy of the case. This approach also relies on SRs being familiar with, and having a good understanding of, the case. Given the differing backgrounds of SRs, a summary can provide a quick, simple overview and is a good starting point.

SRs are entitled to see any documentation which relates to the occupational health and safety of the workforce and inspections revealed few significant problems in accessing information. However, in one example, recent noise and asbestos survey results had not been seen or discussed with SRs and, in another, access to relevant information systems was not available to a SR because he was not staff. Two SRs commented that if they asked for information it would not be withheld, but they were not necessarily aware of the extent of information available. These points provide an indication that there are areas where SRs could, and would willingly, become more involved and is an opportunity to be explored.

There were a small number of comments recorded in this section relating to documentation of the safety committee meeting, ie agendas and minutes of meetings, and these will be discussed specifically with the findings under ‘Safety committees’.

Safety committees

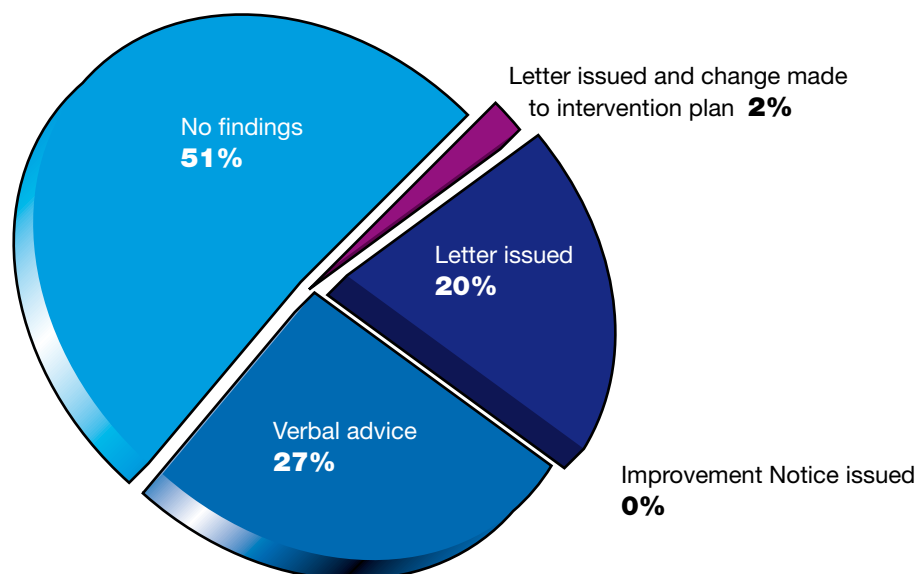


Figure 4 Safety committees

Safety committee meetings generally took place on all installations and general compliance in this area was noted in 35 of the 41 installations inspected.

There was only one example where safety committee meetings did not occur and this was cited as being because of the very small crew numbers – persons on board (POB) of 11. There were two occasions where a SR quorum was not always present for meetings and three instances where meetings had slipped and did not take place within the required three-month timeframe.

It was noted on two occasions that the meetings were run by the SRs rather than the DH and were not chaired by the Offshore Installation Manager (OIM). While SRs should be encouraged to hold meetings and promote workforce involvement in safety, the purpose of the safety committee meeting, as required by SI971, is to provide a formal route for SRs to access DH management and resolve matters. There are good examples of SRs managing this by holding their own meetings with the workforce and also having their own SR meetings to discuss issues to raise at the more formal SI971 committee meeting. Some comments indicated this can result in a more focused safety committee meeting.

There were a number of comments about the organisation and effectiveness of safety committee meetings when they did take place. On three occasions comments were made about poor timing of the meeting – always make sure the time is suitable for all attending personnel but take care to ensure meetings do not occur in ‘free time’. Also, standard agendas were not always used and the items detailed in regulation 22 not always discussed; for example, forthcoming safety case changes, results of safety audits, desirable training for SRs and their knowledge gaps. Meetings tended to focus, instead, on incidents and issues raised by the workforce rather than the wider health and safety issues SRs might effectively become involved in, and there was sometimes little evidence of proactive work.

Formally recording and tracking the items raised at committee meetings are essential for the transparency and credibility of the system. We found a number of examples of safety committee meetings producing tracking registers – to make sure issues were followed up and actions completed – although, conversely, on one occasion minutes were not produced

There were numerous other examples of good practice in this area. Some platforms found ways of improving the involvement of onshore management in the meetings by phone links, onshore management signatures on prior meeting minutes or timing visits to coincide with meetings. Some platforms reviewed other installations’ SC meeting minutes within their meeting or posted them on noticeboards to facilitate cross-platform learning.

Duties of installation operators, owners and employers

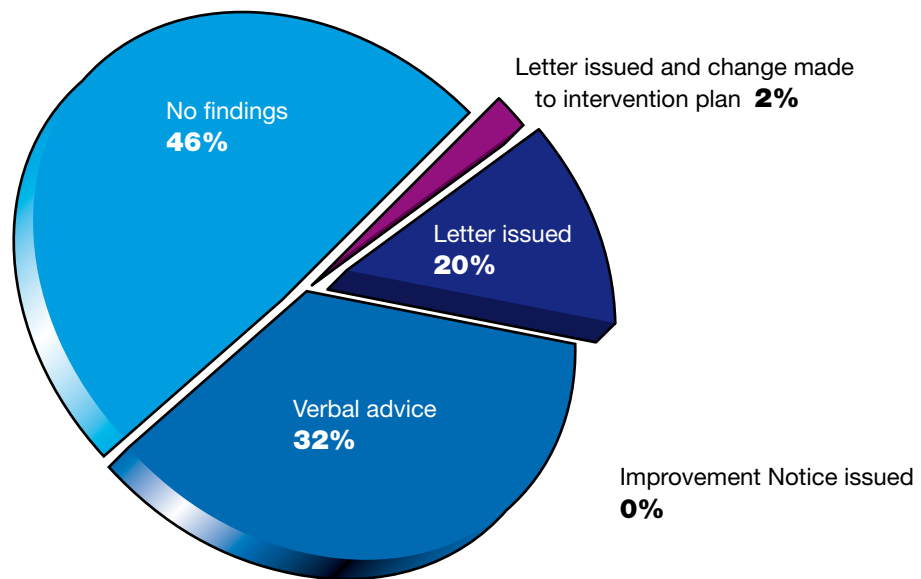


Figure 5 Duties of installation operators, owners and employers

The basic duties placed on installation operators, owners and employers are described fully in the Regulations and include facilitating the safety committee and the SRs by providing them with the necessary accommodation, facilities for communication and office equipment and consulting SRs on a variety of health and safety-related matters. Duties are also detailed relating to the availability of information and documentation.

Most DHs were meeting their basic duties under the requirements of the Regulations and this topic area was only included in letters to DHs in six instances. The topic was, however, the subject of verbal advice in 15 cases where improvements could be made, and it is also suggested that many other DHs could make improvements and should consider the examples of best practice noted for this topic area.

Some installations struggled with space and/or access to PCs at busy times, particularly where facilities were shared. While this can be managed, and SRs have to work within the confines of the installation, they do need access to privacy due to the nature of some discussions they may have and they require access to computers for information and preparation of material. Dedicated SR email accounts and SR drives are useful for communication and the storage of information.

Time was also cited as a limitation. This is a particular concern where SRs are not core crew and a question was raised regarding SRs and contractors. DHs should be encouraged to give due consideration of the implications of contractors becoming SRs. Additional time / personnel should be considered if a member of contract staff is to participate in SR activities so that it does not provide a barrier to these personnel becoming involved. DHs should be encouraged to allocate specific time to all SRs for their activities if they want to make the most of their involvement. It is not acceptable to expect SRs to carry out their functions in their own time or take advantage of their enthusiasm.

A further notable issue raised in relation to DH's duties, and where opportunities for improvement exist, is around consultation. Consultation is required in a number of circumstances, including the making and maintenance of health and safety arrangements; changes to the safety case; the provision of health and safety

information; and training for the workforce. Guidance provided to support the Regulations outlines the importance HSE places on consultation and the benefits of co-operation between the relevant parties. Effective consultation is where DHs facilitate discussion relating to the identified matters and can demonstrate that ideas and concerns raised by SRs have been considered before decisions have been taken. This should lead to a co-operative environment and an atmosphere beneficial to all parties.

On the majority of installations inspected comments were made regarding the consultation arrangements: in 13 instances SRs felt they were informed rather than consulted, and in 10 other cases the SRs commented that, while they were consulted, there was room for improvement in the process. DHs need to reflect on their practices and involve SRs at a much earlier stage in matters that affect health and safety if true workforce involvement is to become a reality.

The 'duty' of operators, owners and employers to make information available is covered under regulation 24; however, for the purpose of discussion, comments are provided here. There was only one installation where a copy of SI971 was not available.

Time off and training

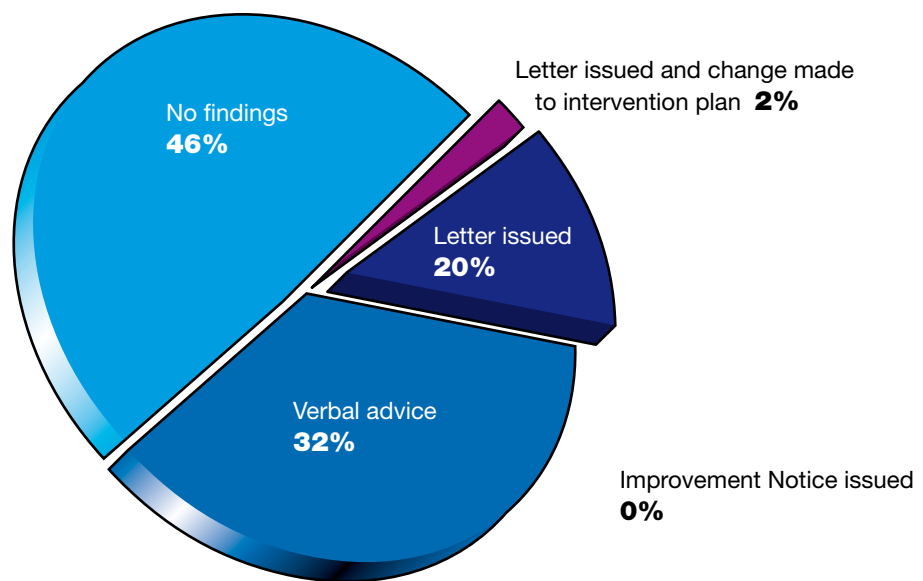


Figure 6 Time off and training

Compliance with the training requirements laid down in the Regulations was reasonable. Regulation 27 requires SRs to be provided with 'such training in aspects of the functions of a SR as is reasonable in the circumstances'. This has come to mean, in the most part, training to the OPITO Approved Training Standard for Offshore Safety Representatives, although some DHs have chosen to create bespoke courses. It has also been noted that there are an increasing number of DHs that have recognised that for SRs to function effectively and be of most value additional training is often beneficial. There are numerous examples of DHs developing matrices of training requirements and carrying out gap analysis for their SRs and a number of SRs are known to have undertaken NEBOSH training. This is all regarded as 'best practice' and will enhance the performance of the SR system. WIG is actively promoting enhanced training for SRs and training matrices and is in the process of putting forward recommendations to OIAC with a view to gaining a commitment from industry in this area.

However, there were still a number of SRs identified who had not received basic training. Of note, one DH, while recognising the need for additional constituencies and SRs for a particular project-based activity, had then failed to make arrangements to provide them with any training. Other DHs should consider this if planning large projects.

A number of concerns were also noted regarding differing practices for core crew and contractors that were often subtle and could be divisive. For example, contractors appear to get less support when undertaking training; simple things like different travel arrangement when attending courses (planes or trains); having to make their own arrangements to attend; not getting paid travel time or expenses being paid more slowly; all can create divides and do not encourage equal participation. Contractors also commented that it can be difficult to get cover for training or to attend meetings and contractors are more likely to do things in their own time.

Good practice

Inspectors were encouraged by the enthusiasm and dedication witnessed in a large number of the SRs interviewed. They demonstrated initiative and showed a true commitment to improving safety for all those personnel working offshore. Where SRs were most effective they were supported by teams of conscientious offshore managers who valued their involvement in platform safety. There were many examples of innovative practices that inspectors saw or were told of and a number of these have already been identified when discussing the results.

The following list details examples of practices that were collected during the inspection project. The list cannot go into the detail of every activity seen and it should be recognised that it might generalise an item that a number of installations have implemented in different ways.

By including this list we hope to share with inspectors what SRs are doing on different platforms. It is also hoped that, through the wider audience, we can inform DHs what can be achieved when SRs are given the resources to carry out activities, and also influence SRs and safety committees by revitalising and injecting new ideas. We hope some of these examples will become case studies to be discussed at SR events led by Step Change, WIG or individual dutyholders.

While many of the examples cited are extremely simple they should not be dismissed as they all add to the visibility and weight the DH attaches to safety and the importance of workforce involvement. The list is in no particular order, other than grouping items under headings.

Training

- Training matrices for SRs and gap analysis
- NEBOSH course for SRs
- Bespoke SR training course developed
- Coaching of SRs and full support from offshore management team
- DH paying directly for contractor SR training
- Starter pack developed for new SRs
- SRs' charter developed

Constituencies

- Re-arranging constituencies when vacancies are apparent to make sure all personnel have an allocated SR
- Accepting all nominated SRs for roles
- Full constituency lists on noticeboards
- Photographs of SRs on noticeboards
- Documentation to show information about SRs, including time in post, election / re-election dates

Safety committee meetings

- Onshore representation at safety committee meetings via teleconference facility
- Meeting actions held on tracking register
- Meetings in shift time
- Agenda ensures meeting fulfils all functions laid out in regulation 22, SI971

Other meetings

- Constituency meetings after every safety meeting
- Pre-meetings for workforce and SRs to determine the issues to be discussed immediately – with local management – issues only raised at safety committee meetings if acceptable response cannot easily be achieved
- Specific meetings arranged (by SRs) to engage whole workforce to discuss health and safety issues and safety performance
- Annual SR conferences promoting interaction between installations within companies
- SRs having a weekly conference call with asset management and other onshore senior managers

Increasing awareness and focus

- SRs identified by different coloured safety helmets
- Well-populated noticeboards
- DH programme to increase focus and raise profile of SRs, re-invigorating SR process
- Re-focusing after incidents
- Minutes from other platforms' SC meetings posted on noticeboards
- Workforce-led behavioural safety programmes
- Identifying need for SRs at early stages in new facility life, when skeleton crew only are in place
- Good facilities available to SRs – own office, phone, computer, email accounts etc
- All SR activities to be done in shift time
- SRs invited to variety of different installation meetings, eg weekly shift safety meeting
- Single-page information sheets relating to major accident hazards used at meetings with workforce to raise awareness
- Major accident hazards and control measures identified in safety case inspected against by SRs
- Internal SR website
- Implementing SR regimes on normally unattended installations (NUIs)
- Identifying SR contact for persons on board for <48 hours

Inspections, investigations and other direct consultation

- Regular programme of SR inspections; reports passed to OIM
- Involvement of SRs in particular work programmes and projects, eg hydrocarbon release programmes, plant inspections for vibration / leaks
- SR involvement in auditing key procedures, eg break of containment, inhibits etc
- Consultation in equipment changes, eg new hammers, emergency lighting proposals
- Consultation with SRs on new arrangements for crew changeovers
- Evidence of findings and safety committee recommendations from other installations being considered and implemented
- Good SR involvement in developing and reviewing safety cases and thorough reviews

The inspectors carrying out the offshore visits consistently reported back on how well received the project was by the SRs. The focus the project gave to their work provided encouragement and recognition. On some occasions, SRs took forward ideas to improve their effectiveness as a direct result of the inspection, thus further demonstrating the positive effect the inspections have had. The increased focus on the SR role provided a clear message to management of the importance of workforce involvement. One question often asked was in relation to what other platforms were doing and we hope this report will inform those discussions on inspectors' subsequent visits.

The added focus on SI971 inspectors also raised a number of comments which are worthy of further consideration by both HSE and DHs. These are summarised below:

- Recognising the work carried out by a SR as a positive aspect in an employee's repertoire of skills and giving due consideration when considering suitability for promotion etc. Former SRs have indicated it was not good for their careers. While this view may be out of date, it takes a lot to change people's perceptions; visible and positive actions are required by DHs to change this.
- DHs should be encouraged to take responsibility for all training and subsistence costs associated with the SRs for their installation, thus ensuring equality for all SRs. Arrangements for training costs are commented on in paragraph 103 of the guidance document L110, but it may be appropriate for dutyholders to reconsider these.
- SR candidates may be identified and encouraged by management and this is discussed in the guidance linked to regulation 9. Dutyholders should provide encouragement to potential candidates and to constituents to nominate candidates; however, this should not be seen as favouring any particular candidate.
- On a number of occasions, SRs were part of the management team. Concerns were raised that this may have the potential to undermine the function and effectiveness of the SR's role as they are elected to represent the workforce in dealings with management. While OIMs could not fulfil a SR's role, and some members of the management team may feel it would be inappropriate, there are no stipulations regarding where in the structure a SR may or may not come from. Provided a candidate is appropriately nominated, willing to stand and duly elected all members of the workforce are eligible to become SRs.
- There is currently no mechanism to remove an elected SR or for the workforce to express a vote of 'no confidence'; see paragraph 42 of the guidance. There are circumstances where this may become an issue and will need to be managed.
- Effectiveness can be dependent on individual commitment to the process as well as interpersonal skills. This can vary between personnel on different shifts as well as installations and different DHs, and is as true of management as of SRs. DHs must make sure their management teams are clear about expectations for the safety culture on their installations and support them in working with the SRs.

Conclusions and looking forward

In reviewing the implementation of, and compliance with, the requirements of SI971, it was encouraging that the majority of the inspections confirmed general compliance with these Regulations and the inspection project was successful in identifying and gaining improvements in many areas. Although a number of inspections identified only partial compliance, the nature of the non-compliances were such that it was considered sufficient, by the inspectors, to deal with them by way of a formal letter and gaining the commitment from the DH to address the matter. Only one inspection raised more general non-compliance that required specific follow-up action. No Improvement Notices were issued during this project.

Many examples of innovative practice were identified, and are summarised in this report. Further work to promote and publicise the good practice – to inform and motivate SR activities – should be considered. This may be through case studies presented at events, short pieces publicised and used as reference, or inter-platform visits. We consider this an area worthy of further consideration by WIG and by Step Change.

The inspections identified common areas of non-compliance that were, at times, due to a lack of understanding or familiarity with the specific legislative requirements. It is, therefore, our opinion that the Regulations, when effectively applied, are still broadly fit for purpose and a revision is not necessary. However, some additional guidance would be helpful to take into account industry changes since the introduction of the Regulations, such as the growing use of contractor workforces and different patterns of working on normally unattended platforms. For this reason, we recommend that SPC/ENF/159 – a guidance note aimed at inspectors relating to the interpretation and enforcement of these Regulations – be revised.

DH compliance provides a minimum standard and identifies a framework for SR involvement in safety-related activities offshore. This project identified a number of installations where DHs were using this framework to best advantage by working in effective partnerships with SRs, as well as encouraging ownership in particular areas. DHs should consider their own installations and the effectiveness of their SRs and consider how they might provide additional support and encourage increased involvement on their installations. An area where DHs often failed to involve SRs was in consultation. DHs should review their own practice on consultation to make sure they maximise the opportunities for SR involvement in decisions that affect health and safety.

Finally, there are obviously a number of DHs and their associated workforces who are reaping the benefits of SR involvement. SI971, which underpins SR involvement, provides a firm basis from which to work. HSE should continue to monitor DH implementation of the required improvements, where appropriate, to ensure compliance with the Regulations and encourage DHs to fully involve SRs in all safety-related aspects of their activities and provide maximum support for the role.

Further reading

A guide to the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989. Guidance on Regulations L110 (Second edition)
HSE Books 1998 ISBN 978 0 7176 1549 0 www.hse.gov.uk/pubns/books/l110.htm

The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 SPC/ENF/159 www.hse.gov.uk/foi/internalops/hid/spc/spcenf159.htm

The health and safety of Great Britain: Be part of the solution 2009
www.hse.gov.uk/strategy/index.htm

Appendix 1

Inspection breakdown by regulation

Table 3 Inspection breakdown by regulation

Reg	Description	Question	Compliance			Issues identified
			NF	V	L	
1	Citation and commencement		-	-	-	None
2	Interpretation		-	-	-	None
3	Application		-	-	-	NUIs
4	Safety representatives	1.1	40	-	-	None
5	Constituencies	1.2	34	4	2	Small crews, new rotation arrangements, some large constituencies (>40)
6	Membership of constituencies	1.3	24	12	4	SRs / constituents not informed in writing of each other's identity on joining installation
7	Elections	1.4	33	2	5	Lack of re-election at end of two-year term; invitations for nominations to be displayed
8	Nominations					
9	Candidates					
10	List of candidates					
11	Secret ballots	1.5	34	2	4	Election results not displayed; appointment certificates not issued
12	Results					
13	No candidate	1.6	38	2	0	Re-elections not arranged at end of two-year period of office
14	Cessation of representation					
15	SR for single employer constituencies					
16	Function of SRs	2.1	34	4	2	Limited SR activity stemming from lack of awareness of SR functions or limited familiarity with platform systems, eg incident investigation techniques, permit-to-work systems
17	Powers of SRs	2.2	30	5	5	Limited number of SRs inspecting platforms; SRs not receiving HSE letters
18 and 18A	Documents	2.3	21	12	7	Written summary of Safety Case not produced for SRs. Documentation made available on request but SRs not aware of what is produced by DH; access to some databases not available to all SRs; SRs with no access to SC

19	Safety committee – establishment	3.1	34	4	2	Meetings to be arranged and chaired by OIM; quorum not present in meetings
20	Membership of SC					
21	SC – meetings	3.2 / 3.2	31, 30	4, 6	5, 4	Timed elapsed between meetings >3 months; meetings scheduled in free time or with no consideration for participation of SR from all disciplines; no standard agenda; agenda did not include all items identified in guidance; little proactive work
22	SC – functions	3.4	31	5	4	Minutes not produced
23	Duties of installations operators, owners and employers	4.1 / 4.2 / 4.3	32, 27, 26	8, 8, 10	0, 4, 3	Facilities limited to a minimum; limited time made available for functional activity; lack of effective consultation on changes to Safety Cases; thorough reviews and other health and safety arrangements
24	Information	4.4	31	8	1	Opportunity not taken to raise relevant information at meetings
25	Documents	4.5	36	3	1	SI971 and SC not available on installation
26	Time off	5.1 / 5.2	33, 31	5, 6	1, 2	Contractors getting less opportunity to carry out SR activities during working hours; time off limited to participation in SC meeting; training carried out during shore leave should be in agreement with SR
27	Training	5.3 / 5.4	25, 36	9, 3	6, 1	SRs without basic training; training slow to happen; slow response / denial of additional training requests; differences in arrangements for core crew and contractors in both participation and cost recovery
28	Offences		-	-	-	N/A
29	Exercise of functions		-	-	-	N/A

Compliance key:

NF: No findings

V: Verbal advice

L: Letter

Appendix 2

Offshore inspection template

SI971 PROGRAMME

Offshore (Safety Representatives and Committees) Regulations 1989

Installation and Dutyholder	Date(s)	IMT and Inspector(s)

Key persons interviewed	Position

Inspection template sections

1 Safety representatives, constituencies and election process etc

2 Functions and powers of safety representatives

3 Safety committees

4 Duties of installation operators, owners and employers

5 Time off and training

1 Safety representatives, constituencies and election process etc

Objective

To establish that adequate arrangements are in place to elect safety representatives in line with the requirements in SI971.

Background

Regulations 4–15 lay out prescriptive requirements for the establishment of a regime for safety representatives, constituencies and the election process. This sets out the formal arrangements for workforce involvement offshore.

Evidence required

Documents providing information on the following:

- constituency system;
- constituency members;
- nominations and candidates; and
- ballots and results.

Discussion with OIM and safety representatives.

Relevant legislation

SI971 Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

Inspection notes	1 Safety representatives, constituencies and election process etc
<p>To be:</p> <ul style="list-style-type: none"> ■ assessed for adequacy; and ■ verified for compliance (using the sample installation). 	
<p>1 Regulation 4 – Election of safety representatives Are there elected safety representatives (SRs)? Who are they?</p>	
<p>2 Regulation 5 – Constituencies</p> <ul style="list-style-type: none"> ■ Have constituencies been established and how are they defined, eg by area/activity/employer/other? ■ Is there a minimum of two constituencies? Are there not more than 40 and not fewer than three persons in each constituency? ■ Are constituencies posted in a suitable place on the installation? ■ If not, is an alternative, suitable and effective measure in place? 	
<p>3 Regulation 6 – Members of constituencies</p> <ul style="list-style-type: none"> ■ Is every member of the workforce assigned to a constituency? ■ Are new members assigned to a constituency and informed in writing? (Not required if stay is <48 hours.) ■ Is the SR informed in writing of new members of the constituency? If not, is an alternative, suitable and effective measure in place? ■ If not, is an alternative, suitable and effective measure in place? 	
<p>4 Regulations 7 / 8 / 9 / 10 – Elections / nominations / candidates / list of candidates</p> <ul style="list-style-type: none"> ■ Are elections held, eg for new constituencies, when SR in post for >2 years or when SR resigns or leaves platform for >12 weeks? ■ Are notices posted inviting nominations for SR candidates? ■ Is it confirmed that candidates nominated are willing to stand and seconded? ■ Are candidates given reasonable facilities to promote their election campaign? ■ Is a list of duly nominated candidates or the existence of a vacancy displayed? ■ If not, is an alternative, suitable and effective measure in place? 	

<p>5 Regulations 11 / 12 – Secret ballot / results</p> <ul style="list-style-type: none"> ■ If more than one candidate is nominated is a secret ballot conducted? ■ Are results posted in a suitable location within one week of the election? ■ Is the successful candidate notified in writing of his / her election and the constituency s/he represents?
<p>6 Regulations 13 / 14 / 15 – No candidate / cessation of representation / single employer constituencies</p> <ul style="list-style-type: none"> ■ Where no candidate is identified is a list of constituency members posted and updated monthly? ■ Are constituents aware they can be nominated and an election be held? ■ Do SRs remain in office for two years or until resignation, termination of employment or absence for >12 weeks? ■ Where SRs represent constituents from a single employer they may move installations without re-election. Has this happened?
<p>Additional comments, including examples of good practice</p>

Serious non-compliance	Significant non-compliance	General non-compliance	Partial compliance	General compliance	General compliance	Not inspected
Court proceedings recommended	Enforcement Notice served	Letter and changes made to intervention plan and/or EN considered but not served	Letter	Verbal advice	No findings	
Action taken						

2 Functions and powers of safety representatives

Objective

To establish whether safety representatives are aware of their functions and their powers and whether they choose to use them.

Background

Regulations 16–18A lay out details of the functions and powers bestowed upon safety representatives. These are not duties, but should give safety representatives sufficient guidance and standing to enable them to be effective.

Evidence required

Discussion with safety representatives.

Relevant legislation

SI971 Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

Inspection notes	2 Functions and powers of safety representatives
<p>To be:</p> <ul style="list-style-type: none"> ■ assessed for adequacy; and ■ verified for compliance (using the sample installation). 	
<p>1 Regulation 16 – Functions of safety representatives</p> <p>The scope of the SR's function is defined and detailed below:</p> <ul style="list-style-type: none"> ■ To investigate potential hazards and dangerous occurrences and examine causes of accidents where the interests of the workforce might be involved. ■ To investigate complaints. ■ To make representation to the OIM in relation to the above. ■ To attend safety committee meetings. ■ To represent constituency members in consultations with HM Inspectors of Health and Safety. ■ To consult members of his / her constituency. <p>How are these functions carried out in practice and to what extent? What evidence is available to confirm this?</p>	
<p>2 Regulation 17 – Powers of safety representatives</p> <p>The SRs have the powers:</p> <ul style="list-style-type: none"> ■ to inspect any part of the installation or equipment; ■ where there is an imminent risk of serious personal injury, to make representation to the dutyholder, who shall prepare a report for the HM Inspector of Health and Safety. In addition, the SR may also choose to alert the inspector by the fastest practical means; and ■ to receive information from the HM Inspector of Health and Safety. <p>Have the SRs used these powers and to what extent? What evidence is available to confirm this?</p>	

3 Regulation 18 / 18A – Documents

- Do SRs have access to all documents relating to the occupational health and safety of the workforce, with the exception of personal health records? What have they looked at?
- Have SRs been supplied with a written summary of the main features of the safety case?
- Do SRs have access to the safety case and are they supplied with revisions?

Additional comments, including examples of good practice

Serious non-compliance	Significant non-compliance	General non-compliance	Partial compliance	General compliance	General compliance	Not inspected
Court proceedings recommended	Enforcement Notice served	Letter and changes made to intervention plan and/or EN considered but not served	Letter	Verbal advice	No findings	

Action taken

3 Safety committees

Objective

To establish whether safety committees exist and meetings are held in line with the requirements of SI971 and to determine the scope covered by the meetings.

Background

Regulations 19–22 lay out requirements for the establishment of a safety committee, its format and function.

Evidence required

Documents providing information on the following:

- Timetable for past and future meetings
- Agendas
- Minutes

Discussion with OIM (Chair), safety representatives and other committee members.
Discussion with offshore workforce.

Relevant legislation

SI971 Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

Inspection notes	3 Safety committees
<p>To be:</p> <ul style="list-style-type: none"> ■ assessed for adequacy; and ■ verified for compliance (using the sample installation). 	
<p>1 Regulations 19 / 20 – Safety committees: establishment / membership</p> <ul style="list-style-type: none"> ■ Has a safety committee been established? ■ What is the membership of the committee: OIM (chair), another DH appointee, safety representatives? ■ Are there any co-opted members? Have these been agreed unanimously? 	
<p>2 Regulation 21 – Safety committees: meetings</p> <ul style="list-style-type: none"> ■ How often are meetings held (minimum three-monthly)? ■ Does the planning of the meetings enable maximum attendance? ■ Are all SRs viewed equally, eg staff / contractors? ■ Do SRs send deputies if they cannot attend? ■ Are meetings postponed if there is not a quorum? 	
<p>3 Regulation 21 continued – Safety committee meetings: format and agenda</p> <p>Do the meeting agendas / minutes show evidence of covering the following as a minimum?</p> <ul style="list-style-type: none"> ■ Feedback from onshore regarding previous committee meeting? ■ Incidents since previous meeting? ■ Incidents or hazards to health on other installations operated by the same DH? ■ Any major changes in equipment or operating methods? ■ Anything else that could affect the health and safety of the people working on the installation? 	

4 Regulation 22 – Safety committees: functions

Are the safety committee members aware of the meeting functions as defined in the Regulations?

To keep under review:

- Measures taken to ensure health and safety of the workforce.
- The system of constituencies to ensure adequate representation.
- Training arrangements for the safety representatives.
- Frequency of the meetings.

To consider:

- Representations from any committee member on any matter concerning workforce health and safety.
- Causes of accidents, dangerous occurrences and occupational ill health.
- Documents relating to workforce occupational health and safety.

To prepare and maintain a record of business.

The committee shall also seek to advance co-operation between all parties on the installation.

Additional comments, including examples of good practice

Serious non-compliance	Significant non-compliance	General non-compliance	Partial compliance	General compliance	General compliance	Not inspected
Court proceedings recommended	Enforcement Notice served	Letter and changes made to intervention plan and/or EN considered but not served	Letter	Verbal advice	No findings	
Action taken						

4 Duties of installation operators, owners and employers

Objective

To establish whether operators, owners and employers are making the necessary provisions required under the Regulations to enable the safety representatives to be effective.

Background:

Regulations 23–25 lay out the duties imposed upon operators, owners and employers in relation to the provision of facilities, consultation, availability of information and documents for safety representatives.

Evidence required

Discussion with safety representatives and OIM.

Relevant legislation

SI971 Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

Inspection notes	4 Duties of installation operators, owners and employers
<p>To be:</p> <ul style="list-style-type: none"> ■ assessed for adequacy; and ■ verified for compliance (using the sample installation). 	
<p>1 Regulation 23 – Duties of installation operators, owners and employers: facilities Does the dutyholder provide adequate facilities, necessary accommodation, facilities for communication and office equipment?</p>	
<p>2 Regulation 23 continued – Duties of installation operators etc: consultation Does the dutyholder consult SRs about maintaining, promoting and developing health and safety arrangements?</p>	
<p>3 Regulation 23 continued – Duties of installation operators etc: safety case Does the dutyholder consult the SRs with regard to preparation, review or changes to the Safety Case?</p>	
<p>4 Regulation 24 – Information Does the dutyholder make available information about occupational health and safety, eg:</p> <ul style="list-style-type: none"> ■ Plans and performance of activities on the installation? ■ Information relating to installations connected to the installation? ■ Results of measures taken to check effectiveness of health and safety arrangements? ■ Information about hazards to health and safety and precautions? ■ Incidents and statistical records? 	

5 Regulation 25 – Documents

- Does the dutyholder make safety case documents and the facilities necessary to view them available?
- Is there a copy of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 on board the installation?

Additional comments, including examples of good practice

Serious non-compliance	Significant non-compliance	General non-compliance	Partial compliance	General compliance	General compliance	Not inspected
Court proceedings recommended	Enforcement Notice served	Letter and changes made to intervention plan and/or EN considered but not served	Letter	Verbal advice	No findings	

Action taken

5 Time off and training

Objective

To establish the level of time off and training given to safety representatives and how this complies with the requirements of the Regulations.

Background

Regulations 26 and 27 lay out the requirements for time off and training for safety representatives.

Evidence required

Documentation providing information on:

- training courses provided and relevant content; and
- training records for each safety representative.

Discussion with safety representatives and OIM.

Relevant legislation:

SI971 Offshore Installations (Safety Representatives and Safety Committees)
Regulations 1989

Inspection notes	5 Time off and training
<p>To be:</p> <ul style="list-style-type: none"> ■ assessed for adequacy; and ■ verified for compliance (using the sample installation). 	
<p>1 Regulation 26 – Time off: for functional activity</p> <ul style="list-style-type: none"> ■ Does the dutyholder permit the SRs time off without loss of pay during working hours to allow them to carry out their functions? ■ Are the provisions for SRs employed by contractors different to those employed by the dutyholder? 	
<p>2 Regulation 26 continued – Time off: for training</p> <ul style="list-style-type: none"> ■ Do SRs undertake training in their own time (ie during shore leave)? If so, do they get paid for this time for training? ■ Are the provisions for SRs employed by contractors different to those employed by the dutyholder? 	
<p>3 Regulation 27 – Training provision</p> <ul style="list-style-type: none"> ■ What training is provided for the SRs? ■ Have other training needs been identified by the SRs? ■ What was the dutyholder’s response? ■ Are the provisions for SRs employed by contractors different to those employed by the dutyholder? 	
<p>4 Regulation 27 – Training costs</p> <ul style="list-style-type: none"> ■ Does the dutyholder promptly meet the costs associated with training? ■ Does the dutyholder promptly meet the costs associated with travel and subsistence? ■ Are the provisions for SRs employed by contractors different to those employed by the dutyholder? ■ Have any problems been identified? 	

Additional comments, including examples of good practice

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Serious non-compliance	Significant non-compliance	General non-compliance	Partial compliance	General compliance	General compliance	Not inspected
Court proceedings recommended	Enforcement Notice served	Letter and changes made to intervention plan and/or EN considered but not served	Letter	Verbal advice	No findings	

Action taken

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