



GMB Safety Representatives Handbook



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1. INTRODUCTION

Congratulations and thank you for becoming a GMB Safety Representative.

In taking up this role, you join the many thousands of GMB Safety Representatives who work to save lives and improve the health and safety standards of people at work.

Health and safety is crucially important to GMB. It's one of the reasons the union was formed.

Speaking to our founding meeting at Beckton, London on 31st March 1889, Will Thorne made clear why the union was needed: *"I pledge my word that if we stand tall and don't waver, within six months we will claim the eight-hour day, the six-day week and the abolition of the slave-driving working conditions!"*

Thorne and the early NUGW achieved those goals and more than 125 years later the gas industry has been transformed.

Those issues – long hours, poor work, insecurity – haven't gone away; they have been driven out of unionised workplaces but found a home in the gig economy.

So the role of the Safety Representative is perhaps the most important of all union representatives.

Whilst other reps negotiate pay and conditions, only the Safety Representative can be held responsible for saving the lives of colleagues and helping to reduce accidents and ill-health in the workplace.

Most work related accidents and ill health can be prevented. You have a major role to play in ensuring that employers do their duty on behalf of your members.

One of the best feelings for a union rep is to know that their actions have prevented a likely accident or improved working conditions of members, so as to remove or reduce the risk of injury or illness.

Members recognise this and, in surveys, state that health and safety is their top priority which they want their union to take up on their behalf. This handbook has been written to identify the key issues that safety reps face, so that they are not ignored and that risks to members and workmates are removed and reduced.

Successful safety reps are part of a successful union – it is part of your role to continuously help the members to recognise that link.

I'm proud of the work that our Safety Representatives do and I'm proud of the step you have taken. You're on a path that started for our union back in 1889 and your actions, your contribution and your inspiration will help to keep our members safe and healthy – for the next 125 years and beyond.

So thanks again from me and from all GMB members.



Barbara Plant
GMB PRESIDENT

2. THE GMB APPROACH TO HEALTH, SAFETY AND WELFARE

As a GMB Safety Rep your aim will be to negotiate and assist your employer to achieve the lowest possible level of accidents and ill health. The GMB aims to have best practice prevention standards applying wherever are members work. The GMB's approach is based upon tried and tested methods of prevention. That means that Safety Reps are encouraged to follow a systematic approach involving three basic steps, under the acronym **IPP: Identify, Prevent, Protect**

Step 1: Identify the hazard – hazards come in many forms and may need regular discussion with members, inspection, observation, testing or measurement to spot the potential hazard. This may involve looking at accident statistics over longer time periods; surveying the members or collecting records of deaths from current and previous employees.

- Physical Hazards: such as unsafe machinery and processes – electricity, fire or explosions; temperature; wet conditions; poor air quality; fumes; chemicals; exposure to noise, vibration, radiation or high pressure;
- Work Environment: Stress; boredom; lack of control; harassment threats of violence; arduous or repetitive work patterns or long hours;
- Ergonomic Hazards: does the job force people to work in awkward postures or is the design of work equipment unsuitable? Is there poor work variety and repetition?

Step 2: Prevent – always think about the root cause of the accident or the source of the hazard. Safety Reps should argue first and foremost to:

- eliminate the risk altogether by using alternative methods or an entirely different approach or design – for example raw materials in the form of powders could be substituted by pellets, eliminating the problem of dust inhalation. Or if there are complaints of sore wrists and backache from members doing word processing, investigate the quality and standards of equipment being used. If elimination is not possible (e.g. by substituting improved equipment and layout), consider means to:
- control the risks so that the levels of prevention are the best achievable. For example if noise from grinding is affecting workers it may be possible isolate the job by location in a shielded area. If welding fumes are causing problems use ventilation systems to exhaust the fumes to the outside of the workplace. Or introduce new lock-off systems to ensure people are not exposed to the dangerous machinery during maintenance.

Step 3. Protect – Personal Protective Equipment may be justified if elimination or controls are not possible or achievable, or do not entirely remove the risk, **but this is always the least effective form of protection** and should be used as a last resort – not the first. This approach has been underlined by UK legislation since 1999.

Welfare and Health

For over a century UK health and safety legislation has contained laws setting standards for welfare – for example the provision of clean toilets and drinking water in workplaces, the cleaning of floors, the provision of somewhere to hang clothes. Welfare concerns are directly spelt out in the title and various sections of the Health and Safety at Work Act 1974 and a major part of the Management (of Health, Safety and Welfare) Regulations 1999.

However many aspects of welfare (e.g. the provision of canteens) are not covered by precise laws and therefore Safety Reps have to concern themselves with the negotiation of decent welfare conditions as much as safe working conditions. Achieving improvements in welfare is a clear and direct way of demonstrating the relevance of the union to many (potential) members.

3. THE ROLE OF THE **GMB** SAFETY REPRESENTATIVE

As a GMB Safety Representative, you can play a huge role in transforming health and safety in your workplace for the better. Safety representatives are key in communicating health and safety issues to the employer, raising concerns, negotiating improvements and developing joint solutions to problems along with managers.

While the title of the role is 'Safety Representative', it is important to remember that you will be concerned with the health of members, as well as their safety. Safety Representative is the legal title under the Regulations, but the day-to-day reality is a much about risks to health as safety.



The five key responsibilities for a Safety Rep:

1. **Helping to protect your work colleagues.**
2. **Organising in your workplace around health and safety issues.**
3. **Negotiating workplace improvements.**
4. **Investigating incidents and making sure lessons are learned.**
5. **Being involved in the management of health and safety**

As a representative, you will have a number of important functions within the workplace. These include:

- Inspection of the workplace every three months (as a minimum); or when there has been a change in the workplace.
- Investigation of GMB members' complaints.
- Investigation of potential hazards and accidents.
- Ensuring that your employer consults the workforce on health and safety issues in good time.
- Consulting with GMB members and keeping them informed on health and safety issues.
- Giving relevant safety information to the members, either individually or on GMB notice boards.
- Ensuring, by negotiation if necessary, that you have sufficient time and facilities to carry out your functions as a safety rep.
- If necessary, working with another safety rep to establish an effective safety committee.

Your role is, first and foremost, to represent the membership on issues affecting their health and safety. Your task is not to become a health and safety expert, nor to become a health and safety supervisor or the eyes and ears of your manager. Your task is to inform and guide your members and to influence the management to improve standards.

As a Safety Rep you are an elected volunteer. As such, you are not liable under law for any decision you may or may not take. However as an employee you are required to not put others at risk by your actions and behaviour. The key point is that you have no additional duties other than those that every employee has.

Getting the Basics Right

To represent GMB members, and to demonstrate to potential GMB members what can be achieved in the workplace, GMB safety reps should also:

- Know who you represent –who your members are and where they are in the workplace.
- Be aware of the health & safety problems in your workplace, by talking to your members, especially when inspecting the workplace.

- Know your agreements and procedures. This will help in taking time away from your job and raising health and safety grievances
- Know where you can get extra information on problems. For this you might have to contact your senior rep, Regional Organiser or Regional Health and Safety Officer (RHSO) for advice and assistance.
- Try to make arrangements to attend GMB or TUC Safety Representative training as soon as possible. Even if you have existing health and safety knowledge, formal training will help you to develop skills in communication, negotiation and influencing.
- Know your limitations. Use other peoples' knowledge and experience, as no single individual has all the answers.

Five things to do in your early days as a Safety Rep:

- 1. When elected, or appointed, as a GMB safety rep make sure your Regional Organiser notifies your employer. Keep a copy of the notification letter.**
- 2. Put health and safety on the branch meeting agenda.**
- 3. Attend safety committee meetings or arrange for a substitute if attendance is not always possible.**
- 4. Where possible, use GMB material to keep a record of inspections or hazards you raise you're your employer.**
- 5. Use the agreed industrial grievance procedures when advancing health and safety problems with your employer.**



4. ORGANISING AROUND HEALTH AND SAFETY

GMB members cannot rely on health and safety law, the HSE or EHO's alone to keep safe and healthy at work. The best and most effective way for a GMB member to enjoy good health and safety conditions is to belong to a union that represents most people where they work; that is active and campaigning; that consults its members and has well trained and supported Safety Reps who are accountable to the members not management.

Such strong GMB organisation does not happen overnight and each person at work has to be asked to join by members they work with to help the union build. The effectiveness of the union on improving health and safety depends on its strength in the workplace. As a Safety Rep you have a crucial role in ensuring that other workers join GMB as well as ensuring that existing members retain their membership. It is recognised that a unionised workforce is likely to face fewer risks to its health and safety. This is because GMB Safety Reps like you help resolve health and safety problems before anyone is hurt, and consistently drive for workplace improvements.

This means you must:

- Make sure the GMB controls the health and safety agenda and sets the priorities where you work, rather than management.
- Consult with your members via surveys, workplace newsletters and meetings to find out what the GMB priorities are.
- Publicise the GMB health and safety agenda where you work on noticeboards and in your workplace newsletter with the help of other GMB representatives.
- Make sure you keep all members and potential members informed of each meeting with management and on progress towards your priorities.
- Every chance you get, give a potential member a membership form and ask them to join to help us make the workplace safer.

Why Recruit and Organise?

While the law provides minimum standards of health and safety and can be used when things go wrong, GMB wants the best preventative standards. To do this, the more people that are in GMB at your workplace, the more support you will have for negotiating best practice standards. The more members that are recruited in a workplace, then the more pressure that exists for change. Without broad based support, minimum standards are likely to apply.

The more people that are in GMB, the greater the number of people whose experience you can call upon. The people who know the most about the risks of a work activity are those who are actually doing the job. The value of the Safety Reps position is to fill the 'reality gap' that often exists between procedures written on paper and what happens in practice. The more you can find out about how work is actually done in a workplace, the more successful you will be in ensuring management action is effective.

Five good reasons to organise around health and safety

1. The arguments can be won, and the impact will be obvious to members and non-members. It's a great way to demonstrate what GMB can do in the workplace.
2. The issues affect everyone. Workers care about health and safety: no-one wants to be injured by work or see their colleagues hurt.
3. The issues are easy to understand. Workers see health and safety issues every day – these are not matters that are only understood by experts.
4. The issues can give workers a sense of their power. Workers can become actively involved and bring results for themselves.
5. It sends a message to the employer. Workers defining their own health and safety agenda through GMB show that the union is to be respected and negotiated with, not ignored.

Using Your Rights

- **Demonstrate the GMB's Relevance:** By acting effectively as a safety rep, you can demonstrate to non-GMB workers how membership of GMB can help protect workers. By conducting workplace inspections and handing out GMB guidance on health and safety issues the intervention of the GMB on behalf of the members can be easily demonstrated. Safety reps should always ensure that they have access to union recruitment leaflets, particularly when inspecting the workplace.
- **Use Private Discussions:** By discussing problems with your members, in private, they can speak freely, and you can ensure that you are bringing their genuine problems to the attention of management.
- **Use the Safety Committee:** The representation of GMB members on individual or collective health and safety issues will also help to raise the profile of the GMB. The involvement of GMB safety reps on the Safety Committee demonstrates that management have to have a dialogue with workforce representatives.



Issue-based recruitment:

A great way to recruit members is to solve their problems. GMB has developed a range of guidance that identifies the key health and safety issues in many industries and jobs. These can help you convince non-members of the value of joining GMB—it really could help save their lives! Most people do not appreciate the hazards that might arise out of their work. Employers often do not identify all the relevant points or give employees sufficient training or information about the hazards they face. This is often because those assessing risks and making decisions have no experiences of the jobs that they are considering. By using information from GMB, you can develop your own materials on the hazards that people face at your workplace.

Using health and safety to underpin organising:

GMB organises campaigns and initiatives nationally. Work often requires you drawing attention to the issues. If posters are issued, these should be put on GMB or health and safety notice boards. Such posters may have space in which to put a Safety Rep's name. You should ensure that your name is put in when it affects your area.

Leaflets or booklets often form part of a campaign and you should ensure that you read any such material. These are usually available to download from the GMB Website, your Regional Website, or the GMB Active website. If it applies to your workplace, it should be raised with your manager. However, where such campaigns are raised, you should work with all the other GMB Reps in your workplace to ensure that your employer receives a consistent approach from all the Reps.

Increasingly, social media is being used to share key messages and campaigns. Make sure you keep in touch with your Branch, Region and National Office on Facebook, Twitter and Instagram.

You and other GMB Reps can organise your own campaigns about key issues that affect your members. Indeed GMB has been very effective in joint initiatives where the employers and the union agree the action to be taken on an issue, then applying it in practice.

Convincing the sceptical employer

It's not only members and fellow workers that benefit from the actions of Safety Reps. Employers and wider society enjoys their positive impact as well. HSE estimate that the presence and actions of safety reps reduce the days lost to occupational injuries and illnesses by between 286,000 and 616,000, saving between £181 and £578 million per year.

These positive benefits have been known by unions for decades. In 2000, the government recognised them in its own case for 'Revitalising Health and Safety':

'Workplaces with trade union safety representatives and joint health and safety committees have significantly better accident records – over 50% fewer injuries – than those with no consultation mechanism'

This means that since their introduction, Safety Reps have saved thousands of lives and prevented more than a million serious injuries. If your employer queries the value of safety representation, you can point out that safety reps save them money and improve their business – and you can use the figures above as evidence.



Key messages for effective organising:

- **Unionised workplaces are safer than non unionised workplaces with 50% less accidents.**
- **Safety reps can raise issues that might be difficult for individuals to raise themselves.**
- **The GMB has access to knowledge and information which is not readily available to individuals.**
- **The GMB campaigns on government proposals and can help shape legislation and influence guidance.**
- **Using a trained safety rep to represent you on health and safety issues increases the chance of success.**
- **In the event of an accident or major illness then the GMB can represent your legal claim against the employer through UnionLine.**

5. YOUR RIGHTS AS A SAFETY REPRESENTATIVE

Safety Representatives have the most powerful and wide- ranging set of legal rights of any trade union representative in the workplace.

Most of these rights are laid out in the Safety Representatives and Safety Committees Regulations 1977 (SRSC Regs). These Regulations are known as the 'Brown Book' (*the Regulations were originally published by the Stationary Office in a document with a brown cover!*) and contain not only your rights in the form of Regulations, but also an Approved Code of Practice which set standards and Guidance Notes which provide interpretation. Your GMB Safety Reps Kit contains an A4 version of all three parts of the Regulations produced by the TUC.

*Safety Representatives in **Northern Ireland** gain their rights via the Northern Ireland Regulations on Safety Representatives and Safety Committees (SR 1979 No. 437) – as amended by the Management of Health and Safety at Work Regulations Northern Ireland 2000.*

For further advice on trade union policy and training matters in Northern Ireland contact the Regional Health and Safety Officers of the North West and Irish Region.

It is important for Safety Reps become familiar with the provisions made in the Regulations, Code of Practice and Guidance Notes as soon as possible after appointment. It is your passport to success as a Safety Representative.

Do I have the right to 'stop the job' as a Safety Representative?

There is no specific right in the SRSC Regulations permitting you to 'stop the job'. However, every worker can refuse to continue work if they deem that the activity poses a 'serious and imminent danger'. This right is enshrined in Section 44 of the Employment Rights Act 1996, which states that, in such circumstances, an employee can remove themselves from that danger. They will then be legally protected from suffering any 'detriment' (i.e. disciplinary action or dismissal) for their actions.

Stopping the job is not a decision that can ever be taken lightly. It is highly unlikely that an employer will agree that a workplace hazard presents a serious and imminent danger, and industrial relations may be negatively affected as a result.

This is not to say that Reps should never take such decisions – the safety of members is the most important consideration – but that whenever possible, you should discuss the issue with an RHSO or other full-time official before any decision is made. You may also need to contact the Health and Safety Executive or Local Authority Environmental Health department, as the law may have been broken, and enforcement action might be required.



Know Your Rights: Your legal entitlements under the Safety Representatives and Safety Committees Regulations are:

1. To be consulted

Your employer must consult with you on any matter that might affect the health and safety of your members, as well as:

- The introduction of any measure in the workplace that may substantially affect the health and safety of your members (SRSC Regulation 4A (a)).
- The arrangements for nominating or appointing a 'competent person' to carry out risk assessments (for more information on the 'competent person' see the section on risk assessment) (SRSC Regulation 4A (b)).
- Any health and safety information that your employer is required to provide the workforce with (SRSC Regulation 4A (c)).
- The planning and organisation of any health and safety training that your employer is required to carry out (SRSC Regulation 4A (d)).
- The health and safety consequences of the introduction of any new machinery or technology into the workplace (SRSC Regulation 4A (e)).

2. To inspect and investigate the workplace

As a Safety Rep you have the right to inspect your workplace

- Every 3 months (SRSC Regulation 5(1)).
- After substantial changes in working conditions (SRSC Regulation 5(2)).
- After a notifiable accident, dangerous occurrence or disease (SRSC Regulation 6).
- After new information becomes available on a hazard in the workplace (SRSC Regulation 5).
- After receiving any document or information that you think is relevant to the health and safety of your members (SRSC Regulation 7).

To investigate: You have the legal right to carry out a safety investigation at any time (although you should inform your employer that you intend to do one and why). You can carry out an investigation for any safety - related reason, for example after an accident or if you receive a complaint from one of your members or when you or your members spot a 'potential hazard' (SRSC Regulation 4(1) (a)).

3. To take up issues with your employer

- You have the right to: Make representations to the employer on health and safety issues (SRSC Regulation 4).
- Report hazards to your employer. (SRSC Code of Practice 5 (c))
- Request the formation of a Safety Committee (SRSC Regulation 4 & 9).
- Have access to the employer without delay (SRSC Code of Practice 5 (c)).
- Investigate any safety concerns raised by members (SRSC Regulation 4(1) (b)).
- To meet privately with members during inspections and after an accident (SRSC Regulation 5(3) & 6(2)).
- To keep members up to date on safety issues and publicise inspection results (SRSC Guidance notes).

4. To request the setting up of a Safety Committee

- Any two Safety Reps may make a written request to set up a Safety Committee if one does not exist. (SRSC Regulation 9)

- The employer is duty bound to set this up within 3 months
- The guidance notes in the Regulations set out the minimum best practice for the setting up of a Safety Committee and its role. (see Chapter 8 for further advice on Safety Committees)

5. To receive information from your employer

You are entitled to see and to take copies of any document that relates to the health and safety of your members. This could include: plans, technical information accident reports, test or measurement results, information from manufacturers and information relating to any possible changes that might impact upon health and safety. (SRSC Code of Practice 5)

6. To meet and get information from health and safety inspectors

Represent your members in discussions with HSE Inspectors. This could include and Local Authority Environmental Health Officers (SRSC Regulation 4(1) (f) and (g)).

Receive information, including copies of any letter or enforcement notices from inspectors (Health and Safety at Work Act 1974 Sec.28)

7. To be trained

Trade Union Safety Reps have the legal right to paid time off to attend Trade Union Health and Safety Courses (SRSC Regulation 4 (SRSC 4 (2) (a)).

Trade union health and safety courses must meet standards set out in the Health and Safety Commission's Code of Practice on training linked to Regulation 4(2)(b). Training should be approved by the TUC and / or the trade union or others.

According to the Code of Practice management should get at least a few weeks notice of courses and reps should attend as soon as possible after appointment.

Number going on courses should be reasonable in the circumstances and further training may be needed.

8. To get time off with pay

Safety Reps have a legal right to time off with pay to carry out their functions (SRSC (2) (b)). This covers time off with pay to:

- Investigate potential hazards
- Carry out all types of inspections
- Consult with members HSE inspectors and the employer
- Go on training courses
- Attend safety committee meetings

The regulations do not specify the amount of time off but instead refer to the amount of time 'necessary' to carry out the functions/ This will depend on the type of hazards, the number of members the Safety Representative covers and the size of the areas covered. Do not agree to a specified number of hours for carrying out your role but try to stick to 'as is necessary'.

Argue each case on its merits. If there is a failure to agree use the normal grievance procedure to try and resolve the matter

9. To be provided with facilities and assistance

Your employer must grant you 'reasonable ' facilities to support the work of a Safety Rep. The employer must also offer facilities to carry out inspections in the workplace (including facilities for independent investigations and private discussions with members) (SRSC Regulations 4A(2) , 5(3) and 6(2)

10. To get time off to perform your 'functions'

You are legally entitled to be paid by the employer during the time you require to perform role as GMB Safety Rep or to receive training (SRSC Regulation 4(2))

11. To be protected from victimisation

Safety Representatives cannot be disadvantaged or victimised as a result of their role or as a result of carrying out their role (SRSC Regulation 4(1) and Employment Rights Act 1996)

Facilities:

Your employer is legally required to provide you with the facilities and assistance that you need to carry out your role. The type and extent of these facilities will need to be negotiated. At the very least you should have a union notice board so that people know who you are and how to contact you and to display union health and safety posters or leaflets. Other examples include:

- Access to and use of a private telephone line in order to call members who are off work following a workplace accident
- Access to a photocopier to copy health and safety related documents
- Access to computer to type up inspection reports
- A private room in order to see members who have concerns or complaints regarding health and safety
- The use of outside advisors such as the GMB's Regional Health and Safety Officers

Training:

Training is very important as it enables you to get a better understanding of the job of being a Safety Representative. You will learn what information is available to you and the most effective ways of helping your members. After training, you will be better able to deal with workplace hazards, health and safety grievances and your management. Only trade union courses can provide the skills and information Safety Representatives need, based on the trade union approach to health and safety. For GMB Safety Representatives, employers' courses are in addition to GMB courses, not an alternative. Only trade union training can ensure that you are fully equipped to carry out your duties effectively.

6. AN INTRODUCTION TO HEALTH AND SAFETY LAW

The conduct of employers and workers on health and safety matters within the workplace are governed by health and safety laws and regulations. These define exactly what both employers and workers must do, and in many cases, how certain actions should be done.

This section will provide some brief background on the legal framework for health and safety, and identify some of the key pieces of legislation that you will encounter as a Safety Representative. This section can only act as an introduction however; to develop a detailed understanding of the requirements of health and safety law it is strongly recommended that you attend GMB Safety Representative training.

Types of health and safety law

1. Criminal law

Criminal law concerns offences against society. It is enforced in the criminal courts by the state. The penalties for being convicted of breaking the criminal law are fines or imprisonment. Most laws on health and safety are part of the criminal law. Health and safety law is enforced by Inspectors from the Health and Safety Executive and Local Authority Environmental Health Departments.

2. Civil law

Civil law covers disputes between individuals. It is enforced by one individual suing another in a civil court or by individuals taking cases to an employment tribunal. Its main relevance for health and safety is when workers become ill or are injured by work, and seek compensation. The court can award compensation or order some action to be taken.



This chapter focuses on the duties placed on employers and others under criminal health and safety law. If you have questions regarding civil law, employment tribunals and compensation, you should consult your Regional Organiser who will be able to put you in contact with UnionLine.

How health and safety laws differ across Great Britain and Northern Ireland

The health and safety laws detailed in this section do not apply directly to **Northern Ireland**. However, parallel legislation is very similar to England, Wales and Scotland. In Northern Ireland all the major pieces of UK legislation are enacted via the Northern Ireland Executive in Regulations and Statutory Rules. The Health and Safety at Work Act is implemented via the Health and Safety at Work (Northern Ireland) Order 1978 and the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 established the Health and Safety Executive for Northern Ireland.

Health and safety law is the same across Great Britain but there is a major difference in how crime is prosecuted in Scotland. HSE inspectors report matters they have investigated and make recommendations on offences to the Crown Office and Procurator Fiscal Service (COPFS), who decide whether or not to institute criminal proceedings in the public interest. The Lord Advocate has established a specialist Health and Safety Division within the COPFS.

In addition, the European Union has been an increasing source of legislation on health and safety, through the implementation of European directives. These are intended to ensure that the standards of workplace health and safety are similar across Europe, and are the single largest source of new legislation on health and safety issues. This will change when Great Britain leaves the European Union, though at time of writing the Government has committed that all existing legislation derived from the EU will remain on the UK statute book once Britain has left.

How laws are made:

There is now a large body of legislation covering most places and processes of work. Health and safety law is created in two ways:

- By Parliament – in the form of Acts of Parliament (such as the Health and Safety at Work etc. Act 1974), which are known as primary legislation; and Regulations (for example, The Safety Representatives and Safety Committee Regulations 1977) which are secondary pieces of legislation.
- Through case law – in the form of judgements, plus the interpretation of statutes by judges.

Acts of Parliament are rarely encountered in health and safety law. The most important is the Health and Safety at Work Act 1974, which sets the framework for health and safety, and details the duties of employers, workers and others in ensuring that a workplace operates safely and healthily. Acts take considerable negotiation in both the House of Commons and House of Lords to become law. It is therefore more straightforward for new legal requirements to be created by enacting new regulations.

Regulations are secondary legislation. They are made to provide detail on how to enact certain parts of the primary legislation, and can be implemented more quickly as less parliamentary scrutiny is involved in passing a set of regulations. The Safety Representative and Safety Committees Regulations, for instance, provide the legal detail on how employers should consult with employees where unions are recognised. The original requirement to consult with employees can be found in the Health and Safety at Work Act.

Key pieces of legislation for safety representatives:

The Health and Safety at Work Act etc. 1974

Section 2

Section 2 places a general duty on **employers** to ensure the safety, health and welfare of their employees. To do this, employers must consult employees concerning arrangements for joint action on health and safety matters, and in certain circumstances, at the request of duly appointed or elected trade union health and safety representatives, to establish safety committees; and to prepare and publicise a statement of their health and safety policy and arrangements. The Act also makes provision regulations for the appointment of trade union health and safety representatives by recognised trade unions.

Section 2(2) of the Act goes into more detail on the general duty of employers, stating that the employer must as far as is reasonably practicable* provide

- safe plant, maintenance and systems of work – Section 2(2)(a)
- safe use; handling and transport of articles and substances – Section 2(2)(b)
- information, instruction, training and supervision – Section 2(2)(c)
- safe place of work and safe means of access to workplaces – Section 2(2)(d)
- safe working environment – Section 2(2)(d)
- adequate welfare facilities – Section 2(2)(d)

Section 3

Section 3 places a general duty on employers and the self-employed to ensure that their activities do not endanger anybody and, in certain circumstances, to provide information to the public about any potential hazards to health and safety.

Section 4

Section 4 places a duty on anybody responsible for places of work to ensure that premises themselves, as well as plant and machinery in them, do not endanger people using them.

Section 7

Section 7 places duties on employees to take reasonable care to ensure that they do not endanger themselves or anyone else who may be affected by their work activities; and to co-operate with the employer and others in meeting statutory requirements.

Section 9

Section 9 provides that no employer may charge his/her employees for anything done or equipment provided for health and safety purposes under a statutory requirement. This prohibits the employer from charging for essential items such as safety boots, hard hats and safety glasses.

Section 28(8)

Section 28(8) requires enforcing inspectors to supply certain information on health, safety and welfare matters to workers or their representatives.

Key Health and Safety Regulations:

The Management of Health and Safety at Work Regulations 1999 are perhaps the most important set of regulations for Safety Representatives to be aware of. These place many duties upon employers, including:

- to assess hazards and risks to all employees, with specific assessments needed with regard to young, vulnerable or pregnant workers; (see Chapter 7 for further information on risk assessment)
- to record the conclusions of those assessments;
- where risks are identified, to ensure that preventive measures are in place; that organisation for control is clearly communicated; that control measures are implemented; and that monitoring and review of these measures and the risk assessment takes place regularly.

Other important regulations include:

- The Workplace Health, Safety and Welfare Regulations 1992 (as amended) which cover areas such as ventilation, temperature, lighting, cleanliness, condition of floors, sanitary conveniences, and rest areas.
- The Health and Safety (Display Screen Equipment) Regulations 1992 (as amended) cover workstation assessment, workstation standards, periodic breaks, free eye tests, provision of information and training.
- The Manual Handling Operations Regulations 1992 (as amended) require the employer to eliminate manual handling wherever possible; and to reduce risk where manual handling is unavoidable by the implementation of the findings of a risk assessment.
- The Provision and Use of Work Equipment Regulations 1998 (as amended) deal with suitable and safe work equipment, maintenance, information, instruction and training.

- The Personal Protective Equipment at Work Regulations 1992 (as amended) requires the provision of personal protective equipment where risks cannot be adequately controlled by other means.
- The Control of Substances Hazardous to Health Regulations 2002 (as amended) requires risk assessment and the prevention or control of exposure to hazardous substances.
- The Control of Asbestos at Work Regulations 2012 requires 'dutyholders' to safely manage and control any asbestos present at work so that no-one can be exposed to fibres.
- The Electricity at Work Regulations 1989 require the construction and maintenance of electrical systems so as to prevent danger.
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) require certain accidents, injuries and incidents to be reported to the HSE.

Most regulations are goal-setting, rather than prescriptive. This means they require the employer to perform an action (usually to reduce a risk to the lowest level that is practically possible, known as 'reasonable practicability'), but do not specify how this must be done. This gives the employer a degree of flexibility in complying with the law.



Reasonable Practicability

One of the key legal phrases in health and safety law is 'as low as is reasonably practicable'. This means that the employer must do everything that they can, given the limitations of existing technology and the impact on their business of eliminating the risk, to reduce risk to the lowest level possible.

To give an example:

The Wimbledon Brick Making Company runs a factory with a low, load-bearing beam in its centre. The beam is less than 6ft from floor level, and poses a risk as it could cause a head injury to anyone who walked into it. To completely eliminate the risk, the company would either have to stop using the factory, or remove the beam, which would cause the building to collapse. This would not be a reasonably practicable solution, as the benefit (the removal of the risk) does not outweigh the cost of elimination (the factory would no longer exist.)

A reasonably practicable solution in this case would involve covering the beam in protective material; issuing hard hats or other head protection to staff, and posting clear hazard signs in the areas where the hazard exists.

How you can use health and safety law effectively

The law can be helpful to safety representatives in the following ways:

- It can help build membership support. If the members see a clear legal standard it may encourage them to back the union case
- It may help you put pressure on your employer get things done, particularly if you believe the law has been broken. As a rep, you may often have a better understanding of the legal requirements than your local management.
- The bad publicity attached to penalties awarded against employers may encourage other employers to act
- The legal standards exist to provide good conditions when they are implemented

However, you should exercise caution when citing the law as:

- the law sets only minimum standards
- the law is not always prescriptive – it can be vague
- some parts of the law emphasise ‘the safe worker’ rather than ‘the safe workplace’
- there are not enough health and safety inspectors to enforce the law effectively
- few cases go to court and, even when they do, penalties are extremely low

7. RISK ASSESSMENT

Risk assessment now sits at the heart of workplace health and safety. Most parts of health and safety law require the employer to assess the risks to the workforce before they take action on an issue, and it is usually the risk assessment that determines what action is required. It's therefore vital for Safety Reps to understand how the risk assessment process works, what its limitations are, and the advantages that can be gained by involving the workforce in the assessment of risk.

What is risk assessment?

A risk assessment is a crucial element of worker protection. It helps the employer to focus on the key risks in your workplace – the ones with the potential to cause significant harm. A risk assessment is simply a careful examination of what, in the work activity, could cause harm to people. This allows the employer to weigh up whether they have taken enough precautions or should do more to prevent harm. The workforce has the right to be protected from harm caused by a failure to take reasonable control measures, and your employer is legally required to assess the risks in the workplace and plan for control measures to be introduced.

How is risk assessed?

Risk assessment is not a complex process, unless you are working in high risk, technical industries. For most industries, there are five simple steps to assess risk. These are:

1. Identify the hazard

The first step in the risk assessment process is to work out how people could be harmed. A hazard is anything that can cause harm, and some common examples include:

- Physical hazards (e.g. poorly guarded machinery)
- Hazardous substances (e.g. chemicals, dusts, or fumes etc)
- The work environment (e.g. noise, poor ventilation, bad lighting, hot or cold workplaces)
- Psychological hazards (e.g. stress, long hours, shift work)
- Ergonomic Hazards (e.g. repetitive work, work that involves lifting etc)

It is easy to overlook some hazards, particularly those which are not visible, such as stress or exposure to fumes. Anyone who is performing a risk assessment should take the following steps in order to identify hazards:

- Inspect the workplace and look at what could reasonably be expected to cause harm.
- Ask employees and safety representatives what they think about both the hazards in the workplace, and how they can be controlled. Those actually doing a job daily will know much more about the risks than an occasional assessor, and they may have noticed things that are not immediately obvious to the person doing the assessment.
- Check the GMB and HSE websites for practical guidance on where hazards occur and how to control them, particularly where chemical or ergonomic risk is present.
- Check manufacturers' instructions or data sheets for chemicals and equipment. These can be very helpful in spelling out the hazards and putting them in their true perspective.
- Check accident and ill-health records to identify long-term trends and less obvious hazards.
- Consider long-term health hazards, such as noise or exposure to harmful substances, as well as safety hazards.

2. Decide who might be harmed, and how

Once the hazards have been identified, the next step is to identify who might be harmed. This will help identify the best way of managing the risk. It's not necessary to list people by name, rather to identify groups, such as engineers, typists or machinists.

In every case, the risk assessment should identify how they might be harmed – what type of injury or ill health might occur. For example, 'pickers and packers may suffer back injuries from repeated twisting and lifting of products'.

There are some groups that require particular consideration, and may need an additional assessment to be performed:

- Some workers have specific requirements. New or young workers, new or expectant mothers and people with disabilities may be at particular risk. Extra thought should therefore be given to some hazards, particularly chemical, ergonomic and environmental;
- Some workers may not be in the workplace all the time – cleaners, visitors, contractors, maintenance workers – and this may present additional risks. This is particularly important if the work performed by one group of workers – such as electrical, gas or lift repair work – could pose a risk to others.
- Staff who work night shifts will need extra consideration due to the extra stress of working at 'unnatural' times and additional precautions may need to be taken – such as additional rest breaks, additional lighting and avoidance of long shifts;
- The risk assessment should consider members of the public, if they could be hurt by workplace activities;
- If the workplace is shared, the assessment should consider the impact of workplace activities on staff from both organizations (their work activities could affect your members).

3. Examine the risk and assess whether existing precautions are adequate

After the hazards have been identified, and the groups at risk are known, the third step in the process is determining what action is necessary to reduce risk to the lowest level 'reasonably practicable'.

Any assessment should firstly look at what activities are happening, how the work is organized, and think about the controls that are in place. Then compare this with good practice and see if there's more that can be done to bring the situation up to standard. The assessment should follow a specific process in considering risk reduction, known as the 'hierarchy of control':

a) Elimination

Can the hazard be removed altogether? If the hazard is completely eliminated, it cannot cause harm. An example of elimination would be replacing manual handling with a mechanized lifting system. As the worker no longer has to carry the heavy load, the risk is eliminated.

b) Substitution

Many hazards cannot simply be removed, as they are central to the work activity. The next best option is therefore to try a less risky option. An example here would be to switch from using a hazardous chemical, such as a solvent based cleaner, to a less harmful alternative, such as a water-based product.

c) Barriers and access restriction

Where hazards cannot be eliminated nor substituted, the next method is to reduce access to the source of the hazard. This is usually done by introducing a barrier or mechanical aid. Examples include fitting guarding on moving parts of machines; using local exhaust ventilation to remove dust or fumes; and using lift equipment instead of ladders. The hazard still exists, but the likelihood of injury is reduced due to the presence of the barrier.

d) Protective equipment and facilities

This is the least effective method of reducing risk, and should only be used as a last resort, or to compliment other control measures. This requires the employer to issue personal protective equipment (e.g. clothing, footwear, safety glasses etc.) and provide welfare facilities (such as first aid equipment, and washing facilities for removal of contamination). The employer cannot charge employees for the cost of providing protective equipment – if you are made aware of this, contact your RHSO and HSE.

4. Record the findings and implement them

Putting the results of the risk assessment into practice can have a huge effect on health and safety standards. Recording the results of the risk assessment, and sharing them with Safety Reps and the wider workforce, encourages your employer to do this.

Under health and safety law, the risk assessment must be 'suitable and sufficient'. This requires the employer to be able to show that:

- a proper check was made;
- they asked who might be affected;
- they dealt with all the significant hazards, taking into account the number of people who could be involved;
- the precautions are reasonable, and the remaining risk is low; and
- Staff and safety representatives were involved in the risk assessment process.

The risk assessment should form the basis of an action plan to tackle with the most serious issues first. A good plan will not only consider immediate priorities, but will also contain:

- long-term solutions to the risks most likely to cause accidents or ill health;
- long-term solutions to the risks with the most severe potential consequences;
- the training arrangements for workers on the control of the risks that remain;
- regular checks to make sure that control measures stay in place; and
- clear responsibilities – who will lead on what action, and by when.

5. Review the risk assessment

Over time, your workplace will change and the risk assessment will lose relevance. Changes in processes, technology and personnel will lead to different hazards that require new controls. HSE recommends therefore that risk assessments are reviewed on an ongoing basis, with a formal review every year to identify areas of improvement and concern.

The risk assessment should be updated in light of any significant change; to reflect improvements still need to be made; when workers identify an issue and following an incident or near miss. The risk assessment is not a paper exercise intended to sit on a shelf and cover management from being prosecuted – it should be a dynamic document that is reviewed and updated whenever necessary.

What is the role for workers in the risk assessment process?

A key element of determining risk is to involve staff. This will help the employer to implement solutions that will work in practice, with the support of the workforce. Importantly, it gives the workers and you as a Safety Rep the opportunity to check that what is planned won't introduce any new hazards into the workplace.

This idea is central to the official guidance on risk assessment. Guidance from HSE states:

'The risk assessment process needs to be practical and take account of employees and their safety representatives who will have practical knowledge to contribute.'

'(Organisation) includes: involving employees and their representatives in carrying out risk assessments, deciding on preventive and protective measures and implementing those requirements in the workplace.'

Your employer should therefore ensure that workers are fully involved and consulted during the assessment of workplace risks, but should not delegate the responsibility to workers on the shopfloor. Risk assessment remains a management responsibility that workers participate in rather than lead.

Should I carry out risk assessments for my employer?

It is not unusual for GMB Safety Reps to be asked by their employers to perform risk assessments. This is usually because the expertise and training of the rep is beyond that of the management. Often, the GMB safety representative will have more health and safety experience and knowledge than the management they are dealing with.

Whilst GMB strongly encourages Safety Reps to involve themselves in the risk assessment process, we do not recommend that Safety Reps perform the risk assessment themselves. The law is clear that risk assessment is a management responsibility. There is potential for liability and conflict of interest if safety reps perform the risk assessment on managements' behalf.

The exception to this is where you may be asked to become a nominated 'competent person' by your employer. Many employers will appoint a 'competent person' to carry out their risk assessments, as they lack the practical experience and training to perform the assessment themselves. According to the law a competent person should be someone with practical and theoretical experience of working within the environment to be assessed. They may hold a recognised health and safety qualification or be a member of a professional body.

If you are asked at any point to be appointed as a 'competent person', you should consider the following:

- The duties of the competent person are carried out on behalf of the employer and not GMB. Safety Reps have a totally different role in the risk assessment process, and if you are nominated as a competent person you are not acting in your capacity as a Safety Representative.
- A competent person has particular responsibilities and obligations under the law. GMB Safety Reps are exempt from any liability other than that of any employee – you will not be if you are acting as 'competent person'.
- Competent persons should be fully trained to carry out their duties;
- If you are acting as competent person, another GMB safety representative must be involved in the risk assessment process to represent members. **You cannot perform the risk assessment and represent members – this is a clear conflict of interest.**
- If an employee is allocated health and safety duties as a competent person they should receive appropriate payment in view of the increased responsibility

- If you are asked to take on the role of the competent person you should contact your GMB Regional Health and Safety Officer first for advice.



Key Points:

- A risk assessment has two main steps—firstly, an examination to determine what hazards exist in your workplace. Secondly, deciding whether there are enough measures to protect people or if further action is needed to eliminate or reduce the risk of the hazards
- A risk assessment must be followed by an action plan with deadlines for tackling the most serious risks.
- Safety Reps should be involved in all elements of the risk assessment process and have a legal right to check risk assessments and raise concerns or suggest amendments.
- Risk assessments should be reviewed whenever a significant change in the workplace occurs.
- If you are asked to carry out risk assessments, you do so on your employer's behalf, not as a GMB Safety Rep. If you are asked to take on the role of the competent person you should contact your GMB Regional Health and Safety Officer first for advice.

	NO ACTION	ACTION	URGENT ACTION	COMMENTS
LIGHTING				
Are all areas of the workplace, including relevant outside areas adequately lit?				
Have excessive glare and reflections been eliminated?				
Are workstations properly positioned to make the best use of natural light?				
Is local lighting provided to workstations where necessary?				
Is emergency lighting provided, with an independent power source				
Does emergency lighting provide enough light?				
NOISE				
Is the workplace too noisy?				
Is noise reduced at source by the provision of properly designed, well maintained and adjusted tools or machines?				
Are noise levels reduced by the use of sound-absorbent materials?				
Can the source of any excessive noise be enclosed or isolated?				
Is suitable hearing protection provided if noise levels cannot be reduced by any other means?				

Example from GMB Health & Safety Inspection Checklist

8. INFORMATION AND CONSULTATION

Health and safety legislation sets a framework of fundamental standards for worker involvement and consultation. It requires employers to give information, instruction and training, and to engage in consultation with employees. This means that, as a GMB Safety Rep, you have the right to receive information from your employer to help you address health and safety problems in the workplace. You also have the extremely important right to be consulted on any matter that could affect the health and safety of your members. These rights can help you to make a real impact on health and safety issues in your workplace.

Sharing information with employees 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 regulations. 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.

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. Almost every set of regulations that require assessment or testing require the results to be shared with the workforce.

Consultation is the method by which management and workers jointly consider issues of mutual interest. It seeks to find acceptable solutions to problems through the exchange of views and information. Consultation is not the same as negotiation, and it is not simply giving information to employees or telling them what the employer has already decided to do. Consultation does not require managers and workers to agree, and the final decisions remain with management. It does mean that managers must listen to the views of the workforce, through Safety Representatives, before decisions are taken.

What information should you receive?

As a GMB Safety Representative, your employer is required by law to provide you with any relevant information on risks to health and safety. The law states that you should be provided with all relevant health and safety information within the employers' knowledge'. This can mean any report, information or decision that might affect the health and safety of your members. This type of information should include:

- The health and safety policy of the company
- What organisation is in place and what arrangements the employer has put in place to manage health and safety
- Any plans that your employer has which might impact upon health and safety. These would include plans outside of normal 'health and safety' issues, such as planned redundancies or expansion of the site/business.
- A copy of every risk assessment that your employer has carried out to ensure that the health and safety policy is put into action.
- The control measures that your employer has put in place to safeguard health and safety
- The results of any safety audit that the employer has carried out (e.g. noise or fume measurements)
- Copies of any general accident or sickness information and any investigations that have been carried out (Safety reps can also access the Accident Book no. 50 Dec 2003)
- Details of any substances or chemicals in use at your workplace (COSHH Assessments)
- Details of any plant or equipment that is in use at your workplace (assessments and manufacturers / suppliers manuals)

How can I access information on accidents, including RIDDOR reports?

As a Safety Representative, you have the right to inspect records of accidents that are reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). This entitlement is complicated by the Data Protection Act 2018 and the EU General Data Protection Regulation, as the information on accident is about the individual who was involved, and is therefore considered to be 'personal data' under the law. This means it cannot be provided without the consent of the individual involved. This gives your employer two options:

- 1.** Gain the consent of the person involved to release the information, either in writing or by using the tick box on the RIDDOR form or accident book; or
- 2.** Anonymise the information, if the person involved does not give their consent to release their personal data to you.

It is important to remember that this applies in all cases, not only to incidents involving members. An incident involving a non-GMB member could reoccur and affect a member, so you are entitled to be provided with information about incidents involving non-members, though this will often be provided anonymously.

The employer cannot refuse to provide the information under the Data Protection Act 2018 or the General Data Protection Regulation. They must provide the information requested, albeit anonymously, and you should try to negotiate a procedure for the release of incident information into your organisations' health and safety policy. If your employer refuses to provide this information, you should direct them to the guidance published by the Health and Safety Executive: (<http://www.hse.gov.uk/involvement/provideinformation.htm>)

If they continue to block release of information, contact your RHSO, who will raise the matter with the local HSE Inspector or Environmental Health Officer.

What should I do with all of this information?

The amount of information you are entitled to receive can pile up very quickly. This information can be extremely useful in ensuring health and safety improvements in your workplace, and it is important to keep copies of all information provided. Being able to access copies of previous risk assessments, accident investigations and test results means you can track progress on issues, and highlight any improvements needed with the backing of evidence. Some of this information may be confidential, so it is vital that your employer provides you with a lockable cabinet to store your papers, or an encrypted USB drive or virtual drive (such as DropBox, Google Drive or iCloud) to store electronic documents.

If there is any information that you are concerned about, in the first instance raise the matter with your manager. Because you are a GMB Safety Rep your manager must investigate your comments thoroughly and give you answers to any questions you might have. In some circumstances you may want to inform the safety committee of your findings and ask them to discuss or investigate your findings.

If you are given information that you do not understand or want to discuss in greater detail you should contact your Regional Organiser. They may refer the enquiry to the Regional Health and Safety Officer. In the final instance National Office can be contacted and can give advice where necessary, particularly with technical data, such as chemical data sheets or air monitoring reports.

Consultation:

One of the most important rights that you have as a Safety Rep is the right to be consulted as to how health and safety can be maintained and improved.

This means that your employer must consult you and any other safety reps before they take any decision that could affect the health and safety of your members. In addition, your employer must consult you on every health and safety issue 'in good time'. This means that you have the legal right to get involved at an early stage in the planning and development of any measure that might affect health and safety. You can insist on being consulted in advance of any planned changes, get time to think through the planned changes, discuss them with your members and be given time to respond.

Your employer may choose to consult primarily through a health and safety committee if one exists. More information on the role of such committees is provided in the next chapter.

How consultation works:

1. Your employer wants to introduce a new measure that might affect the health and safety of your members.
2. Your employer details their plans to you and other safety reps, and gives you all of the relevant information about the proposals.
3. You are given a sufficient amount of time to consider the proposed measures and to speak to your members and, if needed, the GMB Regional Health and Safety Officer about the measures.
4. When you have considered the measures, and spoken to members and GMB, you respond formally to your employer with your comments on the new proposed measures.
5. You meet with your employer to discuss the implementation of the new measures and check that your comments and any amendments have been taken on board.

Key points:

- **Your employer must provide you with a range of information on matters affecting the health and safety of GMB members.**
- **You are entitled to receive information on all workplace incidents, though it may be anonymised. Your employer cannot refuse to provide this information.**
- **Consultation 'in good time' is a legal right – your employer cannot choose whether or not to consult.**
- **Consultation 'in good time' means before a decision is taken – not being informed after the fact of a decision that your employer has already taken and implemented**
- **Measures that affect health and safety are far-reaching. For example cutbacks in staff could affect health and safety. Therefore you must be consulted about any proposed cuts before they are made.**
- **You have more chance of getting your employer to respect your right to be consulted if you raise the matter on your safety committee and try to get the commitment in writing in minutes or incorporated into the safety policy.**



9. RUNNING AN EFFECTIVE SAFETY COMMITTEE

The establishment of a joint safety committee, for representatives to discuss health and safety matters with the employer, is one of the most important rights that a Safety Rep possesses. Well-run, effective safety committees can ensure that the employer develops, promotes, reviews and updates their health and safety management systems. A committee is also an excellent method of involving workers in the management of health and safety within an organisation.

How to establish a Safety Committee:

The employer must establish a safety committee within 90 days of a written request made in writing by at least two Trade Union appointed Safety Representatives. In multi-site companies or organisations, it may be necessary for an additional company-wide or national safety committee to be set up to monitor the overall policy and performance on health and safety issues. Setting up this type of committee will invariably require negotiations, usually involving GMB Regional and/or National Officers.

The role of the Safety Committee:

Safety committees should:

- develop safe systems of work and safety procedures, including fire safety, permit-to-work systems and emergency procedures;
- analyse accidents, ill-health, near-misses and causes of notifiable occupational diseases, taken from RIDDOR reports, accident book entries, and referrals to Occupational Health providers;
- Consider long-term trends on accident rates, ill-health and sickness absence, including mental health conditions.
- review risk assessments;
- examine safety audit reports;
- consider reports submitted by safety representatives;
- monitor the effectiveness of health and safety training;
- consider reports and factual information provided by HSE inspectors and Environmental Health Officers; Insurance Companies, and other consultants;
- discuss the effect of new health and safety regulations and the management's proposed arrangements for implementing them;
- consider the appointment or nomination of 'competent persons' under health and safety and fire regulations;
- monitor and review the adequacy of health and safety communication and publicity within the workplace; and
- continuously monitor all arrangements for health and safety, including provision of Occupational Health services, and revise them whenever necessary.

It is good practice to have a standing agenda of items (a regular review of accident statistics, for example) to ensure that the most important matters are dealt with on a regular basis. This will help the committee to focus on the general health and safety policy and performance of the organisation, and identify areas of success or requiring improvements over time.

It is important that safety committees actually review health and safety systems. A well run committee will be pro-active and operate according to jointly established procedures, promoting a preventive approach and trying to stop accidents and ill-health occurring. They should not become reporting centres for matters that should be dealt with by managers.

Procedures:

All committees need jointly agreed procedures in order to be effective. It is a good idea to have some written rules—often referred to as a ‘constitution’ or ‘standing orders’—on how a safety committee is to be set up and how it will operate. Standing orders set out the procedures necessary to help the committee operate effectively. They are in addition to a standing agenda of items based upon the list of safety committee aims above. Try to get your safety committee to adopt some of the following procedures:

- At the discretion of the trade union side, the chair of the committee should alternate on a regular basis between a senior manager and a Safety Rep
- A senior manager, with the necessary authority, resources and responsibility for implementing the decisions made by the committee, should always attend meetings
- The frequency of committee meetings shall be determined jointly, but there should be enough to ensure that it can fulfil the functions described above (not less than once every three months for example)
- Meetings should be of sufficient length to ensure that there is time for proper discussion of all the agenda items
- Meetings should not be cancelled except in exceptional circumstances and not without the agreement of the trade union side. A new date for postponed meeting should be fixed as soon as possible
- Items for the agenda should be submitted at least ten days before the meeting. Agendas and any accompanying papers should be sent to committee members at least seven days before each meeting
- The trade union side of the committee should receive facilities to meet and discuss the agenda for at least one hour before the full meeting
- Minutes should be taken of all committee meetings. They should be agreed before circulation, with a personal copy sent to members as soon as possible after each meeting, together with additional copies for the notice boards, Safety Reps, heads of departments and the Safety Officer
- Attendance at safety committees should be regarded as part of an individual’s normal work. Members should therefore not suffer any loss of earnings as a result of attending meetings. Where shift workers lose free time when attending meetings, they should receive time off in lieu. Part-time workers who attend safety committee meetings outside their normal hours should be paid for attending
- The committee should have the power to co-opt and to appoint sub-committees to study particular aspects of health and safety at work

Trade Union side pre-meetings:

It is vital for Safety Reps who are members of the safety committee to hold trade union side pre-meetings. These will allow an opportunity for the Safety Reps, including those from different unions or worksites, to plan their approach to the items on the agenda. Provision for these meetings to take place, in paid working-time, should be built into the constitution or standing orders of the safety committee.

Pre-meetings may be resisted by management. However, employment tribunals have decided that this is part of the Safety Rep’s job. Moreover, Union side pre-meetings save management time (and money) over time. The Safety Reps on the committee have the opportunity to develop a common policy. This can reduce the number of adjournments and help to ensure that the committee functions more effectively.

In large and/or scattered workplaces it is even more important that Safety Reps meet beforehand. These Reps particularly need the time and opportunity to learn about issues in each site or section, and decide upon their approach.



CHECKLIST ON IMPROVING YOUR SAFETY COMMITTEE:

Use the following checklist to evaluate the way your safety committee works in practice. Try to improve the areas where it is weak, by adopting the aims and procedures described on the previous pages.

- 1. A senior manager must be on the committee to give it authority**
- 2. Agree the committee's role and purpose—use the aims list on page 27**
- 3. Agree regular dates in advance and do not allow unnecessary cancellations**
- 4. Agree and circulate a joint agenda well in advance of the meeting**
- 5. Arrange pre-meetings of the trade union side to discuss the agenda and agree your points and who will put them**
- 6. Don't let the committee deal with daily hazards – Safety Reps and managers should deal with most of these as they arise**
- 7. Make sure a clear decision is reached on all issues and that someone is named to carry them out**
- 8. Agree the minutes and circulate to all members, Safety Reps and managers**
- 9. Circulate and publicise a bulletin or newsletter, which tells employees what the committee has dealt with and what action will be taken**
- 10. Get outside experts, such as HSE Inspectors or Environmental Health Officers, to help on issues when necessary, or to update the committee. You may also wish the Regional Health and Safety Officer (RHSO) to address the committee on some occasions**
- 11. Do not walk away from a committee that does not work. Instead, try to reform it. If you do leave, get the support and agreement of the other Unions and then develop a joint strategy and approach to try to make the committee effective. Ask for help from your Regional Organiser.**

10. INSPECTING THE WORKPLACE

INSPECTIONS: WHAT DOES THE LAW SAY?

The Safety Representatives and Safety Committees Regulations 1977 (SRSC Regs) is your one stop guide to your rights. As such, your employer must abide by it.

The SRSC Regs state as follows on inspection rights:

- Safety Reps can carry out a formal inspection at least every 3 months; more where there are high risks or changing circumstances. (SRSC Regulation 5 (1) and Guidance Note 16)
- Safety Reps can carry out an inspection after a change in conditions at work. This could be a change in work patterns, new technology or machinery or the introduction of new potentially hazardous substances. (SRSC Regulation 5 (2))
- Safety Reps can carry out an inspection after the publication of new information by the Health and Safety Executive. (SRSC Regulation 5 (2))
- Safety Reps can carry out an inspection after a notifiable incident or dangerous occurrence* (SRSC Regulation 6 (1) and Guidance Note 28/29).
- Safety Reps should be afforded 'reasonable facilities' for carrying out the inspection 'including facilities for independent investigation by them (i.e. Safety Reps) and private discussion with the employees' (Regulations 5 (3) and 6 (2) – see also section 5.4 for an outline of other reasonable facilities.
- Safety Reps can investigate any document related to health and safety. (SRSC Regulation 7 (1)) Safety Representatives can (re)inspect to check that the employer has taken action (SRSC Guidance Note 21)

* A notifiable incident is one that must be reported to the Health and Safety Executive. A full list is contained in the RIDDOR Regulations available from the HSE Website see <http://www.hse.gov.uk/riddor/>

Why perform inspections?

One of the primary functions of a safety representative is to carry out inspections. This is a straightforward process, but it is very important. Inspections do more than just help identify potential hazards; they also show your members that you are taking your responsibilities as a safety representative seriously.

It is vital that you do carry out an inspection on a regular basis, and in any case at least every three months. It is essential because:

- Identifying potential hazards helps to prevent accidents and injuries, and to identify health risks;
- You can gather information that might be useful for the Safety Committee, for example on potential hazards or changes that might need to be made;
- You can check that your employer has carried out any changes or improvements that they said they would;
- It will allow you to talk to members about their health and safety concerns; and
- Inspections will raise your profile in the workplace. This will help to recruit and retain members.

How to perform the inspection:

To carry out the best possible inspection you should plan what you are going to do in advance. You will need to agree you will do the inspection with your employer. A good idea is to agree all of say one year's dates in advance. You can then publicise the dates when you will be inspecting and you can think in advance about what you want to do. However, as well as making an

inspection every three months, you also have the right to inspect after any notifiable accident, dangerous occurrence or notifiable disease, where there is a substantial change in working conditions or if new information becomes available.

Some safety representatives like to inspect on their own or with other safety representatives, then report their findings to management. Others prefer to jointly inspect with management. If you are a new safety representative, you may want to be accompanied by a more experienced representative on your first inspection. However, management do have to right to be present if they insist, but make sure you always have to opportunity to speak to workers on their own without management present.

You do not have to do all the workplace at one time; you can break it up and do separate inspections. If there are several safety representatives, make sure that you have agreed which areas each of you is covering.

Remember that an inspection is not simply looking around your workplace: it also includes the inspection of documents required by health and safety legislation, such as risk assessments and certificates concerning the testing of equipment.

You will need to think about:

1. Where do the members work?

One of the main purposes is to use the time of the inspection to talk to members and non-members and to ask them about potential hazards they have noticed. Ask them about processes and activities that may only occur at certain times of the day (i.e. night shifts – when inspections may not be taking place). Members may be reluctant to raise such matters in front of managers so it is important to insist on using your rights to ‘independent investigation and private discussion’ as set out in SRSC Regulations 5 (3) and 6 (2).

2. Where are the known hazards?

There may be strong indications from past experience and records of accidents or near misses that certain areas or processes are more likely to be a concern than others. It is important that these areas receive regular inspection even though few members may be working there.

3. Do I need to use checklists and maps?

Sometimes the area you wish to inspect may be limited to one large building, or the hazard involved may affect members across different locations. So for example, inspections concentrating on fire risk may be better handled using a map to pinpoint fire exits, fire fighting equipment and high risk areas. Similarly complaints from members concerning back strain or other musculoskeletal injuries may have arisen at different locations and at different processes. Again a map may be useful to locate the work areas where the injuries/complaints have arisen.

4. Should I inspect jointly with management?

Many Safety Reps find that doing a joint inspection with members of the management team is a valuable way of speeding up the process of getting action agreed on faults, damage, new maintenance and poor practice. However this should never prevent you from doing whole or part of the inspection on your own, making use of your rights to independent investigation and private discussion.

5. Where and when am I going to inspect?

If you work in a small workplace, you may be able to inspect the whole site in one go. If not, you will need to decide which areas you will inspect and when. You may also wish to concentrate on one particular problem e.g. noise or lighting and inspect the whole workplace for that problem.

You will also need to ensure that the inspection is undertaken when work is ongoing, and if a shift system is in use, inspections should be performed for each different shift as there may be different issues on each shift (especially for night and out-of-hours working)

6. What are the key issues?

What to look for is up to you and may be in response to your members' complaints. As a GMB Safety Rep you can investigate any areas that –your members use in the course of their work. This can include their work areas, transport, the canteen/rest areas and the toilet.

7. Are there recent incidents I need to check?

The inspection is the perfect opportunity to check progress following past problems, or past accidents or near misses. If you have raised members concerns in the past and your manager has said they will do something about it, you might want to check that they have and the job is now safer. Look through old inspection reports, safety committee minutes and the accident book. This might also throw up a few pointers about what to look for.

8. Have I checked the risk assessments?

By law your employer must have carried out risk assessments. These assessments should look at all jobs and processes and tell you what your employer is doing to make them safe. Make sure that you have copies of all of these assessments (your employer should not only give you copies but also consult you about doing them). You can then check that what they say in the risk assessment is happening in practice.

9. Do I have all relevant technical information?

As a GMB Safety Representative you are entitled to any health and safety information that your employer has. This includes any technical information. For example if air monitoring has been carried out you are entitled to see the results. You can also see any material that has been sent from suppliers of chemicals (e.g. COSHH data sheets); machinery or anything else used in your workplace. You are also entitled to look at the fire certificates and any report your employer has done on past accidents or incidents. This extends beyond risk assessments to work instructions, safe systems of work, permits-to-work, training materials and any other health and safety briefings.

Performing the inspection:

a) Talk to your members

The most important thing to do while you are carrying out your inspection is to talk to your members and ask them what they think. If you are looking at an area or job that you are not familiar with, your members will know much more about the potential hazards than you.

b) Use your own knowledge and experience

Use your own eyes, ears and experience. You might not be a professionally qualified so called 'expert', but your practical experience and knowledge gives you crucial experience in spotting potential hazards. You can always raise questions later with those who might know including other Safety Reps or the Regional Health and Safety Officer.

c) Dealing with non-members

If non-GMB members approach you during your inspection, listen to what they have to say – their issues will also affect your members. Make it clear that you are inspecting on behalf of GMB members, and that they should join the union to give you more clout in negotiating improvements. Tell them that without the back up of the union they will have to sort out any problems on their own.

d) Use your GMB Safety Representatives Inspection Checklist

You probably won't be able to remember everything you see and hear during your inspection. It will help you to take a checklist round with you. The GMB Safety Representatives Checklist which goes with this kit will help you.

Photocopy the Checklist, and use it as a basis for your inspection, but remember to add things specific to your own workplace.

The Checklist will point out things to do and look for on your inspection, but you will want to customise it while you are planning your inspection to make it relevant to your workplace.

e) Concentrate on the priorities

Once you start looking for things that could be improved you could go on forever. It is important to look at the things which could cause the biggest problems or which affect a lot of your members. Also remember to ask your members what they see as the priorities. The Inspection Checklist invites you to mark items on it using a priority scale of 1 to 5.

What to do following the inspection:

Once the inspection is complete your work really begins! It is one thing spotting hazards, another getting your employer to do something about it. Therefore after you have done your inspection don't just file what you have done and forget about it. Here are some things to do:

1. Use the Inspection Report Form

Within this Kit you will find a GMB Safety Representatives Inspection Report Form. This is based on the model report form in the 'Brown Book'. Use your Inspection Report Form to note down what you discovered on your inspection and transfer all noted items to the Inspection Report Form.

You should present your employer with a copy of your report. Your form has a column for you to the priority of the items which need action. This is important, it shows that you want hazards or unsafe conditions that you have noted put right.

If your employer does not action your requests on the Report Form you should raise the matter at your safety committee. If you do not have one or this does not achieve results you should put the matter into your grievance procedure.

2. Get help:

GMB is here to help our Safety Representatives. If after carrying out all of the steps above you do not get a satisfactory response you should, in the first instance, contact your Regional Organiser. Similarly if you need expert help and advice on preparing your report, or advice on legal or technical information ask your Regional Organiser to contact your GMB Health and Safety Officer. They will be able to offer help and advice.

3. Involve Your Members:

You should communicate with your members at all times. If they understand what you are trying to do, and are kept up to date with developments you have a better chance of getting their support. Backing from colleagues can be a powerful tool in getting your employer to act. Use the union notice board, a newsletter or just word of mouth to tell people what success you have had and what areas there are problems with and why. This will help you to recruit new people into GMB, and will ensure GMB's profile is high in your organisation.

4. Re-inspect:

You have the legal right to re-inspect the workplace after your employer has carried out members if they are happy with what has been done. If there is a problem you will again need to raise the issue at the safety committee or put the matter into grievance procedure.

5. Escalate the issue beyond your employer:

In some circumstances you might need to get official help or advice. If you have a situation where you have tried all routes and your employer still refuses to act, you should contact the Health and Safety Executive using their specific Safety Representative contact form (see: <https://extranet.hse.gov.uk/lfservlet/external/turep1>).

If you work in the private service sector, jobs such as office work, shop work, supermarkets, residential homes etc. you will need to contact the Local Authority Environmental Health Officer. Before you seek outside involvement, you should take advice from your Full Time Official, as this action will impact on wider industrial relations in the workplace.

Key Points:

- By law you are entitled to carry out an inspection every 3 months—therefore you should aim to carry out at least 4 inspections every year
- Plan in advance what you want to look at on your inspection
- Remember to use your GMB Inspection Checklist sheet
- Involve your members as much as possible—find out what their problems are, and what they think the health and safety priorities are
- Make use of your Safety Rep's Inspection Report form—it is your proof that you have brought matters to the attention of your employer
- If your employer refuses to let you carry out inspections or fails to act on your inspection reports get in touch with your Regional Organiser or Regional Health and Safety Officer, and report the matter to HSE via <https://extranet.hse.gov.uk/lfservlet/external/turep1>

Safety Representatives REPORT FORM GMB UNION



USE THIS FORM TO NOTIFY YOUR EMPLOYER OF UNSAFE OR UNHEALTHY WORKING PRACTICES

What date and time was the hazard seen? _____

What is the hazard?

11. INVESTIGATING WORKPLACE INCIDENTS

It is a sad fact that hundreds of people are killed at work each year. Hundreds of thousands more working people are seriously injured at work. In the vast majority of cases, accidents at work are caused by a failure to manage health and safety properly.

The Health and Safety Executive (HSE) estimates that 90% of all accidents could be prevented. 70% of these accidents are caused by a failure of management control.

If an accident occurs in your workplace you will have a vital role to play. As a GMB Safety Rep you have a legal right to investigate accidents that occur. It is vital that you do so because:

- Your findings and knowledge can help to ensure that action is taken to prevent it ever happening again; and
- If it is one of your members that has been hurt, what you discover could help them to claim compensation from their employer.

Your role in the investigation process:

The Safety Representatives and Safety Committee Regulations 1977 give you the legal right to investigate the circumstances of all types of accidents, and to gather evidence.

The first thing that you need to do is the most important. You need to make sure that you are notified as soon as there is an accident, near miss or dangerous occurrence. If possible get your employer to include this procedure in your organisation's Safety Policy.

As a safeguard, you should also ask members to contact you immediately in the event of an accident, near miss or a dangerous occurrence. The sooner you arrive on the scene the better. Memories of what happened will be clearer and you will be able to make your own assessment of the scene.

What should I do straight after an accident?

- With the procedure above in place you should be able to be at the scene of any accident quickly. Where possible, you should aim to do the following:
- Make sure the victim is looked after and gets help;
- Make sure that nobody else has been affected;
- If the injury is so serious that hospital treatment is required, make sure that the area is cordoned off until the HSE have been informed. Bear in mind that HSE are not an emergency service – they may not attend on the same day as the accident occurs, unless it is a fatality.
- Ensure that any serious accidents are reported by the employer to the HSE, as required under the RIDDOR Regulations. This will help the HSE decide whether to visit your workplace or not.
 - If reporting fatal/specified, and major incidents only, and you are not satisfied that the employer will report, call, the HSE Incident Contact Centre.
(Tel: 0845 300 99 23 [Monday to Friday 8:30am to 5:00pm]);
 - All other incident types can be reported via: <http://www.hse.gov.uk/riddor/report.htm>
 - Note that it is the responsibility of the Duty Holder to report under RIDDOR – you should only report if you do not believe the incident will otherwise be reported.
- Do not let work re-start in that area if you think any danger remains or if resuming work will interfere with an investigation;
- Tell your members what is going on and why they should not return to work:

- If your employer disagrees, call your Regional Organiser immediately to get help.
- Make sure that the victim does not take any statement to the employer until they are ready to do so. By law your employer cannot force anyone to take a statement. (Your employer may try to pressurise you or the victim to say something which could later affect any potential compensation claim);
- If the victim is not hospitalised and is sufficiently recovered, the Safety Rep needs to advise them about making a compensation claim using UnionLine, provided they were a member BEFORE the accident occurred;
- Advise members not to rely on their judgement as to who was to blame or at fault. That is a matter for the legal specialists and many other factors come into that judgement;
- Record all accidents, serious or not, in your employer's accident book;
- If the victim is seriously injured record the incident in the accident book for them, and write in the book why you are doing it on their behalf

How do I investigate the accident?

Once it is safe to do so you should carry out your investigation of the incident. You should notify your employer that you are about to do so. In return they should provide you with assistance and facilities, such as the right to a room in which to hold discussions with those involved.

Remember to:

- Write down everything you are told that might be important
- Find out as much as you can about the events that took place
- Talk to as many witnesses and accident victims as possible
- If possible make a sketch or take photo's of the scene
- Make use of the GMB Safety Representatives Incident Investigation checklist.

Once you have completed your initial investigation, use your safety committee, or requesting a meeting with management, to ensure that your conclusions are heard. If the employer is aware that lessons can be learned, they are more likely to take action and change working practices.

Incident investigation can seem daunting, especially if you have not done it before, but help and support is readily available from other Safety Reps, RHSOs and the national Health, Safety and Environment team for complex issues.

Incident Investigation: Key Points

- **By law you are entitled to investigate accidents**
- **Do not let work restart in that area if you think any danger remains or resuming work will interfere with an investigation**
- **Find out as much as you can about the events that took place**
- **Record all accidents serious or not in your employer's accident book**
- **Report any serious accidents to the HSE**
- **Don't be afraid to ask for help – there are many GMB colleagues more than willing to provide assistance and support.**



12. CONTACT WITH THE REGULATORS – HSE AND THE LOCAL AUTHORITY

In the course of your duties, you may be contacted, or make contact with, the enforcing authority for the health and safety of your workplace. There are generally three situations when this might occur:

1. The Inspector makes a proactive visit to your workplace – a site inspection;
2. The Inspector makes a reactive visit to your workplace – to investigate an incident or a complaint; or
3. You make proactive contact with the Inspector to report an incident, make a complaint or request assistance.

There are two enforcing authorities for health and safety – the authority for your workplace will depend on the work activity that takes place there.

It is important to understand that in most industries and sectors, a proactive inspection is extremely rare. Since 2012, government policy has been to remove inspections from all but those sectors deemed to be the highest risk. As a result, it is highly unlikely that you will meet an Inspector or EHO unless you work in construction, manufacturing or the chemicals sector. This is also true if you report an incident or make a complaint. The need is very much to try to resolve matters through GMB and the power of the Union, as the threat of involving an Inspector no longer carries the weight that it used to. It is still a good idea to proactively write to HSE or the LA on your appointment, to ensure that they have a record of who you are in case they do ever visit your workplace.

The Health and Safety Executive (HSE):

The Health and Safety Executive (HSE) is responsible for ensuring that employers maintain good health and safety standards in certain workplaces (including NHS, Local Authorities, Construction Sites, Manufacturing, Quarries). They are also responsible for ensuring that employers comply with Government laws on health and safety. The HSE employs Inspectors to inspect workplaces, investigate incidents and take enforcement action where the law has been breached.

HSE is also responsible for the development of Government policy on health and safety, including the development of new regulations and guidance.

HSE has a number of functions. These include:

- Enforcement of health and safety law;
- Inspecting workplaces
- The introduction of new safety laws, and the publication of guidance and advice
- Investigating serious accidents, cases of ill health and near misses;
- Carrying out research, including in workplaces;
- Providing information.

Local Authority Environmental Health Officers (EHOs)

Environmental Health Officers work for the local council, and are responsible for enforcing health and safety rules in offices, shops, hotels, restaurants and catering premises. They have the same legal powers as the HSE but are responsible for enforcing health and safety law in different workplaces (including catering establishments, pubs, clubs, shops, hairdressers, casinos, offices and market trading).

The allocation between HSE and EHO-enforced premises and workplaces is detailed on the

HSE Website: <http://www.hse.gov.uk/foi/internalops/og/og-00073-appendix1.htm>

EHO's also enforce food hygiene across all types of premises. You can contact the local EHO at the Environmental Health Department of the local council.

What powers do inspectors have?

HSE and EHO Inspectors have some of the strongest powers of any government regulator. These include:

- The right to issue Improvement Notices and Prohibition Notices;
- The right to prosecute organisations and individuals;
- The right to inspect any workplace – at any time;
- The right to interview anyone they think necessary ; and
- The right to take documents, photos, substances or samples that they think is necessary

Enforcement action

HSE and EHO Inspectors can take action against employers who break the law in a number of ways including:

Improvement Notices

If an inspector issues your employer with an Improvement Notice, it means they must make stated improvements within a given period of time. The Inspector can issue an Improvement Notice to rectify any breach of the law. This is the most common form of action that an Inspector will take.

Prohibition Notices

An Inspector can issue a Prohibition Notice if they believe that there is a risk of 'serious and imminent danger'. A Prohibition Notice means that the work activity in question must stop immediately, and cannot restart until the risk has been mitigated. If an employer breaches a Prohibition Notice they can be prosecuted.

Prosecution

Inspectors can prosecute anyone who is in breach of health and safety law. This can lead to large fines and occasionally imprisonment. The Corporate Manslaughter and Corporate Homicide Act 2007 provides the option for negligent employers to be jailed when deaths occur at workplaces.

If you believe that a serious breach of the law has taken place, and you have contacted an Inspector/EHO and they do not take enforcement action, you should contact your Regional Organiser as soon as possible.

Contacting an Inspector

In your role as a Safety Rep it is likely that you will need to contact an Inspector at some stage. It is best if you check with your Regional Organiser/Regional Health and Safety Officer before you make contact; then use the contact form found at: <https://extranet.hse.gov.uk/lfserver/external/turep1>

If you need to speak to an Environmental Health Officer they can be contacted through your local council.

Getting action from your Inspector

Inspectors are extremely busy. Both the HSE and Local Authority Environmental Health Departments are badly under funded and short-staffed, and cannot respond to every enquiry.

HSE will generally try to respond as quickly as they can to a concern form from a Safety Representative, but you will dramatically increase your chances of positive action if you have already made attempts to resolve the situation such as:

- Exhausting all internal avenues within your workplace, including the Safety Committee;
- Contacting and involving your GMB Regional Officer or RHSO; and
- Using HSE, GMB and TUC websites to obtain relevant advice.

HSE/Local Authority should respond to your enquiries and give assistance to the best of their ability. Please contact the Regional Health and Safety Officer if you do not get a satisfactory response. They will take the issue up with HSE/EHO on your behalf.

Contact with Inspectors on routine visits

Your workplace may well receive a visit from an Inspector on a purely random basis. Inspectors are specifically instructed to ask if there are any Safety Reps when they visit a workplace – and should meet with you to find out your views. It is important, therefore, to ensure that you are well known to management and colleagues as a Safety Rep, and that your name is displayed on the Health and Safety Law Poster and any notice boards.

The protocol for Inspectors to follow when making contact with Safety Representatives during inspections has been published by HSE. It can be viewed at: <http://www.hse.gov.uk/foi/internalops/og/ogprocedures/inspection/rep.htm#contact>

If the Inspector does not ask to see you, or you are not satisfied with how the Inspector deals with you in any other contact the Regional Health and Safety Officer if you do not get a satisfactory response. They will take the issue up with the HSE Head of Division or the Chief Executive of your Local Authority.

If an Inspector needs to interview one of your members about an incident, you have the legal right under the Health and Safety at Work Act 1974 [Section 20(2)] to be present at that interview if your member requests it.

Enforcing your legal rights

One area where HSE/EHO Inspectors cannot intervene is in the area of 'industrial relations'. This applies to issues such as the recognition of Safety Reps and any industrial action taken over health and safety issues. Such matters are handled by Employment Tribunals, and are best directed to GMB Full Time Officials.

However, Inspectors do have the power to enforce your legal rights to:

- Be consulted 'in good time' over any measure that might affect health and safety in your workplace
- Inspect your workplace at least every 3 months and to raise any concerns about health and safety during these inspections
- Investigate any complaints about potential hazards, accidents or dangerous occurrences
- Receive all relevant information from the employer on health and safety in your workplace
- Receive paid time off for GMB/TUC training
- Request the formation of a safety committee

Restrictions on the Regulators

The HSE's great weakness is that it is chronically underfunded, and therefore cannot respond to all of its enquiries, and cannot inspect anywhere near enough workplaces.

GMB has been campaigning with other unions via the TUC and with the Hazards Campaign to increase HSE funding, to ensure that they enforce the law and liaise properly with Safety Reps. A similar situation is found in most Local Authorities, where food safety and noise abatement are prioritised over enforcing health and safety laws.

One way to offset this lack of action would be to empower Safety Reps with greater rights.

Union demands for Roving Safety Reps, provisional improvement notices, clarification in rights to time off for training and follow up on safety reps' inspections and HSE failure to enforce on Safety reps' rights have been dismissed as not providing enough 'benefits' against the 'costs' for business. GMB believes this position bears no relation to reality or the facts. GMB will continue to campaign for a strengthened role and rights for Safety Reps.

Key Points:

- **Environmental Health Officers work for the local council and are responsible for enforcing health and safety rules in offices, shops, hotels, restaurants and catering premises**
- **HSE Inspectors are responsible for every other type of workplace. In some areas it might be unclear who is responsible for enforcing safety. In these cases contact your GMB Regional Health and Safety Officer.**
- **It is unlikely that an Inspector or EHO will visit your workplace unless there has been a serious incident. It is best to use union power to try to resolve the matter internally, using the expertise from the Region and National Office. Contacting HSE or the EHO should usually be a last resort unless the situation is extremely dangerous.**



13. SOURCES OF FURTHER INFORMATION

One of the best ways to become effective as a Safety Representative is to be informed about the issues that you face in the workplace. To win improvements in workplace conditions and health and safety standards, you have to know the facts.

Having access to the right, up-to-date information is vital, and there are many expert sources of information available, particularly if you have access to the Internet.

GMB:

Your first point of call for information, GMB publishes a wide range of publications on health and safety, from monthly bulletins on key topics, to fact sheets, briefings and guidance leaflets. Most of these can be accessed from the GMB website (<http://www.GMB.org.uk>), which contains a range of constantly updated health and safety information, including

- on line versions of the GMB's health and safety leaflets
- other GMB health and safety publications and policy documents
- GMB's submissions to government proposals on health and safety
- Answers to frequently asked health and safety questions

You can also obtain information and advice from your Regional Health and Safety Officer who will have access to reference books, regulations and other information. Breaking news can be found on our Twitter account @SaferWithGMB, and on our Facebook Group <https://www.facebook.com/groups/1729337363946097/>

The GMB Active Website contains a wealth of information for activists and has a dedicated area for health and safety: <https://www.GMBactive.org/>

TUC:

The TUC publishes a wide range of publications that give comprehensive information and guidance on health and safety issues to trade unionists. The TUC can provide the wider trade movement position on issues, and has made many key health and safety documents available from to download from their website: <https://www.tuc.org.uk/workplace-guidance/health-safety-and-wellbeing>

Contact the Regional Health and Safety Officer for details of current publications, which are available from the Publications Department, TUC, Congress House, Great Russell Street, London WC1B 3LS.

If you access to e-mail, you can sign up to the weekly TUC health and safety newsletter, Risks, at <https://www.tuc.org.uk/mediacentre/register?risksSignup>

HSE:

HSE are the primary source of information on regulations, technical issues, the development of policies, and research into health and safety issues.

Free publications, research reports, statistics and press releases can be accessed on their website at <http://www.hse.gov.uk>. Most of HSE's guidance leaflets are now available free of charge, and can be downloaded from <http://www.hse.gov.uk/pubns/leaflets.htm>.

A catalogue detailing all their publications can be obtained at <http://www.hse.gov.uk/pubns/books/index-catalogue.htm>

For Northern Ireland's HSE use the Freephone Helpline 0800 0320 121 or post at HSENI, 83 Ladas Drive, Belfast BT6 9FR. The HSENI website carries much useful information and advice directly applicable to Northern Ireland: <http://www.hseni.gov.uk/index.htm>

Hazards Magazine:

Hazards magazine is recommended reading for all GMB Safety Reps. It is the only health and safety magazine just for trade union Safety Reps, and contains news, reviews and a detailed centre page advice sheet. Take out a subscription, or ask your branch to subscribe to Hazards to ensure you read it regularly. Subscriptions cost £15 a year (4 copies), but there are discounts for bulk copies (e.g. £8 for 5-10 copies). To subscribe to Hazards or for further details see: <http://www.hazards.org/subscribe/index.htm>, email: sub@hazards.org or telephone 0114 201 4265.

The Hazards website (www.hazards.org) also offers excellent resources including back copies of articles and Hazards campaign news.

Hazards Campaign, Local Hazard and Trade Union Resource Centres:

The Hazards Campaign provides a network linking affiliated local hazards groups, trade union resource centres and occupational health projects. It can be accessed at: www.hazardscampaign.org.uk or via the Manchester Hazards Centre (Tel: 0161 636 7558). Your branch may already be affiliated a local centre or group, if not try to get them affiliated. For details of your nearest hazards centre, contact your Regional Health and Safety Officer.

Key Websites:

- GMB Health and Safety:
<http://www.GMB.org.uk/Templates/Internal.asp?NodeID=90409&int1stParentNodeID=89650>
- **TUC Health and Safety:**
<https://www.tuc.org.uk/workplace-guidance/health-safety-and-wellbeing>
- **TUC Organising around Health and Safety**
<https://www.tuc.org.uk/sites/default/files/TUC%2025951%20Health%20and%20Safety%20Organising%20Report%20v4%20Lo-res.pdf>
- **TUC 'Brown Book' Online:**
<https://www.tuc.org.uk/sites/default/files/BrownBook2015.pdf>
- **HSE Workers WebPages:**
<http://www.hse.gov.uk/workers/index.htm>
- **HSE Safety Representatives WebPages:**
<http://www.hse.gov.uk/workers/safetyrep.htm>
- **Hazards Magazine:**
<http://www.hazards.org/>

ROLE OF GMB SAFETY REPRESENTATIVES

GMB Safety Reps have rights on health, safety and welfare issues over and above their fellow workers. They have the right:

- To **INVESTIGATE** potential hazards and causes of accidents at the workplace.
- To **INVESTIGATE** employee complaints concerning health, safety and welfare at work.
- To **MAKE REPRESENTATIONS** to the employer on any health and safety matter in the workplace.
- To **INSPECT** the workplace on a quarterly basis.
- To **INSPECT** the workplace after a reportable accident, dangerous occurrence or reportable disease.
- To **VIEW** documents relating to health and safety in the workplace.
- To **REPRESENT** employees in consultation with HSE inspectors and to receive information from them.
- To **ATTEND** safety committee meeting.
- To **TIME OFF** for **HEALTH & SAFETY** training.
- To **PAID TIME OFF** to carry out all of the above functions.

YOU'RE SAFER AND HEALTHIER IN THE GMB

GMB is proud of its focus on workplace health and safety. Will Thorne founded GMB in 1889 in part because of the terrible working environment he experienced, and we will always fight to improve conditions and provide protection for GMB members.

It's been an established fact for more than 25 years that trade unions make the workplace safer. Time after time, research has shown that the presence of trade union Safety Representatives identify hazards and resolve issues before they can cause harm, and reduce exposures to substances that may damage health.

To back up our Representatives the GMB has a network of health and safety specialists in our Regions. The GMB also has a National Health and Safety Department that is widely acknowledged to offer amongst the best health and safety service of any trade union.

It has been proved many times that workplaces with active Safety Representatives have half as many major and serious injuries as workplaces without them – in other words you're safer and healthier in the GMB.

WHEN INCIDENTS OCCUR AT WORK – UNIONLINE

Report all accidents, incidents and attacks to your employer and get it recorded in the accident book.

Make sure you also tell your GMB Safety Rep and GMB Workplace Organiser, they will make sure that your employer acts to stop anyone else being hurt in the same way.

You could also contact UnionLine on 0300 333 0303 to trigger the process to make a claim against your employer to get compensation. As a GMB member you are covered against the cost of lawyers and court cases or tribunals that may be necessary to get justice for you.



