



Health & Safety **MATTERS**

Health & Safety Information for GMB Safety Reps

Safety Reps-The Opportunity for Greater Involvement

Introduction

The consultation by the HSE two years ago on "Worker Involvement" was generally agreed to have been a disappointment. The two main requests from trade unions; that there should be a greater involvement in risk assessments by safety reps and that management should respond in writing to issues raised by safety reps, were effectively ignored. However, the recent merger of the HSE/HSC has necessitated some alterations to the guidance accompanying the Safety Representatives and Safety Committee Regulations, known as the SRSC Regs. This has resulted, finally, on some other amendments to better reflect a modern industrial society.

What changes have been made?

It is probably easier to list each change under the new Guidance Note (GN) number.

In Reg. 1 GN 4 adds *"H&S inspectors (from HSE or Local Authorities) can enforce for failure to comply with legal duties on procedural matters, e.g. the failure to set up a H&S Committee which has been requested in the correct fashion"*.

In Reg. 3 GN 10 takes into account the current fractured locations of some workplaces by stating *"There is nothing in these regulations to preclude a health & safety representative being appointed to represent a group of employees at more than one site"*. This is further reinforced on the question on the flexibility of how many safety representatives should be appointed, or be appropriate in particular circumstances GN13(f) *"workplaces where work activities may be spread over several different, but linked locations."*

In Reg. 4 GN 14(b) there is an expansion on the definition of the competent person for emergencies and fire evacuations and the duty to consult.

GN15 under the same regulation also reminds the employer of the duty to consult H&S reps on the risk assessment as contained in the Management of Health & Safety at Work Regulations (1999). Importantly this will be contained within the document next to the guidance.

GN 17 lists those cases taken to Employment Tribunals in an attempt to establish the rights to paid time off for H&S reps training. These cases are also included in the body of the text

GMB SAFETY REPS

Regional Health, Safety & Welfare Officer: Tristan Chard
Regional Secretary: Tim Roache

Making Your Workplace Safer

GMB - Grove Hall
WAKEFIELD
WF1 3RN
Telephone: 01924 882255

and include the GMB case, *Davies v Neath Port Talbot Council* and the right of a part time employee to full time pay while on training.

In Reg. 5 GN 26 again recognises the changed industrial landscape in "*There should be co-ordination of inspections for large businesses responsible for managing multiple sites.*"

Reg. 7 Inspection of documents & provision of information GN 40 "*There is no need to provide this information in a different format and provide it in a separate package*". Perhaps there is something in this simplification for business after all!

Reg. 8 Objectives and functions of H&S Committees GN 48(b) now includes "*consideration of aggregated absence statistics and reasons for such absences on a similar basis*".

What difference will these changes make?

Just changing rules by themselves makes little or no difference. As with any situation involving the effectiveness of GMB, much will depend on the willingness, enthusiasm and hard work of the H&S reps involved. These changes are in the main positive and where possible should be used in the same way. They may not be major in themselves but they are half a step in the right direction.

As Guidance Notes are they effective enough?

Admittedly, Guidance Notes are not as strong in legal terms as either the Regulations or Codes of Practice. However, they still have special legal status. **It is quite clear that if an employer is prosecuted for breach of health and safety legislation, and it is proved that they did not follow the relevant provisions of the law, there will be a need to demonstrate that there has been compliance with the law in some other way or a court will find fault.** Most people, including employers, who don't study health and safety legislation closely would be hard pressed to tell the difference between the differing strands of legal status and often just want to see something clearly laid out in "black and white".

There are also 4 sets of appendices covering information, training, consultation and references to be included. There is also a proposal to include the regulations pertaining to non trade union reps so employers do not get confused on which to apply to their workplace.

What happens next?

The TUC aim to circulate the SRSC Regs in the autumn, they will no longer be published in their old, unique shape but in an A4 format, which might at least be easier to copy for the employer. GMB have complained that there has been little or no recognition for these regulations in relation to the changing industrial world. This is the first, minor, sign of improvement for some considerable time and we should use it. For more information contact tristan.chard@gmb.org.uk

General Secretary
Paul Kenny
GMB
22-24 Worple Road
London SW19 4DD