

## SAFETY REPRESENTATIVES AND SAFETY COMMITTEES REGULATIONS 1977

**APPOINTMENT (Regulation 3):** A trade union recognised for negotiation purposes may appoint safety representatives from among the employees, and having notified the employer in writing of the names of the persons appointed and the groups they represent, those persons have prescribed functions (Regulation 4).

A person ceases to be a safety representative if he resigns, ceases employment or his appointment is terminated in writing by the Trade Union. Safety Representative should have been with the employer for two years or have had at least two years of similar employment.

**FUNCTIONS (Regulation 4):** These include -

- representing employees in health and safety consultations with the employer (Health and Safety at Work Act Section 2)
- investigating hazards and dangerous occurrences and examining the causes of accidents
- investigating complaints by employees relating to health, safety and welfare (Health and Safety at Work Act 1974)
- making representations to the employer on Health and Safety at Work matters
- carrying out inspections
- representing employees in consultations at the workplace with HSE and receiving information from inspectors (Health and Safety at Work Act 1974)
- attending safety committee meetings.

Safety Representative are to be afforded time off with pay to perform their functions and to undergo training (calculation of pay is the subject of a Schedule to the regulations).

**EMPLOYER'S DUTY (Regulation 4A):** Employers shall consult safety representatives in good time regarding –

- the introduction of any measure which may substantially affect health and safety
- the arrangements for appointing or nominating competent persons (Management of Health and Safety at Work Regulation 7)
- any H&S information to be provided to employees
- the planning and organisation of any health and safety training for employees
- Health and Safety consequences of introducing new technology.

Employers shall provide such facilities and assistance as safety representatives may reasonably require to carry out their functions

**INSPECTIONS (Regulations 5 and 6):** Subject to reasonable notice in writing a safety representatives may inspect the workplace quarterly (more frequently if the employer agrees), and at any time (after consultation) -

- following substantial change in the conditions of work
- upon receipt of new information HSE on workplace hazards

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- following an injury, disease or dangerous occurrence subject to RIDDOR, provided that it relates to the group represented and it is safe to do so.

Safety representatives shall be afforded reasonable facilities and assistance, including independent investigation and private discussion with employees, but the employer is not precluded from being present during inspections.

**INFORMATION (Regulation 7):** Subject to reasonable notice, safety representatives are entitled to inspect and take copies of any relevant statutory document (except a person's health record) and any other information within the employer's knowledge relating to health, safety and welfare except information that -

- could endanger national security
- could infringe commercial security
- relates to an individual, unless they have consented
- relates to legal proceedings
- is prohibited from being disclosed.

**SAFETY COMMITTEES (Regulation 9):** Within three months of a request in writing from at least two safety representatives, a Safety Committee shall be established in consultation with the safety representatives and with trade union representatives, and a notice stating its composition and the workplaces covered by it shall be posted in the workplace.

**COMPLAINTS (Regulation 11):** safety representatives can complain to an Industrial Tribunal if they believe that their employer has failed either to permit time off or to pay them for time off to perform their functions or undergo training.