



CONSULTATION WITH EMPLOYEES

Health and Safety

INTRODUCTION

Clearly, implementing adequate precautions that protect the health and safety of employees is key to preventing accidents and ill-health.

Frequently though, taking these precautions will rely on the individual employees themselves. This will require them to take health and safety seriously. Actively consulting them - both formally and informally - will help to achieve this.

MORE ABOUT WORKER CONSULTATION

To manage health and safety successfully, organisations have to motivate all employees to take the required precautions. This can be partly achieved through good co-operation, involving employees where necessary and adequately consulting with them on health and safety matters. As well as securing their commitment, this will also help identify hazards, ensure that precautions are practical and determine the best ways of providing information or training.

Effective consultation requires good and open communication between those involved i.e. managers, supervisors, representatives and staff. It can take many forms depending on the type of organisation - for example, through safety committees. Frequently though, consultation only takes place following an accident, or informally on a day-to-day basis. Clearly, consultation also needs to take place when planning work activities and monitoring or reviewing health and safety performance.

Consultation with employees is likely to be more effective where senior managers are able to demonstrate their own commitment, listening to and acting on the views of those they manage. It will also help if employees believe that it is in their interest to participate; that communication is open, with managers being approachable; that involvement is encouraged, and that participating is a valuable use of their time. For smaller organisations, it may be more appropriate to consult with employees directly. In larger ones, it may be that this is through more formal channels with a health and safety representative chosen by employees or selected by a trade union.

WHAT SHOULD ORGANISATIONS BE DOING?

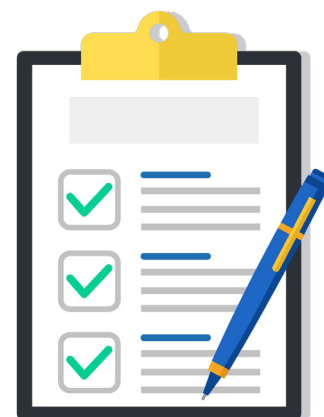
While aspects of the Management of Health and Safety at Work Regulations 1999 apply generally, more specific requirements relating to employee consultation for most workplaces are detailed in two sets of regulations - the Safety Representatives and Safety Committees Regulations and the Health and Safety (Consultation with Employees) Regulations. Broadly speaking the first details consultation requirements where a trade union has been recognised, whilst the latter sets out the requirements where this is not the case.

The Safety Representatives and Safety Committees Regulations set out specific requirements covering the appointment of and consultation with safety representatives, including the provision of facilities and assistance required by them. Aspects of their role and the setting up of a safety committee are also covered.

In circumstances where employees are not represented in this way, the Health and Safety (Consultation with Employees) Regulations will apply. Here, employers must consult with employees on specified matters relating to health and safety in good time. Under the requirements, employers can consult either with employees directly or with representatives elected by employees (known as 'representatives of employee safety' or RoES). Where RoES are elected, employers must provide them with any necessary information so that they can carry out their duties properly and inform employees of their names and the group they represent. RoES can make any necessary representations to their employer on potential hazards and dangerous occurrences at the workplace; general matters affecting health or safety; and be involved in consultation with any enforcing inspectors on matters affecting the group represented.

In circumstances where employers consult directly with their employees, they must provide sufficient information to them so that they may participate effectively.

Employers must consult employees about any change that may substantially affect their health and safety. This includes new or different procedures; types of work; equipment; premises; ways of working (e.g. new shift patterns); and the arrangements they have made for obtaining competent assistance. It also includes the nature of any information (and the means by which) they intend to provide this for employees on the likely risks associated with their work and precautions they are required to take; the planning of training; and the implications of adopting any new technology.



MEETING SPECIFIC LEGAL DUTIES

Key considerations for employers include the following:

- Checking the specific regulations and guidance relating to consultation with workers applicable to their organisation
- Determining the best way of consulting with workers against what is required. If they recognise a trade union, identifying those appointed as health and safety representatives. In circumstances where they have not recognised a trade union, have no appointed safety representatives, or there are employees who are not represented by a union, asking them if they would like to be consulted directly, and how they would like this be carried out and when, taking account of the nature of their organisation (e.g. structure, management style etc.); the workplace (e.g. size, location, nature of the risk etc.); and your workforce (e.g. size, diversity, employment conditions etc.)
- If it is not practical to consult directly with workers or they would like representatives, making arrangements for these to be elected and providing any necessary training for them
- Determining and implementing the arrangements for consulting with representatives, considering the need to consult in good time before decisions are made; the channels for consultation; the procedures for handling disagreements etc.
- Ensuring that there is sufficient time set aside for consultation in addition to providing adequate resources and facilities
- Providing employees with any required information relating to the identities of representatives and the arrangements made for consultation
- Where appropriate, involving representatives and other employees in activities aimed at improving health and safety performance (e.g. risk assessments, inspections etc.)
- Monitoring and reviewing the arrangements they have put in place for employee consultation and involvement to ensure they remain appropriate and effective
- Recording the arrangements for employee consultation as part of the health and safety policy or supporting documentation if needed and reviewing these where necessary.

FURTHER TOPIC RESOURCES

Further information is available as follows:

General information is available at www.hse.gov.uk/involvement/

The Management of Health and Safety at Work Regulations, SI 1999/No. 3242, (Regulation 3), HMSO, available at www.legislation.gov.uk/uksi/1999/3242/contents/made

Consulting workers on health and safety: Safety Representatives and Safety Committees Regulations 1977 (as amended) and Health and Safety (Consultation with Employees) Regulations 1996 (as amended): Approved Codes of Practice and guidance, L146, HSE, available at www.hse.gov.uk/pubns/books/l146.htm

Consulting employees on health and safety: A brief guide to the law, INDG232(rev1), HSE, available at www.hse.gov.uk/pubns/indg232.pdf

Involving your workforce in health and safety: Good practice for all workplaces HSG263, HSE, available at www.hse.gov.uk/pubns/books/hsg263