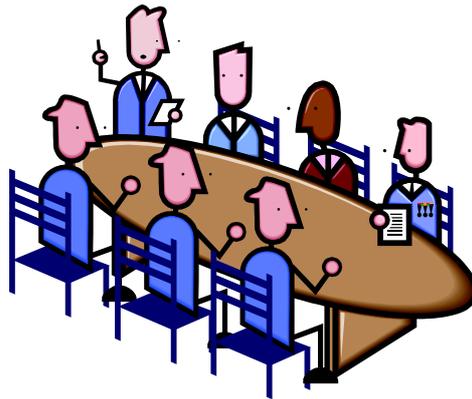


**Footwear and Leather Industries
Health & Safety
Committee**

***SAFETY REPRESENTATION AND
WORKER INVOLVEMENT IN THE
FOOTWEAR AND LEATHER
INDUSTRIES***



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IN THE FOOTWEAR AND LEATHER INDUSTRIES*



INTRODUCTION

The Safety Committees Regulations were made under Section 15 of the Health and Safety at Work etc Act 1974. The Regulations and Codes of Practice provide a legal framework for employers and trade unions to reach agreement on arrangements for safety representatives and safety committees to operate in their workplace.

Workers who are encouraged to have a voice and are given the ability to influence health and safety are safer and healthier than those who have not. A universally involved and consulted workforce will enhance health and safety in the workplace.

WHAT THE LAW SAYS

The legislation that covers safety representation and worker involvement is:

- ◆ the Health and Safety at Work etc Act 1974
- ◆ the Safety Representatives and Safety Committees Regulations 1977
- ◆ The Management of Health & Safety Regulations 1992 amended 1999
- ◆ the Health & Safety (Consultation with Employees) Regulations (HSCEC) 1996
- ◆ the Information and Consultation with Employees Regulations 2004, which came into effect on 6 April 2005

Employers have a “duty of care” to look after the health and safety of all their employees, this is required by:

- **Statute** – the Health and Safety at Work Act 1974
- **Common Law** – under the law of negligence and:

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- **Contract Law** – it is an implied term in the contract of employment that the employer will ensure the employees' health, safety and welfare

DEFINITIONS

Safety representatives are appointed by trade unions to represent their members on health and safety issues. In some workplaces, they have agreed to represent the entire workforce. The Safety Representatives and Safety Committees Regulations 1977 set out their legal functions.

If two or more safety representatives request the employer to set up a safety committee, the employer must do so within three months of the request. Safety committees can help the employer develop, promote, monitor and amend their health and safety management systems.



CONSULTATION AND WORKER INVOLVEMENT

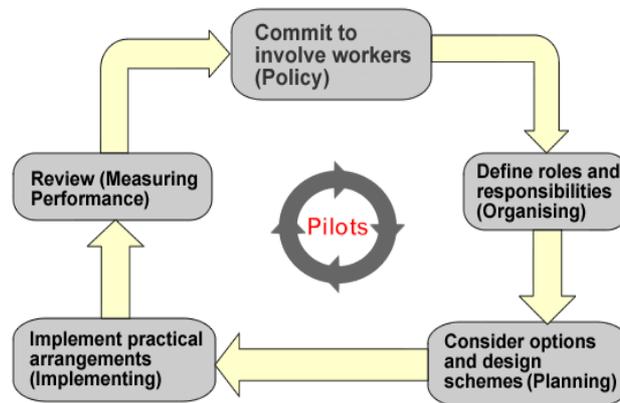
Consulting employees on health and safety matters can be very important in creating and maintaining a safe and healthy working environment. By consulting employees, an employer should motivate staff and make them aware of health and safety issues. Businesses can become more efficient and reduce the number of accidents and work-related illnesses.

The Regulations and Codes of Practice provide a legal framework for employers and trade unions to reach agreement on arrangements for safety representatives and safety committees to operate in their workplace. There is nothing to stop employers and employees agreeing to alternative arrangements for joint consultation on health and safety at work. Such arrangements cannot detract from the rights and obligations created by the Regulations. Recognised trade unions can at any time invoke the rights given by the Regulations and the obligations

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on the employer would then apply.

The code of practice says "The employer, the recognised trade unions concerned and safety representatives should make full and proper use of the existing agreed industrial relations machinery to reach the degree of agreement necessary to achieve the purpose of the Regulations and in order to resolve any differences".



FUNCTIONS OF THE SAFETY REP

- representing employees in discussions with the employer on health, safety or welfare issues and in discussions with HSE or other enforcing authorities
- being consulted in "good time" over a large range of health and safety issues
- being involved with risk assessment procedures
- attending safety committee meetings

- having access to relevant health and safety information
- inspecting the workplace
- investigating potential hazards
- investigating reportable accidents, cases of diseases or ill health and dangerous occurrences. It is good practice to investigate all accidents that occur in the workplace.
- investigating employees' complaints
- receiving information from health and safety

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inspectors

- being given paid time off their normal work to carry out their functions and undergo training
- having access to suitable facilities and assistance to carry out their functions

MATTERS FOR CONSULTATION

- workplace inspections that involve all levels and are appropriate to the individual organisation
- raising awareness of the key health and safety issues
- full worker involvement in health and safety planning
- worker involvement in changes in the workplace plan and processes
- purchase of equipment needs worker input
- develop safe systems of work and safety procedures
- analyse accidents and causes of notifiable occupational diseases
- the need to 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
- monitor and review the adequacy of health and safety communication and publicity within the workplace and:
- continuously monitor all arrangements for health and safety and revise them whenever necessary

Consultation with employees must be carried out on matters to do with their health and safety at work, including:

- ⇒ any change which may substantially affect their health and safety at work, for example in procedures, equipment or ways of working

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- ⇒ the employer's arrangements for getting competent people to help him or her satisfy health and safety laws
- ⇒ the information that employees must be given on the likely risks and dangers arising from their work, measures to reduce or get rid of these risks and what they should do if they have to deal with a risk or danger
- ⇒ the planning of health and safety training
- ⇒ the health and safety consequences of introducing new technology



For examples of good practice refer to Appendix 2.

APPOINTMENT OF SAFETY REPS

Independent trade unions recognised by employers have the right to elect or appoint safety reps. It is not a matter for employers.

In the footwear and leather industries, safety reps are elected by the members they are to represent. Their trade union has to approve their election and must advise the employer, in writing, of their appointment. The employer must also be told in writing which group of employees the appointed safety rep represents.

The number of safety reps is up to the union, but may be subject to agreement with the employer.

Decisions may need to take account of:

- ❖ numbers employed
- ❖ variety of jobs and activities
- ❖ size and number of locations
- ❖ shift systems
- ❖ type of work and hazards

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NON-UNION APPOINTED SAFETY REPS

Where no union is recognised, employee representatives may be appointed by the employees and must be employed within the group that elects them. The number of non union representatives elected will depend upon similar criteria that is applicable to union appointed representatives. The employer is responsible for training and providing facilities and assistance to allow them to carry out their functions properly.

MEMBERSHIP OF SAFETY COMMITTEES

The membership and structure of safety committees should be settled in consultation between management and the trade union representatives concerned, through the use of the normal machinery. The aim should be to keep the total size as reasonably compact as possible and compatible with the adequate representation of the interests of management and of all the employees, including safety representatives. The number of management representatives should not exceed the number of employees' representatives.

Management representatives should not only include those from line management but such others as work engineers and personnel managers. The supervisory level should also be represented. Management representation should be aimed at ensuring:

- ✓ adequate authority to give proper consideration to views and recommendations
- ✓ the necessary knowledge and expertise to provide accurate information to the committee on company policy, production needs and on technical matters in relation to premises, processes, plant, machinery and equipment

In undertakings where a company doctor, nurse, occupational hygienist or safety officer/adviser is



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employed, they should be ex-officio members of the safety committee. Other company specialists, such as project engineers, chemists, organisation and methods staff and training officers might be co-opted for particular meetings when subjects on which they have expertise are to be discussed.

It should be fully understood that a safety representative is not appointed by the safety committee or vice versa, but the relationship between safety representatives and the safety committee should be a flexible but intimate one. Neither is responsible to, or for, the other. The aim should be to form the most effective organisation appropriate to the particular undertaking and, in particular, effective co-ordination between the work of the committee and the safety representatives.

Safety committee meetings should take place on a regular basis and should not be cancelled without good justifiable reasons. Where postponement becomes absolutely necessary, an agreed date for the next meeting should be made and announced as soon as possible.

TRAINING AND FACILITIES

There is a legal duty to support the training of representatives; elected representatives need to be given appropriate health and safety training and be supported with paid time off to attend it; trade union safety reps must be given time off with pay to attend training provided by their union or the TUC.

As soon as possible after their appointment, safety representatives should be allowed paid time off work to attend basic training approved by their union. Further training should be undertaken when the need arises.

Where non-union employee representatives have been appointed, the responsibility for adequate training rests with the employer.



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It is essential that all levels of any organisation have appropriate training and understand their role within the workplace to ensure effective health and safety management.

Every employer has a legal obligation to provide adequate facilities and assistance for safety reps for the purpose of carrying out their functions within the workplace.

USEFUL SOURCES OF INFORMATION

L21 The Management of Health and Safety at Work Regulations 1994, Approved Code of Practice and Guidance 1992 amended 1999.

L87 Safety Representatives and Safety Committees revised edition 1996.

L95 A Guide to the Health and Safety (Consultation with Employees) Regulations 1996.

IND(G) 232 Consulting Employees on Health and Safety.

OC 111/2 Contact with Safety/Employee Representatives by HSE Inspectors at Visits.

OC 111/3 Enforcement of Regulations requiring Consultation with Employees.

LA/C 73/1 Health and Safety (Consultation with Employees) Regulations 1996.

LA/C 73/2 Contact with Representatives and Employees at Visits and Disclosure of Information.

Information and Consultation of Employees Regulations 2004

<http://www.hse.gov.uk/involvement/index.htm>

The Union Effect www.tuc.org.uk/h_and_s/tuc-8382-f0.cfm



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	<p>Hazards – Hazards Publications, PO Box 199, Sheffield S1 4YL 0114 235 2074 www.lrd.org.uk</p> <p>Labour Research Dept., 78 Blackfriars Rd., London SE1 8HF 0207 928 3649 www.lrd.org.uk</p> <p>HSE Information Line: 08701 545500 www.hse.gov.uk</p> <p>HSE's "Brown Book" www.tuc.org.uk/extras/brownbook.pdf</p> <p>HSC's statement on worker involvement www.hse.gov.uk/workers/involvement</p>
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APPENDIX 1.

A QUICK CHECKLIST.

Question	Yes	No
Have workers, as well as management, been involved in determining the company safety policy?		
Do you have representatives of employee safety and a health and safety committee?		
Is your health and safety committee dealing with strategic matters or burdened with day-to-day problems that are better resolved elsewhere?		
Are all health and safety committee members equal partners?		
Have safety representatives, supervisors and other staff been trained to enable them to play an equal role in the health and safety committee?		
Can employees set the health and safety agenda during team meetings?		
Is there a system for staff to make a positive input to improve health and safety performance?		
Do ideas for health and safety initiatives come from the workforce?		
Are your employees involved in long-term health and safety initiatives?		
Does your company provide cover for workers to enable attendance at safety meetings and training courses?		
Are the people who carry out particular tasks involved in the risk assessment of those tasks?		
Are workers involved in writing safe working procedures?		
When changes are planned, are workers fully involved?		
When accidents are investigated are safety representatives fully involved?		
Do health and safety audits actively include safety representatives as well as managers?		

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APPENDIX 2. Key questions and examples of good practice

Question	Examples of good practice
Policy	
To what extent is the workforce involved in the development and review of your health and safety policy statement or policy for specific risk control systems?	Workforce representatives are actively involved in preparation and revision of general health and safety policy statement and key risk control system statements, eg statement for maintenance of plant. Commitment to involvement is specified in the general policy statement.
Organising: control	
Are employees being empowered and given specific health and safety roles as individuals or as part of teams? (This is not replacing management duties for health and safety).	Employees take on new roles, eg secondment to safety department, or act as champions for specific topics, eg permit to work. Employees and contractors are involved in continuous improvement teams tackling health and safety topics.
Organising: co-operation	
Are all of the workforce co-operating to enable staff to carry out their	Managers and colleagues provide resource, eg fund and attend meetings in overtime periods, change individual shift patterns, provide

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health and safety functions?	additional cover to release staff for meetings or training.
Have changes been made to the health and safety committee and management arrangements to enable effective, active workforce involvement?	The committee focuses on strategic health and safety matters; management roles reflect this. Day-to-day problems are resolved as they occur and solutions drawn to the attention of the committee.
Organising: communication	
Is there good communication involving workers throughout the organisation?	Employees are involved in delivering the message. For example, at a launch of a programme, workforce representatives/improvement teams are involved in 'tool box' talks, newsletters, posters or suggestion schemes which enable active involvement. Employees are kept informed and are able to contribute.
Organising: competence	
Are employees actively involved in the design and delivery of health and safety training?	An improvement team prepares training material and trains the workforce. Training is provided for staff who require new skills as the result of changing roles from increased involvement.
Planning and implementing	
Is the workforce involved in setting your overall objectives and plans for	Employees are involved in setting workforce involvement objectives. Teams/departments set their own annual health and safety targets/plans

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<p>health and safety (the detail of which implements the strategic policies)?</p>	<p>based on strategic policies and these are reflected in individual job objectives.</p>
<p>Do safety specialists or other managers carry out the risk assessments without involving relevant workers?</p>	<p>The 'doers' are actively involved, consulted or are trained to enable them to play a full part in the assessment process.</p>
<p>When new equipment, materials, services or contractors are being procured, is the workforce actively involved?</p>	<p>Employees form part of a design/engineering team, assisting in identifying hazards and providing process/operational information and suggestions.</p>
<p>Is the workforce actively involved in the design of, or changes to your equipment, work layout, systems of work, rules and procedures?</p>	<p>Operators, engineers and fitters assist in talking to staff, redesigning equipment and preparing briefings.</p>
<p>How is the workforce included in problem-solving activities?</p>	<p>Workers participate as equals in teams to solve problems.</p>
<p>Measurement</p>	
<p>Is there active monitoring involving the workforce?</p>	<p>Employeers are actively involved in workplace inspections, behavioural observations, checking progress with plans, team health and safety performance, assessing risk control systems and suggestion schemes.</p>

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<p>How is your workforce involved in the investigation of accidents and ill health?</p>	<p>Safety representatives investigate (and analyse root causes) of accidents and cases of ill health.</p>
<p>Audit and review</p>	
<p>Does your health and safety committee review strategic health and safety matters, eg operation of your risk control systems?</p>	<p>Health and safety committee carries out fundamental performance review, ie audits performance of the health and safety management system and key risk control systems, and takes action as necessary.</p>
<p>Are your workers involved in the review of risk controls?</p>	<p>Teams include active workforce participation during activities such as process hazard review and review of operating procedures.</p>
<p>Do your managers include the workforce in the review of departmental health and safety matters?</p>	<p>Teams review their own performance and suggest action.</p>
<p>To what extent is your workforce actively involved in the audit process?</p>	<p>Employees and safety representatives form part of the audit team.</p>

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c/o The Secretary, FLIHSC, BFA, 3 Burystead Place,
Wellingborough, Northants NN8 1 AH
Tel 01933 229005 Fax 01933 225009
E mail elaine@britfoot.com

FLIHSC

Members of the working party involved in producing this document:

Alan Edmond, Community
Elaine Davies, British Footwear Association Ltd
Roy Bennett, Community
Gary Dickson, Scottish Leather Group Ltd
Jean Drage, Crockett & Jones Ltd/Community
Simon Hill, Church & Co Ltd
David Preedy, Loake Bros/Community
John Rivett, JR Safety
Jonathan Smith, Joseph Cheaney & Sons Ltd
Robert Sneddon, Community

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British Footwear Association – www.britfoot.com

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