

Partnership on Health And Safety in Scotland

Improving worker involvement — Improving Health and Safety

The trade union view (Agenda item 3.4)

Purpose of the Paper

The purpose of the paper is to provide PHASS with an insight into the trade union response to the proposals set out in the Health and Safety Executive Consultation, “Improving Worker Involvement — Improving health and safety”.

Background

Trade unions have been actively involved in improving workplace safety since the SRSCR came into force. However there are trade union concerns the regulations have not evolved to reflect the changing world of work.

While the consultation is welcome trade unions feel the opportunity to make the necessary changes to ensure the majority of workers are properly consulted has been missed.

We are worried that continuing to rely on a system of voluntarism, where without the support of strong legislation and enforcement, will only result in consultation arrangements being improved in workplaces where the health and safety of their workers is already of importance.

Discussion Points

- Trade union health and safety representatives face barriers when trying to encourage employers to provide facilities to allow representatives to effectively carry out their duties. Trade unions would have hoped that the proposals would have sought to firm up much of the guidance by writing it into the existing ACOP.
- Trade unions have been actively involved in the current challenge fund and would support developing the existing fund to a level that makes a tangible difference in the way that workers can be involved in health and safety decision making. The trade union movement has demonstrated a willingness to work with employers and workers in non unionized workplaces to develop sustainable worker involvement based on the existing trade union model. This has included providing trained health and safety representatives to assist organisations implement health and safety management systems based on bottom up worker involvement. Any new proposals would have to ensure that the role of the workers safety adviser in itself is sustainable. The current system is flawed, not in its purpose but in the short termism of the fund and, therefore the individual projects. This would involve substantial extra funding and this burden should not fall solely on the Health and Safety Executive.

- It has been suggested that the Information and Consultation with Employees Regulations may have an impact on consultation on health and safety matters. Trade unions do not believe that health and safety consultation should be included in any consultation arrangements implemented as a result of these regulations. We suspect these regulations will be subject to little or no proactive enforcement; will put the burden on dispute resolution on workers representatives and threaten to undermine existing arrangements regarding health and safety consultation.
- In many trade unions positive engagement with employers has resulted in health and safety management systems being implemented that go far beyond that required by the law. Such systems often include commitment by employers to provide written responses to safety representatives through a voluntary union improvement notice. Other examples include voluntary arrangements for roving safety representatives to meet the changing needs of the organisation irrespective of whether they operate in the private or public sector. There are further examples where employers recognize the benefits of involving health and safety representatives in carrying out risk assessments.
- The consultation suggests extending the proposals to include representatives of employee safety. Trade unions do not have any objection to this and see the advantages of regulations that cover both union representatives and others. However, we contend that independently appointed health and safety representatives who have access to independent support from their trade unions provide the most effective method of representation and consultation on workplace safety issues.
- There appears to be an assumption in the Regulatory Impact Assessment that there will be 100% compliance with the new regulations and we believe this is extremely optimistic given the resources given to enforcement of existing health and safety regulations.

Conclusion

While the trade unions welcome the improvements there is disappointment that proposed new legislation is restricted to two areas:

1. A duty to consult safety representatives on risk assessments, and
2. A duty to respond to representations made by safety representatives.

We feel that further legislation should have been considered including the right for health and safety representatives to issue legally binding improvement notices, proposals for roving safety representatives and the right for safety representatives to stop work where there is a serious and imminent threat.

Although the consultation states there was no consensus on the issue of roving safety representatives surely this consultation would have been the opportunity to test this assertion throughout the wider working and business environment.