

For: Heads of all Establishments/Settings
OCC Managers
Governors/Management Committees
Trade Union Safety Representatives
Employee Notice Boards
Intranet



Consultation with Employees

Legislation

The Safety Representatives and Safety Committees Regulations (SRSCR) 1977
(as amended)

The Health and Safety (Consultation with Employees) Regulations (HSCER) 1996
(as amended)

The Health & Safety at Work etc Act 1974

Purpose

As part of its comprehensive management of health and safety at work, Oxfordshire County Council recognises its legal duty to consult with its employees on matters of health and safety. The Council **undertakes to fulfill its** statutory requirements and obligations for consultation with employees about health, safety and welfare matters.

Scope

This procedure applies to all Council Directorates, services and settings, including schools.

Why is consultation important?

The law requires the County Council, through its managers, to consult with employees, in good time, on relevant health and safety matters. Some workers who are self-employed and volunteers will be considered as employees for the purpose of consultation and must also be consulted.

The wider benefits of consultation include: healthier and safer workplaces; better decisions about health and safety issues; a stronger commitment to implementing decisions; greater co-operation and trust because the Council and its employees gain a better understanding of each others' views; joint problem-solving.

Managers' Responsibilities

Consultation involves managers giving information to employees, listening to them, and taking account of what they say before they make health and safety decisions. If a decision involving work equipment, activities/operations/processes could affect the health and safety of employees, the employer must allow time for consultations on what is proposed. The County Council will also give the employees, and/or their representatives, the chance to raise concerns about health and safety and express their views and take account of this before a decision is reached.

Further information is to be found in [Annex 1](#).

Issued by the Health, Safety and Wellbeing Team, Customer Services, Unipart House, Garsington Road, OXFORD, OX4 2GQ

How will consultation take place?

The County Council recognises a number of trade unions. Trade unions are encouraged to appoint Safety Representatives under the Safety Representatives & Safety Committee Regulations (SRSCR). The Council recognises that it must consult Safety Representatives on health and safety matters affecting the group or groups of employees they represent. Members of these groups of employees may include people who are not members of that trade union.

What help and training will representatives receive?

The County Council must make sure that recognised Safety Representatives have the opportunity to receive the suitable training they need to carry out their roles, and give them the necessary time off with pay to do with that training. The TUC or the trade union concerned will offer trade union Safety Representatives training. All Safety Representatives will be given reasonable time off with pay and appropriate help and facilities so they can carry out their role.

What information should be available?

Employees or their representatives have the right to access such information, as necessary, to enable them to take a full and effective part in consultations. Under the SRSCR the roles of trade union Safety Representatives are to:

- Investigate possible hazards at work, the causes of accidents and general complaints by employees on health and safety issues.
- Carry out inspections of the workplace particularly following accidents, diseases or other events.
- Represent employees in discussions with health and safety inspectors and to receive information from those inspectors.
- Go to meetings of Safety Committees.

Committees

Within the County Council, formal consultation process with recognised Trade Unions takes place within the following committees:

- Employees Joint Consultative Committee
- Teachers Joint Consultative Committee
- Education Health & Safety Advisory Group (informal)
- Fire Service Joint Health & Safety Committee
- Joint Working Group (informal)

The role of Safety Committees is to feed into the process:

- Develop safe systems of work and safety procedures.
- Analyse work related accidents and ill-health causes of occupational diseases.
- 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 Health & Safety Executive inspectors and Environmental Health Officers.

- Monitor and review the adequacy of health and safety communication and publicity within the workplace.
- Continuously monitor all arrangements for health and safety and revise them whenever necessary.

The role and rights of Safety Representatives

The HSCER give elected representatives of employees the right to:

- Take up with employers concerns about possible risks and dangerous events in the workplace that may affect the employees they represent.
- Take up with the employer general matters affecting the health and safety of the employees they represent.

Represent the employees who elected them in consultations with health and safety inspectors.

Further information about the role and rights of safety representatives can be obtained from the Health and Safety Executive (HSE) at: <http://www.hse.gov.uk/pubns/indg232.pdf>

[Annex 1](#) contains further information about what employers must consult about and facilities for Safety Representatives.

For further information and advice:

	email and web addresses	
Specialist:		
Health & Safety Executive	www.hse.gov.uk Consulting employees on health and safety A brief guide to the law: http://www.hse.gov.uk/pubns/indg232.pdf	08453 450055
General:		
Health, Safety & Wellbeing Team	email: healthandsafetyhelp@oxfordshire.gov.uk web address: http://intranet.oxfordshire.gov.uk/links/intranet/healthandsafety	01865 797222

Further Information on legal requirements

What must managers consult about?

They must consult with employees or their representatives on the following:

- The introduction of any measure which may substantially affect their health and safety at work, for example the introduction of new equipment, work plans or new systems of work (such as shift-work arrangements);
- Arrangements for getting competent people to help them comply with health and safety laws (a competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to help an employer meet the requirements of health and safety law);
- The information they must give their employees on the risks and dangers arising from their work, measures to reduce or eliminate these risks and what employees should do if they are exposed to a risk;
- The planning and organisation of health and safety training; and the health and safety consequences of introducing new technology.

Facilities and assistance

Employers through Managers must provide facilities and assistance that the health and safety representatives may reasonably require to carry out their role. This may include access to:

- A telephone and quiet area where they can have private conversations as part of their role;
- A lockable cabinet or desk for paperwork, records or reference material;
- Intranet and internet facilities (if available);
- A photocopier and a notice board to circulate information to the employees they represent; and
- Time with the employer to discuss health and safety issues.