

HEALTH & SAFETY: GENERAL INFORMATION





TSSA believes that everyone has the right to work in a safe environment that does not jeopardise their personal health and safety now or in the future.

TSSA is committed to taking on and challenging employers who fall short in providing such working conditions.

Where members suffer injury or ill-health as a result of negligence, TSSA provides access to professional legal advice to help recover damages.

TSSA Health & Safety Reps are at the forefront of delivering this message.

Health and Safety reps;

Investigate

Investigate complaints from/on behalf of members.

Take up problems you identify yourself.

Investigate accidents, diseases and dangerous occurrences.

Inspect

Make a formal, planned inspection of the workplace at least every three months.

Carry out extra inspections where there is to be, or has been, a change in the working conditions, or where new hazards information has become available.

Get information

This means any information held by the employer that relates to health, safety and welfare (unless it identifies a particular member of staff).

Reps have the right to see and take copies of any document that the employer is required to keep by law, such as risk assessments, safety policy, fire certificate, accident book etc.

Reps have the right to see reports from the enforcement authorities.

Union-appointed representatives

The role of the health and safety representative is independent of management.

Representatives are there to represent the interests and concerns of their members and respond on their behalf.

They provide valuable insight; skills and resources that help employers and their staff ensure a safe and healthy working environment.

The law sets out what functions representatives have.

Representatives appointed by trade unions can:

- Represent the workforce on health and safety generally;
- Make representations on potential hazards and dangers;
- Attend training courses;
- Have contact with inspectors.

Functions of union-appointed health and safety representatives

The law makes it clear that Health and Safety reps can:

- Represent employees generally and consult with them about specific matters that will affect their health, safety and welfare;
- Represent employees when Health and Safety Inspectors from HSE or local authorities consult them;
- Investigate accidents, near misses, and other potential hazards and dangerous occurrences in the workplace;
- Investigate complaints made by an employee they represent about their health, safety or welfare in the workplace;
- Present the findings of investigations to the employer;
- Inspect the workplace;
- [Where there are at least two representatives,] request in writing that a health and safety committee is set up;
- Attend Health and Safety Committee meetings as a representative.

Facilities and assistance

Employers must provide facilities and assistance that the health and safety representatives may reasonably require to carry out their role.

This should 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;
- Time with the employer and employees to discuss health and safety issues.

Protection for Health and Safety Reps

The rights and functions of safety reps do not place any legal duties on them.

This means that a safety rep has no greater liability in law for health and safety breaches than any other employee.

BROWN BOOK

For further information on regulations, points of clarity and guidance, reps should also refer to the TUC Safety Representatives and Safety Committees, Commonly known as the 'Brown Book'.

