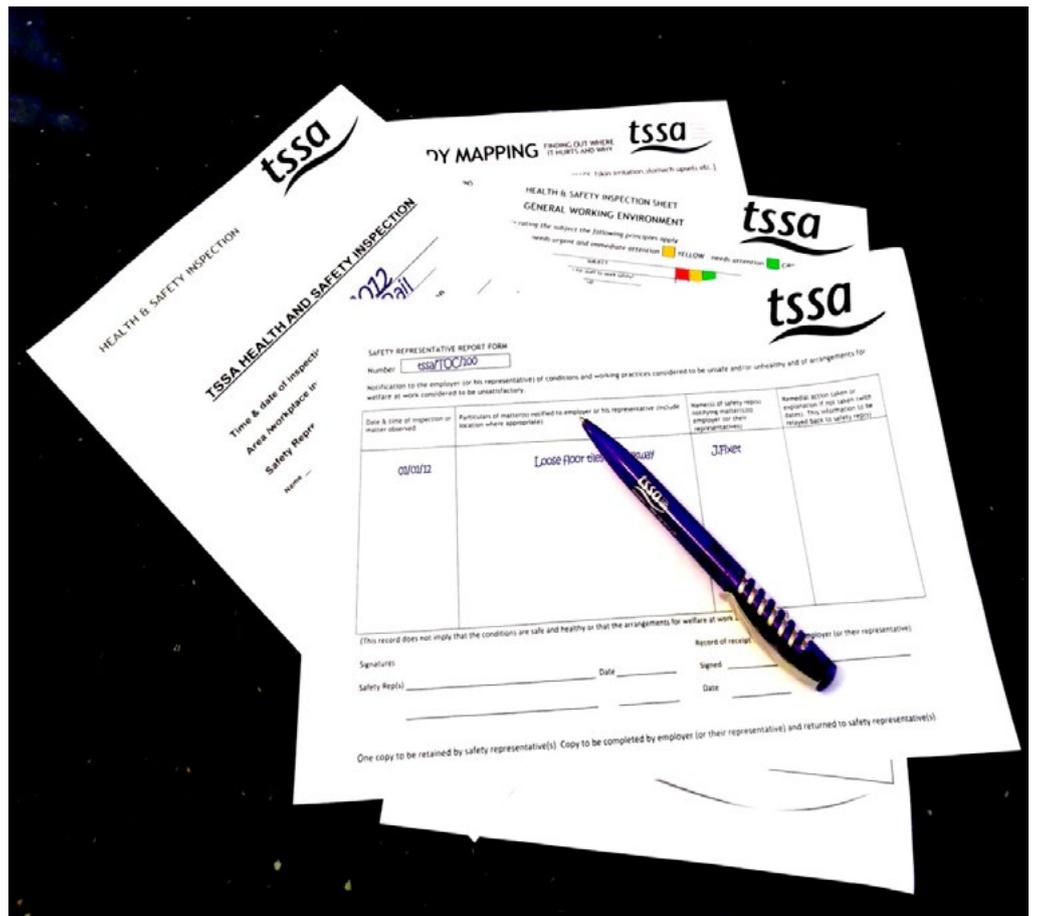


Health and Safety Consultation





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.

Why consult on health and safety?

Consultation about health and safety results in:

- healthier and safer workplaces – employee input is valuable to identify
- Assessment of hazards, and develops ways to control or re-move risks;
- better decisions about health and safety – based on the input and experience of a range of people in the organisation, including employees who have extensive knowledge of their own job and the business;
- stronger commitment to implement decisions or actions – employees have been actively involved in reaching these decisions;
- greater co-operation and trust – employers and employees talk to each other, listen to each other and gain a better understanding of each other's views;
- joint problem-solving.

By law, employers must consult with their employees on health and safety matters.

What must employers consult about?

Employers 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 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 risks and dangers arising from their work, measures to reduce or get rid of these risks and what employees should do if they are exposed to a risk;
- The planning and organisation of health and safety training;
- The health and safety consequences of introducing new technology.

What does consultation with employers involve?

Consultation involves employers not only giving information to employees but also listening to and taking account of what they say before making any health and safety decisions.

The law does not set down when employers must consult, or for how long, but it does say it must be 'in good time'. In practice, this means they have to allow enough time for consideration of the matters being raised and time to provide informed responses.

Consultation does not remove the employer's right to manage. They will still make the final decision, but talking to employees is an important part of successfully managing health and safety.

What information should be available to employees?

An employer must give employees or their representatives the information necessary to allow them to participate fully and effectively in the consultation.

When consulting representatives, the employer must provide them with the information necessary to enable them to fulfil their functions. Information should include the risks arising from their work, the measures in place or proposals to control these risks, and what they should do if they are exposed to a risk, including emergency procedures.

Employers should already have the relevant information needed for employees as part of their health and safety management system.

There is no need for employers to present this information in a different format and provide it as a separate package, or get hold of additional information for their employees or their representatives.

An employer doesn't have to provide information if:

- It would be against the interests of national security or against the law.
- It is about someone who has not given their permission.
- It would (other than for reasons of its effect on health and safety) cause substantial injury to the organisation (or if supplied by someone else, to the business of that person)
- They have obtained information for purpose of any legal proceedings.

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'.

