

The Highland Council
Resources Committee – 28th May 2014

Agenda Item	19
Report No	RES/ 17/14

Review of the Safety Representatives Charter and Health and Safety Partnership Agreement

Report by Deputy Chief Executive

Summary

The Safety Representatives Charter and Health and Safety Partnership Agreement between the Highland Council and recognised Trade Unions were last reviewed in March 2011. There is a commitment to review these documents every three years. This paper introduces the most recent versions of the Charter and Agreement.

1. Background

- 1.1 The Safety Representatives Charter and the Health and Safety Partnership Agreement were originally introduced in 2006 and are key documents in the Council's commitment to improving workplace health and safety standards in partnership with the recognised trade unions.
- 1.2 In the last three years, 23 new TU Health and Safety representatives have been appointed. In addition, 11 have gone on to achieve a Health and Safety Stage 2 qualification and 3 have achieved the TUC Occupational Health and Safety Diploma and were presented with their awards by Councillor Dr. David Alston on 2 April 2014, along with 5 other TU Representatives from partner organisations.
- 1.3 Each representative has a target to perform 4 workplace inspections a year – joint inspections by TU representatives and Managers are encouraged. This has been adopted as a formal performance indicator and progress will be reported to the Central Safety Committee. It is believed that the health and safety culture across the Council has been improved by representatives visiting workplaces and the continuation of this is to be encouraged. Results show that the Council's accident rate and days lost due to accidents at work have reduced considerably year by year:

	2010/11	2011/12	2012/13
Days lost to accident	838	467	595
Accident rate (= (reportable injuries/no. employees)*100,000	368	356	158

- 1.4 The STUC view the Council's commitment to joint working as an exemplar for partnership working.

2. Summary of changes

- 2.1 There is a commitment to review these documents on a three yearly cycle. These changes have been made in consultation with TU health and safety representatives.
- 2.2 The Partnership Agreement has been updated to reflect changes in job titles and update links and references to Council policy documents. It also recognised that some of the TU representatives are mobile workers which should be taken into consideration when allocating resources to them.
- 2.3 The Safety Representatives Charter remains unchanged.

3.0 Consultation

- 3.1 The review and subsequent amendments to the Partnership Agreement was achieved following consultation with TU Health and Safety Representatives.
- 3.2 This report was submitted to and agreed by the Central Safety Committee on 11th April 2014.

4. Implications

- 4.1 These documents help the Council meet the requirement of the Safety Representatives and Safety Committee Regulations 1997 and will assist in minimising health and safety risks.
- 4.2 Employees appointed as Safety Representatives are entitled to time off for relevant training and attending meetings, conducting inspections etc. Other than this there are no other Resource, Legal, Equalities, Climate Change/Carbon Clever, Risk or Gaelic implications arising from this report.

Recommendation:

That the Committee approves the updates to the Safety Representatives' Charter and the Health and Safety Partnership Agreement.

Designation: Deputy Chief Executive

Date: 2 May 2014

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Safety Representatives Charter

Cùmhnant Sgrìobhte Riochdairean Sàbhailteachd

1.0 Introduction

This Charter was developed as one of the key targets of the Health and Safety Partnership Agreement between the Highland Council and the recognised trade unions in 2006. In developing the Charter the Council recognised the benefits of having trained trade union safety representatives and the fact that HSE research shows that workplaces with trade union safety reps have 50% fewer injuries than those without.

One of the principal aims of the current and previous Health and Safety Partnership Agreements has therefore been to encourage the recruitment, training and development of an effective network of trade union safety representatives throughout the Council's Services and Areas. This charter recognises that conflict can be a barrier to the achievement of health and safety improvements and promotes the development of trusting relationships between management and safety representatives, whereby information and experience can be exchanged to the mutual benefit of both the Council and its employees. The charter also aims to define the consultation process and the training and competency standards of safety representatives. It also provides formal recognition of the role and functions of trade union safety representatives and details of the facilities and assistance that the Council will provide to assure that role can be fulfilled. It is designed to clarify, but in no way detract from, the statutory rights assigned to trade union safety representatives by the Safety Representatives and Safety Committees Regulations 1977 and any other health and safety legislation or codes of practice.

2.0 Definitions

The following definitions will apply in relation to this charter:

- *Safety Representative* means a Trade Union Safety Representative.
- *Employer* means the Highland Council.
- *Employee* means a person employed by the Highland Council.
- *Representative of Employee Safety* means a person elected by employees (non-union) in the workplace to represent them in health and safety issues.
- *Workplace* means any workplace owned by, or under the control of The Highland Council, both permanent and temporary, and includes any other place being a building, vehicle or vessel, open space or open water, where, for the time being, any employee or employees is required to work or be "at work".
- *SRSC* means The Safety Representatives and Safety Committees Regulations 1977.
- *HSE* means the Health and Safety Executive.
- *Risk Assessment* means any risk assessment required generally or specifically by the Health and Safety at Work Act and any regulations there under.

3. Scope

This charter will apply to the arrangements between the Highland Council and those safety representative appointed by the recognised trade unions in accordance with the SRSC Regulations 1977.

4.0 The Role and Functions of Safety Representatives

Safety representatives are appointed by trade unions to represent their members on health and safety issues. In some workplaces they may agree to represent the entire workforce. The SRSC Regulations 1977 set out their legal functions, which include:

- a) Representing employees in discussions with the employer on health, safety or welfare issues and in discussions with the HSE or other enforcing authorities;
- b) Being consulted "in good time" over a large range of health and safety issues;
- c) Being involved with risk assessment procedures;
- d) Attending safety committee meetings;
- e) Having access to relevant health and safety information;
- f) Inspecting the workplace
- g) Investigating potential hazards;
- h) Investigating notifiable accidents, cases of diseases or ill health and dangerous occurrences;
- i) Investigating employees' complaints;
- j) Receiving information from health and safety inspectors;
- k) Being given paid time off their normal work to carry out their functions and undergo training;
- l) Having access to suitable facilities and assistance to carry out their functions.

The purpose of this charter is therefore to provide further guidance and clarification in respect of these functions, as follows.

5.0 Appointment and Training of Safety Representatives

The Highland Council, through its partnership agreement with the recognised trade unions will:

- a) Encourage the recruitment of safety representatives.
- b) Facilitate TUC approved health and safety training for safety representatives.

In respect of these objectives, the Council will:

- i. Assist the recognised trade unions in the recruitment of safety representatives through the use of its intranet and other communication systems.
- ii. Maintain a database of all safety representatives appointed by the trade unions.
- iii. Facilitate the provision of TUC approved safety representative training in the Highland Area.
- iv. Where necessary provide suitable training facilities and pay reasonable travel and subsistence costs for a TUC trainer to deliver courses in the Highlands.
- v. Ensure that safety representatives are permitted to take such time off with pay during normal working hours to undertake the appropriate training.
- vi. Pay reasonable travel and subsistence costs incurred by safety representatives attending approved training courses, **in line with The Highland Council's Travel and Subsistence Policy**. This will be the responsibility of the employing Service.
- vii. Consider the following to be approved training appropriate to the needs of safety representatives:
 - TUC Health and Safety Stage 1, 2 and 3
 - In-house health and safety **related** courses delivered by the Health and Safety Team or Employee Development.
 - In-house courses on the use of computers or in respect of relevant Council policies.
 - Any other courses, the content of which has been approved by the **Deputy** Chief Executive and the **Occupational** Health, Safety and Wellbeing Manager.

In respect of these objectives the recognised trade unions will:

- i. Promote the role of a safety representative throughout their membership and seek to recruit new safety representatives to ensure an even distribution throughout the range of Council Services and Areas.
- ii. Provide sufficient information to members who are interested in taking on the role of a safety representative to ensure that they are fully aware of the functions they are expected to fulfil.
- iii. Consider the ability of part time workers in particular to undertake the role and any difficulties that may relate to the number of workplaces to be covered and the need for transport etc.
- iv. Provide written confirmation of the appointment of trade union safety representatives to the Assistant Chief Executive and the Health and Safety Manager.
- v. Maintain accurate records of appointed safety representatives including details of the training undertaken and the workplace they are responsible for.
- vi. Co-ordinate applications for safety representative training and arrange suitable dates for training in the Highlands in conjunction with the **Occupational** Health, Safety and Wellbeing Manager
- vii. Ensure that line managers are given adequate notice of the organised dates to enable suitable arrangements/ adjustments to be made to ensure continued service delivery.

- viii. Pay travel and subsistence costs of safety representatives attending any health and safety courses organised by the individual trade unions themselves.
- ix. Provide suitable pre-course information to applicants to ensure that they are aware of the dates, times, locations and arrangements for travel and subsistence etc.

6.0 Consultation and Safety Committees

(Reference should also be made to the Council [Policy and Guidance on Health and Safety Consultation](#).)

To ensure that effective health and safety consultation takes place, the Council will:

- i. Maintain formal arrangements for consultation on health and safety issues including:
 - A Central Safety Committee
 - Area Health and Safety Groups
 - Service specific health and safety groups (where applicable)
- ii. Ensure that safety representatives are given the opportunity to attend meetings in accordance with the Council's policy and guidance on Health and Safety Consultation.
- iii. Consult with safety representatives on:
 - The introduction of new, and the review of existing health and safety related policies
 - The introduction of any measures at the workplace that may substantially affect health and safety.
 - Arrangements for appointing competent persons to assist the employer with health and safety.
 - Procedures for dealing with situations of serious and imminent danger.
 - Any health and safety information required to be provided to the employees.
 - The planning and organisation of health and safety training.
 - The health and safety consequences of introducing new equipment, technology or work methods
 - Any proposals to make substantial changes to the structure or fabric of the workplace.
 - Any proposals to deal with asbestos or materials containing asbestos discovered in the workplace.
 - The processes of risk assessment and in particular where significant risks have been identified.

The recognised trade unions will:

- i. Expect safety representatives to consult with the members they represent prior to attending health and safety meetings, with a view to raising issues highlighted in the consultation process at the appropriate meeting.

- ii. Expect safety representatives to provide feedback to the members they represent on the outcome of the meetings.
- iii. Encourage safety representatives to attend meetings in accordance with the Council policy on Health and Safety Consultation.
- iv. Organise quarterly meetings to enable safety representatives from all unions to discuss issues associated with their role and the performance of their functions and encourage best practice.
- v. Provide responses to health and safety consultation documents within appropriate timescales.
- vi. Encourage safety representatives to meet with line managers on a regular informal basis to promote a culture of co-operation and joint problem solving in respect of local health and safety workplaces issues.

7.0 Workplace Inspections and Accident Investigations

To ensure that safety representatives are given the opportunity to carry out regular inspections of workplaces they represent, the Council will:

- i. Ensure that they are permitted to take such time off with pay during normal working hours to perform their statutory functions.
- ii. Require prior agreement for functions performed outwith normal working hours to ensure the full protection of employment law.
- iii. Expect prior notification to the appropriate manager of formal inspections of the workplace. This should be a minimum of one week in advance of the planned date of inspection unless a programme of inspections has been agreed to cover an extended (recommended twelve month) period.
- iv. Waive the requirement for prior notification where the need for inspection arises following a workplace accident.
- v. Reserve the right to have a representative of management in attendance during such inspections if considered necessary.
- vi. Require prior agreement for the same workplace to be inspected more frequently than once every three months, except where changes in legislation occur following the previous inspection. It is anticipated that this arrangement will apply in respect of further inspection required to follow up actions highlighted in original inspections.
- vii. Encourage managers to carry out joint accident investigations with safety representatives.
- viii. Encourage managers to discuss the outcome of inspections findings with safety representatives.
- ix. Expect managers to provide a response within an agreed timescale in respect of issues highlighted by safety representatives as requiring attention in formal inspection reports (as detailed in the [Health and Safety Management Monitoring Protocol](#)).
- x. Recognise that individual safety representatives **will** be required to carry out inspections of workplaces outwith their employing Service or Council Area.

The recognised trade unions will:

- i. Ensure that safety representatives give appropriate notification to the manager responsible for the premises of their intention to carry out a formal workplace inspection.
- ii. Establish a standard format for recording the reporting on findings of inspections to ensure that information is captured and presented in a consistent manner.
- iii. Encourage safety representatives to discuss the outcome of inspections with the line manager and submit a written copy of the report as soon as possible after completion.
- iv. Encourage safety representatives to undertake a minimum of 4 workplace inspections per year.
- v. Encourage safety representatives to carry out joint inspections and accident investigations with managers whenever possible.

8.0 Contacting Enforcing Authority Inspectors

Safety Representatives are entitled to contact enforcing authority inspectors. For Highland Council purposes the enforcing authority is the Health and Safety Executive (HSE). To ensure that contact takes place in accordance with HSE guidelines, the Council will:

- i. Require prior notification if the contact relates to a formal complaint about conditions in the workplace. The HSE has indicated that it would expect an employer to be given an opportunity to rectify a problem prior to its involvement.
- ii. Not require notification if the contact is for information, general advice or discussion in relation to any report submitted by an inspector.

The recognised trade unions will;

- i. Ensure that safety representatives notify the Council prior to contact with the HSE if the purpose of the contact is to raise a formal complaint about conditions in the workplace
- ii. Encourage safety representatives to access the HSE website and contact inspectors for specialist advice where appropriate.
- iii. Expect safety representatives to meet with HSE inspectors during inspections of workplaces they represent.

9.0 Facilities for Safety Representatives

To ensure that safety representatives can carry out their functions, the Council will provide the following facilities:

- i. Arrangements within the workplace for confidential consultation with the members they represent.

- ii. Use of a desk to prepare reports and other paperwork associated with the functions of safety representatives.
- iii. Access to secure facilities for storing correspondence.
- iv. Access to a computer at one or more workplaces occupied by the employing service together with the provision of an e-mail account in the name of the safety representative. This will allow access to the Highland Council Intranet, the Internet (union and HSE websites etc) and secure means of communication with other safety representatives. **Consideration should be given to those representatives who are classed as mobile workers.**
- v. Access to technical equipment that may assist in recording information in relation to specific workplace hazards or in the investigation of accidents. This may include digital cameras, and other specialist equipment currently owned by Services. Requests for the use of such equipment should be submitted to the Health, Safety and Wellbeing Manager.
- vi. Access to internal and external telephones.
- vii. Access to duplicating, printing and fax facilities.
- viii. A notice board or space on an existing notice board for the display of health and safety information in each workplace.
- ix. Access to safety manuals, policy documents, workplace health and safety standards, copies of relevant statistics, regulations, approved codes of practice, safety guidance notes and relevant safety journals as appropriate.
- x. The use of Council vehicles or payment of appropriate travel and subsistence expenses to enable safety representatives to visit workplaces for which they have a responsibility.
- xi. Suitable personal protective equipment (PPE) necessary to reduce or eliminate exposure to hazards in the workplaces for which the safety representative has responsibility. The need for PPE must be identified through a process of risk assessment.

The recognised trade unions will:

- i. Ensure that safety representatives only use facilities provided by the Highland Council for the purposes of fulfilling their role and functions
- ii. Distribute information produced by individual unions on health and safety hazards, legislative developments, good practice and other issues relevant to improving health and safety in the workplace, to their safety representatives
- iii. Respond to enquiries and provide appropriate advice and assistance to safety representatives on matters of concern.
- iv. Encourage the development of joint working within the Highland Council through formal partnership agreements or other methods, to improve health and safety performance in the workplace.
- v. Encourage trained safety representatives to use their knowledge and skills to carry out their functions in the spirit of co-operation and partnership working.
- vi. Notify the Assistant Chief Executive and the Health, Safety and Wellbeing Manager when one of their members indicate that they no longer wish to

continue as a safety representative and arrange for any facilities supplied by the Council in support of that role to be returned.

10.0 Conclusion

The adoption of this Charter will clarify the arrangements for the support and development of an effective network of trained trade union safety representatives from both a trade union and management perspective. It is also designed to encourage the principle of partnership working and improve the health and safety performance of the Council with the aim of reducing the numbers of workplace accidents and incidents of ill-health. The Charter is designed to avoid disputes on health and safety matters but should the situation arise then the normal and agreed ways of resolving employment relations disputes will apply.

11.0 Implementation, Monitoring and Review

This charter will be effective from the date of approval by the Highland Council. It will be distributed to all recognised trade unions and throughout Highland Council Services and Areas. The effect of its implementation will be monitored on an on-going basis and any issues arising from the introduction of the charter should be forwarded to the Health, Safety and Wellbeing Manager, Chief Executive's Office, Dochfour Drive, Inverness IV3 5EB.

The charter will be subject to a formal review on an annual basis or following the introduction of new legislation which may impact on its content. The review process will involve representatives of management and the recognised trade unions



Health and Safety Partnership Agreement

Aonta Com-pàirteachaidh Slàinte agus Sàbhailteachd

This document outlines the terms of a Health and Safety Partnership Agreement between the Highland Council and the recognised Trade Unions for the period 1st April 2014 to 31st March 2017.

The aims of the partnership are:

- a) Commitment to building a better working environment alongside improved service delivery.
- b) Recognition of the need for co-operation and communication at all levels in the organisation and with outside agencies on health and safety related issues.
- c) Commitment to harm prevention strategies and rehabilitation programmes.
- d) Focus on quality of the working environment covering welfare, occupational and public health, job design, satisfaction and workplace safety.
- e) Openness and transparency via effective consultation and joint problem solving on health and safety issues.
- f) Adding value and realising goals.

The specific objectives of the partnership are:

- a) To continue to support the recruitment, training and functions of the trade union safety representatives.
 - The Highland Council will continue to facilitate the provision of TUC Health and Safety courses at Highland Council venues and Inverness College.
 - The trade unions will continue to promote the role of safety representatives throughout their membership and further increase the network of trained safety representatives as a result. When considering recruitment, the unions will endeavour to fill gaps within the existing Service or Area network.

A target of 30 additional trade union safety representatives trained to at least TUC Health and Safety Stage 1 level has been set for the 3 year period.

- b) Promote and Review the Safety Representatives Charter
 - The Highland Council will continue to support trade union safety representatives through paid time off to attend training course, meetings and undertake inspections and other functions associated with their role. The Safety Representatives' Charter established in 2006 has assisted in providing management with a detailed list of safety representatives' functions and the facilities to which they are entitled. The Charter will be reviewed in consultation with the recognised trade unions and then further publicised throughout the Highland Council Management Structure.
 - The trade unions will continue to promote awareness of the Charter and use it as a practical reference document in situations where the clarification of role, responsibility or access to facilities may be required.

The target is to review the Charter and prepare a revised document for signature by 1 April 2017.

c) Safety Representatives Functions

- The Highland Council recognises the important role that trade union safety representatives can play in improving its overall safety performance. It also recognises that HSE statistical information indicates that workplaces with active trained union safety representatives are three times safer than those without. In supporting the recruitment, development and functionality of union safety representatives the Council would expect the unions to ensure that their safety representatives are encouraged to undertake the full range of functions assigned to them.
- The recognised trade unions will continue to encourage their trained safety representatives to meet the following agreed targets as a minimum level of performance:
 - i) Complete at least 4 workplace inspections every 12 months.
 - ii) Attend Area and/or Service Health and Safety Group meetings on a frequency determined by the unions' representation in each area.
 - iii) Attend Joint Health and Safety Representative Group meetings.
 - iv) Consult with members in workplaces they represent and raise issues with line managers.
 - v) Provide feedback to members on the results of workplace inspections or discussions at meetings etc through the provision of information via notice boards and other methods of communication.

