

Health and Safety Consultation Policy

(Including the Roles of the Trade Union Safety Representatives)

Synopsis

This policy explains how the University consults directly with staff, regardless of whether they belong to a recognised Trade Union.

It also includes the rights and roles of Trade Union Safety Representatives.

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Approval

Approved by: Policy and Resources Committee.

Date: 10th March 2022.

Revision Record

ISSUE	DATE	REASON FOR REVIEW
Draft 1	May 2021	New document for consultation
Draft 2	January 2022	Significantly revised document taking on board the feedback from the Policy Review Group that the Trade Unions represented all employees at the University on health and safety matters, including those who did not belong to any recognised Trade Union.
Draft 3	February 2022	Amended following comments from PNCC on 2 nd February to add one line to section 6, to include explicit reference to the membership of Health and Safety Committees being agreed between management and the trade Unions. This was then agreed by the Health and Safety Committee on 3 rd February.
Issue 1	March 2022	Issued after agreement by the Policy and Resources Committee on 10 th March 2022.

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1.0 Introduction

The University of Aberdeen is committed to establishing, maintaining and promoting high standards of the management of health and safety to minimise the risks to employees and others, arising from their work.

It recognises that, in order to achieve this, all employees need to play their part. This can only be effective if employees are made aware of the risks of their work activities and are able to participate in discussions about the control measures which safeguard their health safety, including being consulted on proposed changes.

Trade Union Safety Representatives have statutory rights covered by the *Safety Representatives and Safety Committees Regulations 1977*. The University also recognises and supports the contribution which Trade Union Safety Representatives can make to safety standards in the workplace, which can benefit all (i.e. not only their own members).

2.0 Purpose of the Policy

The purpose of this policy is to:

- a) Ensure that pertinent health and safety information is communicated to and from employees and interested parties and is available to them for information and reference.
- b) Explain the roles and rights of Trade Union Safety Representatives.

In doing so it is intended to encourage positive engagement of employees in effective consultation on health and safety issues with all employees.

3.0 Scope of Policy

This policy applies to all University employees of (including postgraduate students where they undertake work activities). It is designed to ensure that there are sufficient communication and consultation arrangements in order that employees shall be:

- a) Involved in the development and review of policies and procedures to manage risk.
- b) Consulted where there are any changes that affect workplace health and safety.
- c) Represented on health and safety matters at appropriate forums and committees.

This policy should be read in conjunction with the Partnership Working Recognition Agreement.

Note: As the legal requirements on which this policy is based relate to consultation with employees of the University the Aberdeen University Students' Union (AUSA) is not included within the scope. However, nothing in this policy precludes consulting with AUSA on health and safety matters relating to students, nor does it contradict any such arrangements in place.

4.0 Legislative Requirements

The University of Aberdeen acknowledge and support the importance of employee involvement in health and safety matters and the important role played by Trades Union Safety Representatives.

Trades Union Safety Representatives provide routes for consultation with employees on matters to do with health and safety at work. Trades Union Safety Representatives have specific legal rights and functions.

The Safety Representatives and Safety Committees Regulations 1977 (SRSC)

These regulations concern Trades Union Safety Representatives appointed by recognised Trades Unions in accordance with Section 2(4) of the Health and Safety at Work etc. Act. 1974. The Regulations specify the functions of such representatives and set out the obligations of employers towards them.

The Health and Safety (Consultation with Employees) Regulations 1996

In some organisations, or parts thereof, there are no recognised Trade Unions, and these regulations allow election of individuals, by a defined group of employees to represent them. Such persons are in these regulations referred to as “representatives of employee safety”.

However, the University of Aberdeen has chosen to consult directly with all employees via the mechanisms and forms as described in this policy and therefore, does not recognise “representatives of employee safety”.

5.0 Organisational Responsibilities

The University of Aberdeen delegates, via its management structure, the responsibility for complying with legal requirements relating to health and safety at work. It must ensure that health and safety is managed effectively in order to protect both employees and non-employees, including visitors and contractors.

Employees have specific individual duties and also have an important role to play in achieving and maintaining good standards of health, safety and welfare in the workplace.

Effective consultation with employees, whether through their management or their elected safety representatives, can make a significant contribution to achieving high standards of health, safety and wellbeing at work.

The University is committed to supporting the safety representatives appointed by:

- Ensuring they receive appropriate training, through individual unions or the TUC, to enable safety representatives to fulfil their functions effectively (see also Section 11).
- Disseminating information on health and safety hazards, legislative developments, good practice and other issues of relevance to their employment sector.
- Responding to enquiries and providing appropriate advice and assistance to safety representatives on matters of concern.
- Encouraging the development of joint working with employers, through formal partnership agreements or other methods, where appropriate, to improve health and safety performance at their workplaces.

6.0 Consultation with Staff

It is important that health and safety information and concerns flow freely both up and down the University's management structure. This will allow for information to be relayed and where required, decisions to be made at various levels of the organisation.

Heads of Schools and Directors have responsibility for ensuring that appropriate arrangements are in place for consultation on health, safety and wellbeing matters, where necessary by formation of a Local Health and Safety Committee.

To aid health and safety communication and performance and to enable the University to meet its legal, moral and economic obligations, it has established Local Health and Safety Committees in many Schools and Directorates as part of its culture of safety.

It also has some Specialised Safety Committees to consider risk such as Radiation Hazards and Biological Safety

Where such committees and forums exist, they will have their own terms of reference and meet each quarter to consider health and safety matters in the area under the control of the management of their School/Directorate or within their Specialised area of expertise. In smaller areas, and where only low risk activities are undertaken (such as office activities), it is acceptable to discuss health and safety matters at the management team meeting.

Where there is no specific health and safety committee or forum the management team must have a standing item for this at least every 3 months and every effort should be made to ensure all teams are represented at such meetings.

Whichever type of forum is selected, this discharges the duty to consult with staff. The agenda should include items relevant to the membership from the University Health and Safety Committee for discussion or dissemination. Wherever possible matters should be discussed, and any changes implemented under the remit of the Director or Head of School.

Where a health and safety issue is identified which meets any of the following criteria it must be escalated, via an appropriate representative, to the University Health and Safety Committee:

- a) Cannot be adequately addressed locally (as it is outside their control).
- b) May affect other areas of the University (which may not be aware).
- c) Poses a serious and imminent risk to the University.

Note:

- If two or more Trade Union Safety representatives request, in writing, a Health and Safety Committee is convened it is a legal requirement that this is done and meets quarterly thereafter.
- Upon formation of a Health and Safety Committee the membership must be agreed by management in consultation with the Trade Unions.
- More information on the remits of the University, Local and Specialised Health and Safety Committees, and the responsibilities of the various levels of management, Local Safety Co-ordinators etc. are all included in the University's General Health, Safety and Wellbeing Policy.

7.0 Resolution of Health and Safety Issues

Health and safety issues should be dealt with effectively and speedily in an atmosphere of mutual trust and confidence. Most will be resolved informally between employees and their Line Manager / Head of School or Head of Service.

Where necessary advice may be sought from the Local Safety Co-ordinator and/or the matter raised at the Local Health and Safety Forum as described in the previous section of this policy.

When required, issues can be referred to the local Health and Safety Committee or specialist Health and Safety Sub-Committee as appropriate. If that forum cannot resolve the issue, then it should be referred to the University's Health and Safety Committee.

If health and safety issues cannot be resolved there, then the University Secretary may refer the matter to the Policy and Resources Committee or other management forum as appropriate.

Note: Any employee may raise health and safety concerns via a Trade Union Safety Representative who covers their area, who can raise the matter with management on their behalf. They can also raise such matters with their Local Safety Co-ordinator or the Health, Safety and Wellbeing Team who may also discuss the matter with management on their behalf.

8.0 Consulting with Safety Representatives

The University will ensure regular and open communication and consultation with the recognised Trade Unions. Trade Union Representatives will have the opportunity to discuss health and safety performance, changes to policy / codes of practice, and be involved in safety initiatives and campaigns.

Trades Union Safety Representatives provide routes for consultation with employees on matters to do with health and safety at work. Trades Union Safety Representatives have specific legal rights and functions.

Employers must make appropriate arrangements and document the methods used to consult with employees and their safety representatives within the establishments under their control. In accordance with their statutory obligations, employers must consult with safety representatives in good time regarding:

- 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 and on implementing procedures for serious and imminent risk.
- 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 technology.

The University of Aberdeen carries out strategic level health and safety consultation, on a quarterly basis, via the University Health and Safety Committee, to which all recognised Trade Unions are invited.

Where a health and safety committee is established, the committee will jointly agree its terms of reference and draw up procedures.

The membership and structure of safety committees should be settled in consultation between management and the Trades Union Safety Representatives concerned.

Minutes of health and safety committee meetings will be made available to employees and other stakeholders.

9.0 The Role of the Safety Representative

The functions of Trades Union Safety Representatives are briefly summarised as follows:

- To investigate potential hazards and dangerous occurrences/causes of accidents in the workplace.
- To investigate employee complaints concerning health, safety and welfare issues at work.
- To make representation to the employer on relevant health, safety and welfare matters.
- To represent employees in consultation with HSE inspectors and receive information from them.
- To attend health and safety committee meetings.
- To carry out inspections on a quarterly basis, or more frequently where there has been a substantial change or an accident or incident (see Section 10 below).
- The right to inspect and make copies of documents relating to H&S in the workplace.
- The right to undergo training in their role as is reasonable.

All Safety Representatives should use their functions and powers solely for the purpose of improving health and safety standards at work.

(See Section 11 for details of their entitlement to paid time off and release from their normal duties to carry out these functions).

10.0 Health and Safety Inspections

The University of Aberdeen is committed to ensuring that safety representatives can fulfil their function of conducting workplace health and safety inspections and recognise that such inspections are an integral element of a preventive approach towards health and safety at work.

Under the SRSC regulations, formal inspections of the workplace may be carried out, after giving reasonable notice in writing, at a minimum three-monthly interval, or more frequently by agreement with the employer. Formal inspections may also be carried out after a notifiable accident or dangerous occurrence, or if a notifiable disease has been contracted, if it is safe to do so and if the interests of the employees being represented might be involved.

In addition, after consultation with the employer, inspections may also be carried out where there has been a substantial change in the conditions of work, or new guidance on the relevant workplace hazards has been published by the HSC or HSE.

Safety representatives are also entitled, after giving reasonable notice, to inspect and make copies of documentation relevant to health, safety and welfare.

It is recognised that there are benefits to be gained from employers or their representatives conducting joint inspections with safety representatives. Joint inspections may encourage the identification of solutions to any problems identified during the inspection. Such joint inspections, however, should not preclude safety representatives from exercising their entitlement to carry out independent investigations.

Safety representatives will record when they made an inspection and draw to the employer's attention, normally in writing, any hazards or unsafe/unhealthy conditions encountered. It is good practice that, upon receipt of such reports, the employer will normally take appropriate remedial action.

Where remedial action is not considered appropriate or cannot be taken within a reasonable period of time, the employer will explain the reasons and give them in writing to the safety representative. Such good practice will help to establish a constructive dialogue between safety representatives and employers, contributing to the development of a preventive culture whereby potential risks are identified and controlled as early as possible.

Employers may also consider it appropriate to encourage safety representatives to undertake more frequent inspections of high risk or rapidly changing workplaces and/or involve safety representatives in joint safety tours, safety sampling (of particularly dangerous activities, processes or areas) and safety audits or surveys.

11.0 Release from Normal Duties for Safety Representatives

Managers must ensure that safety representatives are allowed reasonable release time off with pay from their normal duties to receive training and carry out their functions as above. Agreements governing access to paid release will be negotiated between HR and safety representatives.

It is recognised that being unable to secure time away from their normal duties represents a serious obstacle to many safety representatives exercising their statutory right to perform their duties. The University of Aberdeen acknowledges that it has a managerial responsibility to accommodate reasonable requests for paid release from normal duties.

Ensuring that time off is available to allow safety representative to fulfil their duties could involve local managers in arranging cover for work activities normally undertaken by the safety representative, or the reprioritising of workloads, unless it is clearly impracticable to do so.

Some circumstances (post -accident inspections, for example) may necessitate safety representatives requesting time off at short notice. Local arrangements should be able to accommodate this.

Part-time employees, or those on temporary or fixed-term contracts, may also be carrying out the role of a safety representative. The rights and duties of safety representatives are not affected by the nature of their contract of employment or the number of hours they work. Local managers may need to give particular consideration to the necessary arrangements, such as cover for their normal work activities, to ensure that such employees can carry out their health and safety functions and attend training courses.

12.0 Facilities

The University of Aberdeen is committed to providing reasonable facilities and assistance to safety representatives for the purpose of carrying out their functions. The level and nature of the facilities provided will be agreed locally. Such facilities and assistance could include:

- Access to a room and desk at the workplace with facilities for storing correspondence.
- Ready access to internal and external telephones, e-mail and other means of communication.
- Access to typing, duplicating and computer facilities.
- Provision of a notice board.
- Use of a suitable room for confidential reporting back to individual employees and for consulting with those they represent.

Other facilities and resources may include: access to local safety manuals, policy documents and other items of local relevance (for example, workplace health and safety standards); copies of relevant statutes, regulations, approved codes of practice and health and safety guidance notes; copies of relevant safety journals etc.

Where appropriate, the University of Aberdeen encourages safety representatives to access and make use of modern information and communications technology, such as e-mail, intranet and internet facilities. Access to such facilities enhances the ability of safety representatives to keep them fully informed and maintain effective communication with both those they represent and their local managers. Such facilities can also help safety representatives to use their time more efficiently. Access to such facilities should be the subject of local agreement.

13.0 Training

The relevant Trades Unions have the primary responsibility for arranging training for the safety representatives that they appoint. The failure to grant release from their normal duties represents a serious obstacle to many safety representatives exercising their statutory right to receive training in their role. The principles espoused in the Section 11, Release from normal duties for Safety Representatives, will apply to time off for training.

Paid release to attend an approved training course, provided by either their individual union or the TUC, is a legal right for all newly appointed Trade Union Safety Representatives. Paid release for advanced or refresher training and other additional training will be considered as necessary.

Appropriate training will be provided following changes in legislation or workplace practices, which affect the health and safety of employees, or paid release granted to allow attendance on appropriate courses provided through the trade unions or the TUC.

14.0 Health and Safety Executive (HSE)

The HSE is committed to consulting with safety representatives and employees during any visits. They will also disclose information and any enforcement of the relevant regulations to employee representatives.

HSE Inspectors will:

- Be supportive of safety representatives in carrying out their functions.
- Ensure that they contact one or more safety representatives when they visit workplaces (unless it is clearly inappropriate)
- Give safety representatives an opportunity to speak privately to an Inspector if they so wish.
- Adopt a policy of openness in their dealings with safety representatives in accordance with the HSE Board Statement on openness, so far as the law allows them to do so.
and
- Ensure that employees are being consulted in accordance with the legislation.

15.0 Monitoring and Review

This policy will be periodically reviewed, by the Health, Safety and Wellbeing Team, in conjunction with Human Resources and the Policy Review Group, to ensure it is kept up to date (in terms of both the legislation and how it works within the University as a whole).

16.0 References

This policy should be read in conjunction with:

- The Partnership Working Recognition Agreement
- The University's Health, Safety and Wellbeing Policy.
- The School or Directorate Health and Safety Policy.
- The Terms of Reference for the University Health and Safety Committee
- The Terms of reference of your Local Safety Committee or Specialised Safety Committee (where applicable)