



# UNIVERSITY OF BIRMINGHAM

## THE SAFETY REPRESENTATIVES' CHARTER

Signed on Friday 10 March 2006 by members of the  
Joint Safety Advisory Committee.

Trade Union members

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# UNIVERSITY OF BIRMINGHAM

## THE SAFETY REPRESENTATIVES' CHARTER

### Introduction

1. The Safety Representatives' Charter recognises the vital contribution that Safety Representatives make towards improving health and safety standards at work when working in partnership with the University. It seeks to promote the benefits and emphasise the importance of consulting with and involving Safety Representatives, to ensure effective health and safety management.

2. The 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 employers and employees in the University. It identifies the key role that Safety Representatives play in securing the participation and involvement of the workforce and defines the arrangements between the University, the Health and Safety Executive and the trades unions for encouraging and assisting Safety Representatives to carry out their roles.

3. The Charter also aims to define the consultation process and the training and competency standards of Safety Representatives, within the current legal framework. It fully supports the rights of Safety Representatives to be consulted about all matters that could affect the health and safety of employees in the workplace, and to fulfil their statutory functions. The Charter seeks to ensure that appropriate facilities and assistance are provided to involve Safety Representatives in the development of a proactive partnership, to help develop a positive health and safety culture throughout the University.

4. In adopting this Charter, the University confirms its commitment towards meeting their minimum legal obligations to consult and engage with Safety Representatives.

### Definitions and Scope

5. Within this document:

- "HSC" means the Health and Safety Commission.
- "HSE" means the Health and Safety Executive.
- "University" means the University of Birmingham
- "Employee" means an employee working in the University (whether engaged in teaching, research or other activities).
- "Safety Representative" means a Trade Union Safety Representative (see paragraph 11).

## **Background**

6. This Charter is based on a model charter that was jointly developed by members of the HSC's Higher and Further Education Advisory Committee (HIFEAC) and Schools Education Advisory Committee (SEAC). These Committees seek to encourage employers and employees to work together to meet the improvement targets for health and safety set out in the Government's *Revitalising Health and Safety* strategy and a similar strategy on occupational health, "securing health together."

7. Recognising that the widest possible involvement of all stakeholders in the University is essential for both the "revitalising" and "securing health together" strategies to succeed, HIFEAC and SEAC seek to promote the value of consulting and involving employees through their elected representatives. Competent and well-motivated Safety Representatives, provided with support and encouragement, will add value to the efforts that all employers in the education sector will need to make if new approaches to reducing accident and ill-health rates are to be developed. The Committees endorsed this Charter and recommended its adoption as an integral part of every University's health and safety strategy.

## **Health and Safety Responsibilities**

8. The University has the prime responsibility to comply with the 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 students.

9. 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. This Charter recognises that effective consultation with employees, through their elected Safety Representatives, can make a significant contribution to achieving high standards of health, safety and welfare at work.

## **Legal Issues**

10. In signing up to this Charter, the University acknowledges and supports the importance of employee involvement in health and safety matters and the important role played by Trades Union Safety Representatives.

11. The Safety Representatives and Safety Committees Regulations 1977 (SRSC) 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 Trades Union Safety Representatives at the University have agreed to represent all staff regardless of Trade Union membership in relation to health and safety.

12. The Health and Safety (Consultation with Employees) Regulations 1996 cover employees who are not represented by Safety Representatives appointed by recognised trade unions. Currently The University does not have arrangements for non-Trade Union representation.

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

### **The Health and Safety Executive**

**14.** HSE recognises the key role that Safety Representatives and effective consultation can play in preventing deaths, injuries and ill health at work and promoting good standards of health and safety in the workplace.

**15.** Operational Circular (OC) 1/111 gives guidance on HSE's commitment to contacting Safety Representatives and employees at visits, disclosure of information and enforcement of the relevant regulations. HSE has undertaken to inform, instruct and train its inspectors on its procedures relating to contact with employees and their representatives.

**16.** HSE state that their 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.

### **Consulting Safety Representatives**

**17.** Consulting Safety Representatives is a legal requirement, and is also recognised as being an essential element of a successful health and safety management system. Research has shown that, in workplaces with joint consultative committees with Safety Representatives appointed by trades unions, workplace injury rates are reduced by over 50%, relative to those establishments where the management alone determine health and safety arrangements.

**18.** Consulting employees on health and safety matters contributes towards creating and maintaining a safe and healthy working environment. It should motivate staff and make them aware of health and safety issues. Consultation involves employers not only giving information to employees, but also listening to and taking account of what employees say before they make any health and safety decisions.

**19.** The University will ensure that there are appropriate arrangements and document the methods used to consult with employees and their Safety Representatives within its constituent Budget Centres. In accordance with its statutory obligations, the University will 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.

**20.** A health and safety committee has been established, the Joint Safety Advisory Committee, with jointly agreed terms of reference published in the University Health and Safety Policy. The membership and structure of safety committees has been settled in consultation between the University and the trades union Safety Representatives concerned. Minutes of health and safety committee meetings will be made available to employees and other stakeholders. Relevant training will be provided to members of health and safety committees to enable them to fulfil their role effectively.

### **The Role of the Safety Representative**

**21.** The functions of Trades Union Safety Representatives are:

- 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 Budget Centre health and safety committee meetings.
- To carry out inspections.

**22.** The University in addition to the statutory minimum requirement to form JSAC has agreed that Trade Unions may appoint Health and Safety Representatives in each Budget Centre. In large Budget Centres more than one may be appropriate.

**23.** The recognised Trade Unions have agreed to coordinate their efforts and have joint appointments of Safety Representatives to represent all staff in their respective Budget Centres.

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

### **Health and Safety Inspections**

**25.** In adopting this Charter, the University is committed to ensuring that Safety Representatives can fulfil their function of conducting workplace health and safety inspections, and recognises that such inspections are an integral element of a preventive approach towards health and safety at work.

**26.** Under the SRSC regulations, inspections of the workplace may be carried out by Safety Representatives, after giving reasonable notice in writing to the Head of Budget Centre. This should not normally be more frequent than three-monthly, but in areas of high risk can be more frequently by agreement with the Head of Budget Centre.

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.

**27.** In addition, after consultation with the Head of Budget Centre, 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.

**28.** Safety Representatives are also entitled, after giving reasonable notice, to inspect documentation relevant to health, safety and welfare. Access to personal data is subject to the requirements of the Data Protection Act. .

**29.** It is recognised that there are benefits to be gained from conducting joint inspections with Safety Representatives and staff from Budget Centres. 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.

**30.** Safety Representatives will record when they made an inspection and draw to the Head of Budget Centre's attention, in writing, any hazards or unsafe/unhealthy conditions encountered. It is good practice that, upon receipt of such reports, the Head of Budget Centre will normally take appropriate remedial action. Where remedial action is not considered appropriate or cannot be taken within a reasonable period of time, the Head of Budget Centre 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 the University, contributing to the development of a preventive culture whereby potential risks are identified and controlled as early as possible.

**31.** Heads of Budget Centre may also consider it appropriate to reach local agreements that encourage Safety Representatives to undertake more frequent inspections of high risk or rapidly changing workplaces. Such agreements may also encourage the involvement of Safety Representatives in joint safety tours, safety sampling (of particularly dangerous activities, processes or areas) and safety audits or surveys.

### **Release from normal duties for Safety Representatives**

**32.** The University must ensure that Safety Representatives are allowed reasonable release with pay from their normal duties to receive training and carry out their functions as described in '*The Role of the Safety Representative*' above. Agreements governing access to paid release should be agreed locally between managers and Safety Representatives.

**33.** 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. In order to allow Safety Representatives to participate in health and safety matters, the University accepts 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 representatives 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.

**34.** Some circumstances (post-accident inspections, for example) may necessitate Safety Representatives requesting release of time at short notice. Local agreements should cover the arrangements necessary to accommodate such requests.

**35.** 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.

## **Facilities**

**36.** The University 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 with the recognised Trade Unions. 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.

**37.** 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.

**38.** Where appropriate, the University will encourage 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 themselves 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.

**39.** The University also accepts that Safety Representatives may occasionally need to make arrangements for holding meetings with the members they represent. Requests for facilities and assistance for this purpose will not be unreasonably refused.

## **Training**

**40.** In adopting this Charter, the University is committed to ensuring that Safety Representatives receive training to carry out their role effectively. It is recognised that the relevant trades unions have the primary responsibility for arranging training for the Safety Representatives that they appoint. It is also recognised that 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 above on *'Release from normal duties for Safety Representatives'* will apply to time off for training.

**41.** Paid release to attend an approved training course, provided by either their individual union or the TUC, is a legal right that will be granted to 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 trades unions or the TUC.

The University in partnership with the trade unions has agreed to facilitate TUC training based at the University in order to make attendance for Safety Representatives easier and less disruptive to their work.

**42.** The University recognises that training enhances the skills and competency of Safety Representatives. Therefore the opportunity for Safety Representatives to attain IOSH and NEBOSH qualifications and attend other recognised health and safety training courses will be considered by the University where appropriate.



## **Trades Union Support for Safety Representatives**

**43.** The recognised trades unions in the University commit themselves to supporting the Safety Representatives they appoint by:

- Providing appropriate training, through individual unions or the TUC, to assist Safety Representatives to fulfil their functions effectively.
- Disseminating information on health and safety hazards, legislative developments, good practice and other issues of relevance to the education sector.
- Responding to enquiries and providing appropriate advice and assistance to Safety Representatives on matters of concern.
- Encouraging the development of joint working with the University, through formal partnership agreements or other methods, to improve health and safety performance at their workplace.

## **Conclusion**

**44.** The Safety Representatives' Charter has been developed to:

- promote and emphasise the rights, role and functions of Safety Representatives, and encourage all signatories to the Charter actively to promote the involvement of Safety Representatives in the University's efforts to improve health and safety;
- motivate managers, Safety Representatives and employees to work in partnership to develop a positive safety culture throughout the University;
- raise awareness amongst managers of the important contribution of Safety Representatives towards the development of such a culture;
- encourage managers to demonstrate their full commitment towards consulting and involving Safety Representatives in matters of health, safety and welfare;
- increase the participation of University employees and their Safety Representatives in health and safety activities.