

United Kingdom

Last update: April 2013

PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining	Enterprise
	Workplace Representation	Union
	Board-level Representation	No
National worker representation	<p>There are two main (current and prospective) legal mechanisms providing for collective employee representation and voice at work. However, neither is universally applicable and both are dependent on firm size.</p> <p>There is no common structure for employee representation in the UK and in many workplaces it does not exist. Unions are the most common way that employees are represented and they can now legally compel the employer to deal with them, but only if they have sufficient support. Most non-union workplaces have no employee representation, and the regulations implementing the EU directive on information and consultation have not changed this.</p>	
Principal legal documents on H&S	<p>–The framework of health and safety legislation is the 1974 Health and Safety at Work Act, subsequently supplemented by various regulations. Health and safety information for employees is governed by a 1989 Regulation. The Safety Representatives and Safety Committees Regulations were passed in 1977, implementing the 1974 Act.</p> <p>–The Health and Safety (Consultation with Employees) Regulations of 1996 (HSCER).</p> <p>–The Management of Health and Safety at Work Regulations 1999.</p>	
Public authorities on H&S	<p>The Health and Safety Commission is the public agency with responsibility for proposing regulations and codes on industrial safety and generally for promoting health and safety at work.</p> <p>The Health and Safety Executive (HSE) monitors H&S conditions in workplaces, with responsibility for inspection and enforcement of health and safety legislation. HSE inspectors work within several directorates. For example, the Field Operations Directorate (FOD) covering sectors including construction, agriculture, general manufacturing, engineering, food and drink, quarries, entertainment, education, health services, local and central Government and domestic gas safety; the Hazardous Installations Directorate (HID) covering major hazard industries; and the Office for Nuclear Regulation (ONR) covering nuclear installations. HSE regulates only in Great Britain, not the entire United Kingdom. In Northern Ireland workplace health and safety is regulated by HSENI.</p>	
Employers' obligations on H&S	<p>The HSW Act is based on the principle that those who create risks to employees or others in the course of carrying out work activities are responsible for controlling those risks. Enterprises are obliged by law to set out their health and safety policies and to write it down if they employ five or more people, and are increasingly encouraged to define and monitor their management systems. The Safety Representatives and Safety Committees Regulations provide that if the employer recognises a trade union and if that union has appointed or plans to appoint safety reps, the employer must consult those safety reps on issues affecting the group or groups of workers they represent (which may include non-unionised workers).</p> <p>If there are no trade unions in the enterprise, the employer may consult the employees directly using such method as he/she sees fit. They may also be consulted via representatives who must be elected by the workers. Employers must appoint one or more 'competent persons' (in-house or external) to help them meet the requirements of health and safety law.</p>	
Worker representative bodies on H&S	<p>The Health and Safety at Work Act 1974 and the Safety Representatives and Safety Committees Regulations 1977 require that employers consult with recognised trade union safety representatives on health, safety and welfare matters. In workplaces with a recognised trade union, employee safety representatives are appointed. There is no provision on the number of reps in relation to the number of workers in the undertaking, and practice varies considerably from one undertaking to another. Safety committees must be set up wherever at least two safety reps so request. These committees are joint bodies with the principal function of monitoring measures adopted to ensure occupational health and safety. Legislation says very little about the role, composition and operation of safety committees.</p> <p>In workplaces that have no union recognition, management may decide to consult using 'representatives of employee safety'.</p>	

Organisation of the social dialogue on H&S issues within the country	<i>Actors involved</i>		<i>Their role</i>		<i>Scope of influence</i>			
	Health and Safety Executive (HSE) inspectors		independent regulator acting in the public interest to reduce work-related death and serious injury (work-related health, safety and illness) across Great Britain's workplaces		national			
	Trades Union Congress (TUC)		To represent the trade union		All			
	Various Employers bodies (CBI, EEF, FSB)		To represent employers		All			
	Health and Safety Commission		public agency with responsibility for proposing regulations and codes on industrial safety and generally for promoting health and safety at work. It is composed of representatives of both employers and employees and of local authorities and is responsible to the government.		All			
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>		<i>Setup conditions</i>		<i>Composition</i>		<i>Role and functions</i>	
	HSE/Local Authorities Enforcement Liaison Committee (HELA) and Local authority environmental health officers (EHOs)		N/A		N/A		Inspectors in local authorities are typically environmental health practitioners who discharge their HSW Act enforcement duties alongside other local authority enforcement responsibilities, including food safety, pollution, housing etc.	

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	<p>Employee representatives on H&S have statutory rights in all workplaces where unions are recognised to be consulted on health and safety issues, to inform and consult their members and to make representations.</p> <p>As such, in workplaces with a recognised trade union, employee safety representatives are appointed and must be consulted by the employer. Safety committees must be set up wherever at least two safety representatives so request. These committees are joint bodies with the principal function of monitoring measures adopted to ensure occupational health and safety.</p> <p>In workplaces that have no union recognition, management may decide to consult using 'representatives of employee safety'.</p>
Interaction of H&S representation with the general representation of workers	<p>Another channel of employee representation in some workplaces is that of joint consultative committees (JCCs), sometimes known as works councils or employee forums. These are broadly concerned with consultation rather than negotiation. Although in some cases JCCs are an alternative to, or substitute for, union representation, they are also prevalent in workplaces which recognised unions.</p> <p>Contact between safety representatives and inspectors is patchy. The majority of safety representatives are not aware that an inspection visit was planned and a majority did not speak to inspectors when they did come to the workplace.</p>
Worker representation bodies on H&S at work	
Implementation of worker representation in H&S on enterprise level	All workers, regardless trade union membership or not.
Thresholds of implementation	None. There is no provision on the number of reps in relation to the number of workers in the undertaking, and practice varies considerably from one undertaking to another. A safety committee must be established if at least 2 union safety representatives request one.

<i>Role of the trade unions</i>	Trade unions are the key condition for assuring employee safety representatives, as they are appointed by the unions in unionised workplaces. Most trade unions have regional or national structures to ensure that individual advice and support is available when required.
<i>Composition, mode of nomination or election of members</i>	In general, employee safety representatives are appointed by trade unions. Elections only need to take place if there are no trade union-appointed safety representatives; if the employer decides not to consult employees individually; or if there is more than one employee who volunteers to be a representative for the same group or constituency of employees. There is no one model regarding election. Legislation says very little about the role, composition and operation of safety committees.
<i>Area of competencies</i>	All issues around safety health and welfare in the workplace.
<i>Functions</i>	<p>Information / Consultation / (Controll)</p> <p>Safety representatives have the right to be consulted on health, safety and welfare matters by their employer.</p> <p>By law health and safety representatives appointed by trade unions have more functions than representatives elected by employees. Functions of union-appointed health and safety representatives listed by the law are the following:</p> <ul style="list-style-type: none"> – they represent employees when Health and Safety Inspectors from HSE or local authorities consult them; – they investigate accidents, near misses, and other potential hazards and dangerous occurrences in the workplace; – they investigate complaints made by an employee they represent about their health, safety or welfare in the workplace; – they present the findings of investigations to the employer; – they inspect the workplace; – they attend Health and Safety Committee meetings as a representative of the employees. <p>Work force elected representatives can not examine the causes of accidents, investigate potential hazards and dangers, inspect the workplace, and request setting up a safety committee.</p>

Rights of workers' representatives on H&S

<i>Right of withdrawal, of production stop in case of immediate danger</i>	No	
	N/A	
<i>Right to conduct surveys</i>	Yes	
	Safety representatives are entitled to make formal inspections of the workplace (normally no more frequently than every three months) after giving sufficient notice to the employer.	
<i>Right to require external assessments</i>	No	
	N/A	
<i>Right to lodge an appeal</i>	No	
	N/A	
<i>Right to receive training</i>	Yes	
	Employers must permit safety representatives to attend training during working time without loss of pay. However, two in five of those responding to the 2010 TUC H&S survey say they have had trouble getting time off to undergo training. The most common reason cited is being “too busy at work” (18%), while a worrying 14% have been unable to take up courses because management has refused permission to take time off.	
	<i>Amount of training</i>	As much as is reasonably necessary.
	<i>Frequency of training</i>	As required by the union. The Approved Code of Practice (ACOP) to the Safety Representatives and Safety Committees Regulations 1977 states that the training, approved by the TUC or independent unions, should take place as soon as possible after the safety representative has been appointed. The ACOP also allows for further training as necessary.
	<i>Training providers</i>	The TUC or the representatives' trade union. Unionlearn, the TUC's learning and training wing, provides a range of

		courses through the network of trade union studies centres in further and higher education colleges and through the Workers' Education Association (WEA). E.g. TUC diploma/certificate in occupational safety and health. Individual unions also provide their own approved training courses for induction and a range of safety matters. In addition, some employers provide training on specific issues. On the rare occasions where there are non-union safety representatives, they get their training from management, or management-appointed consultants.
<i>Allocated time during working hours to conduct their role</i>	Yes	
		Legally, they are entitled to time-off with pay for their activities and for training. No set amount is defined; rather, they have the right to whatever time off is necessary. In reality, this varies. Previous TUC and academic research has identified the lack of time and facilities as serious impediments to safety representatives carrying out their functions.
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes	
	N/A	
Link and the nature of the relations between the employee representatives and the trade unions	They are appointed by the unions in unionised workplaces and can be removed by the union. In addition to the training that takes place, most trade unions provide regular briefings for all representatives, have information on their website, and have regional or national structures to ensure that individual advice and support is available when required.	

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	No	
	<i>Objectives of these changes</i>	N/A
	<i>Management of these changes</i>	N/A
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	N/A
Assessment of the achievements on H&S issues through social dialogue	Deteriorating	
	<i>Some important milestones</i>	More government interference.

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	Stronger regulation and enforcement. For example, there is a lack of support from inspectors for union safety representatives who are denied paid release to undertake necessary safety training and functions. Many safety representatives also fear victimisation.
Existing key success factors	Strong legislation and enforcement. Building on the success of the Worker Safety Advisor pilot scheme the construction union UCATT set up its own network of Health and Safety advisors. UCATT Health and Safety advisors now offer practical advice, safety training, talks and information to workers and firms in the construction sector, with the aim of improving consultation, worker engagement and health and safety in an industry that suffers from very poor

safetyrecords.

PART 4 – APPENDICES

Glossary

Representatives of employee safety	<i>Employee representative on H&S elected by the workforce, where the employer has decided not to consult directly (and there are no trade unions)</i>
Fee for Intervention Scheme (FFI)	<i>fee issued by the HSE to an undertaking to be found in material breach of health & safety law. The fee is based on the amount of time that the inspector has had to spend identifying the material breach, helping businesses to put it right, investigating an</i>
Occupational Safety and Health Consultants Register (OSHCR)	<i>Register of consultants who can offer general advice to UK businesses to help them manage health and safety risks.</i>
Safety representatives (SR)	<i>Employee representatives on H&S appointed in writing by a trade union recognised for collective bargaining purposes.</i>

Interesting links

Health and Safety Executive (<http://www.hse.gov.uk>);

Health & Safety Laboratory (<http://www.hsl.gov.uk>);

Sources

Trade union contacts	TUC	Robertson Hugh
Other	<ul style="list-style-type: none"> – http://www.worker-participation.eu – Questionnaire reply – Eurofound – EU OSHA – HSE, "A guide to health and safety regulation in Great Britain". February 2013. – TUC, "Focus on health and safety". October 2012. – TUC, "Safety representatives. A charter for change." January 2009. – Health and Safety at Work Act 1974 	