



Worker Involvement

A guide to consulting and involving employees in health and safety

October 2021



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Introduction

All UK employers have a legal duty to consult their employees (and/or employee representatives) on matters affecting employees' health and safety at work.

In short, this means giving employees information about the health and safety hazards they may face and listening to and taking account of their concerns and ideas before making any decisions about the best ways of protecting them.

However, involving workers in managing health and safety brings benefits for employers, as research has shown workplaces where staff are involved in taking decisions about health and safety are safer and healthier.

This guide provides an overview of employers' legal duties in this area. It also offers some advice on how to ensure effective workforce involvement in managing health and safety risks, based on HSE guidance.

Thomas Tevlin

Editor



The Guide is published by the British Safety Council,
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An essential step towards creating a safe and healthy workplace is ensuring everyone – from directors to individual employees – fully understands how to protect themselves and others from the risk of injury and ill health and is fully committed to doing so.

There are a variety of ways of achieving this – from giving employees adequate information, training and supervision; to providing and maintaining safe and suitable equipment and tools; and ensuring healthy and positive workplace facilities and working conditions.

However, another crucial and highly effective way of creating and maintaining a safe and healthy workplace is to consult and involve employees in deciding how to manage the health and safety risks.

In fact, under UK law, employers have a legal duty to consult their employees – and/or the employee health and safety representatives, if present – on anything at work that could substantially affect employees' health and safety.

The idea is that by giving employees adequate information about the health and safety hazards they may face – and allowing them to raise concerns, suggest solutions and influence decisions on the best ways of reducing the risks – employers can develop the most effective measures to protect the health and safety of their workers and others.

The Health and Safety Executive (HSE) says employees – and employee safety representatives – are a valuable source of information as they usually have a good

understanding of the hazards and risks posed by their jobs and the business. They can also often identify emerging health and safety problems, allowing the employer to take prompt action.

As a result, employees and employee representatives are well-placed to help the employer to identify hazards, assess risks and develop effective ways of controlling the dangers. They can also provide crucial feedback on whether the planned or existing health and safety controls are practical and effective.

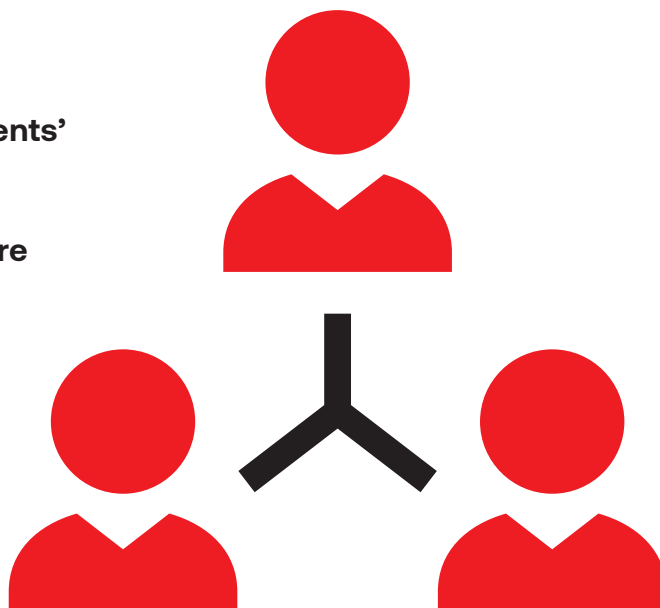
HSE says consulting and involving employees in health and safety can therefore help employers to make better decisions about risk management, because they are based on the input and experience of a range of workers who

**“
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and employee
representatives
– are a valuable
source of
information.”**

Some facts and numbers

87%

of UK 'establishments' (i.e. businesses), employing five or more people, where health and safety risk assessments are undertaken, say they share the findings with employees



81%

of UK establishments (employing five or more people), where health and safety measures are undertaken following a risk assessment, say they usually involve employees in the design and implementation of the measures

98%

of UK establishments (employing five or more people), say they have a document available to employees that explains responsibilities and procedures on health and safety at work

78%

of UK establishments (employing five or more people), say they regularly discuss health and safety issues in staff or team meetings

Sources: European Survey of Enterprises on New and Emerging Risks, 2014 (ESENER-2); hse.gov.uk/statistics/oshman.htm

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Employers must take account of what employees say before making decisions about health and safety.

understand the hazards and the potential for problems and dangerous short-cuts.

Also, HSE says if employees are actively involved in drawing up and deciding on the health and safety procedures, they are more likely to understand the need for them and be committed to following them.

In addition, getting workers and safety representatives involved in making decisions shows the employer takes their health and safety seriously, which in turn should empower and encourage staff to raise concerns and suggest solutions.

HSE therefore urges all employers to create a genuine partnership between themselves and their employees – and/or employee representatives – for managing health and safety risks. It says employers and employees should talk, listen and cooperate with each other to identify

joint solutions to problems and to reach decisions together. Consultation must therefore be a two-way process, where the employer listens to and takes account of what staff say before making any health and safety decisions.

However, HSE says consultation and involvement does not remove the right of employers to make decisions about ways of managing health and safety risks. The employer is still responsible for making the final decision – but must consult employees and consider their views before deciding how best to protect their health and safety.

HSE says consultation and workforce involvement in health and safety is not something employers should be daunted or discouraged by, and it does not have to be lengthy or bureaucratic. For example, in a small business an informal process

of talking to employees regularly and considering their views when taking decisions about health and safety might be an adequate form of consultation. However, it may be necessary to have more formal and detailed consultation arrangements – for example, in a company with a large workforce, several sites and complex risks.

This guide provides an overview of an employer’s legal duties to consult their employees on health and safety matters. It also provides some tips for employers on how to ensure effective employee involvement in managing health and safety risks. The information is based on HSE guidance, and much more detailed advice can be found on its website.

Other sources of advice on consulting workers on health, safety and wellbeing issues include Acas, BITC, the CIPD and IOSH. See the back pages for details.

HSE’s guidance is at:
[hse.gov.uk/involvement](https://www.hse.gov.uk/involvement)

Benefits of worker involvement

There is considerable evidence that workplaces with good workforce involvement in health and safety tend to be safer and healthier, and have better productivity rates and higher levels of workforce motivation.

For example, HSE says research has shown that accident rates are lower in workplaces where employees genuinely feel they have a say in health and safety matters than in those where employees do not get involved.

Strong employee involvement is also connected to better control of common workplace risks, according to research quoted by HSE. The research found that the control of slips and trips, for example, was considered to be very effective in 76 per cent of cases where employees felt they were always consulted but only very effective in 40 per cent of cases where employees felt they were rarely, or never, consulted.

Research has also shown that workplaces with health and safety committees where some committee members are selected by trade unions have significantly lower rates of work-related injury than workplaces with no co-operative health and safety management.

The key findings are at:
[hse.gov.uk/involvement/factsfigures.htm](https://www.hse.gov.uk/involvement/factsfigures.htm)

What the law says

The first step towards effectively involving and engaging the workforce in managing health and safety is to ensure workers are provided with adequate information, instruction and training so they understand the hazards and risks and how to protect themselves and others from being injured or made ill at work.

Under the Health and Safety at Work Act 1974, all UK employers must provide whatever “information, instruction, training and supervision as is necessary to ensure, to far as is reasonably practicable”, the health and safety at work of their employees. The Management of Health and Safety at Work Regulations

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1999 build on this by requiring employers to provide their employees with “comprehensible and relevant” information on:

- The risks and hazards they may face at work, as identified by the employer’s risk assessment
- The preventive and protective measures that are in place, or will be introduced, to eliminate or reduce the risks
- The steps employees must take if they encounter risks or hazards, and how to work safely
- The responsibilities of employees to comply with and follow site rules and safe working procedures
- The procedures to follow in the event of an emergency or a dangerous situation – such as a fire alert, explosion or chemical spill.

The Management Regulations also set out a number of situations where adequate health and safety training must be provided to employees. These are:

- When employees first start work for the employer
- If employees are exposed to new or increased risks – for example, as a result of a change to their job role or work environment, or the introduction of new equipment or technology.

The Management Regulations also require employers to repeat employees’ health and safety training “periodically where appropriate”. This generally means refresher training will be required if, for example, employees’ skills or knowledge have become rusty or need updating.

The law also requires employers to

provide health and safety training free of charge and it must take place during working hours.

It is also vital to remember that although UK law only requires employers to provide health and safety training to their own employees, by law all people working for an employer or visiting their site – such as temporary staff and contractors – must be given adequate information and instruction by the host employer to enable them to work safely. This includes information on the hazards and risks they may face; the precautions in place to deal with those risks and how to follow them; and the procedures to follow in an emergency.

There are also various UK health and safety regulations that require employers to provide employees (and sometimes others) with suitable information, instruction and training on certain hazards and for certain types of work.

For example, if noise is likely to be at or above the lower exposure action values set out in the Control of Noise at Work Regulations 2005, the affected employees must be provided with instruction and training on the dangers to hearing and how to protect themselves.

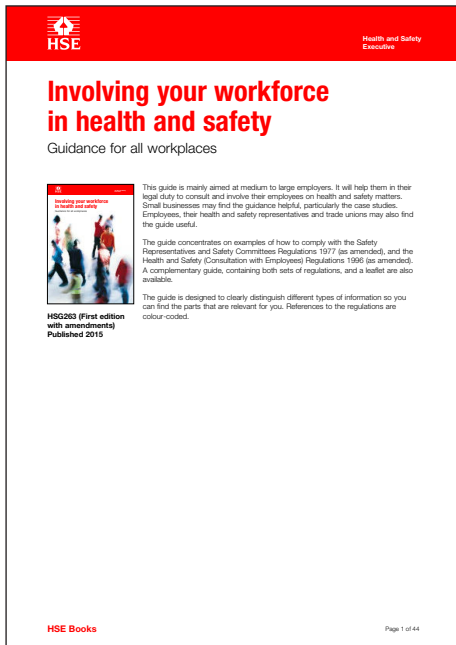
Consultation regulations

There are two key sets of regulations that require organisations to consult their workforce on health and safety matters.

In workplaces where the employer recognises trade unions (and trade unions are recognised for collective bargaining purposes), the Safety Representatives

Free guidance:

HSE offers a wide range of free guidance on consulting and involving workers in managing health and safety risks.



HSE's guidance is at:
[hse.gov.uk/involvement](https://www.hse.gov.uk/involvement)

and Safety Committees Regulations 1977 apply. If so, the union can decide to appoint health and safety representatives (known as 'safety representatives'). If the union does this, the employer must consult the union safety representatives on health and safety matters affecting the employees they represent.

In workplaces where employees are not in a trade union; a trade union is present but the employer does not recognise it; a trade union is recognised but has decided not to appoint union safety representatives; or a trade union is recognised by the employer but those employees who are not members of the union do not want the union to represent them on health and safety matters; the Health and Safety (Consultation with Employees) Regulations 1996 will apply.

In these circumstances, employers can choose to consult employees directly as individuals; consult through elected health and safety representatives (known as 'representatives of employee safety'); or consult through a combination of the two, depending on what is appropriate.

Subjects to consult on

The law generally requires employers to consult employees, or their health and safety representatives, about anything in the workplace or the work activities that could substantially affect employees' health and safety. Therefore, employees, and/or their safety representatives, must by law be consulted on:

- Any change which may have a substantial effect on employees'

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health and safety – for example, new or different procedures, types of work, equipment, premises and ways of working, such as shift patterns

- The employer's arrangements for getting competent people to help the organisation to comply with health and safety law (a competent person is someone who has the necessary knowledge, skills and experience to help an employer to comply with their health and safety legal duties)
- The information the employer must give to their employees on the likely risks arising from their work and the preventive and protective measures they should follow (employers should discuss with employees and/or their representatives the best way for this information to be shared)
- The planning and organisation of health and safety training that must be provided to all employees at work
- The health and safety consequences of introducing new technology.

All employers are required under the Management Regulations and the Health and Safety at Work Act to assess the health and safety risks their employees and others could face, and to take all reasonably practicable steps to protect people from harm.

HSE therefore says that, when carrying out risk assessments, employers should consult and involve their employees, and/or the employee health and safety representatives, in the process. The idea is that by involving the people who do the work, this will help to ensure the health and safety hazards and risks are correctly

identified and the proposed risk controls will work in practice.

However, HSE stresses this does not mean that formal consultation is required before every task-specific risk assessment. Instead, it says consultation with employees and/or safety representatives should form part of the general risk assessment process.

Employers must also provide their employees – and/or the safety representatives – with the information necessary to enable them to participate fully and effectively in the consultation. When consulting trade union-appointed or employee-elected safety representatives, employers must also provide them with the information necessary for them to fulfil their functions.

The information that is given to employees and safety representatives should enable them to understand:

- The risks and dangers from their work, or the risks and dangers that could arise if there are changes to their work
- The measures in place – or proposed – to eliminate or control the risks to employees' health and safety
- The steps employees should follow if they are exposed to a risk or a dangerous situation, including the emergency procedures to follow
- The name of the organisation's competent person, who is responsible for helping the employer to comply with their health and safety duties.

HSE says employers should already have the relevant information they need to provide to employees or safety representatives as part of

the organisation's health and safety management system – such as copies of risk assessments or accident records.

It adds there is no need for employers to present the information in a different format or provide it as a separate package, or to get hold of additional information for employees or their safety representatives.

For example, HSE says if an employer is consulting about the introduction of new measures, they may need to give information to their employees and safety representatives on issues such as the risks arising from the new measures; the precautions that will be introduced to eliminate or control the risks; and the actions employees should take when encountering the new hazards and risks.

Health and safety representatives appointed by trade unions also have the right to ask to inspect and take copies of any document relating to workplace health and safety, or to the employees they represent. However, this right does not apply to the health record of an identifiable individual unless the individual has given their consent.

The law does not state when and for how long employers must consult employees and/or the safety representatives about health and safety matters. Instead, it says consultation must be carried out “in good time”.

HSE says in practice, this means that employers should allow enough time:

- To explain the health and safety issue to employees and/or the safety representatives
- For employees and/or the safety

representatives to consider the issue and come back to the employer with informed responses on the matter

- For the employer to consider the response from employees and/or the safety representatives before making a final decision.

Therefore, there are no specific frequencies set out in law for when and how long consultation should take place. Instead, HSE says employers should generally consult promptly and regularly.

According to HSE, regular consultation is better than consulting on issues on a case-by-case basis as they arise because it allows the employer to spot and be alerted to potential problems at an early stage. HSE adds that if unexpected issues arise outside the normal, planned consultation process, employers should seek the views of employees so those emerging issues are not overlooked.

HSE adds the length of the consultation process will depend on factors such as the complexity of the issue that staff and safety representatives are being asked to consider; how many people are being consulted; and the chosen consultation methods.

Consulting on Covid-19 precautions

Clearly, the Covid-19 pandemic has highlighted how important it is for employers and employees to work together to draw up, implement and follow all reasonably practicable measures to prevent the spread of Covid-19 at work and in all premises.

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For example, in its guidance on Covid-19, HSE says it is vital employers talk to their workers about the proposed and existing measures to prevent the spread of the virus. It says talking to workers will allow the employer to explain the precautions that are in place so staff understand how to follow them. It adds this will also allow workers to make any additional suggestions on ways of protecting people. HSE adds talking to workers also means staff can inform their employer if they are worried about the risks from Covid-19 at work, allowing the employer to reassure and support them.

HSE – and the governments for England, Northern Ireland, Scotland and Wales – have published detailed guidance on protecting workers and others from Covid-19 in workplaces and during work activities. This includes extensive advice on topics such as consulting workers on how the risks from Covid-19 will be managed and providing information, instruction and training to workers and others (such as the public), on the measures to follow to prevent transmission of the virus.

In short, employers must assess the risks from Covid-19 and take all reasonable steps to protect workers and others from the virus – for example, when re-opening workplaces. Therefore, employers must consult their workers and safety representatives when assessing the risks and on the measures they propose to take to protect workers and others from infection. As with consultation on any health and safety issue, HSE and the government say

employers must always take account of what workers say before making any decisions on the most appropriate precautions. The government adds that employers and workers should always come together to resolve any issues.

The government guidance for England says employers and businesses should share the results of their Covid-19 risk assessment with their workforce. It adds that if possible, employers in England should consider publishing the results on their website, and says it expects employers in England with 50 or more workers to do so.

The government also stresses that employers must carefully monitor and review their Covid-19 precautions to ensure they continue to protect workers and the public as far as reasonably possible. They must also continue to engage with workers and safety representatives on the Covid-19 controls – such as on any additional changes needed to further reduce the risks.

Guidance from HSE, and the UK governments, on Covid-19 risks is at:

www.hse.gov.uk/coronavirus

www.gov.uk/coronavirus/business-support

www.gov.scot/coronavirus-covid-19

www.gov.wales/coronavirus

www.nidirect.gov.uk

Trade union safety representatives

If an employer recognises a trade union and the union has appointed, or is about

to appoint, safety representatives, the employer must consult those representatives on health and safety matters relating to the employees they represent. Union-appointed safety representatives are entitled to:

- Represent the relevant employees on health and safety generally in discussions with the employer, including making representations to the employer on potential hazards and dangers at work
- Investigate accidents, near misses and other potential hazards and dangerous occurrences in the workplace
- Investigate complaints made by an employee they represent about their health, safety or welfare in the workplace
- Present the findings of investigations to the employer
- Inspect the workplace
- Represent employees when health and safety inspectors contact or consult the union representative
- Request that a health and safety committee is formed, providing the request is made in writing by two or more trade union-appointed safety representatives
- Attend meetings of the workplace's health and safety committee, if one exists.

Normally, the trade union will write to the employer to inform them who the appointed trade union health and safety representatives are and make clear which groups of employees the representatives are representing. In general, a trade union safety representative should have either

worked for the employer for two years or have at least two years' experience in a similar type of employment or industry. This is to ensure they have the necessary experience to allow them to make a practical contribution to health and safety at the company. However, where this is not possible, the trade union will generally appoint the most appropriate representatives, taking into account their experience and skills.

Elected safety representatives

In organisations where trade unions are not recognised – or where a trade union is recognised but has decided not to appoint safety representatives – employers can choose to consult employees directly as individuals or through elected health and safety representatives from the workforce, or through a combination of the two.

Under the law, elected safety representatives have fewer functions than trade union-appointed safety representatives. However, employee-elected safety reps are legally entitled to:

- Represent the workforce in discussions with the employer on general matters affecting the health and safety of the employees they represent
- Take up concerns with the employer about potential hazards and dangerous occurrences in the workplace that may affect the employees they represent
- Represent employees when consulted by health and safety inspectors.

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Employers can decide to give employee-elected representatives some or all of the extra functions of a trade union-appointed safety representative – providing the elected representatives agree to this. These include the power to examine the causes of accidents; investigate potential hazards and dangers; inspect the workplace; and request that the employer sets up a health and safety committee.

HSE says employers may decide there are benefits for the business in granting elected representatives these extra functions. Similarly, factors such as the nature of the business may mean that it is appropriate and helpful to grant the elected safety representatives some or all of the extra functions that trade union safety representatives are entitled to.

The role of both trade union-appointed and employee-elected safety representatives is independent of the organisation's management. They are responsible for representing the health and safety interests and concerns of the employees they represent.

A key part of the role of both union-appointed and elected safety representatives is to represent their colleagues on matters affecting their health and safety during consultations with the employer. This includes taking up concerns with the employer about potential hazards and dangers and raising general health and safety matters and complaints with the employer.

HSE says this means the safety representatives will have to speak regularly with the employees they

represent and share with them health and safety information that has been provided by the employer.

Inspections of the workplace

Trade union-appointed health and safety representatives are legally entitled to carry out inspections of the workplace. Although an employee-elected safety representative does not have this power, an employer can grant them the function, if the representative agrees.

The trade union safety representative must give the employer reasonable notice in writing when they intend to carry out a formal inspection of the workplace, and must not have inspected it in the previous three months (although the employer can agree to more frequent inspections).

If there is a substantial change in the conditions at work, or HSE publishes new information on hazards, the safety representative is entitled to carry out further inspections before the three months have elapsed, or by agreement with the employer.

HSE guidance recommends that, where possible, employers and safety representatives should plan and agree a programme of formal inspections in advance, as this will satisfy the legal requirement for the safety representative to notify the employer in advance of carrying out an inspection.

HSE adds that employers and safety representatives can decide to agree on the frequency of inspections in light of the nature of the work and the risk. For example, for work activities that pose

a high risk or where the circumstances change rapidly, it may be appropriate for safety representatives to carry out more frequent inspections than in a lower risk environment.

HSE adds that employers and safety representatives can also agree to carry out inspections of the workplace together. However, this does not prevent trade union-appointed safety representatives from carrying out independent inspections or investigations or from having private discussions with colleagues.

A formal health and safety inspection by a safety representative (or a joint inspection by the employer and a safety representative), can take a variety of forms. HSE therefore recommends the employer and the safety representatives should agree on the best method for their workplace. Common methods include safety tours (general inspections of the workplace) and safety sampling (systematic sampling of particular dangerous activities, processes or areas).

Following an inspection of the workplace (and following an investigation into an accident, incident or case of ill health), trade union safety representatives (and elected representatives if they have been granted the power), can inform the employer of their findings. The report can be made in writing or verbally and could include information such as details of unsafe or unhealthy conditions and recommendations for action.

HSE says the employer should consider the matters raised and decide if any follow-up action is required – for

example, to tackle a highlighted risk.

The employer should also:

- Explain the reasons for any follow-up action they decide to take to the safety representatives
- Give the representative who notified the employer of the matters found in the inspection the opportunity to inspect again so they can check if the issues raised have received appropriate attention, and allow them to record their views on the issue at this stage
- Share the follow-up action taken throughout the workplace and relevant parts of the business, including the health and safety committee if one exists.

HSE says there may be occasions following an inspection by a safety representative where:

- The employer does not think any remedial action is required or is appropriate
- The employer intends to take remedial action but it cannot be carried out within a reasonable period of time, or
- When the remedial or follow-up action taken by the employer is not acceptable to the safety representatives.

In these circumstances, HSE advises employers to explain the reasons for the action they have decided to take in writing to the safety representatives.

As stated, employers remain responsible for making the final decisions about health and safety. However, HSE says that by explaining the reasons for their decisions on health and safety – and

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by being open with employees and the safety representatives – employers can show they have considered the views of employees and the safety representatives on the relevant issues.

Investigating incidents

Trade union-appointed health and safety representatives have the right to carry out inspections of the workplace in the event of certain types of accidents, injuries, dangerous occurrences and cases of occupational disease. This is part of their general right to investigate the causes of accidents, hazards and dangerous occurrences and to present the findings of their investigations to the employer.

Although elected safety representatives do not have the right to conduct inspections following health and safety incidents and to investigate accidents, potential hazards and dangerous occurrences, an employer can grant them these powers, if the representative agrees.

HSE recommends employers and safety representatives agree a system so that the representatives are informed if certain types of health and safety incidents occur. It also recommends that employers involve the safety representatives in their accident and incident investigations.

Detailed advice on the role that safety representatives are entitled to play in investigating accidents, incidents, dangerous occurrences, cases of work-related disease, hazards and employees' complaints is available in HSE guidance.

Representatives' rights

All safety representatives – both union-appointed and those elected by the workforce – must be allowed reasonable paid time at work to carry out their functions. They must also be allowed reasonable paid time to undergo appropriate training for their role.

The training of union-appointed safety representatives is usually paid for and organised by the trade unions. However, the employer must meet the cost of providing training for employee-elected representatives.

All safety representatives – both union-appointed and those elected by the workforce – must also be provided with “such facilities and assistance as [they] may reasonably require to carry out their function”. This might include:

- A telephone and quiet area where they can have private conversations as part of their role
- Suitable storage space for paperwork, records or reference material – such as a lockable cabinet or desk
- Intranet and internet facilities
- Communication and distribution facilities – such as a photocopier and a noticeboard to circulate information to the employees they represent
- Time with the employer and senior management to discuss health and safety issues when the need arises.

Ways to consult

When it comes to deciding how to consult and involve the workforce on health and safety, employers have a number

of options. The method an employer chooses will depend on factors such as:

- Which of the two sets of consultation regulations apply
- Whether trade union-appointed safety representatives are present
- Whether the employer is consulting and involving employees directly or consulting through employee-elected safety representatives, if present
- The size and structure of the business
- The number and location of the premises or work sites
- The size of the workforce
- The work patterns – such as shift systems and remote or mobile workers
- The type of work that is carried out and the degree and nature of the risks.

Employers can choose to consult:

- Directly with all individual employees
- With and through trade union-appointed representatives and/or employee-elected representatives
- Through a combination of the two methods.

HSE says employers must ensure the methods they chose will enable them to comply with their duties under the consultation laws and are practical for the purpose of properly consulting workers on health and safety matters.

For example, in a small, low-risk, non-unionised workplace an employer may talk directly to their employees about health and safety matters on a regular basis and take account of what they say. Therefore, this may be an adequate form of consultation with employees.

However, in a large company where trade union safety representatives

do not exist, it may not be practical to consult all individual employees directly. In this situation, employers may need to arrange for their employees to elect representatives of their choice to represent them in consultations with the employer on the health and safety matters that affect them.

HSE has published online guidance on when it is necessary to hold elections for employee-elected safety representatives, and how to conduct them.

HSE says that, if there are no trade union safety representatives, it is good practice to ask the workforce if they would like to be consulted directly, through elected representatives or through a combination of the two. However, HSE warns that if it is impractical to effectively consult all employees directly as individuals, elected safety representatives will be required.

When an employer decides to consult directly with all employees, HSE says there are a variety of methods for achieving this. These include:

- One-to-one discussions – these can be effective in a small business where the employer gets the opportunity to talk to their staff regularly
- Regular walkabouts – where the employer and managers meet staff, providing workers with the opportunity to share ideas and raise concerns
- Making health and safety a standing item on the agenda of routine team meetings
- Special workforce meetings – these might involve calling the whole workforce together to hear their views

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- Toolbox talks – these short talks on specific health and safety issues allow employers and employees to explore the risks and think about ways of dealing with them
- Work groups – these could be established to tackle specific safety issues and could bring together employees who are directly involved with the issue being considered so they can contribute solutions.

There are also ways of consulting indirectly with employees, including:

- Company intranet sites – for example, to provide safety information and request the views of employees
- Staff surveys, suggestion schemes, notice boards and newsletters.

If trade union-appointed safety representatives and/or employee-elected safety representatives are present, employers can consult them using a variety of methods.

For example, on some occasions, it may be appropriate and suitable for employers to hold one-to-one meetings with a union-appointed or employee-elected safety representative.

However, HSE says that in general, it is best to consult with safety representatives through a proper forum – such as a dedicated health and safety committee, a joint consultative committee or a works council.

If two or more union-appointed health and safety representatives request in writing that a health and safety committee is formed, employers are legally obliged to do so within three months. Although employee-elected

safety reps do not have the power to demand the establishment of a dedicated health and safety committee, HSE says it is usually practical to set up a committee if there are several employee-elected representatives or if there are both union-appointed and employee-elected safety representatives in the organisation.

Employers may already be consulting their employees about non health and safety issues through forums such as a joint consultative committee or a works council. If so, the employer may decide these provide a suitable forum for consulting representatives about health and safety matters. However, HSE stresses employers must ensure that such forums properly consider the health and safety issues.

HSE says a safety committee can be an effective forum for improving health and safety – for example, by taking an impartial look at the facts surrounding accidents and recommending appropriate steps to prevent them happening again. HSE also reminds employers that the presence of safety representatives does not stop them from having direct dialogue with their workforce on health and safety matters.

Acting on the results

Once employers have consulted their employees, or the safety representatives, on relevant health and safety issues, they must consider their views before making the final decision about ways of controlling the risks.

HSE says employers should provide

feedback to employees and/or the health and safety representatives to explain the reasons for any decisions taken as this will show that workers' views have been taken into account before the decisions were reached.

HSE recommends employers agree arrangements with their staff and the safety reps to respond to the health and safety issues raised and to explain the decision the employer reaches within reasonable agreed timescales.

The appropriate method of responding (in writing or verbally) and a reasonable timescale will depend on factors such as the nature and circumstances of the issue and the workplace.

HSE says consultation will not always result in agreement between the employer and their employees or the safety reps on ways of tackling health and safety risks. As a result, it says the employer should have arrangements in place for handling and settling any disagreements between themselves and their employees or the representatives on health and safety issues.

However, HSE says employers should generally be able to resolve differences of opinion between themselves and the workforce by being open, explaining the reasons behind decisions and following any agreed procedures for resolving problems.

HSE adds that, if employee consultation and involvement is to improve health and safety, all sides – the employer, employees and the safety representatives – must be committed to the process and to working together.

HSE says employees are more likely to engage and believe in consultation when senior managers show personal and long-term commitment to the process and genuinely want to hear the views of staff. It adds that, in general, employees are more likely to communicate with their employer and senior managers on health and safety issues if:

- Senior managers show staff that the management believe in the benefits of consultation
- Employees think it is in their interests to participate
- Employees trust their managers and find them approachable
- Employers' and managers' action match their words
- The employees themselves are committed to the organisation's goals, including the health and safety goals.

Other tips from HSE for building commitment among employees to get involved in managing safety risks include:

- Explaining the benefits of joint working and co-operation for everyone – because everyone has a role to play in addressing health and safety
- Ensuring there is a safe environment to raise health and safety issues by respecting the views of everyone
- Showing that management will consider what employees say by providing feedback to explain how decisions were reached after taking employees' views into account
- Allowing employees to have a say in the decision-making process.

Meanwhile, ways of encouraging an organisation's managers to commit to

Worker Involvement

consulting and involving employees on managing health and safety risks include:

- Explaining that engaging the workforce is an investment, and it may take time to develop trust, but it has been shown to reduce workplace injuries and accidents
- Reassuring managers that it will not diminish effective management because consultation does not mean that employers and employees have to agree about every issue, but rather will discuss the areas of disagreement and respect the views of others.

Reviewing progress

HSE says that once the arrangements for consulting and involving workers in managing health and safety are up-and-running, employers should review how well the process is working. They should also see if further improvements can be made to ensure that everyone is working together to solve health and safety problems in an atmosphere of trust, respect and co-operation.

HSE says employers should regularly seek the views of the workforce and any safety representatives on the progress being made to successfully consult and involve them in health and safety decision-making. General tips from HSE on ways of monitoring the effectiveness of the worker involvement arrangements include:

- Check how supportive management are by asking employees and their representatives if they have been encouraged to get involved and been

given time to participate.

- Check employees know who their representatives are (if appointed) and whether they have been asked for their views about health and safety matters
- Look into organisational arrangements for involving the workforce in health and safety and whether they have changed to allow employees greater opportunity to be involved in consultation – for example, do representatives have their roles noted on their performance appraisals?
- Collect information on health and safety issues and ideas for addressing them that have been raised as a result of employee involvement to see if there have been improvements in how they are being managed.

Finally...

Since workers have an excellent understanding of their jobs they can often provide valuable feedback on whether the existing or proposed health and safety precautions will adequately protect staff and others from the risk of injury and ill health. Also, if workers are actively involved in reaching decisions about the best ways of controlling the risks they are more likely to be committed to following them.

Therefore, employers should allow workers to raise concerns and influence decisions about how health and safety risks are managed, as research shows that workplaces where staff feel they have a genuine say in health and safety matters are safer and healthier.

Recommended reading

UK government/HSE guidance for employers and employees on minimising the risk from coronavirus at work and in public premises

[gov.uk/coronavirus](https://www.gov.uk/coronavirus)

[gov.scot/coronavirus-covid-19](https://www.gov.scot/coronavirus-covid-19)

[gov.wales/coronavirus](https://www.gov.wales/coronavirus)

nidirect.gov.uk/campaigns/coronavirus-covid-19

[hse.gov.uk](https://www.hse.gov.uk)

Worker involvement – HSE webpages

[hse.gov.uk/involvement/index.htm](https://www.hse.gov.uk/involvement/index.htm)

Consulting employees on health and safety.

A brief guide to the law

[hse.gov.uk/involvement/publications.htm](https://www.hse.gov.uk/involvement/publications.htm)

Involving your workforce in health and safety: guidance for all workplaces

[hse.gov.uk/pubns/books/hsg263.htm](https://www.hse.gov.uk/pubns/books/hsg263.htm)

Safety Representatives and Safety Committees Regulations 1977 and Health and Safety (Consultation with Employees) Regulations 1996. ACOP and Guidance

[hse.gov.uk/pubns/books/l146.htm](https://www.hse.gov.uk/pubns/books/l146.htm)

Leadership and worker involvement toolkit for the construction industry

[hse.gov.uk/construction/lwit/index.htm](https://www.hse.gov.uk/construction/lwit/index.htm)

Leadership guidance for directors – HSE microsite

[hse.gov.uk/leadership](https://www.hse.gov.uk/leadership)

Health and safety training. A brief guide

[hse.gov.uk/pubns/indg345.pdf](https://www.hse.gov.uk/pubns/indg345.pdf)

Health and safety law. What you need to know poster, leaflet and pocket card

[hse.gov.uk/pubns/books/lawposter.htm](https://www.hse.gov.uk/pubns/books/lawposter.htm)

Workers' health and safety (webpages)

[hse.gov.uk/workers/index.htm](https://www.hse.gov.uk/workers/index.htm)

Lone working guidance (HSE)

[hse.gov.uk/lone-working/index.htm](https://www.hse.gov.uk/lone-working/index.htm)

Your health, your safety. A brief guide for workers

[hse.gov.uk/workers/hse27.htm](https://www.hse.gov.uk/workers/hse27.htm)

Worker advice leaflets in various languages

[hse.gov.uk/migrantworkers](https://www.hse.gov.uk/migrantworkers)

[hse.gov.uk/languages/index.htm](https://www.hse.gov.uk/languages/index.htm)

Risk management microsite (HSE)

[hse.gov.uk/risk/index.htm](https://www.hse.gov.uk/risk/index.htm)

How to tackle work-related stress. A guide for employers on making the Management Standards work

[hse.gov.uk/stress/resources.htm](https://www.hse.gov.uk/stress/resources.htm)

Talking toolkits: Preventing work-related stress

[hse.gov.uk/stress/resources.htm](https://www.hse.gov.uk/stress/resources.htm)

Acas guidance on topics such as planning a safe return to the workplace following the relaxation of Covid controls, the introduction of flexible working arrangements and supporting workers' mental health

[acas.org.uk](https://www.acas.org.uk)

Business in the Community/Public Health

England health and wellbeing toolkits on topics such as supporting and managing mental health; reducing the risk of suicide MSDs; physical activity; healthier eating; drugs, alcohol and tobacco; sleep and recovery

[bitc.org.uk](https://www.bitc.org.uk)

CIPD guidance on topics such as reopening workplaces during Covid-19 and supporting workers' mental wellbeing

[cipd.co.uk](https://www.cipd.co.uk)

IOSH guidance on topics such as reopening workplaces following the lifting of Covid-19 controls and supporting workers' mental health

[iosh.com](https://www.iosh.com)

Mental Health at Work toolkits for employers

[mentalhealthatwork.org.uk](https://www.mentalhealthatwork.org.uk)

Further information

Acas

Independent organisation that provides impartial advice and training for employers and employees to help create positive employer/employee relationships and working cultures. Provides free guidance on topics such as how to ensure good communication and consultation with staff on employment relations issues. This includes guidance on improving worker health, introducing flexible working and returning to work following the lifting of Covid-19 restrictions.

acas.org.uk

British Safety Council

Offers a wide range of training courses and qualifications to help employers and workers manage health, safety and environmental risks at work. The courses and qualifications also encourage managers and staff to play their part in keeping the workplace safe, healthy and sustainable. They are available via e-learning, distance learning and classroom learning.

www.britsafe.org

Business in the Community (BITC)

Charity that provides free guidance for employers on issues such as improving worker health.

bitc.org.uk

CIPD

Professional UK body for human resources and people development professionals. Offers free guidance on subjects such as supporting workers' mental health, introducing flexible working and reopening workplaces as Covid-19 restrictions are lifted.

cipd.co.uk

Gov.uk

Government website providing guidance for employers and business owners on topics such as protecting workers from the risk of coronavirus infection. Also see the websites of the Scottish, Welsh and Northern Ireland governments.

gov.uk

Health and Safety Executive (HSE)

Responsible for enforcing health and safety law at most industrial workplaces in the UK. Offers a wide range of online guidance on managing a variety of health and safety risks.

hse.gov.uk

Health and Safety Executive for Northern Ireland

Enforces health and safety law in Northern Ireland. Also offers guidance for employers.

hseni.gov.uk

Healthy Working Lives (Scotland)

Free health and safety advice service for Scottish employers of all sizes.

healthyworkinglives.com

Healthy Working Wales

Free health and safety advice service for employers and employees in Wales. Website provides a variety of guidance to help employers improve the health, safety and welfare of their employees.

www.healthyworkingwales.wales.nhs.uk/home

IOSH

Chartered body and membership organisation for safety and health professionals. Provides a range of free online guidance for employers on managing various health and safety risks.

iosh.com

Mates in Mind

A sister charity of the British Safety Council that helps UK employers to support the mental health of their workers. It offers training courses designed to get everyone thinking and talking about mental health and free guidance materials.

www.matesinmind.org

Trades Union Congress (TUC)

Provides information and training to help trade union safety representatives manage risks to workers' health, safety and welfare.

tuc.org.uk



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