



# Supporting our elected trade union safety representatives.

GREATER MANCHESTER HAZARDS CENTRE

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## Introduction

Safety and other trade union reps have for many years had an increasing workload as Governments have increased anti-trade union legislation and for safety reps in particular, enforcement of Health and Safety Law has been undermined by cuts to enforcement authorities. The Health and Safety Executive, the main enforcement authority for health and safety in the UK has had cuts to funding by more than 50% over the two decades and Local Authorities even more.

The UK Hazards Campaign, Greater Manchester Hazards Centre and other Hazards organisations and trade unions are continually campaigning to change this.

## What rights do safety reps have?

Trade unions have the right under the Safety Representatives and Safety Committees Regulations 1977 to appoint workplace safety reps. The Regulations give various rights to safety reps, require employers to set up a safety committee and to inform and consult safety reps in good time on matters relating to health and safety. They have the right to reasonable paid time off from work to carry out their role. This is not facility time but statutory time off. They are also entitled to resources to carry out their role. This includes access to a private room to meet members confidentially, a lockable cabinet to store paperwork and IT access.

## Safety reps have the right to:

- take an active part in workplace risk assessments
- investigate potential hazards and 'dangerous occurrences', and examine the accident book
- investigate members' complaints
- carry out inspections of the workplace in work time, at least every three months
- require their employer to set up and attend a safety committee (where two or more safety reps request this)
- be consulted on new working practices and new technology
- receive safety information from their employer (e.g. inspectors' reports, hygiene surveys and risk assessments)
- attend union-approved training courses without loss of pay and
- have access to a phone and office equipment, and paid time off work, both to carry out inspections and to meet staff and other safety reps.

Safety reps' rights are set out in guidance published by the TUC: Safety Reps and Safety Committees (PDF, 784KB), (also known as 'The Brown Book').

<https://www.tuc.org.uk/sites/default/files/BrownBook2015.pdf>

<https://gmhazards.org.uk/wp-content/uploads/2020/06/safety-reps-guide.pdf>

## Issues faced by Safety reps:

During the Covid-19 pandemic working conditions and life work balance have been detrimentally impacted for many workers but for safety reps who have been on the frontline holding employers to account and trying to keep workers safe and Covid free, this has impacted on their own health and safety.

Using the HSE Management Standards areas of work activity with the potential for psychological and physical harm is a useful way to identify, assess and control issues that can cause harm to trade union safety reps. Any risk assessment should include:

Management Standards:	Key issues:
<b>Demands</b>	
	Is your workload manageable or excessive?
	Are you working long hours to complete your workload?
	Are you able to turn off work/reps devices at the end of the day?
	Does your work pattern work for you?
	Have you a good working environment?
<b>Control</b>	
	Can you determine when you carry out your role as rep?
	Are you able to determine when and how you complete your role as rep?
<b>Support</b>	
	Do you have a named rep or mentor to support you?
	Have you access to adequate resources and facilities to carry out your role as rep?
	Do you have a support structure to take issues/concerns to help you resolve them?
	Have you access to individual additional support?
<b>Change</b>	
	How has your union responded to the changes faced with different ways of working during the pandemic?
<b>Role</b>	
	Do you have an understanding of your trade union safety role and how to carry it out?
	Have you undertaken training?
<b>Relationships</b>	
	Do you know what to do if you are faced with conflict and how to deal with unacceptable behaviour?

There are many issues that have impacted on safety reps' health during and before the pandemic. These include:

- Excessive workloads
- Long working hours
- Inability to switch off from work problems
- Bullying by management, colleagues and 3<sup>rd</sup> party
- Discrimination for particular characteristics or for being a trade union safety rep
- Exposure to violence and abuse
- Personal experience of bereavement and trauma
- Excessive work-related stress and role related stress
- Excessive surveillance by management
- Dealing with constant change
- Dealing with new ways of working
- Training needs
- Fear of infection for self, family, work colleagues
- Suffering from long-covid and/or supporting colleagues with long-covid
- Facing hostile management when challenging unsafe and unhealthy risks
- Learning new skills
- Burden of dealing with life-threatening situations
- Changing the way of supporting members
- Being overwhelmed with the scale of the problem

There are lots of sources of information about how reps should do their role, what the law says and what management's responsibilities are. The reality of the current situation is that safety reps who should have been supported by enforcement authorities and Government policy on public health mitigations, feel they have no one in authority to support their role.

For many reps, trade union industrial action has been their only lifeline to protect themselves and their members, but this places more burdens on Safety reps.

Employment Law as well as Health and Safety specific law has been used, for example in the education sector and others, Section 44 and Section 100 of the Employment Rights Act was used to put pressure on employers to prevent infections, when individuals, collectively, submitted letters to withdraw themselves from unsafe working conditions. In other workplaces, trade union ballots for industrial action have been organised to force employers to ensure the health and safety of workers.

As a result of the increased risks, increased pressures and trauma caused by the pandemic, many reps are facing burn-out, by the sheer scale of the problem and the mental health impact of their situation.

In the workplace, the employer has a legal duty to identify, assess and control the risks to workers' mental and physical health.

Trade union organisations also have a duty of care and a moral obligation to protect reps' health, to prevent reps being made ill and unable to carry out their role safely. This must be a multi layered approach:

### **1. A proactive support approach:**

- a. Ensure all reps are trained and accredited as soon as they are elected to the role – this provides reps with the knowledge, and skills to carry out the role and ensure they have the full backing and support of their trade union
- b. Ensure all reps have a portfolio of information, contacts, and essentials to call on more support and an understanding of how and when to request additional support and escalate issues
- c. All safety reps should be part of an organisation/workplace, branch, regional and national structure, so that any issues they have can be voiced and shared as soon as necessary either in regular meetings, with named contacts and in the beginning with mentors
- d. Decisions about cases, concerns, campaigns should be made collectively with the appropriate group taking cognisance of GDPR issues
- e. Branches/workplace organisations should monitor workload, review and reconcile workload issues to ensure no one is put at risk. This includes life/work balance, ensuring working hours models to protect individuals and enable them to switch devices off and take breaks, and holidays free from case work, which is covered when they are unavailable
- f. Reviews are put in place to ensure adequate resources and that all the risks are controlled properly, including work-related challenges
- g. Ensuring adequate resources and time are available to the safety rep to carry out their trade union role, attend training and other trade union activities without management attacks
- h. Trade Unions must be prepared to take an industrial response, where safety reps are being victimised, bullied, abused or ignored.
- i. Any issue that is not resolved must be escalated from the internal workplace organisation, to external trade union organisation and if necessary, to enforcement authorities.

### **2. Additional Individual support:**

- a. Where any individual has additional support needs, then these are assessed, and additional support measures put in place as soon as practically possible. This will include support for people in a demanding work role, those facing high risk situations, those with additional personal risks, young and new workers

- b. All reps should have contact time with a named rep/mentor, which is scheduled into each week, to enable reps to maintain good trade union relationships, and also that any issues/concerns can be raised early

## Checklist

Item	Description of Action	Completed
1	Are all safety reps trained and accredited as soon as they are elected to the role?	
2	Do any reps need any refresher training?	
3	Do all reps have a portfolio of information, contacts and essentials?	
4	Do reps know who to call on for more support and an understanding of how and when to request additional support and escalate issues?	
5	Do all safety know what their organisation/workplace, branch, regional and national structure is and a list of all the other reps/officers involved in them?	
6	Do all reps know when regular meetings are and are sent agendas	
7	Do all reps have a named rep contact? And new reps a mentor?	
8	Do all reps know about GDPR?	
9	Do all reps know where go for advice and where decisions about cases, concerns, campaigns can be taken?	
10	Are branches/workplace organisations monitoring reps workload? When is the next review of workload issues and how workload issues be resolved?	
11	How are life/work issues balanced? Does the organisation working hours models to protect individuals and enable them to switch devices off and take breaks, and holidays free from case work, which is covered when they are unavailable?	
12	Do all reps have adequate resources and is this reviewed periodically?	
13	Do all reps have adequate time available to carry out trade union role, functions and activities?	
14	Have all reps been individually assessed for additional support needs?	
15	If there are additional support needs have these been implemented? This will include support for people in a demanding work role, those facing high risk situations, those with additional personal risks, young and new workers	
16	Are all reps being contacted at least weekly by their named rep/mentor?	

## Sources of useful information:

### Further links:

#### HSE:

<https://www.hse.gov.uk/involvement/prepare/union/index.htm>

<https://www.hse.gov.uk/involvement/hsrepresentatives.htm>

<https://www.thompsons.law/news/news-archive/health-and-safety-news-autumn-2008/safety-representatives-know-your-rights>

#### TUC Risk weekly newsletter -

[https://www.tuc.org.uk/news?search\\_api\\_views\\_fulltext=Risks&field\\_region=All&field\\_news\\_type=2&page=7](https://www.tuc.org.uk/news?search_api_views_fulltext=Risks&field_region=All&field_news_type=2&page=7)

Hazards Magazine – <https://www.hazards.org/index.htm>

Hazards Campaign - <https://www.hazardscampaign.org.uk/>

Greater Manchester Hazards Centre - <https://gmhazards.org.uk/>

#### Facebook pages:

Hazards Campaign - <https://www.facebook.com/groups/123746101003963>

Greater Manchester Hazards Centre -

<https://www.facebook.com/GreaterManchesterHazardsCentre>

#### Twitter:

<https://twitter.com/hazardscampaign>

<https://twitter.com/CentreGreater>

<https://twitter.com/hazardsmagazine>

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