

Magherafelt District Council

HEALTH AND SAFETY

POLICY ON CONTACT WITH REPRESENTATIVES AND EMPLOYEES DURING VISITS AND DISCLOSURE OF INFORMATION

INTRODUCTION

Magherafelt District Council considers that contact with employees and their representatives should be an intrinsic part of intervention and investigation activities undertaken by its health and safety inspectors. Safety/employee representatives can play a key part in preventing deaths, injuries and ill health at work and promoting good standards of health and safety in the workplace.

Furthermore the Council recognises the importance of effective consultation by employers with safety/employee representatives and is committed to both promoting and encouraging dialogue between employers and their employees on health and safety issues.

This policy document describes Magherafelt District Council's policy and arrangements for contact with safety/employee representatives by its inspectors during visits to workplaces. It does not cover the enforcement of relevant health and safety legislation in respect of consultation by employers with safety/employee representatives. Any enforcement action considered necessary by inspectors under such legislation shall be guided by the principles within the Council's Enforcement Policy, a copy of which is available at www.magherafelt.gov.uk

SCOPE

In line with HSE guidance (Worker Consultation and Involvement – December 2006) this policy will apply only to those businesses with greater than 50 employees.

POLICY

Employers will be informed of their legal duty to consult with employees during visits by inspectors, and in written communications with employers. The business case for employee involvement in health & safety will also be promoted. To assist employers understand their duties, inspectors will distribute guidance and verbal advice as appropriate. The council will also use its web site facility to promote awareness and provide access to information and advice.

Once advice has been provided, at subsequent visits inspectors will enquire as to the consultation processes adopted by the employer and will request details of the employee contact arrangements.

NOTE. An employer can choose to consult with employees either directly or through elected representatives. In the case of most small businesses, employers are likely to choose the more informal option and consult employees directly.

Inspectors will make every effort to contact at least one safety/employee representative when the inspector visits a workplace. Where no formal employee representative exists, inspectors will make every effort to speak to employees as part of their routine inspection visits to ascertain the effectiveness of the health and safety consultation process between the employer and employees.

Inspectors will be supportive of safety/employee representatives in carrying out their functions as safety/employee representatives and will be open in their dealings with safety/employee representatives in accordance with the principles of openness and transparency, in so far as the law allows them to do so.

ARRANGEMENTS

Individual arrangements may vary to reflect the different types of workplaces inspected e.g. permanent/transient/large/small and the frequency with which they are visited. However the following will generally be appropriate:

1. Where an inspector makes a visit to a workplace by appointment then he/she will either inform a safety/employee representative of the date/time of the visit or ask the employer to do so.
2. Where inspectors visit a particular workplace on a regular basis then specific details of the contact arrangements may be agreed locally between the inspector and the safety/employee representatives at the workplace.
3. Employee representatives will be given the opportunity to raise health and safety issues with the inspector and to speak privately to the inspector should they so wish.
4. In making contact with the safety/employee representative the inspector will inform the representative of:
 - the reason for the visit;
 - the outcome of the visit;
 - any action by the inspector as a result of the visit;
 - the reasons for any action by the inspector.
5. Article 30(8) of the Health and Safety at Work (NI) Order 1978 places a duty on inspectors to provide factual information in circumstances where it is necessary to do so for the purposes of assisting in keeping persons (or the representatives of persons) employed at any premises adequately informed about matters affecting their health safety and welfare.

Where such factual information is provided then it also has to be provided to the employer. Inspectors will therefore be responsible for:

- ensuring factual information is made available to employers and their safety/employee representatives, e.g., copying to relevant safety/employee representatives factual correspondence between inspectors and employers;
- providing copies of enforcement notices to safety/employee representatives;
- providing information on an intention to prosecute (but not before informing the employer) including the date of proceedings;
- providing the results of any monitoring, testing or sampling done in the workplace by or on behalf of the DC.

In circumstances where there is no requirement for a safety/employee representative, the inspector will, via appropriate correspondence, request that the employer supply the information required by Article 30 (8) to employees, for example by the provision of copies of notices etc.

6. A record of the contact with the safety/employee representative should be made by the inspector in the appropriate visit report.
7. Where a safety/employee representative was not contacted by an inspector at a visit brief reasons why there was no contact should be recorded by the inspector.
8. In circumstances where a safety/employee representative is either not available or is not present in a workplace visited by the inspector, the inspector will endeavour to make verbal contact with the safety/employee representative (to inform them of the details in 4 above) within 7 working days after the visit, or if this is not possible write to the safety/employee representative within 10 working days.

RESPONSIBILITIES

Officers will ensure they are familiar with this policy and that they follow the arrangements therein.

The “Director of Environmental Health” will conduct monitoring and stakeholder consultation to ensure that the arrangements for employee contact are being implemented in accordance with this policy. The “Director” will also ensure that the policy is subject to review at regular intervals.

COMPLAINTS

The council’s corporate complaints procedure will apply.

FURTHER INFORMATION

Further information on the way health and safety legislation is enforced, and about health and safety legislation generally, can be found in the following free leaflets:

What to expect when a District Council Health and Safety Inspector Calls: A brief guide for business, employees and their representatives

Safety Pays: Information for Smaller Businesses on Managing Health and Safety