**ROLE OF HEALTH AND SAFETY REPRESENTATIVES AND LABOUR UNION AT WORK**

Health and **safety representatives** (HSRs) are workers elected or selected for the role, who represent the health and **safety** interests of workers within their workgroup for a person conducting a business.

A **trade union representative** ('**rep**') is a **union** member who represents and gives advice to colleagues when they have problems at work. **Trade union** reps aren't paid but they do get paid time off to do their work as a **rep**.

**Health and safety representatives** (HSRs) are elected to represent workers in a 'work group' on **health and safety** matters. The work groups are established first through consultation and agreement between the business or employer and the relevant workers, then nominees are called and an election is held.

**Health and Safety Committees (HSCs)**

HSCs bring together workers and management in the development and review of health and safety policies and procedures for the workplace. HSCs enable a business and its worker representatives to meet regularly and work cooperatively to improve work health and safety.

## Main functions of an HSC

The main functions of an HSC are to:

* make it easy for the business and workers to cooperate on ways to ensure workers’ health and safety at work
* assist in developing standards, rules, and policies or procedures for work health and safety
* make recommendations relating to work health and safety
* carry out other tasks that are agreed between the business and the committee.

**Roles of Health and Safety Representatives**

* **Inspections of the workplace**

Formal inspections can take different forms and you and your representatives will need to agree the best methods for your workplace. Here are some of the ways inspections can take place.

* **Safety tours** - general inspections of the workplace
* **Safety sampling** - systematic sampling of particular dangerous activities, processes or areas
* **Safety surveys** - general inspections of particular dangerous activities, processes or areas
* [**Incident inspections**](http://www.hse.gov.uk/involvement/accidents.htm) carried out after an accident causing a fatality, injury, or near miss, which could have resulted in an injury, or case of ill health and has been reported to the health and safety enforcing authority.

**Inspecting the workplace**

Union-appointed health and safety representatives can inspect the workplace. They have to give reasonable notice in writing when they intend to carry out a formal inspection of the workplace, and have not inspected it in the previous three months. If there is substantial change in conditions of work or HSE publishes new information on hazards, the representatives are entitled to carry out inspections before three months have elapsed, or if it is by agreement.

The frequency of inspections will depend on the nature of the work. Inspections may be less often, for example, if the work environment is low risk like in a predominantly administrative office. But if there are certain areas of a workplace or specific activities that are high risk or changing rapidly, more frequent inspection may be justified, for example on a construction project.

**Good practice**

* [**Plan a program of inspections**](http://www.hse.gov.uk/involvement/consulttips/inspectionplan.htm) - you and your representatives can plan a program of inspections in advance...
* [**Agree the number of representatives**](http://www.hse.gov.uk/involvement/consulttips/repnumber.htm) - agree the number of representatives taking part in any one formal inspection...
* **Co-ordinate inspections** - plan inspections if there is more than one representative, because they can then co-ordinate their inspections to avoid unnecessary duplication.
* [**Inspect together**](http://www.hse.gov.uk/involvement/consulttips/inspecttogether.htm) - it will help your relationship with the representatives if you inspect together...
* [**Consult specialists**](http://www.hse.gov.uk/involvement/consulttips/specialists.htm) - if there is a safety officer or specialist advisers...
* [**Break down tasks**](http://www.hse.gov.uk/involvement/consulttips/breakdown.htm) - for larger workplaces, it may not be practical to conduct a formal inspection of the entire workplace in a single session...

**Following-up after an inspection**

**After an inspection:**

* Explain the reasons for any follow-up action you decide to take to your representatives.
* Let the representative who notified you of the inspection have the opportunity to inspect again so they can check if the issues raised got appropriate attention, and record their views.
* Share the follow-up action taken throughout the workplace and other relevant parts of the business, including the health and safety committee where there is one.
* **Investigating accidents, hazards and complaints**

Agree a system for informing the representative if an incident occurs and involve them in investigations as soon as possible. Such incidents can be vital signals that your way of preventing or reducing risks and dangers is not working. Proper investigation can show you where the weaknesses are so you can work towards improving the measures you take.

**Following a reportable incident:**

**Employers must** make sure that:

* they tell the representatives of the action taken and confirm this in writing if they have to take urgent steps to safeguard against further or immediate dangers
* the representatives see and take copies of relevant documents which employers have kept as part of their records for health and safety management so they can carry out inspection and examination of reportable incidents.

**Health and safety representatives must** make sure that:

* when they examine any machinery, plant, equipment or substance in the workplace relevant to the incident, they must not interfere with any evidence that could disturb or destroy factual evidence before a health and safety inspector has thoroughly investigated the incident. **Representatives should only inspect once it is safe and appropriate to do so**. These inspections could include visual inspection, and discussions with those who know about the circumstances of an incident.
* when they ask employers for relevant documents for inspection, they should consider reasonable time and circumstances that employers may face in producing such documents.

There may be rare occasions when you need technical expertise outside your business. You and health and safety representatives should decide together where to find such expertise, for example, a university department, technical college, or trade association.

If representatives want to have their own technical advisers, they should agree this with you in advance, although it is advisable to co-operate together with the same competent person. In this case any report or information that the representatives get about specific health and safety matters from their own technical advisers must be shared with you.

**Good practice**

* [**Involve the representative**](http://www.hse.gov.uk/involvement/consulttips/involve.htm)- an investigation involving the health and safety representative can give employees more confidence to co-operate...

**Data protection**

Where an individual has consented to disclosing their information, you can share the following with health and safety representatives:

* name of the person;
* date, time and place of the incident; and
* nature of the incident.

**ROLE OF GOVERNMENT REGARDING OHS:**

* Employers must have primary responsibility for occupational safety and health. The Society believes that employers and employees working together, with government support, can attain excellence in safety and health performance.
* Government should encourage, through significant incentives and recognition, voluntary employer programs for excelling in safety and health achievement.
* Government standards setting must be conducted with efficiency, maximizing use of public input and available data to develop and publish reasonable standards in a timely manner.
* Government enforcement should be fair and consistent. Penalties should not be set as a budgeted government revenue source, but should be based on the seriousness of noncompliance. A strong, objective mechanism must be in place to afford employers avenues of appeal of enforcement actions and incentives to expedite corrective actions.
* Government's support of research to improve occupational safety and health is critical. The causes and severities of accidents should be analyzed to prioritize research.
* Government consultation for improving safety and health should be made available to all employers, regardless of size. Consultations must be without threat of subsequent inspections and citations.
* Government must utilize qualified safety and health professionals in administering the OSH Act, and assure that these professionals have opportunities for pursuing nationally recognized credentials and participating in professional development activities.

**LEGISLATIONS RELATED TO OHS**

* **Acts** give a general overview of how to make workplaces safe and healthy. They outline your legal responsibilities and duties as an employer and business owner.
* **Regulations** set out the standards you need to meet for specific hazards and risks, such as noise, machinery, and manual handling. They also set out the licenses you need for specific activities, the records you need to keep, and the reports you need to make.
* **Regulating agencies** (also known as regulators) administer health and safety laws. They’re responsible for inspecting workplaces, providing advice and help, and handing out notices and penalties where necessary.

**OSHA**

The **Occupational Safety and Health Act** is the primary federal law which governs **occupational health** and **safety** in the private sector and federal government in the United States. It was enacted by Congress in 1970 and was signed by President Richard Nixon on December 29, 1970.

**International Labor Standards on Occupational Safety and Health**

The ILO Constitution sets forth the principle that workers should be protected from sickness, disease and injury arising from their employment. Yet for millions of workers the reality is very different. An estimated 2.3 million people die every year from work-related accidents and diseases. More than 160 million people suffer from occupational and work-related diseases, and there are 313 million non-fatal accidents per year. The suffering caused by such accidents and illnesses to workers and their families is incalculable. In economic terms, the ILO has estimated that more than 4% of the world's annual GDP is lost as a consequence of occupational accidents and diseases. Employers face costly early retirements, loss of skilled staff, absenteeism, and high insurance premiums due to work-related accidents and diseases. Yet many of these tragedies are preventable through the implementation of sound prevention, reporting and inspection practices. ILO standards on occupational safety and health provide essential tools for governments, employers, and workers to establish such practices and to provide for maximum safety at work. In 2003 the ILO adopted an [global strategy to improve occupational safety and health](http://www.ilo.org/safework/info/policy-documents/WCMS_107535/lang--en/index.htm) which included the introduction of a preventive safety and health culture, the promotion and development of relevant instruments, and technical assistance.

**Selected relevant ILO instruments**

The ILO has adopted more than 40 standards specifically dealing with occupational safety and health, as well as over 40 Codes of Practice. Nearly half of ILO instruments deal directly or indirectly with occupational safety and health issues.

**Fundamental principles of occupational safety and health**

* [**Occupational Safety and Health Convention, 1981 (No. 155)**](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C155:NO)The convention provides for the adoption of a coherent national occupational safety and health policy, as well as action to be taken by governments and within enterprises to promote occupational safety and health and to improve working conditions. This policy shall be developed by taking into consideration national conditions and practice. The Protocol calls for the establishment and the periodic review of requirements and procedures for the recording and notification of occupational accidents and diseases, and for the publication of related annual statistics.
* **Occupational Health Services Convention, 1985 (No. 161)**This convention provides for the establishment of enterprise-level occupational health services which are entrusted with essentially preventive functions and which are responsible for advising the employer, the workers and their representatives in the enterprise on maintaining a safe and healthy working environment.
* **Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)**
This Convention aims at promoting a preventative safety and health culture and progressively achieving a safe and healthy working environment. It requires ratifying States to develop, in consultation with the most representative organizations of employers and workers, a national policy, national system, and national programme on occupational safety and health.

**Health and safety in particular branches of economic activity**

* **Hygiene (Commerce and Offices) Convention, 1964 (No. 120).**
This instrument has the objective of preserving the health and welfare of workers employed in trading establishments, and establishments, institutions and administrative services in which workers are mainly engaged in office work and other related services through elementary hygiene measures responding to the requirements of welfare at the workplace.
* [**Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)**](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C152:NO)

 See under dockworkers.

* [**Safety and Health in Construction Convention, 1988 (No. 167)**](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C167:NO)
The convention provides for detailed technical preventive and protective measures having due regard for the specific requirements of this sector. These measures relate to safety of workplaces, machines and equipment used, work at heights and work executed in compressed air.
* **Safety and Health in Mines Convention, 1995 (No. 176)**
This instrument regulates the various aspects of safety and health characteristic for work in mines, including inspection, special working devices, and special protective equipment of workers. It also prescribes requirements relating to mine rescue.
* [**Safety and Health in Agriculture Convention, 2001 (No. 184)**](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C184:NO)The convention has the objective of preventing accidents and injury to health arising out of, linked with, or occurring in the course of agricultural and forestry work. To this end, the Convention includes measures relating to machinery safety and ergonomics, handling and transport of materials, sound management of chemicals, animal handling, protection against biological risks, and welfare and accommodation facilities.

**Protection against specific risks**

* [**Radiation Protection Convention, 1960 (No. 115)**](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C115:NO)
The objective of the Convention is to set out basic requirements with a view to protect workers against the risks associated with exposure to ionising radiations. Protective measures to be taken include the limitation of workers' exposure to ionising radiations to the lowest practicable level following the technical knowledge available at the time, avoiding any unnecessary exposure, as well as the monitoring of the workplace and of the workers' health. The Convention further refers to requirements with regard to emergency situations that may arise.
* [**Occupational Cancer Convention, 1974 (No. 139)**](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C139:NO)
This instrument aims at the establishment of a mechanism for the creation of a policy to prevent the risks of occupational cancer caused by exposure, generally over a prolonged period, to chemical and physical agents of various types present in the workplace. For this purpose, states are obliged to determine periodically carcinogenic substances and agents to which occupational exposure shall be prohibited or regulated, to make every effort to replace these substances and agents by non- or less carcinogenic ones, to prescribe protective and supervisory measures as well as to prescribe the necessary medical examinations of workers exposed.
* **Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)**
The convention provides that, as far as possible, the working environment shall be kept free from any hazards due to air pollution, noise or vibration. To achieve this, technical measures shall be applied to enterprises or processes, and where this is not possible, supplementary measures regarding the organization of work shall be taken instead.
* [**Asbestos Convention, 1986 (No. 162)**](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C162:NO)
Aims at preventing the harmful effects of exposure to asbestos on the health of workers by indicating reasonable and practicable methods and techniques of reducing occupational exposure to asbestos to a minimum. With a view to achieving this objective, the convention enumerates various detailed measures, which are based essentially on the prevention and control of health hazards due to occupational exposure to asbestos, and the protection of workers against these hazards.
* [**Chemicals Convention, 1990 (No. 170)**](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C170:NO)
The Convention provides for the adoption and implementation of a coherent policy on safety in the use of chemicals at work, which includes the production, the handling, the storage, and the transport of chemicals as well as the disposal and treatment of waste chemicals, the release of chemicals resulting from work activities, and the maintenance, repair and cleaning of equipment and containers of chemicals. In addition, it allocates specific responsibilities to suppliers and exporting states.

**Codes of Practice**

ILO [Codes of Practice](http://www.ilo.org/safework/info/standards-and-instruments/codes/lang--en/index.htm) set out practical guidelines for public authorities, employers, workers, enterprises, and specialized occupational safety and health protection bodies (such as enterprise safety committees). They are not legally binding instruments and are not intended to replace the provisions of national laws or regulations, or accepted standards. Codes of Practice provide guidance on safety and health at work in certain economic sectors (e.g. construction, opencast mines, coal mines, iron and steel industries, non-ferrous metals industries, agriculture, shipbuilding and ship repairing, forestry), on protecting workers against certain hazards (e.g. radiation, lasers, visual display units, chemicals, asbestos, airborne substances), and on certain safety and health measures (e.g. occupational safety and health management systems; ethical guidelines for workers' health surveillance; recording and notification of occupational accidents and diseases; protection of workers' personal data; safety, health and working conditions in the transfer of technology to developing countries).