

STANDING UP *for you*

A GUIDE TO HEALTH & SAFETY FOR UNION REPRESENTATIVES





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INTRODUCTION

Welcome to the Health & Safety at Work booklet for Trade Union Representatives from Thompsons Solicitors. This comprehensive guide is designed to help trade union representatives understand and effectively implement the Health and Safety at Work Act.

What This Booklet Does

This booklet provides detailed information on the key provisions of the Health and Safety at Work Act, outlining employers' and employees' specific duties and responsibilities. It aims to equip trade union representatives with the knowledge and tools to promote workplace safety and proactively address health and safety concerns.

Who It Is For

This booklet is intended for trade union representatives who advocate for workers' rights and ensure compliance with health and safety regulations. It also benefits employees seeking to understand their rights and responsibilities under the Health and Safety at Work Act.

WHAT THIS GUIDE CONTAINS

Key Provisions of the Act: Detailed explanation of the duties of employers and employees.

Health and Safety Executive (HSE): Overview of the role and responsibilities of the HSE.

Reporting Requirements: Guidance on proper reporting procedures for workplace injuries and dangerous occurrences.

Practical Guidance: Step-by-step instructions for conducting risk assessments, forming health and safety committees, and handling complaints.

Incident Response: Procedures for responding to workplace injuries, including first aid, securing the scene, and conducting investigations.

Legal Obligations and Rights: Information on the legal rights of employees and the obligations of employers, including potential penalties for non-compliance.

Checklist for Union Representatives: A practical checklist to ensure effective response and support in the event of a workplace injury.

We hope this guide empowers trade union representatives with the knowledge and resources to advocate for safer workplaces. By understanding the provisions of the Health and Safety at Work Act, representatives can ensure that both employers and employees adhere to safety standards, thereby minimising workplace risks and promoting a culture of safety.

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KEY PROVISIONS OF THE ACT

Duties of Employers

Employers have specific obligations to ensure a safe working environment. These include conducting regular risk assessments to identify potential hazards, providing necessary protective equipment, and offering continuous safety training for all employees. By ensuring employers meet these requirements, you can minimise workplace risks and promote a safety culture.

Duties of Employees

Workers also have responsibilities to maintain workplace safety. You have a role in encouraging workers to adhere to established safety protocols, for instance, by using protective equipment properly and consistently reporting hazards or unsafe conditions.



THE HEALTH & SAFETY EXECUTIVE

The HSE is the main body enforcing the Health and Safety at Work Act, although some workplaces are covered by local authorities or bodies such as the RAIB (rail) or MAIB (marine).

The HSE's duties include:

- Conducting inspections.
- Investigating workplace incidents.
- Ensuring compliance with safety regulations.

REPORTING REQUIREMENTS

Workplace injuries and dangerous occurrences must be reported under the Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations (RIDDOR). You may need to ensure that proper reporting is taking place and that incidents are documented and investigated.

CONDUCTING RISK ASSESSMENTS

1. Identifying Hazards

You should become as skilled as possible at identifying potential hazards in the workplace. This may involve regular inspections and employee consultations to uncover unsafe conditions or practices. You should familiarise yourself with the Brown Book and use your rights under the Safety Representatives and Safety Committees Regulations, 1977, if, for instance, employers resist inspections of the workplace or of documents.

2. Evaluating Risks

Once hazards are identified, the next step for employers is to evaluate the associated risks, including assessing the likelihood of an incident occurring and the potential severity of its impact. Awareness of relevant risk assessments in the workplace is key and you should be prepared to challenge employers who have failed to assess risks adequately.

3. Implementing Controls

Employers must implement effective control measures to mitigate any identified risks that can't be fully eliminated. These measures can include training on safer work practices and providing safer work equipment. Personal protective equipment may also be required if workers are still exposed to physical risks despite those measures.

HEALTH & SAFETY COMMITTEES

Formation and Function

Establishing health and safety committees ensures employers and employees collaborate to improve workplace safety. These committees should be developed to ensure that they are close enough to the frontline of work to be practical, respected, and, therefore, effective.

Employee Involvement

Active participation from union members in health and safety matters is crucial. You have a vital role to play in encouraging workers to voice their safety concerns and suggestions, fostering a culture where safety is a shared responsibility.

HANDLING COMPLAINTS AND CONCERNS

Reporting Mechanisms

Employees need to be confident that clear procedures for reporting health and safety concerns are in place. To encourage honest reporting, anonymity and confidentiality should be assured.

Investigating Complaints

You must be able to investigate complaints thoroughly. This may involve gathering facts, interviewing witnesses, and examining an incident scene to determine the root cause and prevent recurrence. Again, the Brown Book is a crucial weapon in the rep's armoury.

LEGAL OBLIGATIONS AND RIGHTS

Employee Rights

Injured employees may have the right to compensation from various sources, including state benefits, workplace insurance, and personal injury claims. Understanding these rights can help ensure that affected workers receive the support they need during recovery.

Employer Obligations

Employers are legally obligated to notify regulatory bodies of significant injuries and cooperate with investigations. Ensuring they fulfill these obligations is key to maintaining compliance and promoting safety.

LEGAL REPERCUSSIONS

Employer Penalties

Failure to comply with the Health and Safety at Work Act can result in significant legal and financial repercussions for employers. This can include heavy fines and, in the most serious cases, imprisonment.

Criminal Liability

In severe cases, criminal charges may be brought against employers or individuals who negligently breach safety regulations, leading to workplace injuries or fatalities.

Filing Claims

Where an employer's negligence has caused a member injury, Thompsons Solicitors can guide you and the members you represent through the process of a compensation claim. As lawyers representing union members, our job is to handle claims efficiently and secure maximum compensation quickly for injured workers. Members should be encouraged to contact the union's legal services or go directly to the union pages on Thompsons Solicitors' website to ensure they receive their full compensation. Other firms can take up to 25% of the compensation awarded in personal injury cases to union members to cover legal costs. This usually does not apply if the member receives legal advice through their union membership.

Legal Representation

In wider health and safety disputes, Thompsons Solicitors has extensive experience bringing challenges under the HSWA to protect members' rights and interests.

CHECKLIST FOR UNION REPRESENTATIVES IN THE EVENT OF A WORKPLACE INJURY

Immediate Actions:

- Ensure the injured worker receives immediate medical attention.
- Secure the incident scene to prevent further harm and preserve evidence.

Reporting:

- Report the incident to the appropriate authorities (e.g., HSE) under RIDDOR.
- Ensure the incident is documented in the workplace's injury log.

Investigation:

- Collect evidence, including witness statements and photographs.
- Conduct a thorough investigation to determine the root cause of the incident.

Communication:

- Inform the injured worker about their rights and the support available.
- Communicate with management about the incident and necessary corrective actions.

Follow-Up:

- Monitor the implementation of corrective measures to prevent recurrence.
- Ensure the injured worker receives the necessary follow-up medical care and support.

Legal Support:

- Assist the injured worker in filing a compensation claim if needed.
- Provide legal representation and support through their union's legal services.

IN THE EVENT OF AN INJURY

First Aid and Medical Attention

You should be confident that injured employees can receive immediate and appropriate medical attention in the event of an accident.

Securing the Scene

The incident area should be secured immediately to prevent further harm and preserve evidence. This will help in conducting a thorough investigation later.

Gathering Evidence

Collecting comprehensive evidence is vital for understanding the incident. This may include taking witness statements, photographing the scene, and securing any physical evidence related to the event.

Documentation

Proper documentation is crucial. Incident reports should be detailed and accurate, clearly explaining what happened and the measures taken in response.

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