

Safety Reps and Safety Committees Regulations 1977

Safety reps functions

Reg 4(2)(a)/schedule 4(2) and Reg 11 (1)(a)- Employers must permit time off with pay during working hours to carry out functions and if the employer has failed to permit time off for functions or training a safety rep may present a complaint to an ET.

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

UCU safety reps have specific functions and rights which are supported by the law, mostly the Safety Representatives and Safety Committees Regulations (often referred to as the Brown Book or shortened to the SRSC). They include:

- representing members to the employer
- carrying out workplace health and safety inspections
- investigating potential hazards
- complaints and incidents receiving information
- attending joint health and safety committees, and
- paid release to carry out the role of a safety rep and undergo training.

Note that the provisions for time-off are not qualified by the word 'reasonable' so, unlike a branch officer or departmental rep, who are entitled to 'reasonable time off', safety reps are entitled to whatever time is necessary for them to do the job effectively.

These functions are a minimum standard: UCU believes that good employers will work with our safety reps to extend these functions significantly.

	Safety reps function	SRSC ref.	What should happen?	When and how often do these need to take place in your workplace? Examples/comments	Record the minimum time you would take performing these functions (estimate time per week/month/quarter)
1	Investigate potential hazards and dangerous occurrences at the workplace,	Reg 4(1)(a)	Safety reps should be notified as soon as possible after it has been reported so that they can investigate to establish the underlying cause	<i>As and when these arise – during the current pandemic these are likely to be more often</i>	
2	Investigate complaints by an employee relating to health, safety and welfare at work	Reg 4 (1)(b)	Talk to the employees about their complaint and follow it up by raising with the employer or on the safety committee	<i>The closer the working relationship between employer and employees the less issues will arise</i>	
3	Examine causes of workplace accidents	Reg 4 (1)(a)	Safety reps should investigate as soon as possible after an incident takes place.	<i>A working environment with good health and safety standards then less frequent</i>	
4	To make representation to the employer on the investigations	Reg 4(1) (c and d)	These could be at the regular Safety meetings or by arranging a meeting. Always take someone else with you.	<i>When accidents/incidents occur</i>	

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5	To make representations to the employer on specific and general matters affecting the health and safety of employees they represent	Reg 4A(1) (c and d)	See 4	<i>This will depend on work activities and workplace changes</i>	
6	Employer to consult safety reps on the appointment of competent person	Reg 4A(1) (b)	The 'competent' person must have the relevant qualifications, experience and knowledge to be able to carry out a Risk Assessment. A competency during the pandemic would be infection control.	<i>As and when a new 'competent' person is appointed</i>	

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7	Employer to consult safety reps on health and safety information required to be provided to the employees	Reg 4 A1(c)	Health and Safety information could include Risk Assessments, new buildings, changing use of rooms, new equipment, sickness absence, infections, fatalities, details of incidents including fatalities, Riddor reports, employer investigation reports, safe systems of work, training records, training materials etc.	<i>Usually weekly updates depending on the size of the organisation</i>	
8	Employer to consult safety reps on the planning and organisation of health and safety training for employees	Reg 4 A1(d)	See 7	<i>Usually annual review on training to be provided</i>	

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9	Employer to consult safety reps on the health and safety consequences of the planning and introduction of new technologies	Reg 4A1(e)	See 7	<i>As and when any new tech is to be introduced</i>	
10	Represent employees in dealings with health and safety inspectors	Reg 4(1)(f)	When Enforcement officers attend your workplace they should talk to the safety reps about the reason for their visit and it is an opportunity for Safety reps to speak on behalf of workers.	<i>Rarely and usually by senior safety representatives</i>	
11	Receive certain information from inspectors	Reg 4(1)(g)	See 10	<i>Rarely and usually by senior safety representatives</i>	

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12	Inspect the workplace every 3 months	Reg 5(1)	Inspections can take place in particular areas, or on particular issues like fire risks or transmission risks, ventilation or physical distancing or PPE	<i>The more safety reps, the smaller the area to inspect and the less time needed</i>	
13	Inspect after a substantial change in working conditions	Reg 5(2)	An example would be a new building, or refit. Or changes to working from home.	<i>As and when – during the current pandemic these could include changes to rooms, working from home, online teaching</i>	
14	Inspect after new information has become available from the HSE	Reg 5(2)	When HSE updates any information for example Ventilation information then Safety reps should conduct inspections to ensure that RA and environments have been updated and any workers have been informed and trained	<i>Changes to HSE advice on transmission routes would be an example of new information</i>	

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15	Inspect after a Notifiable Accident, Dangerous Occurrence or Notifiable Disease	Reg 6(1)	Usually, a detailed checklist approach to inspecting after an incident to ensure all information is captured correctly and any photographs and statements are recording and secured	<i>As and when these arise – during the current pandemic these will obviously be more often</i>	
16	Safety reps entitled to have facilities for private discussions with members after accidents	Reg 6(2)	Facilities should include private room with facilities to photocopy, print, update computer files, confidential and secure storage of documents.	<i>As and when these arise – during the current pandemic these will obviously be more often</i>	
17	Inspect relevant documents	Reg 7	Documentation could include accident/incident reports, sickness levels, technical information on hazards and precautions, information on infections and fatalities	<i>This should be available weekly or for each safety committee meeting</i>	

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18	Employers to give information to the safety rep	Reg 7(2)	See 7	<i>At safety committees or more often when issues arise, during the current pandemic this could be as often as daily updates.</i>	
19	Attend health and safety committee meetings	Reg 9	Depending on the size of the organisation these are regular meetings which are conducted to ensure safety and health issues are being dealt with. It is an opportunity for new issues to be raised and other issues to be followed up and prioritised.	<i>This is a regular meeting which takes place weekly or monthly</i>	
20	Bring to the employers notice, normally in writing, any unsafe or unhealthy conditions	Code of Practice para 29(c)	Issues should always be put in writing even if they are initially raised in person. This is to ensure an audit trail is established.	<i>Weekly or monthly</i>	

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21	Safety reps to give verbal report to the employer when speedy action is needed	Code of practice para 29	Always follow up verbal reports with a written response or recognition of the issue having been dealt with.	<i>As and when these arise</i>	
22	Safety reps to keep members informed using appropriate channels	Guidance para 45	Communication with members is vital, to ensure they know the issues that are being dealt with.	<i>As and when these arise, but at least a weekly communication/update should be aimed for</i>	

Example letter to inform employer of statutory time off needed to perform safety rep functions

Dear (EMPLOYER REPRESENTATIVE),

Safety Representatives and Safety Committees (SRSC) Regulations 1977

Notification of appointment of UCU Safety Representative

I am notifying you, in accordance with the provisions of the SRSC Regulations 1977, Reg. 3(2) that the [EMPLOYER] branch of the University and College Union has appointed [NAME] as the safety representative for [INSERT STAFF GROUP(S) TO BE REPRESENTED/ DETAILS OF REP CONSTITUENCY] with effect from [DATE] until further notice.

[NAME] will need sufficient paid time off from their current duties as is necessary to undertake the statutory functions as detailed in section 2(4) of The Health and Safety at Work Act 1974 and Regulation 4(1) of the SRSC Regulations. We believe [INSERT TIME NEEDED e.g. FTE/Hours per week/days per month] to reflect the minimum time [NAME] would need to perform these functions.

[NAME] will also need paid time off to undertake health and safety training and any additional time as may be necessary to perform all their statutory functions. [NAME] will give reasonable notice of any additional time off that may be required in any given circumstance.

Yours sincerely,

[NAME – e.g. Elected Branch Officer/ UCU official]