



HEALTH AND SAFETY
AUTHORITY



Safety Representatives and Safety Consultation Guidelines

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CONTENTS

Introduction	1
Safety Representatives	2
Appointment.....	2
Overall function.....	2
Carrying out inspections.....	2
Investigations	3
What else can a safety representative do?.....	4
Information for safety representatives	4
Training for safety representatives.....	6
Number of safety representatives.....	7
Selection and period of office.....	8
Maintenance of records	8
Facilities.....	8
Consultation, employee participation and safety committees	9
Must employers make arrangements for employee consultation and participation?.....	9
What should safety and health consultation cover?	9
What consultation and participation rights do employees have?.....	10
Training for safety committee members	10
How can effective consultation and participation take place?.....	10
How can a safety committee operate efficiently?	10
Could being involved in safety consultation, employee participation or representation affect an employee adversely?	12
ANNEX 1: Frequency and duration of inspections by safety representatives	14
Annex 2: Course content for training safety representatives and safety-committee members	17
Annex 3: Extract from the Safety, Health and Welfare at Work Act 2005	20
Other publications available from Health and Safety Authority	22

Introduction

These guidelines are aimed at employers, employees, safety representatives, safety committee members and safety and health practitioners.

They are a guide to sections 25 and 26 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005), hereafter called the 2005 Act.

They aim to give general guidance on the roles of each party in the process of safety consultation and representation, so that accidents and ill-health at work are prevented.

The 2005 Act contains provisions for securing and improving safety, health and welfare for all workers. It updates, repeals and replaces its predecessor, the Safety, Health and Welfare at Work Act 1989.

The provisions of the 2005 Act apply to employers, employees in all employments and the self-employed. To encourage a preventive approach to occupational safety and health, it also has implications for people who control workplaces, such as landlords or property companies who may have no-one employed but might provide the workplace itself or essential services for use by employers and employees.

Under the 2005 Act, employers, and those who control workplaces to any extent, are required to:

- ▲ identify the hazards and assess the risks in the workplaces they control and
- ▲ prepare a written safety statement setting out the arrangements in place for securing and managing the safety, health and welfare of their employees and other people, along with the co-operation required from employees to achieve this.

Designers, manufacturers, suppliers and importers of articles and substances for use at work and those who commission, design or construct places of work also have general duties under the 2005 Act.

The 2005 Act provides for consultation between employers and employees to help ensure co-operation to prevent accidents and ill-health. Under section 25 of the Act, employees are entitled to select a safety representative to represent them on safety and health matters in consultations with their employer. Section 26 sets out the arrangements for this consultation on a range of safety and health issues at the workplace. Where a safety committee exists in a workplace, it can be used for this consultation process. These are key provisions of the 2005 Act and a central part of the preventive system of promoting safety and health at work.

These guidelines suggest how consultation on safety, health and welfare issues should be undertaken between employer and employees generally and between the employer and the safety representative(s) chosen by the employees. They are not intended as a legal interpretation.

Section references in the text refer to the Safety, Health and Welfare at Work Act 2005.

Further information may be obtained from the Workplace Contact Unit at the Health and Safety Authority at 1890 289 389 or the Health and Safety Authority website at www.safework.ie .

Safety Representatives

Section 25 of 2005 Act

APPOINTMENT *Section 25 (1)*

Section 25, without prejudice to Section 26, entitles employees to decide on, select and appoint a safety representative or, by agreement with their employer, more than one safety representative to represent them in consultations with the employer on matters of safety, health and welfare at the place of work.

A safety representative does not have any *duties*, as opposed to *functions*, under the 2005 Act other than those that apply to employees generally. Therefore, a safety representative who accepts a management proposal to deal with a safety or health issue could not be held legally accountable for putting the proposal into effect.

OVERALL FUNCTION *Sections 25 (2)(a) and 25 (4)*

A safety representative may consult with, and make representations to, the employer on safety, health and welfare matters relating to the employees in the place of work. The employer must consider these representations, and act on them if necessary. The intention of these consultations is to prevent accidents and ill-health, highlight problems, and identify means of overcoming them. Consultations are particularly important when changes are taking place, for example when a safety statement or safety and health plan is being drawn up, or new technology or work processes, including new substances, are being introduced. They also have a part to play in dealing with long-established work practices and hazards.

CARRYING OUT INSPECTIONS *Section 25 (2)(a)*

Safety representatives, after giving reasonable notice to the employer, have the right to inspect the whole or part of a workplace that they represent at a frequency or on a schedule agreed between them and the employer, based on the nature and extent of the hazards. A safety representative also has the right to inspect immediately where an accident or dangerous occurrence has taken place, or where there is an imminent danger or risk to the safety, health and welfare of any person.

How often are inspections necessary? *Section 25 (3)*

The appropriate frequency will depend on various factors. These include:

- ▲ size of workplace
- ▲ nature and range of work activities and work locations
- ▲ nature and range of hazards and risks
- ▲ changing hazards and risks

The frequency of inspections must be agreed with the employer. An employer must not unreasonably withhold agreement. It may not be practical to conduct a single inspection of a large workplace, or for one safety representative to carry out the

entire inspection. In such circumstances, the employer and safety representative can agree a plan for undertaking inspections on a manageable unit, departmental or sectional basis, or for different safety representatives to inspect distinct locations within the workplace. Examples of how this can be done are set out in Annex 1.

How long should an inspection take to complete?

There is no standard duration. The time required will vary according to the circumstances. A place of work with relatively low-level risks may be inspected adequately in a single session, while a place with a high-risk level will take longer. Risk factors may vary in different locations in the same workplace, which would make necessary inspections of different frequency and duration. Examples of how this can be done are set out in Annex 1.

What type of inspection is required?

Inspections can take various forms. Some common types of inspections are:

- ▲ **Safety tours:** general inspection of the whole workplace
- ▲ **Safety sampling:** systematic sampling of particularly dangerous activities, processes or work areas
- ▲ **Safety surveys:** general inspections of particularly dangerous activities, processes or areas, e.g. the office, production department or stores, etc.
- ▲ **Reviews of safety and health documents:** risk assessments, parts of the safety statement or safe operating procedures.

These types of inspection can be carried out either separately or in any combination. The safety representative can consult the employer on the most suitable method when deciding on the form of inspection.

Who can accompany the safety representative?

To make the inspection more meaningful and to help ensure that the necessary improvements are made, the safety representative might usefully be accompanied by the employer or employer's representative during inspections. It might be appropriate, for example, for the safety and health manager/safety officer/adviser to be present to give advice on technical safety and health matters. It might also be necessary to protect the safety representative's own safety and health during inspection.

Following inspection, the safety representative should have the opportunity to discuss safety and health matters in confidence with the employees that he or she represents.

INVESTIGATIONS *Sections 25 (2)(b)*

A safety representative may investigate accidents and dangerous occurrences in the place of work to find out the causes and help identify any remedial or preventive measures necessary. However, a safety representative must not interfere with anything at the scene of an accident. Nor can the safety representative obstruct any person with statutory obligations, including a Health and Safety Authority inspector, from doing anything required of them under occupational safety and health legislation.

Investigations may include visual examinations and speaking to people who have relevant information, but physical evidence must not be disturbed before an inspector has had the opportunity to see it.

WHAT ELSE CAN A SAFETY REPRESENTATIVE DO? *Section 25 (2)(c) to (j)*

A safety representative may also:

- ▲ accompany an inspector carrying out an inspection under Section 64 of the 2005 Act, other than the investigation of an accident or dangerous occurrence (although this may be allowed at the discretion of the inspector)
- ▲ at the discretion of the inspector, and when the employee concerned so requests, be present when the inspector interviews the employee about an accident or dangerous occurrence at a place of work
- ▲ make representations to the employer on safety, health and welfare at the place of work
- ▲ make verbal or written representations to inspectors, including about the investigation of accidents or dangerous occurrences
- ▲ receive advice and information from inspectors in relation to safety, health and welfare at the place of work
- ▲ consult and liaise with other safety representatives appointed in the same undertaking, whether or not they work in the same place of work, in different places of work under the control of the employer or at different times at the place of work (for example, safety representatives on different shifts)

How will a safety representative know that an inspector is attending his or her workplace to carry out an inspection? *Section 25 (6)*

The employer is required to inform the safety representative that an inspection is taking place. If the representative is not available, the inspector will make every effort to consult with one of the safety committee members, where one operates in the particular workplace.

INFORMATION FOR SAFETY REPRESENTATIVES

What kind of information must the employer give to a safety representative? *Section 8, Section 9 (1) to (3)*

Under Section 8 of the 2005 Act, an employer has the duty to provide "information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of his or her employees" (including safety representatives). Section 9 (1) further specifies the type of information that must be supplied to all employees.

In addition, Section 9 (3) provides that safety representatives must have access to information on:

- ▲ risk assessments prepared under Section 19 of the 2005 Act
- ▲ information on reportable accidents, occupational illnesses and dangerous occurrences

- ▲ any information resulting from the experience of applying protective and preventive measures required under safety and health legislation

Whenever an employer writes to a Health and Safety Authority inspector confirming compliance with an Improvement or Prohibition Notice served upon him or her, the employer must copy this confirmation to the safety representative.

The information made available to safety representatives will enable them to fulfil their functions properly and play an informed part in preventing accidents and ill-health and promoting safety and health. The type of information will vary according to the hazards and risks involved.

Safety representatives should be supplied with relevant technical information about hazards, risks and precautions connected with articles or substances used in the workplace they represent. Examples of such information include safety data sheets, relevant instruction manuals, or information, including revisions, supplied by a designer, manufacturer, importer or supplier about any article or substance which is under review from a safety and health perspective.¹

Safety representatives should also be given adequate information about the workplace, the systems of work and any changes in either that would affect existing risks or precautions, including:

- ▲ any reports commissioned by the employer relating to occupational safety, health and welfare in the workplace
- ▲ information on occupational accidents and ill-health at the place of work
- ▲ collective data on the results of any relevant health assessments carried out (without identifying any individual)

In addition, where the particular review requires it, the employer would be expected to supply information about appropriate precautions, safeguards (such as permit-to-work systems), measures to be taken in emergencies, including the names of employees with designated emergency duties, etc, which are currently in place or which should be provided to minimise the risks to safety and health arising from hazards at work.

Are there limitations to the information a safety representative is entitled to receive from the employer?

Since a properly informed safety representative can play an important role in preventing accidents and ill-health, it is in the employer's interest to ensure that safety representatives are supplied with all relevant information. However, there are limited exceptions. An employer should not supply:

- ▲ any information which he or she could not disclose without contravening a legal prohibition
- ▲ any information relating to an individual without his or her consent

¹ 'Article' is defined in the 2005 Act as including any plant, machinery, apparatus, equipment, component or product for use or operation at work. Substance is defined as including any natural or artificial substance, preparation or agent, whether solid, liquid, gas, vapour or microorganism.

- ▲ any information which, for reasons other than its effect on safety, health and welfare at work, could cause significant damage to the employer's business
- ▲ any information obtained by the employer which could affect his or her legal position in taking or defending any legal proceedings

The confidentiality rules that apply to any workplace apply to any information provided to safety representatives under the Act.

What kind of information can a safety representative get from an inspector? *Section 76*

Any employee, including the safety representative, can obtain two kinds of information from Health and Safety Authority inspectors:

- ▲ factual information to do with safety and health in that particular place of work, except any information revealing a trade secret
- ▲ information about any action the inspector has taken or proposes to take in connection with the place (e.g. whenever the inspector serves an Improvement Direction, Improvement Notice or Prohibition Notice, he or she must provide a copy to the safety representative and in turn inform the representative whenever any of these enforcement actions are withdrawn)

The inspector must also give this information to the employer at the same time.

What is the difference between information provided by the employer and information supplied by the inspector?

While the employer has a duty to provide the kind of information necessary for safety and health at work, the inspector is expected to supply information that the employer would not be in a position to supply, e.g. results of measurements, sampling or assessment carried out by the inspector.

TRAINING FOR SAFETY REPRESENTATIVES *Section 25 (5) (a)*

Is training necessary?

Yes. It is essential that safety representatives have the knowledge and skills necessary to perform their function effectively. They should be knowledgeable enough about safety and health matters to make a positive contribution to safety and health at work.

Who provides the training – and who pays for it?

A syllabus for the training of safety representatives is included in Annex 2. Training courses for safety representatives are provided by trade unions and other organisations. Safety representatives, and those involved in the safety consultation process such as safety committee members, have two distinct training needs:

- ▲ Participation in a course offering the agreed syllabus will provide training on safety representatives' functions in general.
- ▲ Employers are responsible for training safety representatives on the specific hazards and safe systems of work in their own workplaces.

A properly trained safety representative can make a significant contribution to improving safety and health standards. The whole organisation will benefit, e.g. from a reduction in accidents and ill-health, time lost, cost of remedial action, etc.

No safety representative or other person involved in consultation, such as a safety committee member, should be charged with the cost of necessary training.

Could a safety representative lose pay during training or when carrying out his or her functions? Section 25 (5)

No. Section 25 (5) of the 2005 Act requires employers to allow safety representatives reasonable time off from work, without loss of earnings, to acquire knowledge that will enable them to function effectively. This also applies to time taken to carry out these functions.

NUMBER OF SAFETY REPRESENTATIVES

What does the 2005 Act require?

Section 25 (1) entitles employees to decide on, select and appoint a safety representative or, by agreement with their employer, more than one safety representative to represent them in consultations with the employer on matters of safety, health and welfare at the place of work. Factors to be considered when determining the number of safety representatives selected include:

- ▲ the number of employees to be represented
- ▲ the nature of the work and the relative degree of risk
- ▲ the operation of shift systems
- ▲ the existence of many workplaces under the employer's control spread over many locations, e.g. for a local authority
- ▲ the constituency of the employees to be represented, including variations between different occupations and distinct locations within the place of work (these factors would be present in, for example, a large hospital, where a wide variety of different work takes place within a single workplace, or places of work where conditions and workforce change regularly, such as construction and civil engineering)

Special consideration may need to be given to situations where employees spend most of their working time away from the nominal place of work, e.g. care workers, goods-delivery depots and local-authority service yards.

Special provisions cover safety representation in the construction and quarry industries. These are contained in the Safety, Health and Welfare at Work (Construction) Regulations and the Quarries Regulations.

What if a single safety representative cannot fulfill adequately all the functions under the 2005 Act?

In some situations, as set out above, a single safety representative would be unable to perform effectively all the functions under the 2005 Act. In these cases the safety committee can also assist in the consultation process. Employer and employees

should agree on how many safety representatives are necessary in particular circumstances.

SELECTION AND PERIOD OF OFFICE

Detailed arrangements are left to the employees in the individual organisation, where particular circumstances can be taken into account. To select a safety representative, employees may use the normal process for selecting employee representatives within their organisation or they may ballot all employees. If a selection process does not already exist, one will have to be devised. The safety representative chosen must be available to represent all employees.

As a general rule, safety representatives should have been employed for about two years, either by their present employer or in similar employment. They should understand the role intended for them under the 2005 Act.

No specific term of office is laid down in the 2005 Act. However, to benefit from knowledge acquired and training received during the period, a term of office of about three years is appropriate. There should, however, be provision for review by the employees, perhaps on an annual basis. At the end of a term of office the outgoing safety representative is eligible for re-selection.

MAINTENANCE OF RECORDS

Safety representatives may maintain records of any safety and health matter found to be unsatisfactory, whether discovered during an inspection or not. Safety representatives should also record inspections even when nothing amiss has been found. A note should be kept of relevant information supplied by the employer.

Keeping records will help safety representatives to check whether remedial measures have been implemented and to monitor the effectiveness of such measures.

FACILITIES

The safety representative will need reasonable facilities from the employer to consult with employees and to prepare any submission or reports. Such facilities include, for example, a meeting room, or access to up-to-date safety and health information and published guidance.

Consultation, employee participation and safety committees

Section 26 of 2005 Act

MUST EMPLOYERS MAKE ARRANGEMENTS FOR EMPLOYEE CONSULTATION AND PARTICIPATION? *Section 26 (1)*

Employers must consult their employees about establishing arrangements to secure co-operation on safety, health and welfare in the workplace. These arrangements will allow employees to be consulted on the steps taken to safeguard their safety, health and welfare and on measures to check how effective the safeguards have been.

Consultation must be made in advance and in good time so as to allow employees time to consider, discuss and give an opinion on the matters before managerial decisions are made. The information given under Section 9 of the 2005 Act must be sufficient to allow employees to participate fully and effectively in the consultation process. The difference between *providing information* and *consultation* should be noted. Consulting employees involves listening to their views and taking these into account as part of the decision-making process.

As employees have a right to make representations to their employer on any safety and health matters, the employer must facilitate this process. Actively promoting and supporting employee participation in all aspects of the safety and health management programme can do this. By pooling knowledge and experience through active employee participation, the employer gains their commitment and greater involvement and ensures that safety and health really becomes everybody's business.

WHAT SHOULD SAFETY AND HEALTH CONSULTATION COVER? *Section 26 (1)(b)*

Employers must consult in good time on anything carried out in the workplace which can have a substantial effect on safety and health. Any type of work activity already covered by safety and health law is valid for discussion. Consultation must occur on:

- ▲ any risk-protection and prevention measures
- ▲ the appointment and duties of staff with safety and health responsibilities
- ▲ the outcome of risk assessments on workplace hazards
- ▲ the preparation of the safety statement
- ▲ safety and health information to be provided to employees
- ▲ reportable accidents or dangerous occurrences
- ▲ the engagement of safety and health experts or consultants
- ▲ the planning and organising of safety and health training
- ▲ the planning and introduction of new technologies, particularly on the consequences of the choice of work equipment, on working conditions and on the working environment

WHAT CONSULTATION AND PARTICIPATION RIGHTS DO EMPLOYEES HAVE?

Sections 26 (2) to (6)

Employees have a right to make representations to and consult their employer on matters relating to their safety, health and welfare at work. If a safety committee is set up under Section 26 (3), employees can become members of that committee.

As far as reasonably practicable, the employer must take any action following such representations as he or she considers necessary or appropriate. For example, if it is not practicable to put suggestions made into effect, or if there are more appropriate ways of ensuring safety and health, the employer should explain the reasons why.

Employees who are involved in the safety-consultation arrangements – for example, safety-committee members – are entitled to time off, without loss of pay, to discharge their functions adequately (Section 26 (5)(b)).

Where there are joint decision-making arrangements in the workplace, safety consultation must form part of these arrangements.

TRAINING FOR SAFETY COMMITTEE MEMBERS *Section 26 (5)(a)*

Employees involved in the safety consultation arrangements (e.g. safety-committee members) are also entitled to time off for training, without loss of earnings, so that they can acquire the knowledge to discharge their functions. The syllabus set out in Annex 2 can be used for training members of the safety committee.

HOW CAN EFFECTIVE CONSULTATION AND PARTICIPATION TAKE PLACE?

Section 26 (3)

The 2005 Act states that where a safety committee in a workplace has been agreed to by the employer, represents the employer and the employees, and is used for consultation, it can also be used for the purposes of consultation under the 2005 Act. Whatever consultation procedures are used, they should be agreed between the employer and employees.

The most appropriate type of consultation method is best chosen at local level. Consultation arrangements are likely to vary with the size and nature of the undertaking. In a comparatively small company, informal staff meetings should be sufficient; in a larger enterprise, a more structured approach is probably required. When the safety committee procedure is used it may be done in compliance with Schedule 4 to the 2005 Act, which is reproduced in whole in Annex 3.

Other arrangements for safety consultation that have been agreed between employer and employees may also be used.

Whatever method is used, it is important that consultation and employee-participation arrangements include balanced participation by both employees and employers.

HOW CAN A SAFETY COMMITTEE OPERATE EFFICIENTLY?

In addition to complying with the guidelines set out in Schedule 4 to the 2005 Act, the safety committee and other employee-participation programmes will operate more efficiently by following the guidelines below:

1. The composition and number of representatives on the safety committee may comply with those set out in Schedule 4, but will also depend on the range and type of work activities and the nature and the range of hazards and risks. All major activities, especially in a large organisation, should be represented. Influential senior managers should also be involved, as set out in Schedule 4, in order to emphasise the organisation's commitment to employee participation in the safety and health effort.
2. The committee must keep in mind the key role the safety representative plays in the consultation and employee-participation process. At least one safety representative must be a member. It is necessary to respect the functions of all the safety representatives who continue to be the main representatives of all employees in discussions on safety and health with the employer.
3. The officers (chairperson and secretary) should be able to ensure that the committee functions effectively. Business should be conducted in an ordered and structured fashion. Minutes, reports and submissions should be precise and clear to help decision-making and to enhance the likelihood of having recommendations considered and acted upon more speedily. The officership could be held by either side or rotated.
4. There should be regular meetings, using the timescales set out in Schedule 4 as a guideline, under a specific agenda which could include items such as the following:
 - ▲ any representations made to the employer on any matters relating to safety, health and welfare
 - ▲ the review of safety and health audit reports (including feedback from an inspector)
 - ▲ seeking solutions to safety and health issues which arise
 - ▲ the study of information relating to accidents, dangerous occurrences and instances of occupational ill-health at the place of work
 - ▲ developing and implementing safe systems of work
 - ▲ reviewing communication and employee-training procedures relating to safety and health
 - ▲ considering reports presented by a safety representative
 - ▲ a progress report on implementing risk assessments and the safety statement
 - ▲ the provision and use of protective clothing and equipment
 - ▲ special promotional activities on safety and health at work including general fitness and wellbeing programmes, stress reduction or 'work-positive' initiatives
 - ▲ safety and health training needs and reports on safety training courses attended by management or employees
 - ▲ any of the other items arising under Section 26 (1)(b) above
5. Some additional points for effective safety consultation and employee participation are:

- ▲ The employer must commit the necessary financial and staff resources and facilities such as meeting rooms, access to up-to-date safety and health information, Health and Safety Authority guidance, etc.
- ▲ The employer or senior managers and employees should be encouraged to participate.
- ▲ Workers are encouraged to communicate their views or complaints.
- ▲ Sensible recommendations are implemented without delay.
- ▲ Line managers and supervisors do not ignore recommendations.
- ▲ Committee members are adequately trained and informed on safety and health matters.
- ▲ Meetings are held regularly in accordance with Schedule 4.
- ▲ The agenda for meetings is varied and relevant.
- ▲ Committee members are prepared to consider new options or approaches to problems.

COULD BEING INVOLVED IN SAFETY CONSULTATION, EMPLOYEE PARTICIPATION OR REPRESENTATION AFFECT AN EMPLOYEE ADVERSELY?

Section 27

No. Section 27 of the 2005 Act protects employees generally from penalisation for any involvement in safety and health measures. This includes any employee who is a safety representative or is involved in the safety consultation and safety-committee processes.

Section 27 prohibits an employer from penalising or threatening to penalise an employee with respect to any term or condition of his or her employment to his or her detriment, if the employee is:

- ▲ acting in accordance with safety and health legislation or performing any duty or exercising any right under safety and health legislation;
- ▲ making a complaint or a representation about safety, health or welfare at work to his or her safety representative, to the employer or to an inspector of the Health and Safety Authority;
- ▲ giving evidence at any prosecutions or other legal proceedings taken by the Authority, or on behalf of the Authority;
- ▲ acting as a safety representative, is an employee having duties in an emergency, or is a competent person appointed under Section 18;
- ▲ leaving or refusing to return to the place of work when he or she reasonably considers that there is serious or imminent danger which the employee could not reasonably have dealt with, or for taking or proposing to take appropriate steps to protect himself or herself or other persons from the danger considering the circumstances and the means and advice available to him or her at the relevant time.

Penalisation by the employer includes any act or omission affecting detrimentally any term or condition of employment of an employee. It includes suspension, layoff or dismissal, demotion or loss of opportunities for promotion, transfer or a change of location, reduction in wages or change in working hours, imposition of any discipline, reprimand or other penalty, and coercion or intimidation.

The dismissal of an employee is a dismissal under the Unfair Dismissals Acts 1977 to 2001 if it results from penalisation under this section, although such dismissal will not be deemed to be unfair if the employer shows that the steps taken or proposed to be taken were so negligent that it was reasonable to dismiss the employee. Sections 28 to 31 of the 2005 Act lay down appeals procedure to be used by an employee who is dismissed for any of the safety and health items set out in Section 27.

ANNEX 1: Frequency and duration of inspections by safety representatives

The frequency and duration of inspections should be agreed between the employer and the safety representative at the start of his or her term of office and should involve the safety committee, if such exists. It is difficult to set down exact frequencies for inspections, taking into account the numbers of employees exposed and the level of risk. However, the following examples can be used as a guide to determine the frequency and time spent on inspections. The types of businesses listed below are indicative and not exhaustive.

Type of business	Number of employees	Frequency of inspection	Duration of inspection	Risk
Small office Retail establishment Service delivery business operating from one main workplace unit, section or department [2] Small school	Less than 10	Fortnightly/monthly	One hour	Low
Medium-sized office, retail or service business with several work areas, either in one unit, section or department or spread over some nearby locations	10 to 50	Once a week/ fortnightly per unit, section or department	One hour	Low
As above at multi-locational workplaces [3]		Once a month per location	One hour	Low
Large office, retail or service business with several work areas, with many units, sections or departments or spread over some nearby locations	More than 50	Once a month per unit, section or department	One hour	Low
As above at multi-locational workplaces		Once a month per location	One hour	

² Units, sections or departments should be agreed between the employer and the safety representative. A safety representative should inspect only those areas that he or she represents.

³ The inspections of these workplaces will be determined by the level of risk, changing nature of work, proximity to where the safety representative works and similarity to other workplaces under the employer's control. A safety representative should not have to travel more than 20 kms. from the workplace he or she works in.

Type of business	Number of employees	Frequency of inspection	Duration of inspection	Risk
Small manufacturing workplace	Less than 10	Once a week/fortnightly	One hour	Medium Risk: (e.g. manual handling, semi-automated units and packaging, finish goods storage and dispatch)
Small manufacturing workplace	Less than 10	Once a week/fortnightly	Two hours	High Risk: If the risks are increased or there are regular changes (e.g. manual handling, chemical/physical agents use, printing processes,)
Small construction site	Less than 10	Once a week/fortnightly	One hour	High Risk e.g. If working at heights, traffic risks, excavations
Medium-sized manufacturing environment (each manufacturing unit, section or department to be inspected)	10 to 50	Once a week/ fortnightly per unit, section or department	One hour	High Risk: If the risks are increased as above or there are regular changes
Medium-sized health care institution (e.g. private hospital, nursing home), Medium-sized school or public body	10 to 50	Once a week/ fortnightly	One to two hours	High: if risks change regularly, or number of other people exposed increases e.g. members of the public, students etc.
Medium-sized construction site (<i>whole site to be inspected</i>)	10 to 50	Once a week	One to two hours	High: if risks change regularly, working at heights, traffic risks, excavations or the number of people exposed changes regularly e.g. when new workers or trades taken on etc.

Type of business	Number of employees	Frequency of inspection	Duration of inspection	Risk
Large manufacturing environment (<i>each unit, section or department to be inspected</i>)	More than 50	Fortnightly/monthly per unit, section or department	One hour	High Risk: If the risks are increased as above or there are regular changes
Large construction environment (<i>each unit, section or department to be inspected</i>)	More than 50	Once/twice a week	Two hours	High: if risks change regularly, as above or the number of people exposed changes regularly
Large regional hospital, large public body (e.g. county council, government department or large school) (<i>each unit, section or department to be inspected</i>)	More than 50	Fortnightly/monthly per unit, section or department	One hour	High: if risks change regularly, or number of other people exposed increases e.g. members of the public, students etc.
As above at multi-locational workplaces	More than 50	Fortnightly/monthly per location	One hour	High: as above

ANNEX 2: Course content for training safety representatives and safety-committee members

Overview

The following 10 elements should be considered for inclusion in a training course for safety representatives and safety committee members. The level of detail to which each heading should be addressed will depend on the size, level of risk, degree of complexity and level of development of the safety and health management in the workplace. Even for lower-risk workplaces, the training course should last at least three days, with practical sessions to demonstrate the issues under study.

1. SAFETY AND HEALTH LEGAL SYSTEM

- ▲ Historical background to safety and health legislation in the EU and Ireland.
- ▲ The preventive approach to safety and health at work.
- ▲ The Safety, Health and Welfare at Work Act 2005 and other relevant safety and health regulations.
- ▲ The role of the Health and Safety Authority, its Annual Programme of Work, its Workplace Contact Unit, Health and Safety Authority inspectors, their enforcement powers and procedures during inspections and in follow-up actions, up to and including taking legal proceedings, their investigation of accidents and complaints, etc.

2. ROLE OF THE SAFETY REPRESENTATIVE AND SAFETY-COMMITTEE MEMBERS IN THE SAFETY CONSULTATION AND PARTICIPATION PROCESS

- ▲ Role and functions of the safety representative.
- ▲ Safety consultation, employee participation and the safety committee.
- ▲ Role of the safety representative on the safety committee.
- ▲ Elements for success: co-operation and agreement.
- ▲ Facilities for the safety representative and the safety committee, e.g. administrative facilities, meeting-rooms, report preparation, co-operation with employer, etc.

3. COMMUNICATION SKILLS FOR THE SAFETY REPRESENTATIVE AND SAFETY-COMMITTEE MEMBERS

- ▲ Effective communication skills.
- ▲ Holding effective safety committee meetings.
- ▲ Dealing with senior managers and the Health and Safety Authority.
- ▲ Workshop: role-play for a safety-committee meeting, discussion with other employees, dealing with employer and senior managers.

4. HAZARD IDENTIFICATION AND CARRYING OUT RISK ASSESSMENTS

- ▲ Types of workplace hazards as set out in the Health and Safety Authority's *Guidelines on Risk Assessments and Safety Statements*, e.g. physical, chemical, biological and human-factor hazards (such as stress, violence to workers and bullying).
- ▲ Methods used to identify hazards, sources of information (e.g. guidance booklets, safety data sheets, etc).
- ▲ Risk-assessment check-sheets.
- ▲ Factors to be considered in risk assessment, e.g. likelihood of accident, degree of harm, how many employees exposed and for how long, safety measures and implementing improvements.
- ▲ Workshop on risk-assessment examples.

5. PREPARING AND IMPLEMENTING THE SAFETY STATEMENT

- ▲ Requirements of Section 20 of 2005 Act and Health and Safety Authority guidelines.
- ▲ Who and what are covered by the safety statement.
- ▲ Who is required to prepare a safety statement.
- ▲ Purpose of safety statement, six-step approach, continuous-improvement loop.

6. CARRYING OUT SAFETY AND HEALTH INSPECTIONS

- ▲ Methods of carrying out workplace inspections, e.g. walkabouts, sample inspections, procedures and process inspections, human-factor issues (such as stress and bullying).
- ▲ Co-operation and agreement with employer, senior managers.
- ▲ Checklists, audit programmes, involvement of other workers, relevant statistics.
- ▲ Workshop on sample safety and health inspections.

7. ACCIDENT INVESTIGATION, RECORDING AND ANALYSIS

- ▲ Co-operation with employer and permission of Health and Safety Authority inspector to investigate.
- ▲ Accident investigation procedures – getting to the underlying causes.
- ▲ Meeting with the injured worker and talking to witnesses.
- ▲ Importance of accident and ill-health statistics – in-house and external data.
- ▲ Workshop on a sample accident investigation.

8. SOURCES OF SAFETY AND HEALTH INFORMATION

- ▲ Health and Safety Authority website at www.safework.ie and linked safety and health sites.
- ▲ Written Health and Safety Authority guidance and other written information sources.
- ▲ Trade union, representative bodies and other sources.
- ▲ Company sources for specific hazard/risk data.
- ▲ Workshop on sourcing information on specific examples.

9. RISK-CONTROL AND SAFETY AND HEALTH MANAGEMENT AT WORK

- ▲ General Principles of Prevention in 2005 Act.
- ▲ Hierarchy of controlling workplace risks.
- ▲ Safety and health management systems, including Health and Safety Authority guidance on *Workplace Safety and Health Management*.
- ▲ Analysis of key aspects of a safety and health management systems, including safety and health organisation, e.g. maintenance, workplace procedures and permits, stress avoidance and bullying prevention, competent persons, safety and health communication, control of contractors, ongoing monitoring and inspections, auditing and annual review, audit programmes and continuous improvement.
- ▲ Workshop to consider specific safety and health management issues in own workplace.

10. COURSE FOLLOW-UP

- ▲ Participants' course evaluation.
- ▲ Filling-in of course evaluation form.
- ▲ Follow-up approaches to be used in own workplace.
- ▲ Retraining needs.

Annex 3: Extract from the Safety, Health and Welfare at Work Act 2005

SCHEDULE 4

SAFETY COMMITTEES *Section 26*

1. Should they so wish the employees employed in a place of work to which Section 26 applies may select and appoint from amongst their number members of a safety committee to perform the functions assigned to safety committees under this Act.
2. The number of members of a safety committee shall not be less than 3 and shall not exceed one for every 20 persons employed in a place of work at the time when the committee is appointed or 10, whichever is the less.
3. Where pursuant to *paragraph 2* the number of members of which a safety committee is to be comprised is -
 - (a) 4 or less, one member of the committee may be appointed by the employer, and the remaining members of the committee may be selected and appointed by the employees
 - (b) not more than 8 and not less than 5, 2 members of the committee may be appointed by the employer, and the remaining members may be selected and appointed by the employees, and
 - (c) more than 8, 3 members of the committee may be appointed by the employer and the remaining members may be selected and appointed by the employees.
4. Where, in a place of work, a safety representative or representatives have been appointed under Section 25, at least one such safety representative shall be selected and appointed by the employees to be a member of the committee.
5. Where a safety committee is appointed under Section 26 the following provisions shall have effect -
 - (a) the safety committee shall assist the employer and employees concerned in relation to the relevant statutory provisions
 - (b) the quorum for a meeting of a safety committee shall be such number, being not less than 3, as shall for the time being be fixed by the committee
 - (c) where a member of a safety committee ceases to be employed in the place of work concerned, he or she shall at the same time cease to be a member of the committee
 - (d) the employer shall be entitled to attend personally, or to nominate a person or persons to attend on his or her behalf at each meeting of the safety committee
 - (e) the employer or his or her nominee or nominees shall attend the first meeting of the safety committee and shall, as soon as may be after it is available, present to the members of the safety committee the statement required under Section 20, and

- (f) the safety committee shall consider any representations made to it by the employer on matters affecting the safety, health and welfare of persons employed in the place of work.
6. On a request being made in that behalf by a safety committee, the employer shall consult with the safety committee with the object of reaching agreement concerning -
- (i) facilities for holding meetings of the safety committee, and
 - (ii) the frequency, duration and times of meetings of the safety committee.
7. Subject to the terms of any agreement between the employer and a safety committee, meetings of the safety committee shall be held from time to time on such days as the committee shall decide and such meetings may be held during normal working hours, without loss of remuneration to the members of the committee if the following conditions are satisfied, namely:
- (i) except in the case of an emergency such meeting shall not be held more frequently than once every three months
 - (ii) the duration of each such meeting shall not exceed one hour
 - (iii) the number of members of the safety committee attending such a meeting shall be at least such as is required to form a quorum, and
 - (iv) the times at which the meetings of the safety committee are held shall be compatible with the efficient operation of the place of work.

Other publications available from Health and Safety Authority

The Health and Safety Authority has produced many publications that may be consulted for further information on safety and health at work. These publications provide information that will help safety representatives and employees who participate in the safety consultation and committee process to understand and carry out their roles. They cover:

- ▲ specific workplace hazards (e.g. on manual handling, noise, stress, violence, bullying, chemicals, carcinogens, asbestos, petroleum and confined spaces);
- ▲ certain work sectors (e.g. for construction, quarries, agriculture, forestry, chemical processing, LPG filling, offices, shops, transport of dangerous goods, security industry, hotels, catering and restaurants, retail and distribution);
- ▲ sector-specific safety statements (e.g. for agriculture, shops, fishing vessels, small businesses);
- ▲ other work-related issues (e.g. on workplace safety and health management, obligatory safety signs, pregnancy and work, child safety on farms, safety and workplace vehicles, rider-operated lift trucks, occupational asthma, safety-statement preparation and implementation, scaffolding, cranes, underground services and roof-work);
- ▲ safe system of work plans for the construction industry.

All of these publications are available on the Health and Safety Authority website at www.safework.ie. Most are free of charge. Priced publications are also available from: Health and Safety Authority Publications at Tel. 1890 289 389.

Safety Representatives and Safety Consultation Guidelines

*Achieving a
Healthy
and Safe
Working Life
-Together*

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